106TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 106–608

EDUCATION OPPORTUNITIES TO PROTECT AND INVEST IN OUR NATION'S STUDENTS (EDUCATION OPTIONS) ACT

MAY 4, 2000.—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

MINORITY, ADDITIONAL AND DISSENTING VIEWS

[To accompany H.R. 4141]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 4141) to amend the Elementary and Secondary Education Act of 1965, and for 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.

This Act may be cited as the "Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—TRANSFERABILITY

Sec. 101. Short title.
Sec. 102. Purpose.
Sec. 103. Transferability.

TITLE II—DRUG AND VIOLENCE PREVENTION AND EDUCATION

Sec. 201. DRUG AND VIOLENCE PREVENTION AND EDUCATION
Sec. 202. Use of certain funds.

TITLE III—TECH FOR SUCCESS

Sec. 301. Tech for success.

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TITLE IV—INNOVATIVE EDUCATION PROGRAMS

Sec. 401. Innovative education program strategies.

TITLE V—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

Sec. 501. Fund for the improvement of education.

PART B—ARTS EDUCATION

Sec. 511. Arts education.

PART C—PUBLIC CHARTER SCHOOLS

Sec. 521. Public charter schools.

PART D—CIVIC EDUCATION

Sec. 531. Civic education.

PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

Sec. 541. Allen J. Ellender Fellowship Program.

TITLE VI—GENERAL PROVISIONS

Sec. 601. General provisions.
Sec. 602. Repeals.
Sec. 603. Effective date.

SEC. 3. PURPOSE.

The purpose of this Act is to provide States and local school districts with—

(1) resources to provide safe learning environments for all students;

(2) flexibility in managing Federal elementary and secondary education programs and the option to transfer certain education funds between formula programs to more effectively serve their students;

(3) technologies to enhance academic coursework and prepare for the challenges of the 21st century; and

(4) less bureaucracy and paperwork and more dollars to the classroom for principals, teachers, and students.

TITLE I—TRANSFERABILITY

SEC. 101. SHORT TITLE.

This title may be cited as the "State and Local Transferability Act".

SEC. 102. PURPOSE.

The purpose of this title is to grant flexibility to States and school districts to target—

(1) Federal funds to Federal programs that most effectively address the unique needs of States and localities; and

(2) additional Federal funds to title I programs.

SEC. 103. TRANSFERABILITY.

Part B of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"SEC. 14206. TRANSFERABILITY.

"(a) STATE TRANSFER AUTHORITY.—

"(1) IN GENERAL.—A State may transfer up to 100 percent of nonadministrative State funds allocated to such State which are authorized to be used for State-level activities under any of the following provisions to the allocation of the State under any other of such provisions:

"(A) Title II (excluding national activities).

"(B) Subpart 2 of part A of title III.

"(C) Part A of title IV.

"(D) Title VI.

"(E) Part C of title VII.

"(F) Comprehensive school reform programs as authorized under section 1502 as described on pages 96–99 of the Joint Statement of the Committee of Conference included in House Report 105–390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998).

"(2) SUPPLEMENTAL FUNDS FOR TITLE I.—A State may transfer any funds allocated to the State under a provision listed in paragraph (1) to its allocation under title I.

"(b) LOCAL EDUCATIONAL AGENCY TRANSFER AUTHORITY.—

"(1) TRANSFER OF FUNDS.—

"(A) IN GENERAL.—Subject to subparagraphs (C), (D), and (E), a local educational agency may transfer funds allocated to such agency under any of the provisions listed in paragraph (2).

"(B) SUPPLEMENTAL FUNDS FOR TITLE I.—Subject to subparagraphs (C), (D), and (E), a local educational agency may transfer funds allocated to such agency under a provision listed in paragraph (2) to its allocation under title I.

"(C) UNDER 35 PERCENT.—A transfer under subparagraph (A) or (B) of up to 35 percent of the funds allocated to a local educational agency under a provision listed in paragraph (2) in a fiscal year may be made without State approval.

"(D) OVER 35 PERCENT.—Subject to paragraph (3), a transfer under subparagraph (A) or (B) in a fiscal year of funds allocated to a local educational agency under a provision listed in paragraph (2) in a fiscal year the amount of which, when added to the amount of other transfers by the agency of such funds in such fiscal year, is more than 35 percent of such funds may be made only with the approval of the State.

"(E) TITLE II TRANSFERS.—If a local educational agency provides assurances that the amount of funds expended for professional development in mathematics and science under title II in a fiscal year will equal or exceed the amount of funds expended for the year preceding the date of enactment of the Education OPTIONS Act such agency may transfer funds allocated to it under title II.

"(2) APPLICABLE PROVISIONS.—The provisions from which a local educational agency may transfer funds under this subsection are as follows:

"(A) Title II (excluding national activities).

"(B) Subpart 2 of part A of title III.

"(C) Part A of title IV.

"(D) Title VI.

"(E) Part C of title VII.

"(F) Section 310 of the Department of Education Act, 2000, included in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1004(a)(4) of Public Law 106–113).

"(3) SPECIAL APPROVAL.—If a local educational agency submits to its State a written request to make a transfer under this subsection that requires State approval, the following applies:

"(A) 60 DAYS FOR APPROVAL.—Such transfer shall be deemed approved by the State unless the State, within 60 days after receipt of such transfer request, disapproves such request or promptly notifies the agency in writing of such revisions as may be necessary before the State will approve the transfer.

"(B) CONSIDERATION FOR APPROVAL.—When approving a local education agency request to transfer an amount greater than 35 percent, the State shall consider the degree to which the transfer accomplishes the following:

"(i) Enables the local educational agency to direct resources to a Federal program that more effectively addresses the needs of their students, particularly the most disadvantaged students.

"(ii) Allows the local educational agency to target or focus resources to address specific areas of need or priority when Federal requirements would otherwise prevent, or significantly impede, such an effort.

"(c) LIMITATION.—A State or a local educational agency may not transfer any funds allocated to it under title I to any other program under this Act.

"(d) STATE PLAN AND APPLICATION MODIFICATION; PRENOTIFICATION.—Each State transferring funds under this section shall—

"(1) modify any plan or application of the State that is applicable to such funds to account for such transfer and submit, within 30 days after the date of such transfer, a copy of such modified plan or application to the Department of Education; and

"(2) notify the Department of Education no less than 30 days before the effective date of such transfer.

"(e) LOCAL PLAN AND APPLICATION MODIFICATION; PRENOTIFICATION.—Each local educational agency transferring funds under this section shall—

"(1) modify any plan or application of the agency that is applicable to such funds to account for such transfer and submit, within 30 days after the date of such transfer, a copy of such modified plan or application to the State; and

"(2) notify the State no less than 30 days before the effective date of such transfer.

"(f) APPLICABLE RULES.—Except as otherwise provided in this subsection, when funds are transferred to an allocation under this section, they become funds of the allocation to which they are transferred and subject to all the requirements that are applicable to that allocation.".

TITLE II—DRUG AND VIOLENCE PREVENTION AND EDUCATION

SEC. 201. DRUG AND VIOLENCE PREVENTION AND EDUCATION.

Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is amended to read as follows:

"TITLE IV—SUPPORTING DRUG AND VIOLENCE PREVENTION AND EDUCATION FOR STUDENTS AND COMMUNITIES

"SEC. 4001. SHORT TITLE.

"This title may be cited as the 'Supporting Drug and Violence Prevention and Education for Students and Communities Act of 2000'.

"SEC. 4002. FINDINGS.

"Congress finds as follows:

"(1) Students need drug-free and safe schools and communities in order to maximize their academic performance and their future opportunities.

"(2) Drug use among children ages 12 through 17 doubled from the historic low year of 1992, when 5.3 percent of youth in that age group were current users, as compared to 11.4 percent in 1997. While youth use of some drugs, including hallucinogens, has slightly dropped since 1997, use of other drugs, such as ecstasy, has increased in 1999 (up 1.1 percent in use among 10th graders).

"(3) Drug use by youth increases the likelihood that a child will be delinquent, engage in high-risk sexual activity, not finish high school, and commit theft, violence, and vandalism.

"(4) Drug use among rural youth is higher than that of youth in large urban centers, and these rural youth abuse quite serious drugs, including methamphetamine and cocaine. Many rural communities have few resources for helping youth avoid drug use.

"(5) Drug and violence prevention programs and activities need to include efforts to prevent underage use of tobacco and alcohol, and are more likely to succeed when such efforts are included. Drug and violence prevention research calls for aggressive activities to prevent the use of these gateway drugs.

"(6) Students continue to face physical harm while at school. From 1993 to 1997, between 7 to 8 percent of students in grades 9 through 12 were threatened or injured with a weapon on school property over a 12-month period. Roughly 12 percent of students in grades 9 through 12 reported being in a physical fight on school property during a 12-month period between 1993 and 1997.

"(7) While schools statistically are one of the safest places for youth, students report an increase in their perception that they risk harm while at school, perhaps partly due to the recent instances of extreme violence in schools.

"(8) Drug and violence prevention programs that incorporate 'protective factors' tend to reduce drug use and violence. Protective factors include a student feeling connected to parents and family, practicing religion and prayer, having parents present at key times of the day, having high educational expectations, feeling part of the school, and having high self-esteem.

"(9) After school programs, because they keep youth in supervised settings, prevent drug use and violence at least during the time of those programs. Research indicates that the juvenile crime rate triples between the hours of 3 p.m. and 6 p.m., and children in particular are most likely to be victims of a violent crime committed by a non-family member between 2 p.m. and 6 p.m.

"SEC. 4003. PURPOSE.

"The purpose of this title is to support programs that prevent the use of drugs, that prevent violence, that involve parents and communities, and that are coordinated with related Federal, State, and community efforts and resources to foster a learning environment in which students increase their academic achievement, through the provision of Federal assistance to—

"(1) States for grants to local educational agencies and consortia of such agencies to establish, operate, and improve local programs of drug and violence prevention in elementary and secondary schools;

"(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit and for-profit agencies and organizations for programs of drug and violence prevention and education;

"(3) States for grants to local educational agencies, community-based organizations, and private nonprofit and for-profit organizations for before and after school programs for youth and continuing educational opportunities for individuals of all ages; and

"(4) public and private nonprofit and for-profit organizations to conduct training, demonstrations, and evaluations, and to provide supplementary services for drug and violence prevention.

"SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) $1,033,377,000 for fiscal year 2000, and such sums as may be necessary for each of the five succeeding fiscal years, for State grants under part A; and

"(2) $20,000,000 for fiscal year 2000, and for each of the five succeeding fiscal years, for national programs under part B.—

"PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

"SEC. 4111. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—From the amount made available under section 4004(1) to carry out this part for each fiscal year, the Secretary—

"(1) shall reserve 0.5 percent (or $5,166,885, whichever is greater) of such amount for grants under this subpart to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs; and

"(2) shall reserve 0.5 (or $5,166,885, whichever is greater) of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth.

"(b) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under part A of title I for the preceding year and the sum of such amounts received by all the States.

"(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(c) REALLOTMENT OF UNUSED FUNDS.—If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

"SEC. 4112. WITHIN-STATE DISTRIBUTION.

"(a) GOVERNOR'S ALLOCATION.—

"(1) IN GENERAL.—The chief executive officer of a State may reserve not more than 10 percent of the total amount allocated to a State under section 4111 for each fiscal year for drug and violence prevention programs and activities in accordance with section 4115.

"(2) LAW ENFORCEMENT EDUCATION PARTNERSHIPS.—The chief executive officer of a State shall use not less than 10 percent and not more than 20 percent of the amount described in paragraph (1) for each fiscal year for law enforcement education partnerships in accordance with section 4115(b)(3).

"(3) ADMINISTRATIVE COSTS.—The chief executive officer of a State may use not more than 3 percent of the amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

"(4) GRANT AWARDS.—The chief executive officer of a State shall use the remainder of funds not reserved under paragraphs (2) and (3) to award competitive grants and contracts for programs or activities that improve comprehensive community-wide prevention efforts or provide direct services to youth at the local level. Such officer shall award grants based on—

"(A) the quality of the activity or program proposed; and

"(B) how closely the program or activity is aligned with the appropriate principles of effectiveness described in section 4115(a).

"(b) STATE FUNDS.—

"(1) IN GENERAL.—An amount equal to the total amount allotted to a State under section 4111, less the amount reserved under subsection (a) and paragraphs (2) and (3) of this subsection, for each fiscal year shall be made available to the State and its local educational agencies for drug and violence prevention activities in accordance with section 4115.

"(2) STATE ACTIVITIES.—A State shall use not more than 2 percent of the amount available under paragraph (1) for State activities described in section 4115(c).

"(3) STATE ADMINISTRATION.—A State may use not more than 2 percent of the amount made available under paragraph (1) for the administrative costs of carrying out its responsibilities under this part.

"(c) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCY.—

"(1) IN GENERAL.—(A) A State shall distribute not less than 96 percent of the amount made available under subsection (b) for each fiscal year as follows:

"(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies.

"(ii) 30 percent of such amount to local educational agencies that the State determines have the greatest need for additional funds to carry out drug and violence prevention programs in accordance with subparagraph (B), a portion of which shall be distributed in accordance with subparagraph (F).

"(B) In awarding funds under clause (ii) of subparagraph (A), a State shall give special consideration to agencies that pursue a comprehensive approach to drug and violence prevention by providing or incorporating mental health services in their programs.

"(C) Of the amount received under paragraph (1), a local educational agency may use not more than 2 percent for the administrative costs of carrying out its responsibilities under this part.

"(D) In determining which local educational agencies have the greatest need for additional funds, a State shall consider objective data such as—

"(i) high rates of drug use among youth;

"(ii) high rates of victimization of youth by violence and crime;

"(iii) high rates of arrests and convictions of youth for violent or drug related crime;

"(iv) high incidence of illegal gang activity;

"(v) high rates of referrals of youths to drug abuse treatment and rehabilitation programs;

"(vi) high rates of referrals of youths to juvenile court;

"(vii) high rates of expulsions and suspensions of students from schools;

"(viii) high rates of reported cases of child abuse and domestic violence;

"(ix) local fiscal capacity to fund drug and violence prevention activities and programs without Federal assistance;

"(x) high rates of drug related emergencies or deaths;

"(xi) high degree of geographically rural isolation; and

"(xii) local fiscal capacity to fund before and after school activities for youth without Federal assistance.

"(E) The distribution of funds shall reflect the geographical diversity of local educational agencies in the State.

"(F) Of the amount made available for distribution under paragraph (2)(A)(ii), a State shall distribute 30 percent of such amount for grants to local educational agencies in need of assistance to plan, implement, or expand alternative education programs (which may include in-school suspensions, Saturday school, alternative schools within schools, charter schools with a focus on alternative programs and services, and alternative schools) giving priority to pro-

grams or activities that serve students who have been suspended or expelled from school. Such programs and services may include—

"(i) programs and activities designed to reduce the incidence of suspensions and expulsions;

"(ii) mental health services;

"(iii) behavior management, social skills instruction and other programs and activities designed to increase a student's sense of community, such as service learning and character education;

"(iv) tutoring, mentoring, and other activities to improve academic performance;

"(v) support services to help a student transition back into regular school programs; and

"(vi) parental and family involvement activities.

"(2) RETURN OF FUNDS TO STATE; REALLOCATION.—

"(A) RETURN.—Except as provided in subparagraph (B), upon the expiration of the 1-year period beginning on the date that a local educational agency receives its allocation—

"(i) such agency shall return to the State any funds from such allocation that remain unobligated; and

"(ii) the State shall reallocate any such amount to local educational agencies that have plans for using such amount for programs or activities on a timely basis.

"(B) CARRYOVER.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

"(i) an amount equal to not more than 25 percent of the allocation it received under this title for such fiscal year; or

"(ii) upon a demonstration of good cause by such agency or consortium and approval by the State, an amount that exceeds 25 percent of such allocation.

"SEC. 4113. STATE APPLICATION.

"(a) IN GENERAL.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) describes how funds under this subpart will be coordinated with programs under this Act, and other drug and violence prevention programs, as appropriate, in accordance with the provisions of section 14306;

"(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the incidence and prevalence of drug use and violence by youth in schools and communities;

"(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State were developed in consultation and coordination with appropriate State officials and others, including the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations, including religious organizations;

"(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting data collection as required by section 4116;

"(5) contains an assurance that the chief executive officer of the State and the chief State school officer will coordinate program administration and activities under this part and will coordinate with drug and violence prevention efforts established by other State agencies; and

"(6) contains an assurance that the local educational agencies in the State will comply with the provisions of section 14503 pertaining to the participation of private school children and teachers in the programs and activities under this part.

"(b) GOVERNOR'S APPLICATION.—An application submitted under this section shall also contain a comprehensive plan for the use of funds under section 4115(b) by the chief executive officer that includes—

"(1) a statement of the chief executive officer's performance measures for drug and violence prevention. The chief executive officer's performance measures shall consist of—

"(A) performance indicators for drug and violence prevention, and;

"(B) levels of performance for each performance indicator;

"(2) a description of the procedures to be used for assessing and publicly reporting progress toward meeting such performance measures;

"(3) a description of how the chief executive officer will coordinate such officer's activities under this part with the chief State school officer and with State agencies and organizations involved with drug and violence prevention efforts;

"(4) a description of how funds allocated under section 4112(a) will be used—

"(A) to enhance the efforts of other State agencies and local educational agencies with regard to the provision of school-based drug and violence prevention efforts and services; and

"(B) to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(5) a description of how the chief executive officer will award funds under section 4115(b) in order to support activities and programs that meet the principles of effectiveness and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

"(6) a description of the special outreach activities that will be carried out to maximize the participation of community-based organizations, including religious organizations;

"(7) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning, implementation strategies, and programs, including before and after school and continuing education programs; and

"(8) an assurance that drug prevention programs supported under this part convey a clear and consistent message that the use of drugs is wrong and harmful.

"(c) STATE APPLICATION.—The State shall include in its application a comprehensive plan for the use of funds under section 4115(c), including the following:

"(1) A statement of the State's performance measures for drug and violence prevention that shall be developed in consultation between the State and local officials and that consist of—

"(A) performance indicators for drug and violence prevention; and

"(B) levels of performance for each performance indicator.

"(2) A description of the procedures the State will use for assessing and publicly reporting progress toward meeting those performance measures;

"(3) A plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4115(d); and

"(4) A description of how the State educational agency will coordinate such agency's activities under this part with the chief executive officer's drug and violence prevention programs and with the drug and violence prevention efforts of other State agencies.

"(d) GENERAL APPROVAL.—A State application submitted to the Secretary under this title shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 90-day period beginning on the date that the Secretary receives the application, that the application is in violation of this title.

"(e) DISAPPROVAL.—The Secretary shall not finally disapprove a State application, except after giving the State notice and opportunity for a hearing.

"SEC. 4114. LOCAL EDUCATIONAL AGENCY APPLICATION.

"(a) IN GENERAL.—In order to be eligible to receive a distribution under section 4112(c) for any fiscal year, a local educational agency shall submit, at such time as the State requires, an application to the State. Such an application shall be amended, as necessary, to reflect changes in the activities and programs of the local educational agency.

"(b) DEVELOPMENT.—

"(1) CONSULTATION.—A local educational agency shall develop its application through timely and meaningful consultation with a local or substate regional advisory council, as described in subsection (c).

"(2) DESIGN AND DEVELOPMENT.—To ensure timely and meaningful consultation, a local educational agency shall, in accordance with subsection (c), establish and consult with a local or substate regional advisory council on issues regarding the design and development of the program or activity, including efforts to meet the principles of effectiveness described in section 4115(a). Such meetings with the advisory council shall occur beginning at the initial stages of design and development of the program or activity.

"(c) ADVISORY COUNCIL.—

"(1) REPRESENTATION.—In establishing a local or substate regional advisory council, the local educational agency shall include, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, private for-profit organizations, religious organizations, and other groups with interest and expertise in drug and violence prevention, including before and after school and continuing education programs.

"(2) DUTIES.—In addition to assisting the local educational agency to develop an application under this section, the advisory council shall, on an ongoing basis—

"(A) disseminate information about drug and violence prevention programs and activities conducted within the boundaries of the local educational agency;

"(B) advise the local educational agency regarding—

"(i) how best to coordinate such agency's activities under this part with other related drug and violence prevention strategies, programs, and activities; and

"(ii) the agencies that administer such programs, projects, and activities; and

"(C) review program and activity evaluations and other relevant material and make recommendations to the local educational agency on how to improve such agency's drug and violence prevention programs and activities.

"(d) CONTENTS OF APPLICATIONS.—An application submitted by a local educational agency under this section shall contain—

"(1) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(A) how the plan will be coordinated with programs under this Act, and other Acts dealing with drug and violence prevention, as appropriate, in accordance with the provisions of section 14306;

"(B) the local educational agency's performance measures for drug and violence prevention, that shall consist of—

"(i) performance indicators for drug and violence prevention; and

"(ii) levels of performance for each performance indicator;

"(C) how such agency will assess and publicly report progress toward attaining its performance measures;

"(D) the drug and violence prevention activity or program (including before and after school programs and continuing education activities) to be funded, including how the activity or program will meet the principles of effectiveness described in section 4115(a), and the means of evaluating such activity or program;

"(E) how the local educational agency will coordinate such agency's activities and programs with community-wide efforts to achieve such agency's performance measures for drug and violence prevention;

"(F) how the local educational agency will coordinate such agency's activities and programs with other Federal, State, and local programs for youth drug and violence prevention, including before and after school programs and continuing education activities;

"(2) a certification that a meaningful assessment has been conducted to determine community needs, available resources in the private sector, and capacity in the private sector, the findings of such assessments, and a description of the mechanisms used to provide effective notice to the community of an intention to submit an application under this title;

"(3) an assurance that drug prevention programs supported under this part convey a clear and consistent message that the use of drugs is wrong and harmful; and

"(4) such other information and assurances as the State may reasonably require.

"(e) PEER REVIEW.—

"(1) IN GENERAL.—In reviewing local applications under this section, a State shall use a peer review process or other methods of assuring the quality of such applications.

"(2) CONSIDERATIONS.—(A) In determining whether to approve the application of a local educational agency under this section, a State shall consider the quality of the local educational agency's comprehensive plan, including the degree to which the principles of effectiveness described in section 4115(a) are met.

"(B) GENERAL APPROVAL.—A local educational agency's application submitted to the State under this title shall be deemed to be approved by the State unless

the State makes a written determination, prior to the expiration of the 90-day period beginning on the date that the State receives the application, that the application is in violation of this title.

"(C) DISAPPROVAL.—The State shall not finally disapprove a local educational agency application, except after giving such agency notice and opportunity for a hearing.

"SEC. 4115. AUTHORIZED ACTIVITIES.

"(a) PRINCIPLES OF EFFECTIVENESS.—

"(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the principles of effectiveness, such program or activity shall—

"(A) be based upon an assessment of objective data—

"(i) regarding the drug and violence problems in the elementary and secondary schools and communities to be served, including an objective analysis of the current conditions and consequences regarding drug use and violence, including delinquency and serious discipline problems, among students who attend such schools (including private school students who participate in the drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

"(ii) regarding the current drug and violence prevention strategies, programs, and activities, including before and after school programs and continuing education activities, in such schools and communities; and

"(iii) regarding student academic achievement and current programs and activities to increase student academic achievement;

"(B) be based upon an established set of performance measures aimed at ensuring that all elementary and secondary schools and communities served by the local educational agency have a drug-free, safe, and orderly learning environment; and

"(C) be based upon scientifically based research that provides evidence that the program to be used will prevent or reduce drug use and violence, including delinquency and serious discipline problems among youth.

"(2) PERIODIC EVALUATION.—The program or activity shall undergo a periodic evaluation to assess its progress toward achieving its goals and objectives. The results shall be used to refine, improve, and strengthen the program, and to refine the performance measures. The results shall also be made available to the public upon request, with public notice of such availability provided.

"(3) WAIVER.—A local educational agency or community-based organization may apply to the State for a waiver of the requirement of paragraph (1)(C) to allow innovative activities or programs that demonstrate substantial likelihood of success in drug and violence prevention or in beneficially serving the community.

"(b) GOVERNORS' ACTIVITIES.—

"(1) IN GENERAL.—A chief executive officer of a State shall use funds made available under section 4112(a) for competitive grants or contracts with local educational agencies, parent groups, community-based organizations, religious organizations, and other public entities and private organizations, including for-profit organizations, and consortia thereof, including community anti-drug coalitions—

"(A) to support drug and violence prevention strategies, programs, and activities, including before and after school activities, continuing education programs, and alternative education activities, that provide comprehensive community-wide prevention efforts or direct services to prevent drug use and violence in schools and communities; and

"(B) to reward drug and violence prevention programs of exceptional quality.

"(2) CONSIDERATIONS.—In making such grants and contracts, a chief executive officer of a State—

"(A) shall require that any program or activity meet the principles of effectiveness;

"(B) shall give priority to programs and activities for populations that need special services or additional resources (such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts); and

"(C) may require partnerships between local educational agencies and other groups or organizations, including religious organizations, in order to receive funds.

"(3) REQUIRED ACTIVITIES.—A chief executive officer of a State shall use funds made available under section 4112(a)(2) to award grants to State, county or local law enforcement agencies (including district attorneys) in consortium with local educational agencies or community-based agencies for the purposes of carrying out drug and violence prevention activities, such as—

"(A) programs that provide classroom instruction by uniformed law enforcement officials designed to teach students to recognize and resist pressures to experiment with drugs and that meet the principles of effectiveness;

"(B) programs in which district attorneys provide classroom instruction in the law and legal system, which emphasizes interactive learning techniques such as mock trial competitions; or

"(C) partnerships between law enforcement and child guidance professionals, which may include mental health providers.

"(c) STATE ACTIVITIES.—A State shall use the funds described in section 4112(b)(2) to plan, develop, and implement capacity building, technical assistance, accountability, program improvement services, and coordination activities for local educational agencies that are designed to support the implementation of drug and violence prevention programs, including before and after school programs and continuing education activities. A State may carry out these activities directly, or through grants and contracts.

"(d) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

"(1) PROGRAM REQUIREMENTS.—A local educational agency shall use funds described in section 4112(c) to develop, implement, and evaluate a comprehensive drug and violence prevention program, which is coordinated with other school and community-based services and programs, that shall—

"(A) be consistent with the principles of effectiveness described in subsection (a);

"(B) be designed to—

"(i) prevent or reduce drug use or violence, including through the prevention of delinquency, serious discipline problems and poor academic performance; and

"(ii) create a well disciplined environment conducive to learning, which includes consultation between teachers and school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts;

"(C) include activities to promote the involvement of parents in the activity or program, to promote coordination with community groups and coalitions, including religious organizations, and government agencies, and to distribute information about the local educational agency's needs, goals, and programs under this part; and

"(D) address before and after school activities and continuing education needs of youth and adults in the community.

"(2) AUTHORIZED ACTIVITIES.—Each local educational agency, or consortium of such agencies, that receives a subgrant under section 4112(c) may use such funds to carry out youth drug and violence prevention activities, including before and after school programs and continuing education activities, in the elementary and secondary schools and communities, such as—

"(A) developmentally appropriate drug and violence prevention programs that serve students in both elementary and secondary school and that incorporate a variety of prevention strategies and activities, which may include—

"(i) teaching students that most people do not use drugs;

"(ii) teaching students to recognize social and peer pressure to use drugs;

"(iii) teaching students skills for resisting drug use;

"(iv) engaging students in the learning process;

"(v) using developmentally appropriate teaching materials;

"(vi) incorporating activities in secondary schools that reinforce prevention activities implemented in elementary schools; and

"(vii) involving families and communities in setting clear expectations against drug use and enforcing consequences for drug use;

"(B) before and after school programs and continuing education opportunities for individuals of all ages, such as—

"(i) integrated educational, recreational, or cultural programs, including curriculum based entrepreneurial education programs, remedial education programs, and extended learning programs;

"(ii) literacy education programs (including family literacy services);

"(iii) youth science education programs;

"(iv) consumer, economic, and personal finance education programs;

"(v) senior citizen and adult education programs (including programs for individuals who leave school before graduating from secondary school, regardless of the age of such individual);

"(vi) parenting skills education programs;

"(vii) educational children's day care services;

"(viii) summer and weekend school programs in conjunction with recreation programs;

"(ix) expanded library service hours to serve community needs;

"(x) distance learning, technology, and Internet education programs for individuals of all ages;

"(xi) educational services for individuals with disabilities;

"(xii) peer resistance education; and

"(xiii) arts and music education;

"(C) training and development of school personnel in youth drug and violence prevention, including training in early identification, intervention, and prevention of threatening behavior;

"(D) parental involvement and training in youth drug and violence prevention, including early identification of potential youth violence;

"(E) community involvement activities pertaining to youth drug and violence prevention;

"(F) law enforcement and security activities, including the acquisition and installation of metal detectors and the hiring and training of security personnel, that are related to youth drug and violence prevention;

"(G) comprehensive school security assessments;

"(H) creating and maintaining safe zones of passage to and from school to prevent violence and drug use and trafficking;

"(I) counseling, mentoring, and referral services, and other student assistance practices and programs, including training of teachers by school-based mental health service providers in appropriate identification and intervention techniques for disciplining and teaching students at risk of violent behavior;

"(J) services and activities that reduce the need for suspension and expulsion in maintaining classroom order and school discipline;

"(K) establishing and implementing a system for transferring suspension and expulsion records by a local educational agency to any public or private elementary or secondary school;

"(L) allowing students attending unsafe public elementary and secondary schools, as determined by the State, to attend a safe public school, including a public charter school, in the same State as the unsafe public elementary and secondary school, and allowing payment of reasonable transportation costs for such students;

"(M) establishing or enhancing programs or initiatives that improve academic achievement;

"(N) the development and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

"(O) testing students for illegal drug use or conducting student locker searches for illegal drugs or drug paraphernalia;

"(P) establishing of school uniform policies;

"(Q) emergency intervention services following traumatic crisis events, such as a shooting, major accident, or a drug-related incident, that has disrupted the learning environment;

"(R) establishing and maintaining a school violence hotline;

"(S) conducting background checks of school personnel;

"(T) expanding and improving school-based mental health services, including early identification of drug use and violence, assessment, and direct individual or group counseling services provided to students, parents, and school personnel by qualified school based mental health services personnel;

"(U) hiring and training coordinators of drug and violence prevention programs serving students in grades six through nine;

"(V) mentoring and tutoring services for students provided by senior citizen volunteers;

"(W) alternative education programs or services for students who have been expelled or suspended from the regular educational settings, including

programs or services to assist students to reenter the regular education setting upon return from treatment or alternative education programs; and

"(X) partnerships between the courts and the schools that address alternative education programs.

"(Y) the evaluation of any of the activities authorized under this subsection.

"(3) SCHOOL PROTECTION—Each local educational agency, or consortium of such agencies, that receives a subgrant under section 4112(c) and has reported expulsions under part C during the past 3 years, may develop a plan with local law enforcement agencies to protect students and employees of public schools against gun violence that may include, but not be limited to, promoting the benefits of child safety locks for firearms.

"(4) STUDY.—Each local educational agency, or consortium of such agencies, that receives a subgrant under section 4112(c) and has a high rate of expulsions, as reported under part C, may use a portion of its subgrant to study the effectiveness of promoting the benefits of child safety locks for firearms with the purpose of reducing the danger of firearms harming public school students and employees.

"SEC. 4116. EVALUATION AND REPORTING.

"(a) DATA COLLECTION.—

"(1) IN GENERAL.—The National Center for Education Statistics shall collect data for the following purposes:

"(A) To determine the frequency, seriousness, and incidence of drug use by youth in schools and communities in the States using, if appropriate, data submitted by the States pursuant to subsection (b).

"(B) To determine the frequency, degree of harm, and morbidity of violent incidents, particularly firearm-related injuries and fatalities, by youth in schools and communities in the States, including information with respect to—

"(i) the relationship between victims and perpetrators;

"(ii) demographic characteristics of victims and perpetrators; and

"(iii) type and characteristic of the firearm used in the shooting.

"(2) REPORT.—The Secretary shall submit to the Congress a report on the data collected under this subsection.

"(b) STATE REPORT.—

"(1) IN GENERAL.—Not later than October 1, 2003, and every third year thereafter, the chief executive officer of a State, in consultation with the State educational agency, shall submit to the Secretary a report on the implementation and outcomes of State and local programs under section 4115.

"(2) SPECIAL RULE.—The report required by this subsection shall be—

"(A) based on the State's ongoing evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

"(B) made available to the public upon request, with public notice of such availability provided.

"(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this part shall submit to the State such information, and at such intervals, as the State reasonably requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community and the progress of the local educational agency toward meeting its performance measures. The report shall be made available to the public upon request, with public notice of such availability provided.

"PART B—NATIONAL PROGRAMS

"SEC. 4121. FEDERAL ACTIVITIES.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—From funds made available to carry out this part under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, the Chair of the Ounce of Prevention Council, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students in elementary and secondary schools based on the needs reported by States and local educational agencies.

"(2) COORDINATION.—The Secretary shall carry out programs described in paragraph (1) directly, or through grants, contracts, or cooperative agreements

with public and private nonprofit and for-profit organizations, including religious organizations, and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities.

"(3) PROGRAMS.—Programs described in paragraph (1) may include—

"(A) demonstrations and rigorous scientifically based evaluations of innovative approaches to drug and violence prevention based on needs reported by State and local educational agencies;

"(B) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act; and

"(C) continuing technical assistance to chief executive officers, State agencies, and local educational agencies to build capacity to develop and implement high-quality, effective programs consistent with the principles of effectiveness.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 4122. NATIONAL CLEARINGHOUSE FOR AFTER SCHOOL PROGRAMS.

"From funds made available to carry this part under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, through the Commissioner on Children, Youth, and Families, the Attorney General, and representatives with relevant experience from State child care agencies and child care resource and referral centers, shall establish a national clearinghouse to provide technical assistance regarding establishment and operation of after school programs and models of after school programs. The national clearinghouse shall be available to the public, including via Internet, and shall serve as a resource for child care organizations, communities, and individuals seeking to improve the quality and availability of after school programs.

"PART C—GUN POSSESSION

"SEC. 4131. GUN-FREE SCHOOL REQUIREMENTS.

"(a) REQUIREMENTS.—

"(1) STATE LAW.—Each State receiving funds under this Act shall have in effect a State law requiring each local educational agency—

"(A) to expel from school for a period of not less than one year a student who is determined to have brought a firearm to a school under the jurisdiction of a local educational agency in that State, except that such State law shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis; and

"(B) to have a policy requiring each elementary and secondary school to refer to the criminal justice or juvenile delinquency system any student who brings a firearm to school.

"(2) CONSTRUCTION.—Nothing in this part shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

"(b) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

"(c) APPLICATION TO STATE.—Each local educational agency requesting assistance from a State that is provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency is in compliance with the State law required by subsection (a); and

"(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school, including the number of children with disabilities expelled from such school; and

"(C) the type of firearm concerned.

"(d) REPORTING.—Each State shall report the information described in subsection (b) to the Secretary on an annual basis.

"(e) DEFINITIONS.—For the purpose of this part—

"(1) the term 'firearm' has the same meaning given to such term under section 921(a)(3) of title 18, United States Code; and

"(2) the term 'school' does not include a home school, regardless of whether a home school is treated as a private school under State law.

"PART D—GENERAL PROVISIONS

"SEC. 4141. DEFINITIONS.

"For the purposes of this title, the following terms have the following meanings:

"(1) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community.

"(2) CONTROLLED SUBSTANCE.—The term 'controlled substance' means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

"(3) DRUG.—The term 'drug' includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

"(4) DRUG AND VIOLENCE PREVENTION.—The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs;

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others; and

"(C) with respect to before and after school programs and continuing education activities, educational activities for individuals of all ages in the community that operate with a goal of drug and violence prevention in the school or community.

"(5) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' includes educational service agencies and consortia of such agencies.

"(6) NONPROFIT.—The term 'nonprofit,' as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(7) SCHOOL-AGED POPULATION.—The term 'school-aged population' means the population aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(8) SCHOOL BASED MENTAL HEALTH SERVICES PROVIDER.—The term 'school based mental health services provider' includes a State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such services to children and adolescents.

"(9) SCHOOL PERSONNEL.—The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

"(10) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research'—

"(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to youth drug and violence prevention activities and programs; and

"(B) shall include research that—

"(i) employs systemic, 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.

"(11) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 4142. MESSAGE AND MATERIALS.

"(a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this title shall convey a clear and consistent message that the use of drugs is wrong and harmful.

"(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part.

"SEC. 4143. REQUIRED POLICY.

"Each State educational agency and local educational agency that receives funds under this title shall have a policy that prohibits cigarette vending machines, and the illegal possession or use of drugs and alcohol, in any form, at any time, and by any person, in school buildings, on school grounds, or at any school-sponsored event.

"SEC. 4144. PARENTAL CONSENT.

"Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program or activity funded under this title. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this title, other than classroom instruction.

"SEC. 4145. PROHIBITED USES OF FUNDS.

"No funds under this title may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this part);

"(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, use of drugs or crime; and

"(3) activities or programs that discriminate against or denigrate the religious or moral beliefs of students who participate in such activities or programs or of the parents or legal guardians of such students.

"SEC. 4146. QUALITY RATING.

"(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency is authorized and encouraged—

"(1) to establish a standard of quality for drug and violence prevention programs implemented in public elementary and secondary schools in the State in accordance with subsection (b); and

"(2) to identify and designate, upon application by a public elementary or secondary school, any such school that achieves such standard as a quality program school.

"(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

"(1) a comparison of the rate of illegal use of drugs and of violent occurrences by students enrolled in the school over a period of time to be determined by the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be;

"(2) the rate of suspensions or expulsions of students enrolled in the school for drug and violence offenses;

"(3) the effectiveness of the drug and violence prevention program as proven by scientifically based research;

"(4) the involvement of parents and community members in the design of the drug and violence prevention program; and

"(5) the extent of review of existing community drug and violence prevention programs before implementation of the public school program.

"(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

"(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public

school in the State that has received a quality program school designation in accordance with this section.

"SEC. 4147. CONTINUATION AWARDS.

"From funds made available under section 4004(2), the Secretary is authorized to continue funding multi-year grants awarded prior to fiscal year 2001 under part I of title X, as such part was in effect on the day preceding the date of the enactment of the Education OPTIONS Act, or the Middle School Coordinator Initiative (as described in title III of the Department of Education Act, 2000, (as enacted into law by section 1004(a)(4) of Public Law 106–113) and prior appropriations Acts, prior to the date of the enactment of the Education OPTIONS Act for the duration of the original grant period.

"SEC. 4148. GENERAL ACCOUNTING OFFICE REPORT.

"Not later than 1 year after the date of the enactment of the Education OPTIONS Act, the General Accounting Office shall transmit to Congress a report containing the following:

"(1) For each State, a description of the types of after school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCA's, private nonprofit and for-profit organizations, and athletic and other programs operated by public schools and other State and local agencies.

"(2) For 15 communities selected to represent a variety of regional, population, and demographic profiles, a detailed analysis of the after school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCA's, mentoring programs, athletic programs, and programs operated by public schools, churches, day care centers, parks, recreation centers, family day care, community organizations, law enforcement agencies, service providers, and for-profit and non-profit organizations.

"(3) For each State, a description of significant areas of unmet need in the quality and availability of after school programs.

"(4) For each State, a description of barriers which prevent or deter the participation of children in after school programs.

"(5) A list of activities, other than after school programs, in which students in kindergarten through grade 12 participate when not in school, including jobs, volunteer opportunities, and other non-school affiliated programs.

"(6) An analysis of the value of the activities listed pursuant to paragraph (5) relevant to the well-being and educational development of students in kindergarten through grade 12.

"SEC. 4149. SERVICES PROVIDED BY CHARITABLE, RELIGIOUS, OR PRIVATE ORGANIZATIONS.

"(a) IN GENERAL.—A State may administer and provide services under the programs and activities described in this title through grants and contracts with charitable, religious, or private organizations.

"(b) RELIGIOUS ORGANIZATIONS.—The purpose of this section is to allow States to provide grants to or to contract with religious organizations on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program.

"(c) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.—In the event a State exercises its authority under subsection (a), religious organizations are eligible, on the same basis as any other private organization, as grant recipients or contractors, to provide assistance under any program described in this title if the programs sponsored by such religious organization are implemented in a manner consistent with the Establishment Clause of the United States Constitution. Except as provided in subsection (i), neither the Federal Government, a State, nor a local educational agency receiving funds under this title shall discriminate against an organization that is or applies to be a contractor to provide assistance on the basis that the organization has a religious character.

"(d) RELIGIOUS CHARACTER AND FREEDOM.—

"(1) RELIGIOUS ORGANIZATIONS.—A religious organization with a grant or contract under this title shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

"(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government, a State, nor local government shall require a religious organization to—

"(A) alter its form of internal governance; or

"(B) remove religious art, icons, scripture, or other symbols;

in order to be eligible to receive a grant or contract under this title.

"(e) EMPLOYMENT PRACTICES.—A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1), regarding employment practices, shall not be affected by its participation in, or receipt of funds from, programs under this title.

"(f) NONDISCRIMINATION AGAINST BENEFICIARIES.—Except as otherwise provided in law, a religious organization shall not discriminate against an individual in regard to rendering assistance funded under any program described in this title on the basis of religion, a religious belief, or refusal to actively participate in a religious practice.

"(g) FISCAL ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization receiving a grant or contracting to provide assistance funded under any program described in this title shall be subject to the same regulations as other recipients or contractors to account in accord with generally accepted auditing principles for the use of such funds provided under such programs.

"(2) LIMITED AUDIT.—If such organization segregates Federal funds provided under such programs into separate accounts, then only the financial assistance provided with such funds shall be subject to audit.

"(h) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided directly to institutions or organizations to provide services and administer programs under this Act shall be expended for sectarian worship, instruction, or proselytization.

"(i) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of a State constitution or State statute that prohibits or restricts the expenditure of State funds in or by religious organizations.

"(j) PROTECTION FOR BENEFICIARIES.—A charitable, religious, or private organization shall not subject a participant during a program assisted under this title to sectarian worship, instruction, or proselytization.

"(k) TREATMENT OF RELIGIOUS ORGANIZATIONS.—For purposes of any Federal, State, or local law, receipt of financial assistance under this title shall constitute receipt of Federal financial assistance or aid.

"SEC. 4150. DISCIPLINE OF CHILDREN WITH DISABILITIES.

"(a) POSSESSION OF WEAPONS.—

"(1) AUTHORITY OF SCHOOL PERSONNEL.—Each State receiving funds under this Act shall require each local educational agency to have in effect a policy under which school personnel of such agency may discipline (including expel or suspend) a child with a disability who carries or possesses a weapon to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability. Such personnel may modify the disciplinary action on a case-by-case basis.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1) from asserting a defense that the carrying or possession of the weapon was unintentional or innocent.

"(3) FREE APPROPRIATE PUBLIC EDUCATION.—

"(A) CEASING TO PROVIDE EDUCATION.—Notwithstanding any other provision of Federal law, a child expelled or suspended under paragraph (1) shall not be entitled to continue educational services, including a free appropriate public education, required under Federal law during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(B) PROVIDING EDUCATION.—Notwithstanding subparagraph (A), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services or mental health services to such child. If the local educational agency so chooses to continue to provide the services—

"(i) nothing in any other provision of Federal law shall require the local educational agency to provide such child with any particular level of service; and

"(ii) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(4) DEFINITION.—For purposes of this subsection, the term 'weapon' has the meaning given the term 'dangerous weapon' under paragraph (2) of subsection (g) of section 930 of title 18, United States Code.

"(b) DANGEROUS BEHAVIOR.—

"(1) AUTHORITY OF SCHOOL PERSONNEL.—Each State receiving funds under this Act shall require each local educational agency to have in effect a policy under which school personnel of such agency may discipline (including expel or suspend) a child with a disability who—

"(A) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance at a school, on school premises, or at a school function, under the jurisdiction of a State or a local educational agency, or

"(B) commits an aggravated assault or battery (as defined under State or local law) at a school, on school premises, or at a school function, under the jurisdiction of a State or a local educational agency,

in the same manner in which such personnel may discipline a child without a disability, consistent with State and local law. Such personnel may modify the disciplinary action on a case-by-case basis.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1)(A) from asserting a defense that the possession or use of the illegal drugs (or sale or solicitation of the controlled substance) was unintentional or innocent.

"(3) FREE APPROPRIATE PUBLIC EDUCATION.—

"(A) CEASING TO PROVIDE EDUCATION.—Notwithstanding any other provision of Federal law, a child expelled or suspended under paragraph (1) shall not be entitled to continue educational services, including a free appropriate public education, required under Federal law during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(B) PROVIDING EDUCATION.—Notwithstanding subparagraph (A), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services or mental health services to such child. If the local educational agency so chooses to continue to provide the services—

"(i) nothing in any other provision of Federal law shall require the local educational agency to provide such child with any particular level of service; and

"(ii) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) CONTROLLED SUBSTANCE.—The term 'controlled substance' shall have the same meaning as the term is defined in section 4141.

"(B) ILLEGAL DRUG.—The term 'illegal drug' means a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of Federal law.".

SEC. 202. USE OF CERTAIN FUNDS.

If a local educational agency chooses to utilize the authority under section 613(a)(2)(C)(i) of the Individuals with Disabilities Education Act to treat as local funds up to 20 percent of the amount of funds the agency receives under part B of such Act that exceeds the amount it received under that part for the previous fiscal year, then the agency shall use those local funds to provide additional funding for programs under the Elementary and Secondary Education Act of 1965, including, but not limited to, programs that address school safety, teacher quality and professional development, before and after school learning opportunities, educational reform and literacy, or related education programs authorized under Federal, State, or local law.

TITLE III—TECH FOR SUCCESS

SEC. 301. TECH FOR SUCCESS.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended to read as follows:

"TITLE III—TECH FOR SUCCESS

"SEC. 3001. SHORT TITLE.

"This title may be cited as the 'Tech for Success Act of 2000'.

"SEC. 3002. PURPOSE.

"The purposes of this title are as follows:

"(1) To provide assistance to states and localities for implementing innovative technology initiatives which lead to increased student academic achievement and which may be evaluated for effectiveness and replicated if successful.

"(2) To encourage the establishment or expansion of initiatives, especially those involving public/private partnerships, designed to increase access to technology, particularly in high need local educational agencies.

"(3) To promote initiatives which provide school administrators and teachers with the capacity to effectively utilize technology in ways which integrate such technology with challenging State content and student performance standards, through such means as high quality professional development programs.

"(4) To support the development of electronic networks and other innovative methods, such as distance learning, of delivering challenging courses and curricula for students who would otherwise not have access to such courses and curricula, especially in isolated regions.

"(5) To support the rigorous evaluation of programs funded under this title, especially the impact of such initiatives on student academic performance, and ensuring timely information on the results of such evaluations are widely accessible through electronic means.

"(6) To support local efforts for the use of technology to promote parent and family involvement in education and communication among parents, teachers and students.

"PART A—TECH FOR SUCCESS GRANT PROGRAM

"Subpart 1—General Provisions

"SEC. 3101. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part—

"(1) $731,305,000 for fiscal year 2000; and

"(2) such sums as may be necessary for each of the 5 succeeding fiscal years.

"(b) ALLOCATION OF FUNDS BETWEEN NATIONAL AND STATE AND LOCAL INITIATIVES.—Except as provided in subsection (c), the amount of funds made available under subsection (a) shall be allocated as follows:

"(1) Not less than 95 percent shall be made available for State and local technology initiatives pursuant to subpart 2.

"(2) Not more than 5 percent may be made available for activities of the Secretary under subpart 3.

"(c) CONTINUATION OF FUNDING FOR FORMER PROGRAMS.—

"(1) IN GENERAL.—Using funds made available under subsection (a), the Secretary is authorized to continue funding multiyear grants under this title (as in effect prior to the enactment of the Education OPTIONS Act) which were awarded prior to fiscal year 2001 for the duration of the original grant period.

"(2) REDUCTION IN AMOUNT AVAILABLE.—The amount of funds allocated under subsection (b) between State and local technology initiatives and activities of the Secretary shall be reduced by the amount used by the Secretary to continue funding former programs under paragraph (1).

"SEC. 3102. DEFINITIONS.

"For purposes of this part, the following definitions shall apply:

"(1) In this part and part B, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

"(2) The term 'eligible local entity' means—

"(A) a high need local educational agency; or

"(B) an eligible local partnership.

"(3) The term 'eligible local partnership' means a partnership that includes at least one high need local educational agency and at least one—

"(A) local educational agency that can demonstrate that teachers in schools served by that agency are using technology effectively in their classrooms;

"(B) institution of higher education;

"(C) for-profit business or organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology;

"(D) public or private non-profit organization with demonstrated experience in the application of educational technology; or

"(E) local educational agency which has the potential to become an exemplary model for wide-scale adoption by other local educational agencies on how to effectively integrate technology and proven research-based teaching practices which result in improvement in classroom instruction in the core academic subject areas, and the preparation of students to meet challenging State content and student performance standards.

"(4) The term 'emerging technologies' means the applications that can result from the development of high-speed, broad band telecommunications networks and more powerful computer systems.

"(5) The term 'high need local educational agency' means a local educational agency which serves an elementary or secondary school located in an area—

"(A) in which there is a high percentage of individuals 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)); or

"(B) which is identified by the State as an area with—

"(i) limited access to advanced telecommunications services,

"(ii) a high ratio of students to computers within the school, or

"(iii) a high proportion of teachers who are not computer-proficient.

"(6) The term 'scientifically based research'—

"(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to education technology; and

"(B) shall include research which—

"(i) employs systematic, empirical methods which draw on observation or experiment,

"(ii) involves rigorous data analyses which are adequate to test the stated hypotheses and justify the general conclusions drawn,

"(iii) relies on measurements or observational methods which 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.

"Subpart 2—State and Local Technology for Success Grants

"SEC. 3111. DETERMINATION OF AMOUNT OF STATE ALLOTMENT.

"(a) IN GENERAL.—Except as otherwise provided in this subpart, each State shall be eligible to receive a grant under this subpart for a fiscal year in an allotment determined as follows:

"(1) 50 percent shall bear the same relationship to the amount made available under section 3101(b)(1) for such year as the amount such state received under part A for title I for such year bears to the amount received for such year under such part by all States.

"(2) 50 percent shall be determined on the basis of the State's relative population of individuals age 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(b) RESERVATION OF FUNDS FOR BUREAU OF INDIAN AFFAIRS AND OUTLYING AREAS.—Of the amount made available to carry out this subpart under section 3101(b)(1) for a fiscal year—

"(1) the Secretary shall reserve .305 percent (or $2,125,000, whichever is greater) for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs; and

"(2) the Secretary shall reserve .305 percent (or $2,125,000, whichever is greater) to provide assistance to the outlying areas.

"(c) MINIMUM ALLOTMENT.—The amount of any State's allotment under subsection (a) for any fiscal year may not be less than one-half of one percent of the amount made available under section 3101(b)(1) for such year.

"(d) REALLOTMENT OF UNUSED FUNDS.—If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

"SEC. 3112. USE OF ALLOTMENT BY STATE.

"(a) IN GENERAL.—Except as provided in subsection (b), of the amount provided to a State from its allotment under section 3111—

"(1) the State may use not more than 5 percent to carry out activities under section 3115; and

"(2) not less than 95 percent shall be distributed to local educational agencies by the State as follows:

"(A) At least 80 percent shall be used for activities described in section 3116, to be distributed through a formula developed by the State which shall target funds to high need local educational agencies which have submitted plans to the State under section 3114, and which may (at the option of the State)—

"(i) be the formula used by the State to award grants to local educational agencies under section 3132 (as in effect prior to the enactment of the Education OPTIONS Act); and

"(ii) set a minimum amount that may be provided to any recipient.

"(B) Not more than 20 percent shall be awarded through a State-determined competitive process to eligible local entities which have submitted plans to the State under section 3114, to be used to carry out activities consistent with this part.

"(b) CONTINUATION OF FUNDING FOR FORMER PROGRAMS.—

"(1) IN GENERAL.—From funds made available under this ubpart, a State is authorized to continue funding multiyear grants awarded prior to fiscal year 2001 under section 3132 of this title (as in effect prior to the enactment of the Education OPTIONS Act), for the duration of the original grant period.

"(2) REDUCTION IN AMOUNT AVAILABLE FOR OTHER ACTIVITIES.—The amount available for a State to use under subsection (a) shall be reduced by the amount used by the State to continue funding former programs under paragraph (1).

"SEC. 3113. STATE PLANS.

"(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit a new or updated statewide, long-range strategic educational technology plan to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each State plan submitted under this section shall include the following:

"(1) A description of how the State will use funds provided under this subpart to improve the academic achievement of all students and to improve the capacity of all teachers to provide instruction in the State, through the use of education technology.

"(2) A description of the State's goals for using advanced technology to improve student achievement aligned to challenging State content and student performance standards, including a description of how the State will take steps to ensure that all students in the State, particularly those residing in districts served by high need local educational agencies, will have increased access to educational technology.

"(3) A description of the process the State will use for the evaluation of the extent to which education technology funded under this part has been successfully integrated into teaching strategies and school curriculum, has increased the ability of teachers to teach, and has enabled students to meet challenging State content and student performance standards.

"(4) A description of how the State will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology and distance learning, particularly for those areas of the State which are isolated and which would not otherwise have access to such courses and curricula.

"(5) An assurance that financial assistance provided under this subpart shall supplement, not supplant, State and local funds.

"(6) A description of how the State plans to ensure that every teacher within a school funded under this part will be computer-literate and proficient (as determined by the State) by 2004.

"(c) DEEMED APPROVAL.—A State plan submitted to the Secretary under this section shall be deemed to be approved by the Secretary unless the Secretary makes a written determination prior to the expiration of the 90-day period which begins on the date the Secretary receives the application that the plan is in violation of the provisions of this part.

"(d) DISAPPROVAL.—The Secretary may issue a final disapproval of a State's application under this subpart only after giving the State notice and an opportunity for a hearing.

"(e) DISSEMINATION OF INFORMATION ON STATE PLANS.—The Secretary shall establish a process under which information on State plans under this subpart is made widely available to schools and the general public, including through dissemination on the Internet, in a timely and user-friendly manner.

"SEC. 3114. LOCAL PLANS.

"(a) IN GENERAL.—An applicant seeking to receive funds from a State under this subpart shall submit a new or updated long-range local strategic educational technology plan consistent with the objectives of the statewide education technology plan described in section 3113(a) to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

"(b) CONTENTS OF LOCAL PLAN.—Each local plan described in this section shall include the following:

"(1) A description of how the applicant will use Federal funds provided under this subpart to improve the academic achievement of all students and to improve the capacity of all teachers to provide instruction through the use of education technology.

"(2) A description of the applicant's specific goals for using advanced technology to improve student achievement aligned to challenging State content and student performance standards, including a description of how the applicant will take steps to ensure that all students in the local educational area (particularly those in high poverty and high need schools) have increased access to educational technology, and a description of how such technology will be used to improve the academic achievement for such students.

"(3) A description of how the applicant will promote—

"(A) the utilization of teaching strategies and curricula, based upon scientifically based research, which effectively integrate technology into instruction, leading to improvements in student academic achievement as measured by challenging State content and student performance standards; and

"(B) sustained and intensive, high quality professional development, based upon scientifically based research, which increases teacher capacity to create improved learning environments through the integration of technology into instruction through proven strategies and improved content as described in subparagraph (A).

"(4) A description of how the applicant will integrate technology across the curriculum and a time line for such integration, including a description of how the applicant will make effective use of new and emerging technologies and teaching practices that are linked to such emerging technologies to provide challenging content and improved classroom instruction.

"(5) A description of how the applicant will coordinate education technology activities funded under this subpart, including (but not limited to) professional development, with any such activities provided under other Federal, State, and local programs, including those authorized under title I, title II, title VI, and (where applicable) the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act of 1998.

"(6) A description of the process the applicant will use for the evaluation of the extent to which funds provided under this subpart were effective in integrating technology into school curriculum, increasing the ability of teachers to teach, and enabling students to meet challenging State content and student performance standards.

"(7) If requested by the State—

"(A) a description of how the applicant will use funds provided under this subpart in a manner which is consistent with any broad education tech-

nology priorities which may be established by the State consistent with this part; and

"(B) an assurance that any technology obtained with funds provided under this subpart will have compatibility and interconnectivity with technology obtained with funds provided previously under this title (as in effect prior to the enactment of the Education OPTIONS Act).

"(8) A description of the applicant's Internet filtering or blocking technology and related enforcement policies.

"SEC. 3115. STATE ACTIVITIES.

"(a) IN GENERAL.—From funds made available under section 3112(a)(1), a State shall carry out activities and assist local efforts to carry out the purposes of this part, which may include the following activities:

"(1) Developing or assisting applicants in the development and utilization of innovative strategies to deliver rigorous academic programs through the use of technology and distance learning, and providing other technical assistance to such applicants throughout the State, with a priority to high need local educational agencies.

"(2) Establishing or supporting joint public and private initiatives to provide interest-free or reduced loans for the acquisition of educational technology for high need local educational agencies and students attending schools within such districts.

"(3) Assisting applicants in providing sustained and intensive high-quality professional development based upon scientifically based research in the integration of advanced technologies (including emerging technologies) into curriculum and in using those technologies to create new learning environments, including training in the use of technology to—

"(A) access data and resources to develop curricula and instructional materials;

"(B) enable teachers to use the Internet to communicate with other teachers and to retrieve web-based learning resources; and

"(C) lead to improvements in classroom instruction in the core academic subject areas, which effectively prepare students to meet challenging State content and student performance standards.

"(4) Assisting applicants in providing all students (including students from nontraditional populations, students with disabilities, and students with limited English proficiency) with access to educational technology.

"(5) Establishing or expanding access to technology in neighborhoods served by high need local educational agencies, with special emphasis for access provided through technology centers in partnership with libraries and with the support of the private sector.

"(6) Developing enhanced performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, especially in determining the extent to which education technology funded under this part has been successfully integrated into teaching strategies and school curriculum, has increased the ability of teachers to teach, and has enabled students to meet challenging State content and student performance standards.

"(b) LIMITATION ON ADMINISTRATIVE COSTS.—Of the 5 percent of the State's allotment under section 3111 which may be used to carry out activities under this section, not more than 10 percent may be used by the State for administrative costs.

"SEC. 3116. LOCAL ACTIVITIES.

"(a) PROFESSIONAL DEVELOPMENT.—A recipient of funds made available under section 3112(a)(2)(A) shall use not less than 20 percent of such funds to provide sustained and intensive, high-quality professional development, based on scientifically based research, in the integration of advanced technologies (including emerging technologies) into curriculum and in using those technologies to create new learning environments, including training in the use of technology to—

"(1) access data and resources to develop curricula and instructional materials;

"(2) enable teachers to use the Internet to communicate with other teachers and retrieve web-based learning resources; and

"(3) lead to improvements in classroom instruction in the core academic subject areas, which effectively prepare students to meet challenging State content and student performance standards.

"(b) OTHER ACTIVITIES.—In addition to the activities described in subsection (a), a recipient of funds made available under section 3112(a)(2)(A) shall use such funds

to carry out other activities consistent with this part, which may include the following:

"(1) Adapting or expanding existing and new applications of technology to enable teachers to increase student academic achievement through the use of teaching practices and advanced technologies which are based upon scientifically based research and are designed to prepare students to meet challenging State content and student performance standards, and for developing and utilizing innovative strategies to deliver rigorous academic programs.

"(2) Developing, expanding, or acquiring education technology as a means to improve the academic achievement of all students.

"(3) The establishment or expansion of initiatives, especially those involving public/private partnerships, designed to increase access to technology, particularly for high need local educational agencies.

"(4) Using technology to promote parent and family involvement and support communications between parents, teachers, and students.

"(5) Acquiring filtering, blocking, or other technologies and activities which are designed to protect students from harmful materials which may be accessed on the Internet.

"(6) Using technology to collect, manage, and analyze data to inform school improvement efforts.

"(7) Implementing enhanced performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, especially in determining the extent to which education technology funded under this part has been successfully integrated into teaching strategies and school curriculum, has increased the ability of teachers to teach, and has enabled students to meet challenging State content and student performance standards.

"(8) Preparing one or more teachers in elementary, middle, and secondary schools as technology leaders who are provided with the means to serve as experts and train other teachers in the effective use of technology.

"(9) Establishing or expanding access to technology in neighborhoods served by high need local educational agencies, with special emphasis for access provided through technology centers in partnership with libraries and with the support of the private sector.

"(10) Carrying out a program under which the recipient enters into an agreement with an entity for providing—

"(A) one laptop computer for each child in the third through twelfth grades in the school district (in such installments over such period of time as the recipient and entity may provide in the agreement) ;

"(B) training and ongoing support in the use of such laptop computers for students, teachers, and parents;

"(C) hardware and software for such laptop computers for instruction and professional development; and

"(D) assistance in using the technology provided to incorporate State and local academic goals into the curricula.

"(c) INTERNET FILTERING.—

"(1) IN GENERAL.—No funds made available under this subpart to a local educational agency or elementary or secondary school may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, unless such agency or school has in place, on computers that are accessible to minors, and during use by such minors, technology which filters or blocks—

"(A) material that is obscene;

"(B) child pornography; and

"(C) material harmful to minors.

"(2) DISABLING DURING ADULT USE.—An administrator, supervisor, or other authority may disable the technology described in paragraph (1) during use by an adult, to enable unfiltered access for bona fide research or other lawful purposes.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a local educational agency or elementary or secondary school from filtering or blocking materials other than those referred to in subparagraph (A), (B), or (C) of paragraph (1).

"(4) DEFINITIONS.—

"(A) MATERIAL HARMFUL TO MINORS.—The term 'material harmful to minors' has the meaning given such term in section 231(e)(6) of the Communications Act of 1934.

"(B) CHILD PORNOGRAPHY.—The term 'child pornography' has the meaning given such term in section 2256(8) of title 18, United States Code.

"(C) MINOR.—The term 'minor' has the meaning given such term in section 2256(1) of title 18, United States Code.

"(5) SEVERABILITY.—If any provision of this subsection is held invalid, the remainder of such subsection and this Act shall not be affected thereby.

"Subpart 3—National Technology Initiatives

"SEC. 3121. NATIONAL TECHNOLOGY INITIATIVES.

"(a) IN GENERAL.—Using funds made available under section 3101(b)(2), the Secretary may carry out the following initiatives:

"(1) The funding of programs built upon scientifically based research, which utilize technology in education, through the competitive awarding of grants or contracts, pursuant to a peer review process, to States, local educational agencies (including eligible local entities), institutions of higher education, and public and private or nonprofit or for-profit agencies.

"(2) The provision of technical assistance to States, local educational agencies, and other grantees under this part (directly or through the competitive award of grants or contracts) in order to assist such States, local educational agencies, and other grantees to achieve the purposes of this part.

"(3) Acting through the Office of Educational Technology, the updating of the national long-range educational technology plan developed pursuant to section 3121 (as in effect prior to the enactment of the Education OPTIONS Act) in accordance with the requirements of such section, in order to promote the purposes of this title and to ensure the coordination of Federal efforts to promote the effective use of educational technology.

"(b) STUDY OF USE OF TECHNOLOGY TO IMPROVE ACADEMIC ACHIEVEMENT.—Using funds made available under section 3101(b)(2), the Secretary shall conduct an independent, long-term study utilizing scientifically based research methods and control groups, on the effectiveness of the uses of educational technology on improving student academic achievement, and shall include in the study an identification of effective uses of educational technology that have a measurable positive impact on student achievement.

"(c) PRIORITIES.—In funding initiatives under subsection (a), the Secretary shall place a priority on projects which—

"(1) develop innovative models using electronic networks or other forms of distance learning to provide challenging courses which are otherwise not readily available to students in a particular school district, particularly in rural areas; and

"(2) increase access to technology to those residing in districts served by high need local educational agencies.

"SEC. 3122. REQUIREMENTS FOR RECIPIENTS OF FUNDS.

"(a) APPLICATION.—In order to receive a grant or contract under this subpart, an entity shall submit an application to the Secretary (at such time and in such form as the Secretary may require), and shall include in the application—

"(1) a description of the project proposed to be carried out with the grant or contract and how it would carry out the purposes of this subpart; and

"(2) a detailed plan for the independent evaluation of the project built upon scientifically based research principles to determine the impact on the academic achievement of students served under such project, as measured by challenging State content and student performance standards.

"(b) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this subpart to share in the cost of the activities assisted under such grant or contract, which may be in the form of cash or in-kind contributions fairly valued.

"(2) INCREASE.—The Secretary may increase the non-Federal share required of a recipient of a grant or contract under this subpart after the first year such recipient receives funds under such grant or contract.

"(3) MAXIMUM.—The non-Federal share required under this subsection may not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this subpart.

"(4) NOTICE.—The Secretary shall publish in the Federal Register the non-Federal share required under this subsection.

"SEC. 3123. EVALUATION AND DISSEMINATION.

"(a) EVALUATION AUTHORITY.—In order to identify effective uses of educational technology that have a measurable positive impact on student achievement, the Secretary shall—

"(1) develop tools and provide resources, including technical assistance, for recipients of funds under this subpart to effectively evaluate their activities; and

"(2) conduct independent evaluations of the activities assisted under this subpart.

"(b) POST-GRANT EVALUATION INFORMATION AND DISSEMINATION.—

"(1) IN GENERAL.—The Secretary shall establish a process under which information on each project funded with a grant or contract under this subpart is made widely available to schools and the general public, including through dissemination on the Internet, in a timely and user-friendly manner.

"(2) SPECIFIC INFORMATION REQUIRED.—The information made available and disseminated under paragraph (1) shall at a minimum include the following:

"(A) Upon the awarding of such a grant or contract under this subpart, the identification of the grant or contract recipient, the amount of the grant or contract, the stated goals of the grant or contract, the methods by which the grant or contract will be evaluated in meeting such stated goals, and the timeline for meeting such goals.

"(B) Not later than 12 months after the awarding of such a grant or contract, information on the progress of the grant or contract recipient in carrying out the grant or contract, including a detailed description of the use of the funds provided, the extent to which the stated goals have been reached, and the results (or progress of) the evaluation of the project, meeting the requirements of scientifically based research, funded under the grant or contract.

"(C) Not later than 24 months after the awarding of such a grant or contract (and updated thereafter as appropriate), a follow up to the information described in subparagraph (B).

"PART B—READY TO LEARN TELEVISION

"SEC. 3201. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in subsection (c) to—

"(1) develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

"(2) facilitate the development (directly or through contracts with producers of children and family educational television programming) of educational programming for preschool and elementary school children and accompanying support materials and services that directly promote the effective use of such programming;

"(3) facilitate the development of programming and digital content especially designed for nationwide distribution over digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers;

"(4) enable such entities to contract with other entities (such as public telecommunications entities) so that programs funded under this section are disseminated and distributed by the most appropriate distribution technologies to the widest possible audience appropriate to be served by the programming; and

"(5) develop and disseminate training and support materials, including interactive programs and programs adaptable to distance learning technologies which are designed to—

"(A) promote school readiness; and

"(B) promote the effective use of programming developed under paragraphs (2) and (3) among parents, Head Start providers, Even Start and providers of family literacy services, child care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children.

"(b) AVAILABILITY.—In making grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that recipients increase the effective use of the programming funded under this section by making it widely available with sup-

port materials as appropriate to young children, their parents, child care workers, Head Start providers, and Even Start and providers of family literacy services.

"(c) ELIGIBLE ENTITIES DESCRIBED.—In this part, an 'eligible entity' means a nonprofit entity (including a public telecommunications entity) which is able—

"(1) to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality which is accessible by a large majority of disadvantaged preschool and elementary school children; and

"(2) to demonstrate—

"(A) a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality which is accessible by a large majority of disadvantaged preschool and elementary school children, and

"(B) consistent with the entity's mission and nonprofit nature, a capacity to negotiate such contracts in a manner which returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

"(d) CAP ON ADMINISTRATIVE COSTS.—An entity receiving a grant, contract, or cooperative agreement from the Secretary under this section may not use more than 5 percent of the amounts received under the grant, contract, or cooperative agreement for the expenses of administering the grant, contract, or cooperative agreement.

"(e) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement from the Secretary under this section shall work with the Secretary and the Secretary of Health and Human Services to—

"(1) maximize the utilization by preschool and elementary school children of the programming funded under this section and to make such programming widely available to federally funded programs serving such populations; and

"(2) coordinate with Federal programs that have major training components for early childhood development (including Head Start, Even Start, family literacy services, and State training activities funded under the Child Care Development Block Grant Act of 1990) regarding the availability and utilization of materials developed with funds provided under this section to enhance parent and child care provider skills in early childhood development and education.

"SEC. 3202. APPLICATIONS.

"Any entity desiring a grant, contract, or cooperative agreement under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 3203. REPORTS AND EVALUATION.

"(a) ANNUAL REPORT BY GRANT RECIPIENTS TO SECRETARY.—Each entity receiving funds under section 3201 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under such section, including information regarding—

"(1) the programming that has been developed directly or indirectly by the entity and the target population of the programs developed;

"(2) the support and training materials that have been developed to accompany the programming and the method by which such materials are distributed to consumers and users of the programming;

"(3) the means by which the programming has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(4) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report on the activities funded and carried out under this part, and shall include in the report—

"(1) a summary of the programming developed using funds provided under section 3201; and

"(2) a description of the training materials developed using funds provided under section 3201, the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed.

"SEC. 3204. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $16,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 5 succeeding fiscal years. Not less than 60 percent of the amounts authorized to be appropriated under this section for any fiscal year shall be used to carry out paragraphs (2) and (3) of section 3201(a).

"PART C—TELECOMMUNICATIONS PROGRAM

"SEC. 3301. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to carry out any of the following activities:

"(1) Awarding grants to a nonprofit telecommunications entity (or a partnership of such entities) for the purpose of carrying out a national telecommunications-based program to improve the teaching of core academic subjects and to assist elementary and secondary school teachers in preparing all students to achieve State content standards.

"(2) Awarding grants to or entering into contracts or cooperative agreements with a local public telecommunications entity to develop, produce, and distribute educational and instructional video programming which is designed for use by elementary and secondary school students, created for or adaptable to State content standards, and capable of distribution through digital broadcasting and school digital networks.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Any telecommunications entity or partnership of such entities desiring a grant under this part shall submit an application to the Secretary.

"(2) SPECIFIC REQUIREMENTS FOR NATIONAL TELECOMMUNICATIONS-BASED PROGRAM.—Each application for a grant subsection (a)(1) shall—

"(A) demonstrate that the applicant will use the existing publicly funded telecommunications infrastructure, the Internet, and school digital networks (where available) to deliver video, voice, and data in an integrated service to train teachers in the use of materials and learning technologies for achieving State content standards;

"(B) assure that the program for which assistance is sought will be conducted in cooperation with States as appropriate, local educational agencies, and State or local nonprofit public telecommunications entities;

"(C) assure that a significant portion of the benefits available for elementary and secondary schools from the program for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

"(D) contain such additional assurances as the Secretary may reasonably require.

"(c) APPROVAL OF APPLICATIONS; NUMBER OF DEMONSTRATION SITES.—In approving applications under this section, the Secretary shall assure that—

"(1) the national telecommunications-based program under subsection (a)(1) is conducted at elementary and secondary school sites in at least 15 States; and

"(2) grants under subsection (a)(2) are awarded on a competitive basis and for a period of 3 years to entities which—

"(A) enter into multiyear collaborative arrangements for content development with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations, and

"(B) contribute non-Federal matching funds (including funds provided for transitions to digital broadcasting as well as in-kind contributions) to the activities assisted with the grant in an amount not less than 100 percent of the amount of the grant.

"SEC. 3302. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $8,500,000 for fiscal year 2000, and such sums as may be necessary for each of the 5 succeeding fiscal years.".

TITLE IV—INNOVATIVE EDUCATION PROGRAMS

SEC. 401. INNOVATIVE EDUCATION PROGRAM STRATEGIES.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended to read as follows:

"TITLE VI—INNOVATIVE EDUCATION PROGRAM STRATEGIES

"SEC. 6001. FINDINGS AND STATEMENT OF PURPOSE.

"(a) FINDINGS.—The Congress finds that this title—

"(1) provides flexibility to meet local needs;

"(2) promotes local and State education reforms;

"(3) contributes to the improvement of academic achievement for all students.

"(4) provides funding for critical activities; and

"(5) provides services for private school students.

"(b) STATEMENT OF PURPOSE.—It is the purpose of programs under this title—

"(1) to provide funding to enable States and local educational agencies to implement promising educational reform programs and school improvement initiatives based on scientifically based research;

"(2) to provide a continuing source of innovation and educational improvement, including support for library services and instructional and media materials; and

"(3) to meet the educational needs of all students, including at risk students.

"(c) STATE AND LOCAL RESPONSIBILITY.—The basic responsibility for the administration of funds made available under this title is within the States, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this title will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because such agencies and individuals have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own school districts.

"PART A—STATE AND LOCAL PROGRAMS

"SEC. 6101. ALLOTMENT TO STATES.

"(a) RESERVATIONS.—From the sums appropriated to carry out this title for any fiscal year, the Secretary shall reserve not to exceed 1 percent for payments to outlying areas to be allotted in accordance with their respective needs.

"(b) ALLOTMENT.—From the remainder of such sums, the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to ½ of 1 percent of such remainder.

"SEC. 6102. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) DISTRIBUTION RULE.—

"(1) IN GENERAL.—Subject to paragraph (2), from the sums made available each year to carry out this title, the State shall distribute not less than 85 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the jurisdictions of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per-pupil allocations to local educational agencies that have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(A) children living in areas with high concentrations of low-income families;

"(B) children from low-income families; and

"(C) children living in sparsely populated areas.

"(2) EXCEPTION.—100 percent of any amount by which the funds paid to a State under this title for a fiscal year exceed the amount of such funds paid

to the State for fiscal year 2000 shall be distributed to local educational agencies and used locally for innovative assistance described in section 6301(b).

"(3) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 4 percent of the funds paid to a State under this title for a fiscal year may be used by the agency for administration and supervision of programs assisted under this title.

"(b) CALCULATION OF ENROLLMENTS.—

"(1) IN GENERAL.—The calculation of relative enrollments under subsection (a)(1) shall be on the basis of the total of—

"(A) the number of children enrolled in public schools; and

"(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this title, for the fiscal year preceding the fiscal year for which the determination is made.

"(2) CONSTRUCTION.—Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this part.

"(3) ADJUSTMENTS.—

"(A) IN GENERAL.—Relative enrollments under subsection (a)(1) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per-pupil allocations only to local educational agencies that serve the greatest numbers or percentages of—

"(i) children living in areas with high concentrations of low-income families;

"(ii) children from low-income families; or

"(iii) children living in sparsely populated areas.

"(B) CRITERIA.—The Secretary shall review criteria submitted by a State for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

"(c) PAYMENT OF ALLOCATIONS.—

"(1) DISTRIBUTION.—From the funds paid to a State under this title for a fiscal year, a State shall distribute to each eligible local educational agency that has submitted an application as required in section 6303 the amount of such local educational agency's allocation, as determined under subsection (a).

"(2) ADDITIONAL FUNDS.—

"(A) IN GENERAL.—Additional funds resulting from higher per-pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a)(1) may, in the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a)(1) and enrolled in such schools within the local educational agency.

"(B) ELECTION.—In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

"(C) CONSTRUCTION.—Subparagraphs (A) and (B) may not be construed to require any school to limit the use of the additional funds described in subparagraph (A) to the provision of services to specific students or categories of students.

"PART B—STATE PROGRAMS

"SEC. 6201. STATE USES OF FUNDS.

"A State may use funds made available for State use under this title only for—

"(1) State administration of programs under this title including—

"(A) supervision of the allocation of funds to local educational agencies;

"(B) planning, supervision, and processing of State funds; and

"(C) monitoring and evaluation of programs and activities under this title;

"(2) support for planning, designing, and initial implementation of charter schools as described in part C of title X; and

"(3) statewide education reform and school improvement activities and technical assistance and direct grants to local educational agencies which assist such agencies under section 6301.

"SEC. 6202. STATE APPLICATIONS.

"(a) APPLICATION REQUIREMENTS.—Any State that desires to receive assistance under this title shall submit to the Secretary an application which—

"(1) provides for an annual statewide summary of how assistance under this title is contributing toward improving student achievement or improving the quality of education for students;

"(2) sets forth the allocation of such funds required to implement section 6402;

"(3) provides that the State will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section);

"(4) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this title, the State has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditure made pursuant to an application under section 6303;

"(5) contains assurances that there is compliance with the specific requirements of this title; and

"(6) provides for timely public notice and public dissemination of the information provided pursuant to paragraph (2).

"(b) STATEWIDE SUMMARY.—The statewide summary referred to in subsection (a)(2) shall be submitted to the Secretary and shall be derived from the evaluation information submitted by local educational agencies to the State under section 6303(a)(8). The format and content of such summary shall be in the discretion of the State and may include statistical measures such as the number of students served by each type of innovative assistance described in subsection (b), including the number of teachers trained.

"(c) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(d) AUDIT RULE.—Local educational agencies receiving less than an average of $5,000 each under this title shall not be audited more frequently than once every 5 years.

"PART C—LOCAL INNOVATIVE EDUCATION PROGRAMS

"SEC. 6301. TARGETED USE OF FUNDS.

"(a) GENERAL RULE.—Funds made available to local educational agencies under section 6102 shall be used for innovative assistance described in subsection (b).

"(b) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subsection (a) may include—

"(1) professional development activities and the hiring of teachers, including activities consistent with title II, 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;

"(2) technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

"(3) programs for the development or acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials which are tied to high academic standards and which will be used to improve student achievement and which are part of an overall education reform program;

"(4) promising education reform projects, including effective schools and magnet schools;

"(5) programs to improve the academic skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school;

"(6) programs to combat illiteracy in the student and adult population, including parent illiteracy;

"(7) programs to provide for the educational needs of gifted and talented children;

"(8) planning, designing, and initial implementation of charter schools as described in part C of title X;

"(9) school improvement programs or activities under sections 1116 and 1117;

"(10) education reform projects that provide single gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes;

"(11) community service programs that use qualified school personnel to train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage;

"(12) curriculum-based youth entrepreneurship education programs with demonstrated records of empowering disadvantaged youth with applied mathematics, entrepreneurial, and other analytical skills;

"(13) activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills including the basic principles involved with earning, spending, saving, and investing;

"(14) public school choice;

"(15) expanding and improving school-based mental health services, including early identification of drug use and violence, assessment, and direct individual or group counseling services provided to students, parents, and school personnel by qualified school based mental health services personnel; and

"(16) alternative educational programs for those students who have been expelled or suspended from their regular educational setting, including programs to assist students to reenter the regular educational setting upon return from treatment or alternative educational programs.

"SEC. 6302. ADMINISTRATIVE AUTHORITY.

"In order to conduct the activities authorized by this title, each State or local educational agency may use funds reserved for this title to make grants to, and to enter into contracts with, local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

"SEC. 6303. LOCAL APPLICATIONS.

"(a) CONTENTS OF APPLICATION.—A local educational agency or consortium of such agencies may receive an allocation of funds under this title for any year for which an application is submitted to the State and such application is certified to meet the requirements of this section. The State shall certify any such application if such application—

"(1) describes locally identified needs relative to the purposes of this title and to the innovative assistance described in section 6301(b);

"(2) based on the needs identified in paragraph (1), sets forth the planned allocation of funds among innovative assistance programs described in section 6301 and describes the programs, projects, and activities designed to carry out such innovative assistance that the local educational agency intends to support;

"(3) sets forth the allocation of such funds required to implement section 6402;

"(4) describes how assistance under this title will contribute to improving student academic achievement;

"(5) provides assurances of compliance with the provisions of this title, including the participation of children enrolled in private, nonprofit schools in accordance with section 6402;

"(6) agrees to keep such records, and provide such information to the State as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State under this title;

"(7) provides in the allocation of funds for the assistance authorized by this title, and in the design, planning, and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this title (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency; and

"(8) provides assurance that—

"(A) programs, services, and activities will be evaluated annually;

"(B) such evaluation will be used to determine and implement appropriate changes in program services and activities for the subsequent year;

"(C) such evaluation shall describe how assistance under this title contributed toward improving student academic achievement; and

"(D) such evaluation shall be submitted to the State in the time and manner requested by the agency.

"(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 3 fiscal years, may provide for the allocation of funds to programs for a period of 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this title, a local educational agency shall have complete discretion in determining how funds under this part shall be divided under section 6301. In exercising such discretion, a local educational agency shall ensure that expenditures under this part carry out the purposes of this title and are used to meet the educational needs within the schools of such local educational agency.

"PART D—GENERAL PROVISIONS

"SEC. 6401. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

"(a) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education 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.

"(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of the allocation of funds under this part in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) WAIVERS.—The Secretary may waive, for 1 fiscal year only, the requirements of this section if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this part only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this part, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

"SEC. 6402. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) PARTICIPATION ON EQUITABLE BASIS.—

"(1) IN GENERAL.—To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this title or which serves the area in which a program or project assisted under this title is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State from funds made available for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair or minor remodeling of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this title.

"(2) OTHER PROVISIONS FOR SERVICES.—If no program or project is carried out under paragraph (1) in the school district of a local educational agency, the State shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in such district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this title.

"(3) APPLICATION OF REQUIREMENTS.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this title by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

"(b) EQUAL EXPENDITURES.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this title for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this title are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

"(c) FUNDS.—

"(1) ADMINISTRATION OF FUNDS AND PROPERTY.—The control of funds provided under this title, and title to materials, equipment, and property repaired, remodeled, or constructed with such funds, shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property.

"(2) PROVISION OF SERVICES.—The provision of services pursuant to this title shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this title shall not be commingled with State or local funds.

"(d) STATE PROHIBITION WAIVER.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(e) WAIVER AND PROVISION OF SERVICES.—

"(1) FAILURE TO COMPLY.—If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(2) WITHHOLDING OF ALLOCATION.—Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(f) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

"(g) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this title.

"(h) REVIEW.—

"(1) WRITTEN OBJECTIONS.—The Secretary shall not take any final action under this section until the State and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the

Secretary or the Secretary's designee to show cause why that action should not be taken.

"(2) COURT ACTION.—If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) REMAND TO SECRETARY.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) COURT REVIEW.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 6403. FEDERAL ADMINISTRATION.

"(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to States and local educational agencies under this title.

"(b) RULEMAKING.—The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this title.

"(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this title shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

"SEC. 6404. DEFINITIONS.

"For purposes of this title:

"(1) EFFECTIVE SCHOOLS PROGRAMS.—The term 'effective schools programs' means school-based programs that may encompass preschool through secondary school levels and that have the objectives of—

"(A) promoting school-level planning, instructional improvement, and staff development;

"(B) increasing the academic achievement levels of all children and particularly educationally disadvantaged children; and

"(C) achieving as ongoing conditions in the school the following factors identified through scientifically based research as distinguishing effective from ineffective schools:

"(i) Strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving.

"(ii) Emphasis on the acquisition of basic and advanced academic skills.

"(iii) A safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement.

"(iv) Continuous review of students and programs to evaluate the effects of instruction.

"(2) SCHOOL-AGE POPULATION.—The term 'school-age population' means the population aged 5 through 17.

"(3) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research'—

"(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to effective schools programs; 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.

"(4) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 6405. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $365,750,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

TITLE V—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

SEC. 501. FUND FOR THE IMPROVEMENT OF EDUCATION.

Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended to read as follows:

"PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

"SEC. 10101. PROHIBITION ON FEDERALLY SPONSORED TESTING.

"Notwithstanding any other provision of Federal law, no funds provided under this part to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

"SEC. 10102. PROHIBITION ON FEDERAL ENDORSEMENT OF ELEMENTARY AND SECONDARY SCHOOL CURRICULUM.

"Notwithstanding any other provision of Federal law, no funds provided under this part to the Secretary may be used to endorse, approve, or sanction any curriculum designed to be used in elementary or secondary schools.

"SEC. 10103. FUND FOR THE IMPROVEMENT OF EDUCATION.

"(a) PROGRAMS AND PROJECTS AUTHORIZED.—

"(1) IN GENERAL.—From funds appropriated under this part, the Secretary is authorized to support nationally significant programs and projects to improve the quality of elementary and secondary education at the State and local levels.

"(2) METHODS FOR CARRYING OUT PROGRAMS AND PROJECTS.—The Secretary is authorized to carry out such programs and projects directly, or through grants to or contracts with States or local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions, including religious organizations.

"(b) USES OF FUNDS.—The funds appropriated under this part may be used for any of the following activities and programs:

"(1) Activities to promote systemic education reform at the State and local levels, including—

"(A) scientifically based research to improve student academic achievement at the State and local level; and

"(B) the development and evaluation of strategies for parent and community involvement.

"(2) Programs at the State and local levels which are designed to yield significant results, including programs to explore approaches to public school choice and school-based decision-making.

"(3) Programs designed to promote public school choice.

"(4) Performance rewards for States which—

"(A) make significant progress in eliminating achievement gaps by increasing the proportions of 2 or more groups of students described in section 1111(a)(3)(I) who meet State proficiency standards; and

"(B) have agreed to meet specific and numerical performance goals during the term of a performance agreement of at least 5 years in length.

"(5) Activities to promote and evaluate coordinated pupil services programs.

"(6) Activities to promote consumer, economic, entrepreneurial, and personal finance education, including disseminating and encouraging the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills, including the basic principles involved with earning, spending, saving, and investing.

"(7) Studies, evaluations, and dissemination of various education reform strategies and innovations based on scientifically based research being pursued by the Federal Government, States, and local educational agencies.

"(8) The identification and recognition of exemplary schools and programs such as Blue Ribbon Schools.

"(9) Experiential-based learning programs.

"(10) The development and expansion of public-private partnership education programs which extend the learning experience beyond the classroom environment through the use of computers.

"(11) An independent study conducted in consultation with appropriate entities, which will provide a multi-level coordinated implementation strategy based on scientifically based research, for effective professional development activities for mathematics and science teachers.

"(12) Programs to hire and support school nurses.

"(13) Grants for the education of recent immigrants to the United States.

"(14) Activities to plan, implement, or expand alternative education programs to reduce classroom disruptions and provide a safe learning environment.

"(15) Grants for elementary and secondary school counseling programs under section 10104.

"(16) Grants for character education programs under section 10105.

"(17) Grants for smaller learning communities within high schools programs under section 10106.

"SEC. 10104. ELEMENTARY AND SECONDARY SCHOOL COUNSELING PROGRAMS.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary may use funds provided under this part to award grants to local educational agencies to enable such agencies to establish or expand elementary and secondary school counseling programs which meet the requirements of subsection (b).

"(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs which—

"(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

"(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

"(C) show the greatest potential for replication and dissemination.

"(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural local educational agencies.

"(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

"(b) REQUIREMENTS FOR COUNSELING PROGRAMS.—Each program funded under this section shall—

"(1) be comprehensive in addressing the counseling and educational needs of all students;

"(2) use a developmental, preventive approach to counseling;

"(3) increase the range, availability, quantity, and quality of counseling services in the elementary and secondary schools of the local educational agency;

"(4) expand counseling services through qualified school counselors, school psychologists, and school social workers;

"(5) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decision making, or academic and career planning, or to improve peer interaction;

"(6) provide counseling services in settings that meet the range of needs of students;

"(7) include inservice training, including training for teachers in appropriate identification and intervention techniques for disciplining and teaching students

at risk of violent behavior, by school counselors, school psychologists, and school social workers;

"(8) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(9) involve collaborative efforts with community groups, social service agencies, or other public or private entities to enhance the program;

"(10) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

"(11) ensure a team approach to school counseling in the elementary and secondary schools of the local educational agency by maintaining a scientifically based ratio of school counselors, school social workers, and school psychologists to students; and

"(12) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section spend a majority of their time at the school in activities directly related to the counseling process.

"(c) LIMIT ON ADMINISTRATION.—Not more than 3 percent of the amounts made available under this section in any fiscal year may be used for administrative costs to carry out this section.

"(d) DEFINITIONS.—For purposes of this section, the terms 'school counselor', 'school psychologist', and 'school social worker', mean individuals qualified, licensed, or certified under State law to provide mental health counseling to children and adolescents.

"SEC. 10105. CHARACTER EDUCATION PROGRAM.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary may use funds provided under this part to award grants to States, local educational agencies, or consortia of such educational agencies for the design and implementation of character education programs which incorporate the elements of character described in subsection (c).

"(2) DURATION.—Each grant under this section shall be awarded for a period not to exceed 5 years, of which the recipient may not use more than 1 year for planning and program design.

"(b) CONTRACTS UNDER PROGRAM.—

"(1) EVALUATION.—Each State, local educational agency, or consortia of such educational agencies awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for purposes of evaluating its program and measuring the success of the program toward fostering in students the elements of character described in subsection (c).

"(2) MATERIALS AND PROGRAM DEVELOPMENT.—Each State, local educational agency, or consortia of such educational agencies awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for assistance in developing curriculum, materials, teacher training, and other activities related to character education.

"(c) ELEMENTS OF CHARACTER.—The elements of character described in this subsection are as follows:

"(1) Honesty.

"(2) Citizenship.

"(3) Courage.

"(4) Justice.

"(5) Respect.

"(6) Personal Responsibility.

"(7) Trustworthiness.

"(8) Any other elements deemed appropriate by the State, local educational agency, or consortia of such educational agencies receiving a grant under this paragraph.

"(d) SELECTION OF RECIPIENTS.—

"(1) CRITERIA.—The Secretary shall select States, local educational agencies, or consortia of such educational agencies to receive grants under this section on the basis of the quality of the applications submitted, taking into consideration such factors as—

"(A) the extent to which the proposed character education program fosters in students the elements of character described in subsection (c);

"(B) the extent of parental, student, and community involvement in the program; and

"(C) the likelihood that the goals of the program will be realistically achieved.

"(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications for grants under this section in a manner which ensures to the extent practicable that the character education programs funded with such grants—

"(A) serve an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas; and

"(B) serve schools which serve a high percentage of minorities, Native Americans, students of limited English proficiency, and disadvantaged students.

"SEC. 10106. SMALLER LEARNING COMMUNITIES WITHIN HIGH SCHOOLS.

"(a) IN GENERAL.—The Secretary may use funds provided under this part to—

"(1) promote the creation of smaller learning communities within high schools in which students may receive greater individual attention and support, including the development and implementation of scientifically based research strategies described in subsection (b) to create such communities; and

"(2) develop and implement strategies to include parents, business representatives, institutions of higher education, community-based organizations, and other community members in such communities.

"(b) EXAMPLES OF STRATEGIES TO CREATE SMALLER LEARNING COMMUNITIES.—The strategies described in this subsection to create smaller learning communities within high schools may include:

"(1) The establishment of learning clusters, 'houses', magnet schools, or other approaches to creating schools within schools.

"(2) The use of block scheduling.

"(3) The use of personal adult advocates, teacher-advisory systems, and other mentoring strategies.

"(4) Strategies to reduce teaching loads.

"(5) Other innovations designed to increase student academic achievement through the creation of a more personalized high school experience for students.

"(c) SIZE OF COMMUNITIES.—In using funds under this section, the Secretary's goal shall be the creation of learning communities of not more than 600 students within high schools.

"SEC. 10107. GENERAL PROVISIONS.

"(a) AWARDS MADE ON COMPETITIVE BASIS.—The Secretary may make awards under this part on the basis of competitions announced by the Secretary.

"(b) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this part are designed so that the effectiveness of such programs, projects, and activities is readily ascertainable and based on scientifically based research.

"(c) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for assistance under this part, and may use funds appropriated under this part for the cost of such peer review.

"(d) APPLICATIONS.—An applicant for an award under this part shall submit an application which—

"(1) establishes clear goals and objectives for its project under this part which are based on scientifically based research; and

"(2) describes the activities it will carry out in order to meet the goals and objectives described in paragraph (1).

"(e) EVALUATIONS.—A recipient of an award under this part shall—

"(1) evaluate the effectiveness of its project in achieving the goals and objectives stated in its application; and

"(2) report to the Secretary such information as may be required, including evidence of its progress toward meeting the such goals, to determine the project's effectiveness.

"(f) DISSEMINATION OF EVALUATION RESULTS.—The Secretary shall provide for the dissemination of the evaluations of projects funded under this part by making the evaluations publicly available upon request, and shall publish public notice that the evaluations are so available.

"(g) MATCHING FUNDS.—The Secretary may require recipients of awards under this part to provide matching funds from non-Federal sources.

"(h) SCIENTIFICALLY BASED RESEARCH DEFINED.—In this part, the term 'scientifically based research'—

"(1) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to education activities and programs; and

"(2) shall include research which—

"(A) employs systematic, empirical methods which draw on observation or experiment,

"(B) involves rigorous data analyses which are adequate to test the stated hypotheses and justify the general conclusions drawn,

"(C) relies on measurements or observational methods which 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.

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 2000 and $50,000,000 for each of the 5 succeeding fiscal years.".

PART B—ARTS EDUCATION

SEC. 511. ARTS EDUCATION.

Part D of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8091 et seq.) is amended to read as follows:

"PART D—ARTS EDUCATION

"SEC. 10401. SUPPORT FOR ARTS EDUCATION.

"(a) FINDINGS.—The Congress finds that—

"(1) every student can benefit from an education in the arts;

"(2) a growing body of research indicates that education in the arts may provide cognitive benefits and bolster academic achievement, beginning at an early age and continuing through school;

"(3) qualified arts teachers and sequential curriculum are the basis and core for substantive arts education for students;

"(4) arts education programs should be grounded in rigorous instruction and take their place within a structure of direct accountability to parents, school officials, and the community;

"(5) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities; and

"(6) arts education is a valuable part of the elementary and secondary school curriculum.

"(b) PURPOSES.—The purposes of this part are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum; and

"(2) help ensure that all students can learn to challenging State content standards and challenging State student performance standards in the arts.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

"(1) States;

"(2) local educational agencies;

"(3) institutions of higher education;

"(4) museums and other cultural institutions; and

"(5) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

"(1) research on arts education;

"(2) planning, developing, acquiring, expanding, improving, and disseminating model school-based arts education programs;

"(3) the development of model State arts education assessments based on State standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions, arts educators, and organizations representing the arts, including State and local arts agencies involved in arts education;

"(7) supporting model projects and programs in the performing arts for children and youth and programs which assure the participation in mainstream settings in arts and education programs of individuals with disabilities through arrangements made with organizations such as the John F. Kennedy Center for the Performing Arts and VSA arts;

"(8) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

"(9) other activities that further the purposes of this part.

"(e) COORDINATION AND CONSULTATION.—

"(1) IN GENERAL.—A recipient of funds under this part shall, to the extent possible, coordinate projects assisted under this part with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) CONSULTATION.—In carrying out this part, the Secretary shall consult with other Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts including State and local arts agencies involved in arts education.

"(f) AUTHORIZATION.—

"(1) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $11,500,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"(2) SPECIAL RULE.—Any entity receiving funds under this part shall use such funds only to supplement and not to supplant the amount of funds made available from non-Federal sources for the activities assisted under this part.".

PART C—PUBLIC CHARTER SCHOOLS

SEC. 521. PUBLIC CHARTER SCHOOLS.

(a) CHARTER SCHOOL DEFINED.—Section 10310(1)(H) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8066(1)(H)) is amended by inserting "or in another nondiscriminatory manner consistent with State law," after "lottery,".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 10311 (20 U.S.C. 8067) is amended—

(1) by striking "$100,000,000 for fiscal year 1999" and inserting "$145,000,000 for fiscal year 2000"; and

(2) by striking "four" and inserting "5".

PART D—CIVIC EDUCATION

SEC. 531. CIVIC EDUCATION.

Part F of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8141 et seq.) is amended to read as follows:

"PART F—CIVIC EDUCATION

"SEC. 10601. SHORT TITLE.

"This part may be cited as the 'Education for Democracy Act'.

"SEC. 10602. PURPOSE.

"It is the purpose of this part—

"(1) to improve the quality of civics and government education, by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and

"(2) to foster civic competence and responsibility.

"SEC. 10603. GENERAL AUTHORITY.

"The Secretary is authorized to award grants to or enter into contracts with the Center for Civic Education to carry out civic education activities under sections 10604.

"SEC. 10604. WE THE PEOPLE PROGRAM.

"(a) THE CITIZEN AND THE CONSTITUTION.—

"(1) IN GENERAL.—The Center for Civic Education shall use funds awarded under section 10603(a) to carry out The Citizen and the Constitution program in accordance with this subsection.

"(2) EDUCATIONAL ACTIVITIES.—The Citizen and the Constitution program—

"(A) shall continue and expand the educational activities of the 'We the People . . . The Citizen and the Constitution' program administered by the Center for Civic Education;

"(B) shall enhance student attainment of challenging content standards in civics and government; and

"(C) shall provide—

"(i) a course of instruction on the basic principles of our Nation's constitutional democracy and the history of the Constitution of the United States and the Bill of Rights;

"(ii) at the request of a participating school, school and community simulated congressional hearings following the course of study;

"(iii) an annual national competition of simulated congressional hearings for secondary school students who wish to participate in such a program;

"(iv) advanced training of teachers about the Constitution of the United States and the political system the United States created;

"(v) materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

"(vi) civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

"(3) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private elementary and secondary schools, including Bureau funded schools, in the 435 congressional districts, and in the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(b) PROJECT CITIZEN.—

"(1) IN GENERAL.—The Center for Civic Education shall use funds awarded under section 10603(a) to carry out The Project Citizen program in accordance with this subsection.

"(2) EDUCATIONAL ACTIVITIES.—The Project Citizen program—

"(A) shall continue and expand the educational activities of the 'We the People . . . Project Citizen' program administered by the Center for Civic Education;

"(B) shall enhance student attainment of challenging content standards in civics and government; and

"(C) shall provide—

"(i) a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution of the United States;

"(ii) optional school and community simulated State legislative hearings;

"(iii) an annual national showcase or competition;

"(iv) advanced training of teachers on the roles of State and local governments in the Federal system established by the Constitution of the United States;

"(v) materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

"(vi) civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

"(3) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private middle schools, including Bureau funded schools, in the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(c) DEFINITION OF BUREAU FUNDED SCHOOL.—In this section the term 'Bureau funded school' has the meaning given the term in section 1146 of the Education Amendments of 1978.

"SEC. 10605. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out section 10604, $9,850,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2005.".

PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

SEC. 541. ALLEN J. ELLENDER FELLOWSHIP PROGRAM.

Part G of title X of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"PART G—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

"SEC. 10701. FINDINGS.

"The Congress finds as follows:

"(1) It is a worthwhile goal to ensure that all students in America are prepared for responsible citizenship and that all students should have the opportunity to be involved in activities that promote and demonstrate good citizenship.

"(2) It is a worthwhile goal to ensure that America's educators have access to programs for the continued improvement of their professional skills.

"(3) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people. Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and educators. Therefore, it is a fitting and appropriate tribute to Senator Ellender to provide fellowships in his name to students of limited economic means, the teachers who work with such students, and older Americans, so that such students, teachers, and older Americans may participate in the programs supported by the Close Up Foundation.

"Subpart 1—Program for Middle and Secondary School Students

"SEC. 10711. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among middle and secondary school students.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be known as Allen J. Ellender fellowships.

"SEC. 10712. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

"(2) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including student with disabilities, ethnic minority students, and gifted and talented students; and

"(3) the proper disbursement of the funds received under this subpart.

"Subpart 2—Program for Middle and Secondary School Teachers

"SEC. 10721. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to teachers who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 10722. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made only to teachers who have worked with at least one student from such teachers school who participates in the programs described in section 10711(a);

"(2) that not more than one teacher in each school participating in the programs provided for in section 10711(a) may receive a fellowship in any fiscal year; and

"(3) the proper disbursement of the funds received under this subpart.

"Subpart 3—Programs for Recent Immigrants, Students of Migrant Parents and Older Americans

"SEC. 10731. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged older Americans, recent immigrants and students of migrant parents.

"(2) DEFINITION.—For the purpose of this subpart, the term older American means an individual who has attained 55 years of age.

"(b) USE OF FUNDS.—Grants under this subpart shall be used for financial assistance to economically disadvantaged older Americans, recent immigrants and students of migrant parents who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

"SEC. 10732. APPLICATIONS.

"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Except such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged older Americans, recent immigrants and students of migrant parents;

"(2) that every effort will be made to ensure the participation of older Americans, recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans, recent immigrants and students of migrant parents with special needs, including individuals with disabilities, ethnic minorities, and gifted and talented students;

"(3) that activities permitted by subsection (a) are fully described; and

"(4) the proper disbursement of the funds received under this subpart.

"Subpart 4—General Provisions

"SEC. 10741. ADMINISTRATIVE PROVISIONS.

"(a) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

"(b) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller Generals duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

"SEC. 10742. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of subparts 1, 2, and 3 of this part $4,400,000 for fiscal year 2001 and such sums as may be necessary of each of the four succeeding fiscal years.

"(b) SPECIAL RULE.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in section 10711(a).".

TITLE VI—GENERAL PROVISIONS

SEC. 601. GENERAL PROVISIONS.

Title XIV of the Elementary and Secondary Education Act is amended to read as follows:

"TITLE XIV—GENERAL PROVISIONS

"PART A—DEFINITIONS

"SEC. 14101. DEFINITIONS.

"Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

"(1) Average daily attendance—

"(A) Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(3) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for the operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) CHILD.—The term 'child' means any person within the age limits for which the State provides free public education.

"(4) CHILD WITH DISABILITY.—The term 'child with a disability' means a child—

"(A) with mental retardation, hearing impairments, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to

as 'emotional disturbance'), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

"(B) who, by reason thereof, needs special education and related services.

"(5) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(6) CONSOLIDATED LOCAL APPLICATION.—The term 'consolidated local application' means an application submitted by a local educational agency pursuant to section 14305.

"(7) CONSOLIDATED LOCAL PLAN.—The term 'consolidated local plan' means a plan submitted by a local educational agency pursuant to section 14305.

"(8) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 14302.

"(9) CONSOLIDATED STATE PLAN.—The term 'consolidated State plan' means a plan submitted by a State educational agency pursuant to section 14302.

"(10) COUNTY.—The term 'county' means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(11) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

"(A) part A of title I;

"(B) part B of title I;

"(C) part C of title I;

"(D) part D of title I;

"(E) title II (other than National activities);

"(F) subpart 2 of part A of title III;

"(G) part A title IV (other than section 4115(b));

"(H) title VI;

"(I) comprehensive school reform programs as authorized under section 1502 and described on pages 96–99 of the Joint Explanatory Statement of the Committee of Conference included in House Report 105–390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998);

"(K) part A of title VII;

"(L) part C of title VII;

"(M) part J of title X; and

"(N) title XII.

"(12) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and title VI.

"(13) DEPARTMENT.—The term 'Department' means the Department of Education.

"(14) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

"(15) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

"(16) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training that leads to economic self-sufficiency.

"(D) An age-appropriate education to prepare children for success in school and life experiences.

"(17) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(18) GIFTED AND TALENTED.—The term 'gifted and talented', when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

"(19) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965.

"(20) LOCAL EDUCATIONAL AGENCY.—(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

"(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law and such school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(D) The term includes educational service agencies and consortia of such agencies.

"(21) MENTORING.—The term 'mentoring' means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic assistance, and introducing the child or youth to new experiences that enhance the child or youth's ability to excel in school and become a responsible citizen.

"(22) OTHER STAFF.—The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(23) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(24) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(25) PUBLIC TELECOMMUNICATION ENTITY.—The term 'public telecommunication entity' has the same meaning given to such term in section 397(12) of the Communications Act of 1934.

"(26) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—(A) The term 'pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602(22) of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

"(B) The term 'pupil services' means the services provided by pupil services personnel.

"(27) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research'—

"(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to education activities and programs; 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;

"(iv) is evaluated using randomized experiments in which individuals, entities, programs, or activities are randomly assigned to different variations (including a control condition) to compare the relative effects of the variations; and

"(v) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"(28) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

"(29) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(30) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(31) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

"(32) TECHNOLOGY.—The term 'technology' means the latest state-of-the-art technology products and services.

"SEC. 14102. APPLICABILITY OF TITLE.

"Parts B, C, D, E, and F of this title do not apply to title VIII of this Act.

"SEC. 14103. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

"For purposes of any competitive program under this Act, a consortia of schools operated by the Bureau of Indian Affairs, a school operated under a contract or grant with the Bureau of Indian Affairs in consortia with another contract or grant school or tribal or community organization, or a Bureau of Indian Affairs school in consortia with an institution of higher education, a contract or grant school and tribal or community organization shall be given the same consideration as a local educational agency.

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

"SEC. 14201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

"(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

"(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs under paragraph (2) if such State educational agency can demonstrate that the majority of such agency's resources are derived from non-Federal sources.

"(2) APPLICABILITY.—This section applies to any program under this Act under which funds are authorized to be used for administration, and such other programs as the Secretary may designate.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under programs included in the consolidation under subsection (a), such as—

"(A) the coordination of such programs with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the administration of this title;

"(D) the dissemination of information regarding model programs and practices;

"(E) technical assistance under any program under this Act;

"(F) State level activities designed to carry out this title;

"(G) training personnel engaged in audit and other monitoring activities; and

"(H) implementation of the Cooperative Audit Resolution and Oversight Initiative of the Department of Education.

"(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

"(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

"(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to such agency under this section for administration, such agency may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

"SEC. 14202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

"A State educational agency that also serves as a local educational agency, in such agency's applications or plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

"SEC. 14203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

"(a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary and for any fiscal year, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more programs under this Act (or such other programs as the Secretary shall designate) not more than the percentage, established in each such program, of the total available for the local educational agency under such programs.

"(b) STATE PROCEDURES.—Within one-year from the date of enactment of the Education OPTIONS Act, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under such programs that may be used for administration on a consolidated basis.

"(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use such consolidated funds for the administration of such programs and for uses, at the school district and school levels, comparable to those described in section 14201(b)(2).

"(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of such programs included in the consolidation.

"SEC. 14205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

"(a) GENERAL AUTHORITY.—

"(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title IX of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2) AGREEMENT.—(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

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

"SEC. 14301. PURPOSE.

"The purposes of this part are to improve teaching and learning through greater coordination between programs and to provide greater flexibility to State and local authorities by allowing the consolidation of State and local plans, applications, and reporting.

"SEC. 14302. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

"(a) GENERAL AUTHORITY.—

"(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

"(A) any programs under this Act in which the State participates; and

"(B) such other programs as the Secretary may designate.

"(2) CONSOLIDATED APPLICATIONS AND PLANS.—A State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit a separate State plan or application for a program included in the consolidated State plan or application.

"(b) COLLABORATION.—

"(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) CONTENTS.—Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

"(3) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

"SEC. 14303. CONSOLIDATED REPORTING.

"In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency may submit a consolidated State annual report. Such report shall contain information about the programs included in the report, including the State's performance under those programs, and other matters as the Secretary determines, such as monitoring activities. Such a report shall take the place of separate individual annual reports for the programs subject to it.

"SEC. 14304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

"(a) ASSURANCES.—A State educational agency that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 14302, shall have on file with the Secretary a single set of assurances, applicable to each program for which such plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the law authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing law;

"(3) the State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the plan or application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the plan or application and has considered such comment.

"(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

"SEC. 14305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one program under this Act may submit plans or applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that has an approved consolidated State plan or application under section 14302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under such programs, but may not require such agencies to submit separate plans.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

"(d) NECESSARY MATERIALS.—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

"SEC. 14306. OTHER GENERAL ASSURANCES.

"(a) ASSURANCES.—Any applicant other than a State educational agency that submits a plan or application under this Act, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act shall not apply to programs under this Act.

"PART D—WAIVERS

"SEC. 14401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act or the Carl D. Perkins Vocational and Technical Education Act of 1998 for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that—

"(1) receives funds under a program authorized by this Act; and

"(2) requests a waiver under subsection (b).

"(b) REQUEST FOR WAIVER.—

"(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a waiver application to the Secretary that—

"(A) indicates each Federal program affected and each statutory or regulatory requirement requested to be waived;

"(B) describes the purpose and overall expected results of waiving each such requirement;

"(C) describes, for each school year, specific, measurable, educational goals for the State educational agency and for each local educational agency, Indian tribe, or school that would be affected by the wavier;

"(D) explains why the waiver will assist the State educational agency and each affected local educational agency, Indian tribe, or school in reaching such goals.

"(2) ADDITIONAL INFORMATION.—Such requests—

"(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) shall be developed and submitted—

"(i)(I) by local educational agencies (on behalf of such agencies and schools) to State educational agencies; and

"(II) by State educational agencies (on behalf of, and based upon the requests of, local educational agencies) to the Secretary; or

"(ii) by Indian tribes (on behalf of schools operated by such tribes) to the Secretary.

"(3) GENERAL REQUIREMENTS.—

"(A) In the case of a waiver request submitted by a State educational agency acting in its own behalf, the State educational agency shall—

"(i) provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;

"(ii) submit the comments to the Secretary; and

"(iii) provide notice and information to the public regarding the waiver request in the manner that the applying agency customarily provides similar notices and information to the public.

"(B) In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

"(i) such request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of such State educational agency; and

"(ii) notice and information regarding the waiver request shall be provided to the public by the agency requesting the waiver in the manner that such agency customarily provides similar notices and information to the public.

"(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

"(1) the allocation or distribution of funds to States, local educational agencies, or other recipients of funds under this Act;

"(2) maintenance of effort;

"(3) comparability of services;

"(4) use of Federal funds to supplement, not supplant, non-Federal funds;

"(5) equitable participation of private school students and teachers;

"(6) parental participation and involvement;

"(7) applicable civil rights requirements;

"(8) the requirement for a charter school under part C of title X; or

"(9) the prohibitions regarding—

"(A) State aid in section 14502;

"(B) use of funds for religious worship or instruction in section 14507; and

"(C) activities in section 14513.

"(d) DURATION AND EXTENSION OF WAIVER.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the duration of a waiver approved by the Secretary under this section may be for a period not to exceed 5 years.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—

"(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved student performance; and

"(B) such extension is in the public interest.

"(e) REPORTS.—

"(1) LOCAL WAIVER.—A local educational agency that receives a waiver under this section shall at the end of the second year for which a waiver is received under this section, and each subsequent year, submit a report to the State educational agency that—

"(A) describes the uses of such waiver by such agency or by schools;

"(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers are requested; and

"(C) evaluates the progress of such agency and of schools in improving the quality of instruction or the academic performance of students.

"(2) STATE WAIVER.—A State educational agency that receives reports required under paragraph (1) shall annually submit a report to the Secretary that is based on such reports and contains such information as the Secretary may require.

"(3) INDIAN TRIBE WAIVER.—An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

"(A) describes the uses of such waiver by schools operated by such tribe; and

"(B) evaluates the progress of such schools in improving the quality of instruction or the academic performance of students.

"(4) REPORT TO CONGRESS.—Beginning in fiscal year 2001 and each subsequent year, the Secretary shall submit to 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—

"(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) describing whether such waivers—

"(i) increased the quality of instruction to students; or

"(ii) improved the academic performance of students.

"(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines, after notice and an opportunity for a hearing, that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.

"(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall

provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

"PART E—UNIFORM PROVISIONS

"SEC. 14501. MAINTENANCE OF EFFORT.

"(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of such agency and the State with respect to the provision of free public education by such agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(b) REDUCTION IN CASE OF FAILURE TO MEET.—

"(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).

"(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) of this section for subsequent years.

"(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—

"(1) exceptional or uncontrollable circumstances such as a natural disaster; or

"(2) a precipitous decline in the financial resources of the local educational agency.

"SEC. 14502. PROHIBITION REGARDING STATE AID.

"A State shall not take into consideration payments under this Act (other than under title VIII) in determining the eligibility of any local educational agency in such State for State aid, or the amount of State aid, with respect to free public education of children.

"SEC. 14503. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

"(a) PRIVATE SCHOOL PARTICIPATION.—

"(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of such agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in areas served by such agency, consortium or entity, such agency, consortium or entity shall, after timely and meaningful consultation with appropriate private school officials, provide such children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under such program.

"(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

"(3) SPECIAL RULE.—Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in such program and shall be provided in a timely manner.

"(4) EXPENDITURES.—Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving such children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

"(5) PROVISION OF SERVICES.—Such agency, consortium or entity described in subsection (a)(1) of this section may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—This section applies to programs under—

"(A) part C of title I;

"(B) title II;

"(C) title III;

"(D) title IV; and

"(E) title VII.

"(2) DEFINITION.—For the purposes of this section, the term 'eligible children' means children eligible for services under a program described in paragraph (1).

"(c) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of such agencies or entity shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

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

"(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 the assessment will be used to improve such services;

"(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount of funds available for such services; and

"(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, 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.

"(2) DISAGREEMENT.—If the agency, consortium or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity 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.

"(3) TIMING.—Such consultation shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

"(4) DISCUSSION REQUIRED.—Such consultation shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

"(d) PUBLIC CONTROL OF FUNDS.—

"(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

"(2) PROVISION OF SERVICES.—

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

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

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

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

"(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.

"SEC. 14504. STANDARDS FOR BY-PASS.

"If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency, consortium, or other entity of such agencies, is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency consortium or entity has substantially failed or is unwilling to provide for such participation, as required by section 14503, the Secretary shall—

"(1) waive the requirements of that section for such agency, consortium, or entity;

"(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 14503, 14505, and 14506; and

"(3) in making the determination, consider one or more factors, including the quality, size, scope, location of the program and the opportunity of private school children, teachers, and other educational personnel to participate.

"SEC. 14505. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

"(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 14503 by a State educational agency, local educational agency, educational service agency, consortium of such agencies or entity. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by the State educational agency within a reasonable period of time.

"(b) APPEALS TO SECRETARY.—Such resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve each such appeal not later than 120 days after receipt of the appeal.

"SEC. 14506. BY-PASS DETERMINATION PROCESS.

"(a) REVIEW.—

"(1) IN GENERAL.—

"(A) The Secretary shall not take any final action under section 14504 until the State educational agency, local educational agency, educational service agency, consortium of such agencies or entity affected by such action has had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(2) PETITION FOR REVIEW.—

"(A) If such affected agency consortium or entity is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency consortium or entity may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

"(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

"(C) The Secretary upon receipt of the copy of the petition shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) FINDINGS OF FACT.—

"(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may then make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

"(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) JURISDICTION.—

"(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part.

"(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency, consortium or entity and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable requirements of section 14503 or any other provision of this Act.

"(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

"(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the Education OPTIONS Act shall remain in effect to the extent the Secretary determines that such determination is consistent with the purpose of this section.

"SEC. 14507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.

"Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

"SEC. 14508. APPLICABILITY TO HOME SCHOOLS.

"Nothing in this Act shall be construed to affect home schools.

"SEC. 14509. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act or any other Act administered by the Department 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 or any other Act administered by the Department.

"SEC. 14510. SCHOOL PRAYER.

"Notwithstanding any provision of law, no funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.

"SEC. 14511. MEMORIALS AND MEMORIAL SERVICES; RULE OF CONSTRUCTION; AND ATTORNEY FEES.

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

"(1) The saying of a prayer, the reading of a scripture, or the performance of religious music, as part of a memorial service that is held on the campus of a public elementary or secondary school in order to honor the memory of any person slain on that campus is not objectionable under this Act.

"(2) The design and construction of any memorial which includes religious symbols, motifs, or sayings that is placed on the campus of a public elementary or secondary school in order to honor the memory of any person slain on that campus is not objectionable under this Act.

"(b) RULE OF CONSTRUCTION.—

"(1) PAYMENT.—Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship, instruction, or the construction of any religious memorial.

"(2) MEMORIAL SERVICE.—This Act shall not be construed to bar—

"(A) the saying of a prayer;

"(B) the reading of a scripture;

"(C) the performance of religious music; or

"(D) the design or construction of any memorial which includes religious symbols, motifs, or sayings;

as part of a memorial service held or a memorial placed, as the case may be, on the campus of a public elementary or secondary school in order to honor the memory of any person slain on that campus.

"SEC. 14512. ATTORNEYS FEES.

"Notwithstanding any other provision of Federal law, a local educational agency or public elementary or secondary school may use not more than 20 percent of its administrative funds from any program under this Act for payment of attorneys fees and related legal services in the defense of any legal action, brought against a local educational agency, public elementary or secondary school, or agent of any of such entities, claiming such agency, school, or agent violated the constitutional prohibition against the establishment of religion by permitting, facilitating, or accommodating—

"(1) a student's religious expression; or

"(2) the design or construction of any memorial which includes religious symbols, motifs, or saying as part of a memorial placed on the campus of a public elementary or secondary school in order to honor the memory of a person slain on that campus.

"SEC. 14513. GENERAL PROHIBITIONS.

"(a) PROHIBITION.—None of the funds authorized under this Act shall be used—

"(1) to develop or distribute materials, or operate programs or courses of instruction directed at youth that are designed to promote or encourage, sexual activity, whether homosexual or heterosexual;

"(2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

"(3) to provide sex education or HIV prevention education in schools unless such instruction is age appropriate and emphasizes the health benefits of abstinence; or

"(4) to operate a program of contraceptive distribution in schools.

"(b) LOCAL CONTROL.—Nothing in this section shall be construed to—

"(1) authorize an officer or employee of the Federal Government to mandate, direct, review, or control a State, local educational agency, or schools' instructional content, curriculum, and related activities;

"(2) limit the application of the General Education Provisions Act (20 U.S.C.A. 1221 et seq.);

"(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

"(4) create any legally enforceable right.

"SEC. 14514. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

"Nothing in this Act 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 curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

"SEC. 14515. RULEMAKING.

"The Secretary shall issue regulations under this Act only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this Act.

"SEC. 14516. REPORT.

"The Secretary shall report to the Congress not later than 180 days after the date of enactment of the Education OPTIONS Act regarding how the Secretary shall ensure that audits conducted by Department employees of activities assisted under this Act comply with changes to this Act made by the Education OPTIONS Act, particularly with respect to permitting children with similar educational needs to be served in the same educational settings, where appropriate.

"SEC. 14517. REQUIRED APPROVAL OR CERTIFICATION PROHIBITED.

"(a) IN GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have content standards or student performance standards approved or certified by the Federal Government, in order to receive assistance under this Act.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to affect requirements under title I of this Act.

"SEC. 14518. PROHIBITION ON ENDORSEMENT OF CURRICULUM.

"Notwithstanding any other prohibition of Federal law, no funds provided to the Department of Education or to any applicable program may be used by the Department to endorse, approve, or sanction any curriculum designed to be used in an elementary or secondary school.

"SEC. 14519. PRIVACY FOR STUDENTS.

"(a) IN GENERAL.—No State educational agency or local educational agency that receives funds under this Act may enter into an agreement, or allow a school under its supervision to enter into an agreement, with any person or entity that allows such person or entity to monitor, gather, or obtain information used to advertise, sell, or develop a product from any student under 18 years of age unless such agreement requires the written permission of the parent of such student prior to monitoring, gathering, or obtaining such information.

"(b) NATURE OF INFORMATION COLLECTED.—Before a school, local educational agency, or State educational agency, as the case may be, enters into an agreement to allow a person or entity to monitor, gather, or obtain information used to advertise, sell, or develop a product from any student under 18 years, the school, agency, or State shall ascertain the nature of the information to be collected, how the information will be used, if the information will be sold, distributed, or transferred to any person or entity, and the amount of class time, if any, that will be consumed by such activity.

"(c) CONSENT FORM.—The written permission required by subsection (a) shall clearly disclose to the parent the nature of the agreement between a school, local educational agency, or State educational agency, as the case may be, and the person or entity, including—

"(1) the dollar amount of any consideration paid under the agreement;

"(2) the nature of the information to be gathered;

"(3) how the information will be used;

"(4) whether the information will be sold, distributed, or transferred to any other entity; and

"(5) the amount of class time, if any, that will be consumed by such activity.

"(d) EXCEPTIONS.—This section shall not apply to—

"(1) the recruitment activities of any institution of higher education, as such term is defined in section 102 of the Higher Education Act of 1965;

"(2) the development and administration of tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, aptitude, or achievement information about students (or for normalizing data), and the subsequent analysis and public release of aggregate data, if—

"(A) the information is not used to sell, advertise, or develop another product; and

"(B) the tests are conducted in accordance with applicable Federal, State, and local policies;

"(3) the development and administration of educational curriculum and instructional materials used by elementary and secondary schools to teach core academic subjects, if—

"(A) the information is not used to sell, advertise, or develop another product; and

"(B) the curriculum and instructional materials are used in accordance with applicable Federal, State, and local policies; or

"(4) contact information collected from a student that is used only to respond directly to a specific request from the student for a transaction, if the information—

"(A) is not used for any purpose other than as required in order to effect the transaction with the student; and

"(B) is not used to recontact the student in order to advertise, sell, or develop any other product or service to the student.

"SEC. 14520. RULE OF CONSTRUCTION ON PERSONALLY IDENTIFIABLE INFORMATION.

"Nothing in this Act shall be construed to permit the development of a national database of personally identifiable information on individuals involved in studies or in data collection efforts under this Act.

"PART F—SENSE OF CONGRESS

"SEC. 14614. REDUCING THE READING DEFICIT.

"(a) FINDINGS.—The ability to read the English language is the cornerstone of academic success. The 1998 National Assessment of Educational Progress (NAEP) found that 69 percent of 4th grade students are reading below the proficient level. The National Institute of Child Health and Human Development (NICHD) has conducted extensive scientific research on reading instruction for more than 34 years at a cost of more than two hundred million dollars. Federal research in reading instruction has concluded that phonemic awareness, direct systematic instruction in sound-spelling correspondences, blending of sound-spellings into words, reading comprehension, and regular exposure to interesting books are essential components of any balanced reading program.

"(b) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) federally funded education programs which are designed to improve reading skills, should use instructional practices that are grounded in scientifically based research as defined in section 14101(27) of this Act;

"(2) reducing the reading deficit is one of the most critical tasks before the nation; and

"(3) successful learning in all other areas such as science, history, literature, business and vocational training or computer science requires the ability to read fluently and with comprehension.

"SEC. 14615. SCIENCE ASSESSMENT.

"It is the sense of Congress that State and local assessments in science should measure a student's ability to—

"(1) understand scientific facts, results, and concepts;

"(2) design and conduct experiments;
"(3) make arguments based on evidence and data; and
"(4) communicate scientific information.

"SEC. 14616. AMERICA ACHIEVES ACADEMIC EXCELLENCE.

"It is the sense of Congress that—

"(1) the Constitution of the United States reserves to the States and to the people the responsibility for the general supervision of public education in kindergarten through the twelfth grade;

"(2) State and local educational agencies are best suited to increasing academic achievement levels for all students and ensuring no student is left behind;

"(3) States and local educational agencies deserve and require the maximum liberty to build upon existing innovative approaches for education reform and continue their proven record of increasing student success;

"(4) education reform is in the best interests of the American people in order to secure a more prosperous and perfect union;

"(5) the best education decisions are made by those who know the students best and who are responsible for implementing the decisions, and, therefore, educators and parents should retain the right and responsibility to educate their pupils and children free of regulation by the Federal Government; and

"(6) States should be commended for their efforts and results and encouraged to sustain and improve upon them.".

SEC. 602. REPEALS.

The following provisions are repealed:

(1) GOALS.—Parts A and C of title II and title VI of Goals 2000: Educate America Act.

(2) ESEA.—Title XI of the Elementary and Secondary Education Act of 1965.

SEC. 603. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 2000, or the date of enactment of the Education OPTIONS Act, whichever occurs later.

PURPOSE

The purpose of H.R. 4141, the Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act, is to provide states and school districts with (1) resources to provide safe learning environments for all students; (2) flexibility in managing federal Elementary and Secondary Education Act programs; (3) the option of transferring education funds between formula programs to more effectively serve students; (4) technologies to enhance academic coursework and prepare for the challenges of the 21st century; and (5) less bureaucracy and paperwork and more dollars to the classroom.

COMMITTEE ACTION

In December 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 Legislatures; National Indian Education Association (NIEA); National PTA; Na-

tional 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 24 hearings both in and outside of Washington to review and make determinations on revising the Elementary and Secondary Education Act. The following is a list of all of the hearings.

Full committee hearings

1. February 11, 1999, "The Administration's Education Proposals and Priorities for FY 2000."
2. July 1, 1999, "Business Community Views on Reform of the Elementary and Secondary Education Act."

Subcommittee on Early Childhood, Youth and Families

1. March 9, 1999, "School Discipline: What's Happening in the Classroom."
2. March 11, 1999, "School Violence: Protecting our Children."
3. May 11, 1999, "Education Technology under the Elementary and Secondary Education Act."
4. May 18, 1999, "School Violence: Views of Students and the Community."
5. May 25, 1999, "Education Reform: Putting the Needs of our Children First."
6. August 3, 1999, "Drug Abuse Prevention: Protecting Our Children."
7. February 9, 2000, "Title VI: Providing Flexibility for Innovative Education."
8. February 10, 2000, "Examining the 21st Century Community Learning Centers Program."

9. March 1, 2000, "Building a Nation: The Role of Character Education in America's Schools."
10. March 8, 2000, "Role of Technology in America's Schools."

Field hearings

1. April 12, 1999, "Education Technology and the Elementary and Secondary Education Act", Newark, Delaware.
2. June 21, 1999, "Preventing Youth Violence and Crime: The Role of Families, School and Government," in Portage, Michigan.
3. July 6, 1999, "A Brighter Tomorrow for our Schools: Parents, Businesses and Communities Working Together," Anaheim, California.
4. August 13, 1999, "School Safety, Discipline, and IDEA," in Waynesboro, Georgia.
5. August 30, 1999, "Technology in Schools: Preparing for the 21st Century," in Petaluma, California.
6. September 1, 1999, "Effective School Safety and Drug Prevention Efforts in Our Schools and Communities," in New Haven, Indiana.
7. September 2, 1999, "Federal Programs that Support Local Approaches to Improve Academic Achievement, Produce High Quality Teachers, and Ensure School Safety," in Roswell, Georgia.
8. September 8, 1999, "Challenges and Innovations in Elementary and Secondary Education," Raleigh, North Carolina.

Subcommittee on Oversight and Investigations Hearings

1. September 8, 1999, "Improving Student Achievement and Reforming the Federal Role in Education."
2. March 3, 2000, "Charter Schools: Successes and Challenges."

Field hearings

1. January 25, 2000, "The Impact of Federal Policies on State and Local Efforts to Reform Education," in Lakewood, Colorado.
2. March 27, 2000, "Putting Performance First: Academic Accountability and School Choice," in Temple Terrace, Florida.

LEGISLATIVE ACTION

On March 30, 2000, Representative Bill Goodling (R–PA) introduced H.R. 4141, the Education Opportunities to Protect and Invest in Our Nation's Students (OPTIONS) Act. H.R. 4141 authorizes the remaining titles of the Elementary and Secondary Education Act (ESEA) that have not already been authorized in the Student Results Act (H.R. 2), the Teacher Empowerment Act (H.R. 1995), the Literacy Involves Families Together Act (H.R. 3222), the Impact Aid Reauthorization Act of 2000 (H.R. 3616) and the Straight A's Act (H.R. 2300). ESEA programs authorized in the Education OPTIONS Act are: Safe and Drug-Free Schools; Technology For Education; Innovative Education Program Strategies; Programs of National Significance (Fund for the Improvement of Education, Arts in Education, Public Charter Schools, Civic Education); and General Provisions. The bill also provides states and local school districts the opportunity for more flexibility.

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 and the family groups, an amendment in the nature of a substitute was prepared. The Committee on Education and the Workforce considered this substitute to H.R. 4141, the Education OPTIONS Act in legislative session on April 5, 6, 11, 12, and 13, 2000 during which 71 amendments were considered on which 47 roll call votes were taken. The Committee on Education and the Workforce with a majority of the Committee present favorably reported H.R. 4141 as amended, to the House of Representatives by a vote of 25 to 21 on April 13, 2000.

Below is a description of the adopted amendments to H.R. 4141.

• Mr. Goodling (R–PA) amendment in the Nature of a Substitute.

• Mr. Hoekstra (R–MI) offered an amendment to increase the amount of funds that local school districts may transfer between ESEA programs from 30 percent to 35 percent.

• Mr. Norwood (R–GA) offered an amendment that would authorize school personnel to discipline a student with a disability who has a weapon at school in the same manner as they would discipline a non-disabled student who has a weapon at school, including suspension or expulsion. The amendment would allow school personnel to cease educational services, if that is the policy for non-disabled students.

• Mrs. McCarthy (D–NY) offered an amendment which was amended with a second degree amendment by Mr. Goodling to allow each LEA the option of using such funds to study the effectiveness of promoting the benefits of child safety locks for firearms.

• Mr. Talent (R–MO) offered an amendment similar to Mr. Norwood's amendment, but addresses illegal drugs and aggravated assault or battery as sufficient reason to discipline as described above.

• Mrs. McCarthy (D–NY) offered an amendment to require the National Center for Education Statistics to collect data regarding drug use by youth and the frequency, degree of harm, and morbidity of violent incidents, particularly firearm-related injuries by youth in schools and communities.

• Mr. Castle (R–DE) offered an en bloc amendment to allow Title IV, VI and Title X of ESEA funds to be used for alternative educational services at the state and local level and requires 30 percent of the funds set aside for the LEA based on need to be spent on alternative educational programs.

• Mrs. McCarthy (D–NY) offered an amendment to allow LEAs to develop a plan with local law enforcement agencies to protect students and employees of public schools against gun violence, including promoting the benefits of child safety locks for firearms.

• Mr. Souder (R–IN) offered an amendment to add "parents or legal guardians of such students" to the religious nondiscrimination language in Title II.

• Mrs. Roukema (R–NJ) offered an amendment to require states to give special consideration to LEA's that provide or incorporate mental health services as part of their drug and violence prevention program when the state distributes the 30 percent need-based funds.

• Mr. Schaffer (R–CO) offered an amendment to clarify the participation of for-profit entities in programs under Title II. The amendment would add an element to the local educational agency application—"provide evidence that a meaningful assessment of community needs has been completed, including assessing available resources in the private sector and capacity in the private sector."

• Mr. Souder (R–IN) offered an amendment to permit Title II funds to be used for "establishing or enhancing programs or initiatives that improve academic achievement."

• Mr. Tierney (D–MA) offered an amendment to allow an LEA that utilizes its authority to treat as local funds up to 20 percent of additional funding under IDEA Part B to provide additional funding for programs that address school safety, teacher quality and professional development, before and after school learning opportunities, educational reform and literacy, or related education programs.

• Mr. Miller (D–CA) offered an amendment to prohibit ESEA funds from being used to allow third parties to monitor, receive, gather, or obtain information intended for commercial purposes from students under the age of 18 without prior parental consent.

• Mr. Hilleary (R–TN) offered an amendment to prohibit the development of a national database of personally identifiable information on individuals in studies or in data collection efforts under the act.

• Mr. Andrews (D–NJ) offered an amendment to require each SEA and LEA that receives Title II funding to have a policy in place that prohibits cigarette vending machines and the illegal possession or use of drugs and alcohol in school buildings, grounds or at any school-sponsored event.

• Mr. Schaffer (R–CO) offered an amendment to require LEAs to withdraw a student from any program or activity funded under Title II upon receipt of written notification from the parents or legal guardians.

• Mr. Scott (D–VA) offered an en bloc amendment to clarify that for the purposes of federal, state or local law, receipt of financial assistance under Title II constitutes receipt of federal financial assistance or aid and to clarify that an eligible entity should not subject participants of any program under Title II to sectarian worship, instruction or proselytization.

• Mr. Fletcher (R–KY) (on behalf of Mrs. Roukema (R–NJ)) offered an amendment to allow the Secretary of Education to issue three-year competitive grants under the Telecommunications Program to local public television stations to develop, produce, and distribute K–12, high quality, digital content for use by local schools.

• Mr. Hinojosa (D–TX) offered an amendment to permit local grants under Title III to be used to provide laptop computers and related assistance for students in the third through twelfth grades.

• Mr. Andrews (D–NJ) offered an amendment to add a new allowable use of funds under Title V, Part A, Fund for the Improvement of Education (FIE) to provide for the education of recent immigrants to the United States.

• Mr. Roemer (D–IN)/Barrett (R–NE) offered an amendment to restore the Allen J. Ellender Fellowship (Close-Up) program as Title V, Part E.

• Mrs. McCarthy (D–NY) offered an amendment to add a new allowable use of funds under Title V, Part A, Fund for the Improvement of Education (FIE) to hire and support school nurses.

• Mr. Schaffer (R–CO) offered an amendment to require every program funded under the act to have been proven effective based on "rigorous evaluations using randomized experiments."

• Mr. Schaffer (R–CO) offered an amendment to repeal the National Education Goals and provide a Sense of Congress regarding "America Achieves Academic Excellence" to promote state-based education priorities.

SUMMARY

TITLE I—TRANSFERABILITY

Title I of H.R. 4141 authorizes states and local educational agencies to transfer their non-Title I formula grant allocations to other federal formula grant programs. Specifically, it allows states to transfer up to 100 percent of their state activity allocations between programs. Local educational agencies may transfer up to 35 percent of a program's allocation to other programs. It may transfer more than 35 percent with state approval. Title I allocations cannot be transferred, but non-Title I funds may be transferred into Title I.

TITLE II—DRUG AND VIOLENCE PREVENTION AND EDUCATION

Title II of H.R. 4141 extends and combines the Safe and Drug-Free Schools and Communities Act, Title IV of the Elementary and Secondary Education Act (ESEA) and the 21st Century Community Learning Centers Program, Title X, Part I of ESEA; and extends the Gun Free Schools Act, Title XIV, Part F of ESEA.

Title II, Part A provides funds through a formula to the states based 50 percent on school age population and 50 percent on Title I. The state must distribute the funds in the following way: 10 percent to governors; 90 percent to the state educational agency (SEA), with 96 percent of the SEA funds sent to local educational agencies (LEAs), of which 70 percent goes to LEAs based on school age population and 30 percent goes to those LEAs with the "greatest need." The bill maintains the requirement that governors use a portion (at least 10 percent, but not greater than 20 percent) of their funds for law enforcement education partnerships such as Project Drug Abuse Resistance Education (DARE). The bill combines the authorized activities of the Safe and Drug-Free Schools and Communities Act and the 21st Century Community Learning Centers Program, and gives them a greater focus upon youth drug and violence prevention activities, including before and after school programs, and continuing education activities. H.R. 4141 also implements a greater focus upon quality by including "principles of effectiveness," requiring that any program or activity funded under the act must: be based upon an assessment of objective data about the local drug and violence problem and current drug and violence prevention activities, including activities to increase student aca-

demic achievement; be based upon performance measures established by the LEA; be based upon "scientifically based research" that provides evidence that the program or activity will prevent or reduce drug abuse and violence (there is a waiver for innovative programs with a likelihood of success); and be periodically evaluated with the results used to improve the program or activity.

Title II, Part B extends and modifies national activities to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students based on the needs reported by states and LEAs. Additionally, it establishes a national clearinghouse to provide technical assistance regarding establishment and operation of after school programs and models of after school programs to improve the quality and availability of such programs.

Title II, Part C extends and modifies the Gun Free Schools Act which bases a state's receipt of federal ESEA funds on whether the state has a law requiring LEAs to expel for a year a student who brings a gun to school. While retaining this act, the bill eliminates the section that requires the secretary to disseminate policy guiding the implementation of the act and its connection to IDEA. Additionally, it allows a school to discipline a student with a disability who brings a weapon to school, possesses illegal drugs, or commits aggravated assault at school in the same manner a student without a disability would be disciplined, and allows local authorities to treat each incident on a case-by-case basis.

TITLE III—TECH FOR SUCCESS

Title III, Part A, authorizes $731,305,000 for FY 2000 for grants to be provided to the states for implementing innovative technology initiatives that enhance academic achievement. It amends current law by consolidating eight current programs under Title III of the Elementary and Secondary Education Act, including the Challenge Fund, Challenge Grants, Star Schools, Software Development Program, Preparing Tomorrow's Teachers, Community Technology Centers, the Secretary Leadership Fund, and the Middle Schools Teacher Training program. Title III allows the secretary to continue distribution of funds already granted out until the end of the grant cycle. The secretary may use a portion of the funds withheld at the federal level for national technology initiatives such as funding programs that encourage the use of technology in the classroom, providing technical assistance to state and local educational agencies, etc. Funds distributed to the states under Title III permit a myriad of activities all focused on enhancing education through technology. States may fund programs that assist LEAs in creating technology plans, acquiring technology (especially high need areas), successfully integrating technology into daily teaching strategies through professional development, in teaching all students how to utilize technology regardless of ability and language barriers, and creating performance standards to evaluate their technology programs. At the local level, funds may be used to assist teachers, through professional development, to use and integrate technology in the classroom, develop technology enhanced curricula, create communications networks between teachers, school-wide and worldwide, acquire technology for use in the classroom, acquiring filtering or blocking software designed to protect students from in-

appropriate information such as obscenity, child pornography or other information that may be harmful to minors.

Title III, Part B, authorizes the Ready to Learn Television program. It permits the secretary to enter into contract with or make grants for the express purpose of producing educational video and television programming and support materials for national distribution to increase academic achievement for preschool and elementary school children and their parents.

Title III, Part C, expands upon the allowable activities under the Telecommunications Demonstration Project for Mathematics by renaming it the Telecommunications Program. The secretary is allowed but not required to award grants for the purpose of carrying out a national telecommunications-based program to improve the teaching of core academic subjects and/or the purpose of developing, producing and distributing digital, educational and instructional video programming which is designed for use by elementary and secondary school students.

TITLE IV—INNOVATIVE EDUCATION PROGRAMS

Title IV of H.R. 4141 amends Title VI of the Elementary and Secondary Education Act. Title IV deletes all references to the National Education Goals and the Goals 2000: Educate America Act. Title IV includes language to add additional "uses of funds" to current law so local educational agencies can broaden the scope of the program. These new uses include: professional development activities and the hiring of teachers, including activities consistent with the Teacher Empowerment Act; education reform projects that provide single gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes; community service programs that train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage; curriculum-based youth entrepreneurship education programs; activities to promote consumer, economic, and personal finance education; public school choice activities; and expanding and improving school-based mental health services. Under current law, up to 15 percent of Title VI funds are retained—and controlled—at the state level. Title IV of H.R. 4141 includes language to send 100 percent of any new funding for this program over the FY 2000 appropriation to the local level. This change to current law will result in more funds being sent to the school district and classroom levels. In addition, H.R. 4141 limits state administrative costs to four percent.

TITLE V—PROGRAMS OF NATIONAL SIGNIFICANCE

Part A—Fund for the improvement of education

Title V, Part A of H.R. 4141 amends Part A of Title X of the Elementary and Secondary Education Act. The bill explicitly prohibits the development and implementation of a national test without specific authorization; explicitly prohibits federal endorsement, approval, or sanction of any curriculum designed for use in elementary or secondary schools; and deletes all references to the National Education Goals and the Goals 2000: Educate America Act. Part A of Title V of H.R. 4141 consolidates and streamlines the applica-

tions process for all applicants under the Fund for the Improvement of Education; authorizes performance rewards for states that make significant progress in eliminating achievement gaps; streamlines the counseling program requirements to allow local educational agencies greater flexibility in creating and implementing programs and improves the ability of local educational agencies to implement demonstration projects; streamlines the Character Education Program to allow local educational agencies greater flexibility in creating and implementing programs; streamlines the Smaller Learning Communities Program to encourage the development and implementation of activities in high schools where students receive more individualized attention and support; authorizes an independent study for effective professional development activities for mathematics and science teachers; and repeals the Promoting Scholar Athlete Competitions; National Student and Parent Mock Election; and the Model Projects programs from the Fund for the Improvement of Education.

Part B—Arts education

Title V, Part B, of H.R. 4141 amends the Arts in Education programs found in Title X, Part D, of the Elementary and Secondary Education Act. In updating and improving these programs, the Committee has focused on increasing the involvement of local arts educators and state and local arts organizations, and on simplifying the program by targeting resources to the programs that are providing results. Specifically, the bill continues the Arts Education program under Subpart 1 at its current funding level; updates congressional findings and eliminates outdated references; eliminates a restrictive consultation provision that has prevented the participation of local organizations; shifts the focus of collaborative efforts to arts educators and state and local arts agencies; requires the secretary to consult with arts educators and organizations representing the arts when awarding grants; continues participation in the program by the Kennedy Center and VSA arts (formerly Very Special Arts); and requires that federal arts education funds be used only to supplement and not supplant nonfederal arts activities. The bill further simplifies and focuses the program by eliminating the unfunded Cultural Partnerships for At-Risk Children and Youth program as well as an outdated appropriations threshold.

Part C—Public charter schools

Title V, Part C of H.R. 4141 amends Part C of Title X of the Elementary and Secondary Education Act. The bill clarifies that the definition of a charter school is, among other things, a public school that admits students on the basis of a lottery or in another nondiscriminatory manner consistent with state law, if more students apply for admission than can be accommodated. It also authorizes $145 million for the program in FY 2000 and such sums as may be necessary for FY 2001 through FY 2005.

Part D—Civic education

Title V, Part D of H.R. 4141 amends Part F of Title X of the Elementary and Secondary Education Act. The bill authorizes the Sec-

retary of Education to make grants to or contracts with the Center for Civic Education to carry out civic education activities that include: courses of instruction on the basic principles of our nation's constitutional democracy and the history of the Constitution of the United States and the Bill of Rights; simulated congressional hearings following the course of study; advanced training of teachers about the Constitution of the United States and the political system the United States created; and civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

Part E—Ellender Fellowship Program (Close Up Foundation)

Title V, Part E of H.R. 4141 amends Part G of Title X of the Elementary and Secondary Education Act. This program, administered by the private, non-profit Close Up Foundation, provides financial aid to enable low-income students, their teachers, older Americans, recent immigrants, and children of migrant parents to come to Washington, DC to study the operations of the three branches of government. Activities include attending seminars on government and current events, and meeting with government leaders. H.R. 4141 authorizes $4.4 million for FY 2001 and such sums as may be necessary for the next four succeeding fiscal years.

TITLE VI—GENERAL PROVISIONS

Title VI of H.R. 4141 includes general provisions which affect all Elementary and Secondary Education Act (ESEA) programs. The bill adds definitions for "family literacy services" and "scientifically based research;" provides flexibility to combine administrative funds of all ESEA programs; permits up to 20 percent of a school district's administrative funds to be used for legal expenses in defending certain lawsuits; allows states and school districts to submit single consolidated plans for all ESEA programs; continues authority of the secretary to waive burdensome regulations; continues authority of private school students and staff to receive services under ESEA programs; continues the prohibition upon the federal government from controlling, mandating or directing curriculum; prohibits funds from being used to operate a program of contraceptive distribution at schools; prohibits funding of sex education in schools unless such programs are age appropriate and emphasize abstinence; ensures that voluntary prayer is protected; protects against federal control over home schools; includes findings regarding religious memorials and memorial services on campus; includes a sense of Congress on reducing the reading deficit; includes a sense of Congress on science assessments; and repeals the National Education Goals Panel, the National Education Goals, the International Education program, and the Coordinated Services program.

COMMITTEE STATEMENT AND VIEWS

TITLE I—STATE AND LOCAL TRANSFERABILITY ACT

More flexibility for States and local educational agencies

The Committee has undertaken a number of recent actions to provide state and local educational agencies with flexibility tools in order to enable them to tailor federal programs to meet the needs of their students.

Last year the House passed H.R. 800, the Education Flexibility Partnership Act, which was signed into law on April 29, 1999. This bill removed the 12 state limit on participants in this program, and strengthened accountability. However, Ed-Flex was only a first step toward granting states the full range of flexibility options they need. Ed-Flex is designed to make federal programs work better at the local level in their current categorical structure by removing specific program requirements that are barriers to reform. For some states, Ed-Flex is sufficient. Others, however, are ready for additional flexibility and accountability.

Ed-Flex does not allow states to consolidate funds from different federal programs to use on their unique goals and priorities. For example, the priority of Arkansas Governor Mike Huckabee (R) in fiscal year FY 2000 is to equalize school funding. Governor Gray Davis (D) of California is investing in reading, teacher quality, and school accountability initiatives. Florida Governor Jeb Bush (R) recently enacted a school reform package that offers, among other things, scholarships to students in Florida's worst performing schools to attend a school of their parents' choice.

On October 21, 1999 the House passed H.R. 2300, the Academic Achievement for All Act (Straight A's). The purpose of Straight A's is to focus federal resources for education on increasing student performance and narrowing achievement gaps. Straight A's is similar to the concept of charter schools: grant freedom from regulations and requirements in exchange for accountability for producing results. It grants significantly more flexibility than Ed-Flex to address the flexibility needs of states that want to do more with their federal dollars.

Straight A's gives up to ten states and local school districts the option of establishing a five-year performance agreement with the Secretary of Education. If states do not choose this option, they would continue to receive funds under the current categorical program requirements. Local school districts also have the option of establishing a performance agreement if their state does not participate. Under approved agreements, states would be able to combine funds from a few, or all, of the federal K–12 education programs they administer at the state level and be freed from the requirements of those individual programs. In exchange for this flexibility, participating states would be held to strict accountability requirements for improving student achievement. States that do not substantially meet those goals would be required to revert to the categorical, regulated program structure and could potentially lose administrative funds. States may include any K–12 state-administered, formula grant program in their performance agreement.

The flexibility granted by the State and Local Transferability Act under H.R. 4141 is designed to be an option for states that do not choose to participate in Straight A's, and for school districts in states that choose not to participate, since it functions within the existing structure of categorical funding streams. It provides flexibility in using federal dollars without removing the requirements attached to those dollars, unlike Straight A's. Transferability gives states and districts freedom to shift federal dollars from one program to another, while keeping the program requirements intact. In addition to Ed-Flex, it is a powerful tool for districts and states to use to tailor federal programs to meet their needs.

Under current law, if a state educational agency approves, the unneeded funds provision in Sec. 14206 of Title XIV of ESEA allows school districts to shift a percentage of funding from one ESEA program to another in any fiscal year. In order to be granted permission to shift these funds, a school district must demonstrate that the funds are not needed for their original purposes. Up to five percent of these programs' funds may be shifted to any of these programs:

- Title I, Part C (Education of Migratory Children)
- Title II (Eisenhower Professional Development Program)
- Title III, Subpart 2 of Part A (Technology Innovation Challenge Grants)
- Title IV, Subpart 1 of Part A (Safe and Drug-Free Schools, Grants to LEAs)
- Title VI (Innovative Education Program Strategies)

Five percent may also be transferred into, but not out of, Title I, Part A (Grants to LEAs).

The unneeded funds provision is too limited to provide useful flexibility to school districts or states. In September 1998, the GAO reported that the "unneeded funds" option is "often unavailable and seldom used." In their survey of 50 state educational agencies, only half reported that they allowed local school districts to take advantage of this provision. Even when it was offered it was rarely used. Districts took advantage of this option in only one third of the states that allowed them to do so. One state (not named by GAO) did make use of this provision, with more than ten percent of its districts exercising the provision.[1]

The Committee has heard from school districts around the country that they want meaningful flexibility in using their federal dollars. The unneeded funds provision is insufficient because it only allows a small percentage to be transferred, which for all but the largest school districts means that a very small amount of money is flexible. Limiting this option to a small amount of funds provides little in the way of an incentive to school districts to jump through the appropriate bureaucratic hoops to shift the funds from one account to another. Five percent is simply too little to make a difference. In addition, states are not given the option of shifting state activity dollars, even though they are free to consolidate administrative funds from different programs.

[1] U.S. General Accounting Office, Elementary and Secondary Education: Flexibility Initiatives do not Address Districts' Key Concerns About Federal Requirements, GAO/HEHS–98–232, September 1998, p. 56.

Several groups representing people involved in education at the local level are in support of this flexibility provision: American Association of School Administrators, the Association of Educational Service Agencies, the Council of the Great City Schools, the National Association of Secondary School Principals, the National School Boards Association, and the Rural Education Association. Their support is extremely significant, as they represent the people on the front lines who have to administer these federal programs. The National School Boards Association in a February 18, 2000 letter to Chairman Goodling wrote, "This increased flexibility will greatly aid local school districts as they struggle to balance many important education priorities with inadequate federal funding." The American Association of School Administrators sent a letter to the Chairman on February 23, 2000, stating that transferability "* * * should be available as a resource to those districts with special needs * * * 'Transferability' above the 30 percent level would give LEAs with strong funding needs in a particular area, the possibility of freeing up significant resources while at the same time guaranteeing that state and federal goals are being addressed." Clearly, it is those closest to the schools that see the need and the value of transferability.

The State and Local Transferability Act in H.R. 4141 provides meaningful flexibility to states and local school districts by significantly increasing the percentage that they may transfer from one program to another. SEAs may transfer up to 100 percent of their state activity dollars into another program. LEAs may transfer up to 35 percent from one program to another without SEA permission. Title I remains protected.

State transferability

In H.R. 4141, states are permitted to transfer up to 100 percent of their state activities funds between formula grant programs (i.e. formula grant to the state). These programs are:

- Title II (Teacher Empowerment Act)
- Title III (technology)
- Title IV, Part A (Safe and Drug-Free state grants)
- Title VI (Innovative Education Program Strategies)
- Title VII Part C (Emergency Immigrant Education)
- Comprehensive School Reform

This provision provides states with flexibility that they currently only have with their federal administrative dollars, giving them the freedom to target resources and focus on state priorities, such as accountability and testing, teacher quality, or school safety.

It is the Committee's intent that only the non-administrative portion of funds explicitly set-aside for use at the state level by the statute could be transferred under this authority, not funds that are required by the statute to be allocated to local educational agencies. The Committee also notes that funds under Title II dedicated for higher education partnerships are not allowed to be transferred. States transferring these funds must notify the U.S. Department of Education and modify their consolidated plans to reflect the transfer of funds.

Local transferability

School districts may transfer funds from one of the following federal programs to another:

- Title II (Teacher Empowerment Act—includes Eisenhower and Class Size)
- Title III (technology)
- Title IV, Part A (Safe and Drug-Free state grants)
- Title VI (Innovative Education Program Strategies)
- Title VII Part C (Emergency Immigrant Education)

Local educational agencies may transfer up to 30 percent out of a program's fiscal year allocation, to another program or programs, without requesting permission from the state. Mr. Hoekstra (R–MI) offered an amendment to the Committee Substitute that was adopted in Committee by voice vote to increase the percentage that can be transferred without state approval from 30 to 35 percent. All that they are required to do is notify the state of their intent to transfer the funds within 30 days of the transfer, and modify any plans or applications where necessary within the same time frame. By allowing school districts to transfer a portion of funds without the permission of their state, the act provides them with flexibility to tailor their federal dollars to their needs while still meeting the specific program requirements of each federal program.

A local educational agency can make more than one transfer out of a single federal program with out requesting state permission, as long as the total amount of the funds transferred does not constitute more than 35 percent of the total amount allocated to them for a fiscal year.

School districts are required to obtain state permission to transfer more than 35 percent of a program's funds to other programs because such a shift of funds is more likely to constitute a significant change in policy and priorities at the local level. Such transfers would allow school districts to focus resources on federal programs that most effectively address their most pressing needs. This threshold applies to the total amount transferred out of one program regardless of the amount of a single transfer.

Local applications to transfer these funds are considered approved unless the state denies the request in writing within 60 days. The amendment to the Committee Substitute offered by Mr. Hoekstra (R–MI) adopted by voice vote clarified that when approving such a transfer the state should take into consideration the degree to which such a transfer will facilitate the use of federal dollars in the best interests of children. In addition, the state should take into consideration whether such a transfer allows an LEA to enact policies benefiting children that would otherwise be impossible or very difficult without such a transfer.

In order to transfer any funds out of Title II of ESEA, a school district must provide assurances that it will continue to spend at least the same amount it spent during the prior year on professional development in math or science. The Committee anticipates that sufficient additional funds will be appropriated under this Title that will ensure that LEAs still retain significant flexibility to transfer funds out of this program. In addition, if an LEA trans-

fers a portion of their Title II allocation to other programs, it must continue to meet the requirements of Title II.

It is the Committee's intent that, whenever a state or local educational agency intends to transfer funds pursuant to section 14206 to or from a program that has a provision requiring consultation with appropriate private school officials, the provision requiring such consultation shall apply to the transfer of such funds.

As provided in the unneeded funds provision in current law, state and local school districts may transfer funds from the above programs into any part of Title I, but no funds can be transferred out of Title I into another program. States and school districts would be free to allocate transferred funds to supplement any aspect of their Title I program activities. The purpose of this provision is to protect funding for Title I programs. However, by allowing transfers into Title I, it also grants local educational agencies the flexibility to focus their limited federal resources on meeting the needs of disadvantaged students and meeting state and Title I accountability requirements.

When funds are transferred to another program, they assume the identity of the program to which they were transferred, and are governed by the requirements of that program. However, LEAs must continue to meet the requirements of all federal programs with the remaining funds that are not transferred to another program.

In order to illustrate the effect transferability could have on the ability of a school district to target federal dollars to programs most needed by students, the following table of school districts outside of Los Angeles, California and their federal allocations are offered as an example.

Eastside Union School District in California currently receives the bulk of its non-Title I dollars from the class size reduction program. However, $42,000 does not provide for more than one teacher, which does little to accomplish significant reductions in class size. Under this act, Eastside Union could choose to, for example,

- Transfer portions of the other programs to Class Size to hire more teachers;
- Apply to the state to transfer all of its Class Size funds to Title I to hire more teachers or add to resources targeted for disadvantaged students;
- Focus on teacher quality and transfer Class Size and other program funds to Title II; or
- Transfer 35 percent from each program to Title I, which for these districts would increase funding by a percentage ranging from seven to 19.

Limited to transferring a maximum of five percent, all of these districts located in the Los Angeles area could only transfer less than $10,000, a very insignificant amount to warrant going through the bureaucratic process of requesting permission from the state. For several of the districts, in reality five percent means that only about $1,000 is flexible.

HOW LOCAL SCHOOL DISTRICTS CAN USE TRANSFERABILITY AS COMPARED TO THE UNNEEDED FUNDS PROVISION IN CURRENT LAW

Total Allocations	Title I	Title II	Title IV	Class Size	Title VI	Total
Antelope Valley	$2,399,857	$82,712	$166,993	$175,299	$95,289	$520,293
Eastside Union	433,788	13,101	9,473	42,159	17,371	82,104
Newhall	262,766	19,006	25,147	53,912	46,731	144,796
Westside	523,407	24,170	26,073	67,342	29,613	147,198
William S. Hart	300,129	38,926	59,374	102,908	62,181	263,389
AMOUNT THAT COULD BE TRANSFERRED WITH 35% LIMIT						
Antelope Valley		28,949	58,448	61,355	33,351	182,103
Eastside Union		4,585	3,316	14,756	6,080	28,736
Newhall		6,652	8,801	18,869	16,356	50,679
Westside		8,460	9,126	23,570	10,365	51,519
William S. Hart		13,624	20,781	36,018	21,763	92,186
AMOUNT THAT COULD BE TRANSFERRED WITH 5% LIMIT IN CURRENT LAW						
Antelope Valley		4,136	8,350	8,765	4,764	26,015
Eastside Union		655	474	2,108	869	4,105
Newhall		950	1,257	2,696	2,337	7,240
Westside		1,209	1,304	3,367	1,481	7,360
William S. Hart		1,946	2,969	5,145	3,109	13,169

Funds for Title I (Title I funds—Potential Increase @ 35%)

Antelope Valley: 2,399,857—8%.
Eastside Union: 433,788—7%.
Newhall: 262,766—19%.
Westside: 523,407—10%.
William S. Hart: 300,129—35%.

In conclusion, the State and Local Transferability Act will serve as a useful tool at the state and local level to direct federal program dollars to the federal program that best meets the needs of students. As demonstrated by the above table, this act is necessary because current law does not allow a sufficient percentage of funds to be transferred for the unneeded funds provisions to provide meaningful flexibility. Federal programs simply cannot allocate funds to 15,000 school districts in a manner that precisely provides for their needs. Transferability can sharpen the ability of federal funds to target pressing needs, and as effectively as possible. It also grants local flexibility to address needs that often change from one year to the next, since these transfers are not permanent, and must be made on an annual basis. The enactment of this provision will be another important step towards making sure that the needs of children, not bureaucracy, are the driving force behind federal education programs.

TITLE II—DRUG AND VIOLENCE PREVENTION AND EDUCATION

The Committee held several hearings during the 106th Congress regarding the Safe and Drug-Free Schools and Communities Act and the 21st Century Community Learning Centers Act. These hearings examined the drug and violence prevention needs of our nation's youth, both during school hours and out-of-school hours. Predictably, the Committee found that drug and violence prevention needs across the country varied, as did the successes and shortcomings of drug and violence prevention programs. In these hearings, it also became quite clear that the Safe and Drug-Free Schools and Communities Act and the 21st Century Community

Learning Centers Act had very similar goals and both were designed largely to address these drug and violence prevention needs.

Current research shows that youth drug use and violence remains a significant societal problem. Drug use among children ages 12–17 doubled from the historic low year of 1992, when 5.3 percent of youth in that age group were current users, to 11.4 percent in 1997. Drug use by youth increases the likelihood that a child will be delinquent, engage in high-risk sexual activity, drop out of high school, and commit theft, violence, and vandalism. Drug use among rural youth is higher than that of youth in large urban centers, and many of these rural youth abuse serious drugs, including methamphetamine and cocaine. The National Center on Addiction and Substance Abuse at Columbia University (CASA) issued in January, 2000 a report, entitled No Place to Hide: Substance Abuse in Mid-Size Cities and Rural America, that found that eighth graders living in rural areas are 104 percent more likely to use amphetamines and 50 percent more likely to use cocaine, than eighth graders in urban areas. According to the CASA report, the health, social service, and law enforcement agencies in rural communities are less equipped to deal with youth drug use than their counterparts in urban areas, which already have established drug prevention systems.

Regarding youth violence, schools may be one of the safest places for youth to be, but students increasingly report facing violence in schools (National Center on Education Statistics, Indicators of School Crime and Safety, 1999). They also report an increase in their perception that they are at risk of harm while at school, perhaps partly due to the recent instances of extreme violence in schools.

If students are using drugs, committing violent acts, or are in fear of these behaviors, then they cannot focus their attention on maximizing their academic performance and their future opportunities. While the purpose of schools remains academic, schools clearly must also respond to the safety needs of students and communities. Drug and violence prevention programs and activities are increasingly necessary.

This is not to imply that the Committee believes schools have the sole responsibility for preventing youth drug use and violence. In fact, studies point to the role of the family more often than not in preventing youth drug use and violence. The National Longitudinal Study of Adolescent Health (1997) found that drug and violence prevention programs that incorporate "protective factors" tend to reduce drug use and violence. Protective factors include a student feeling connected to parents and family, practicing religion and prayer, having parents present at key times of the day, having high educational expectations, feeling part of the school, and having high esteem. The good news is that this comprehensive survey of adolescent youth found that the benefits of these protective factors reached beyond drug and violence prevention to preventing such behaviors as suicide and sexual activity among youth.

Combining the Safe and Drug-Free Schools and Communities Act and the 21st Century Community Learning Centers Act

The Safe and Drug-Free Schools and Communities Act was created as the nation recognized that it needed a concentrated and united effort to prevent another generation from being lost to drugs and violence. Congress created the act to assist local schools in their efforts to ensure that every student attends a drug-free and safe school, with the ultimate goal to help students raise their academic performance and achievement.

Originally designed as a school-use facilities program for individuals of all ages, the 21st Century Community Learning Centers Act has evolved rapidly over three short years into an after school program with goals similar to those of the Safe and Drug-Free Schools Act—youth drug and violence prevention. This transformation occurred in large measure due to the Department of Education's administration of the program, which involved placing an absolute priority on "activities that offer significant expanded learning opportunities for children and youth in the community and that contribute to reduced drug use and violence." Of all grant recipients in FY 1998 (most recent data available), 76 percent of the grant recipients addressed safety and substance abuse as part of their program.

However, the interconnectedness of youth drug and violence prevention and after school activities is not new. In a hearing before the Subcommittee on Early Childhood, Youth and Families on February 10, 2000, Dr. Marianne Kugler, Program Officer of the C.S. Mott Foundation, stated,

> During the Depression, Mr. Mott noticed the many youth who spent their time on street corners and in vacant lots playing ball, smoking, and sometimes getting into serious trouble. At a suggestion from the then-Assistant Superintendent, Dr. Manley, Mr. Mott gave his first small community school grants to encourage schools to stay open after regular hours so that these youth would have somewhere to go.

The Committee believes the interconnectedness between youth drug and violence prevention and after school activities must not be ignored. The Committee acknowledges the findings of reports such as the Departments of Education and Justice's Safe and Smart: Making After-School Hours Work for Kids (June, 1998), that notes: "First and foremost, after-school programs keep children of all ages safe and out of trouble. The after-school hours are the time when juvenile crime hits its peak, but through attentive adult supervision, quality after-school programs can protect our children."

The report also points out that "school-age children and teens who are unsupervised during hours after school are far more likely to use alcohol, drugs, and tobacco, engage in criminal and other high-risk behaviors, receive poor grades, and drop out of school than those children who have the opportunity to benefit from constructive activities supervised by responsible adults."

In general, through its decision to combine the Safe and Drug-Free Schools and Communities Act and the 21st Century Commu-

nity Learning Centers Act, the Committee seeks to unify the federal youth drug and violence prevention and education efforts and to improve the quality of these federally supported efforts.

Specifically, this decision seeks to ease the burden of administering two separate, but similar programs that clearly overlap each other in statute and practice. For instance, the Safe and Drug-Free Schools and Communities Act lists after school activities as an allowable use of local funds. Under the 21st Century Community Learning Centers program, the administration continues to place a priority of funding grants for after school drug and violence prevention. In short, why should the federal government and local schools be forced to administer two similar but separate programs when they can be easily combined to further leverage taxpayer dollars?

Moreover, combining the two programs will ensure that schools receive sufficient funds to develop and implement quality after school programs. Right now, not all schools receive 21st Century Community Learning Centers grants. In December of 1999, the Department awarded 125 new grants totaling nearly $67 million for which it had received more than 2000 applications. In FY 2000, $185 million is available for new awards to selected local districts. By combining programs and increasing the total funding level to $1.033 billion, all schools will have additional funds to use for after school needs.

Under H.R. 4141, schools will now receive sufficient funds to develop and implement quality programs well suited to the needs of their community. One complaint against the Safe and Drug-Free Schools and Communities Act is that many schools do not receive enough money to implement quality programs (about $6 to $8 per student), let alone to implement quality drug prevention, violence prevention, and after school programs. By combining programs, local schools will receive a 177 percent increase in funds. This is almost triple what they receive now.

Combining the two programs also prevents funding and program quality problems that the 21st Century Community Learning Centers program would face if it were to remain a separate program. The 21st Century Community Learning Centers program is currently funded at $453.4 million (a substantial increase from its FY 1995 authorization of $20 million). A program with this much money should distribute funds by a formula to all local schools. With a funding level nearly identical to the Safe and Drug-Free Schools Act, a formula driven 21st Century Community Learning Centers program would likely fall prey to the same insufficiency of funds and quality of programs problems currently facing the Safe and Drug-Free Schools and Communities Act.

Funding formula

Title II of H.R. 4141 generally follows the funding formula of the Safe and Drug-Free Schools and Communities Act. Given the recent funding levels of both programs, the Committee believes that funds are better distributed through a formula, rather than a grant process. The Safe and Drug-Free Schools and Communities Act formula represents a good compromise that recognizes the need of all schools and communities for drug and violence prevention and the

need of states and governors to have some discretion to send additional funds to those schools and communities with the greatest need for additional drug and violence prevention assistance.

The bill provides separate authorizations for the states and for the Secretary of Education. The states receive funds through a formula based 50 percent on the school age population of each state and 50 percent based on the amount each state receives under Title I, Part A. Of the funds a state receives, the bill provides that up to 10 percent may be reserved by the governor to fund drug and violence prevention programs, and 90 percent shall be used for state and local drug and violence prevention activities.

The bill requires the governor to spend between 10 and 20 percent of the funds he or she receives on grants to state, county, or local law enforcement agencies for drug and violence prevention programs. Governors may use up to three percent of their funds for administrative expenses under the title. The remaining funds must be used for competitive grants to, or contracts with, local educational agencies, parent groups, community based organizations, including religious organizations, and other public entities and private organizations, including private for-profit businesses, to support comprehensive community-wide prevention efforts or direct drug and violence prevention services for youth.

Of the funds a state retains, it may use up to two percent for administrative expenses under the act and up to two percent for state-level drug and violence prevention activities. State-level drug and violence prevention activities include technical assistance and program improvement services designed to support the implementation at the local level of drug and violence prevention activities. The remainder of the state retained funds must be sent to local educational agencies.

The funds received by the local educational agencies may be used for a variety of drug and violence prevention activities, with up to two percent to be used for administrative expenses. States distribute funds to local educational agencies through two means: they must distribute 70 percent of the funds based upon each local educational agency's student population, and 30 percent of the funds to those local educational agencies that have the greatest need for additional funds for drug and violence prevention programs. Under an amendment offered by Mrs. Roukema (R–NJ) and accepted during Committee markup, special consideration for receipt of need-based funding shall be given to those local educational agencies that provide mental health services to students. Under another amendment offered by Mr. Castle (R–DE), and accepted during the markup, 30 percent of the need-based funds shall be used to fund local educational agency alternative education programs. Alternative education programs include in-school suspensions and alternative schools, and focus on serving students suspended or expelled from school. These two amendments complement each other and ensure a comprehensive approach toward drug and violence prevention.

Mr. Andrews (D–NJ) successfully included in H.R. 4141 an amendment that requires states and local educational agencies that receive funds under Title II to have a policy that prohibits cigarette vending machines and the illegal possession of or use of

drugs or alcohol on school grounds or at any school sponsored events. This amendment expands the current Pro-Children Act of 1994, which prohibits smoking in schools.

Program quality and effectiveness

Recent funding levels for the Safe and Drug-Free Schools and Communities Act have provided schools with an average of $6 to $8 per student. Since the last authorization, the Committee has received reports of schools using Safe and Drug-Free Schools and Communities funds for school assemblies starring giant toothbrushes to promote healthy practices or of funds being used to purchase pencils imprinted with the phrase "Don't Do Drugs." Given the lack of adequate funds, it is not difficult to understand why schools often implemented mediocre programming with the Safe and Drug-Free Schools and Communities Act funds.

The Safe and Drug-Free Schools and Communities Act programs and activities have a history of questionable effectiveness. To begin with, the act has suffered from a lack of program evaluation. The General Accounting Office, reporting on the lack of evaluation information in October of 1997, stated that the "lack of uniform information on [Safe and Drug-Free Schools and Communities Act] program activities and effectiveness may, however, create a problem for federal oversight." (Safe and Drug-Free Schools: Balancing Accountability with State and Local Flexibility. GAO/HEHS–98–3)

Other researchers have found that the act has been poorly implemented. An evaluation of Safe and Drug-Free Schools and Communities Act programs found that few schools implemented programs proven effective through research, and that few had even evaluated the effectiveness of the programs they were using (E. Suyapa Silvia and Judy Thorne, "School-based Drug Prevention Programs: A Longitudinal Study in Selected School Districts," Research Triangle Institute, Research Triangle Park, NC, 1997). The reasons found for not implementing quality programs include lack of sufficient funds, heavy marketing of poor prevention activities, and lack of adequate teacher training to properly implement programs.

While the news may not always be good, at least the Safe and Drug-Free Schools and Communities Act has undergone an evaluation. The 21st Century Community Learning Centers Act has yet to complete an official evaluation. Still, a 121 percent increase in funding has been requested by the Clinton administration for the act. The Committee agrees that after school programs can benefit students and communities; however, it is the Committee's responsibility to ensure that federal funds be spent on quality programs.

The Committee recognizes that both programs need to include program quality requirements. Combining the Safe and Drug-Free Schools and Communities Act and the 21st Century Community Learning Centers Act will ensure sufficient funds for the implementation of quality programs. Local schools will then have the responsibility to implement programs and activities that fit the needs of their students and their community and that have an assurance of quality.

In addition, by combining the Safe and Drug-Free Schools and Communities Act and the 21st Century Community Learning Centers Act, the Committee requires that all programs and activities

be based upon scientifically based research. The definition of scientifically based research requires that a program satisfy several elements of quality research, including that the program be tested though "rigorous, systematic, and objective procedures to obtain valid knowledge relevant to youth drug and violence prevention activities and programs." The definition of scientifically based research and the rigorous but attainable standard it sets are essential to ensuring program quality under Title II, and will have the greatest impact on improving the quality of these programs implemented in the local schools and communities.

While some may be concerned that this definition sets a standard that all but a few programs will fail, the evidence is to the contrary. In just one project, "Science-based Practices in Substance Abuse Prevention: A Guide," developed by the Center for Substance Abuse Prevention (CSAP) in the Substance Abuse and Mental Health Services Administration, at least 75 programs of youth drug and violence prevention, including before and after school activities, were found to meet the high standards of "scientifically based research." These are not the only programs that fit this standard. In another project, CSAP reviews program outcomes and evaluations in order to determine whether the program is worthy of inclusion in the National Registry of Effective Prevention Programs. The Committee concludes that schools and communities should not fear a lack of quality model programs.

The Committee also recognizes that innovation in youth drug and violence prevention programs and activities must be encouraged and supported. For this reason, the Committee included a waiver to the scientifically based research requirement. Local educational agencies and community-based organizations may apply to the state for a waiver of the scientifically based research requirement "to allow for innovative activities or programs that demonstrate substantial likelihood of success." The Committee intends that waivers be used to encourage the development of new approaches to youth drug and violence prevention. While a state should provide waivers to worthy programs, it should also require that programs receiving waivers undergo scientifically based research evaluation in order to judge the quality of the program in future funding applications.

The Committee believes that consideration of factors presented in studies such as the National Longitudinal Study of Adolescent Health can greatly assist local schools in their development of innovative approaches to youth drug and violence prevention. That study, cited in the Journal of the American Medical Association of September 10, 1997 (pp. 823–32), provides information on the characteristics of students who successfully avoid drugs and violence, and the characteristics of those who do not. This scientifically based study is nationwide and ongoing, ensuring an up-to-date, comprehensive view of the health of our nation's youth. Schools can use information such as this when they considered the needs of their own students and how to design the best prevention program for their students.

Principles of effectiveness

The Committee included in H.R. 4141 the principles of effectiveness to guide the implementation of programs under Title II. These principles are similar to those being implemented through guidance for the Safe and Drug-Free Schools and Communities Act since 1998 and contained in the Department of Education's ESEA reauthorization proposal. The principles of effectiveness establish a basic set of considerations for a school or community to make when determining their drug and violence prevention needs. First, the school or community must undergo or access an assessment of the drug and violence problems among youth, the current prevention strategies targeting youth, and the academic achievement of the youth. Second, the principles call for any program or activity to be based on performance measures for a drug-free and safe learning environment. Third, each program or activity must be based on scientifically based research that provides evidence that the program will have a drug and violence prevention outcome. Finally, the program or activity must undergo a periodic evaluation of effectiveness.

The principles of effectiveness promote best practices in drug and violence prevention programs and activities. Codifying these principles is essential to encouraging improvements in the program quality. In its request for public comment on July 16, 1997, the Department of Education gave a very succinct rationale for why the principles should be adopted. It wrote, "The administration also has a responsibility to promote the most effective possible use of these limited resources, which in many instances are the only funds available to local schools to address their youth drug and violence problems."

Governors drug and violence prevention activities and programs

The Committee has rewritten the list of allowable uses of funds at all levels. These lists illustrate the type of programs and activities that the Committee believes are the best uses of funds. At the governors' level, the Committee has made two major changes. First, in the required uses of governor's funds, the Committee has eliminated any reference to particular law enforcement partnership programs. The naming of particular programs was never intended to limit the choices of local schools and communities when designing drug and violence prevention programs. By removing the named entities, the Committee intends that schools and communities be creative and innovative in their law enforcement partnership programs. However, the change does not prevent local schools from funding the programs they currently implement with these funds. In addition, current law requires that these programs be funded with not less than 10 percent of the governors' funds. The Committee has retained the 10 percent floor on funding, but has provided a cap of 20 percent of the governors' funds for these law enforcement partnership activities. Given the significant concerns regarding the effectiveness of some activities funded through this provision, the Committee found it appropriate to limit funding of these programs.

The second major change made at the governors' level is that allowable uses of funds are no longer listed in detail. Rather, the

Committee chose to provide a brief list of the type of activities the governors should support with Title II funds. The Committee directs that governors fund community wide prevention efforts or direct service activities. Funds left at the state level for grand scale programs that do not reach the students have no accountability. Under the present system, often funds are spent on annual conferences and small and seldom utilized state facilities with a fancy title on the door and a state appointed bureaucrat. These uses are not as effective as those that are funded at the local level and implemented in the local classroom. Services at the local level will be accountable for drug and violence prevention as measured by the public reporting of whether performance indicators have been met.

The Committee has added a new element to the governors' activities by requiring that governors reward drug and violence prevention programs of exceptional quality. Rewarding programs that successfully prevent drug use and violence is another example of the push for quality that the Committee intends for Title II.

During Committee consideration, an amendment offered by Mr. Schaffer (R–CO) to clarify that private, for-profit organizations can compete for funds under the governors' program was accepted. H.R. 4141 allows private, for-profit organizations to compete for grants and grants under the governors' program. Mr. Schaffer's amendment clarifies this, especially by providing and completing references in the findings and purpose sections of Title II. The Committee believes it is appropriate to allow private, for-profit organizations, especially private childcare providers, to compete for these funds because these providers may be the best qualified entities. There is no reason to exclude those who are best able to serve children.

State drug and violence prevention programs

Again, the Committee has simplified the list of allowable activities at the state level. Similar to the current Safe and Drug-Free Schools and Communities Act provisions, Title II provides that the state should undergo activities that assist local school districts in the implementation of quality drug and violence prevention activities and programs.

Local drug and violence prevention programs

The Committee has made substantial changes to the section describing the types of activities that local schools can support with Title II funds. Title II continues the requirement found in the Safe and Drug-Free Schools and Communities Act that programs promote drug and violence prevention. Within that requirement, schools and communities are free to design a program or activity that fits their particular needs, including a before or after school activity or a continuing education program, provided the program or activity follows the principles of effectiveness.

In rewriting this section, the Committee chose to provide a nonexhaustive list of activities that would be an acceptable use of funds. The Committee wishes to draw particular attention to several of these activities. The first activity listed is programs of drug and violence prevention that incorporate a variety of prevention strategies and activities, including teaching that most people do not

use drugs and teaching the resistance skills necessary to prevent drug use. By listing this provision first, the Committee sends a clear message that students need to be taught drug and violence prevention from a variety of angles, that students need reinforcing lessons throughout their school years, and that parents and communities need to be involved in teaching drug and violence prevention.

Next in the list of allowable activities are before and after school programs and continuing education activities. This provision continues most of the activities for the former 21st Century Community Learning Centers Act. It not only permits schools to keep their doors open before and after hours as the original law intended, but it also specifically encourages development of before and after school activities that enhance academic achievement for individuals of all ages. Among those activities included are curriculum based entrepreneurial education programs and curriculum based remedial education, extended learning programs, youth science education programs, personal finance education programs, expanded library service hours programs, and arts and music education programs. The Committee wishes to clarify that curriculum based remedial education includes remedial and supplemental academic enrichment activities, including literacy programs. The Committee also intends that the funds authorized under this program for after-school arts activities shall be used to supplement and not supplant existing music and arts education programs as part of the regular school curriculum.

As noted previously, the Committee believes that youth drug and violence prevention can be accomplished through a variety of means, and that before and after school programs and activities should be part of this mix. As the Committee discovered during the February 10, 2000, hearing on the 21st Century Community Learning Centers Act, youth often join after school programs for the recreational aspect. The academic or educational component is something tolerated. But, youth soon realize that they have developed skills that will enhance their future options. Chantal Cotton, a youth participant in an after school program in Flint, Michigan, testified that the 21st Century Community Learning Centers Programs "are fun, but they teach you something with a lasting effect."

The Committee made several other changes and additions to the provisions on school safety. It removed the cap on the amount of funds a local educational agency can spend on acquisition and installation of metal detectors and the hiring and training of school security personnel. Removing the cap allows local educational agencies the flexibility to create a youth drug and violence prevention program that best fits local needs. The Committee also found it appropriate to include testing youth for illegal drug use and conducting locker searches for illegal drugs or drug paraphernalia. Drug testing and locker searches are increasingly being used as powerful deterrents to youth drug use. School violence hotlines may be supported with funds under the title. Youth often have a sense of allegiance to their peers that adults do not understand. These school violence hotlines can be used by youth to report anonymously and to provide tips of impending school violence. Recog-

nizing that improved academic performance can be a powerful drug and violence deterrent, Mr. Souder (R–IN) offered an amendment, which was accepted, that allows local funds to be used for programs that improve student academic performance. This amendment provides flexibility in the use of funds, while still requiring a connection to drug and violence prevention.

The Committee added two provisions that schools can use to learn more about teachers and students. First, background checks of school personnel have been added to the allowable uses of funds list. Second, the Committee has added a provision allowing local funds to be used for establishing and implementing a system for transferring suspension and expulsion records by a local educational agency to any public or private elementary or secondary school. The Committee purposefully addresses suspension and expulsion records as such punishments typically involve serious incidents of misbehavior. To do otherwise runs the risk of relatively minor infractions preventing a child from receiving the benefit of the doubt in a new school. The Committee strongly encourages states to take the responsibility of setting up such records transfer systems. These systems can be useful to local schools and provide them with the information necessary to deter school violence and determine the best way to appropriately serve students.

To mirror a provision added during Floor consideration of H.R. 2, H.R. 4141 allows local funds to be used for public school choice for students attending unsafe public schools, including for payment of reasonable transportation costs for these students. Too often, school choice is impossible as a practical matter due to transportation problems. This provision will allow Title II funds to be used to pay transportation costs for those students who choose to attend a safe school, rather than a school that the state has designated as unsafe. This provision complements the provision addressing public school choice for students in low performing schools, also found in H.R. 2.

The Committee has included character education in H.R. 4141 to encourage and promote positive behaviors and qualities in students. The Committee intends that the particular elements of good character to be taught in the local schools should reflect the values of the local community. The seven elements of good character named in the provision are the core elements identified by character education experts. Nonetheless, each community should provide input on which elements should be taught, and a school may find that many more elements of good character should be taught than the seven listed.

Finally, the Committee has done much to address the mental health needs of youth. The Committee believes that the primary purpose of schools is to further student academic achievement and that schools should not be held responsible for providing mental health services. Nevertheless, the Committee does recognize that some schools and communities may find it appropriate and necessary to provide mental health services to students. This is a local choice and not a requirement to be imposed upon schools. In order to assist youth in need of mental health services, the Committee has continued the provision allowing funds to be used for counseling services. To address the growing mental health needs of

youth, the Committee has added a provision allowing funds to be used to expand and improve school based mental health services. Comprehensive, coordinated mental health services help to reduce classroom disruptions, to deter students from delinquent behavior, and to get students focused on learning. These provisions fit nicely with the counseling provisions in Title V, Part A (the Fund for the Improvement of Education) that support best practices in elementary and secondary school counseling demonstration projects.

The Committee included a definition of school based mental health services provider in Title II. While some have called for the federal government to set a national professional qualifications standard for school based mental health services providers, the Committee does not find that appropriate. Instead, the Committee prefers to allow state law to determine what professional qualifications are necessary to provide school based mental health services. Leaving this decision to state law will allow locals to provide the appropriate range of services for youth.

Mr. Schaffer (R–CO) offered an amendment during the Committee markup, which was accepted, that requires a local educational agency, upon written notification from a student's parent, to withdraw the student from any program or activity funded under Title II. Under the amendment, the local educational agency must make reasonable efforts to inform parents of the content of non-classroom instruction funded under Title II. The Committee believes that with the variety of activities a school can implement under Title II, including services such as mental health services, that it is wise to ensure that parents are aware of the services a child receives.

During the Committee's consideration of H.R. 4141, several new local uses of funds were added. Those unfamiliar with the purpose of the legislation looked to it as a vehicle for gun control provisions. The purpose of Title II is to provide funds to schools for drug and violence prevention and education activities. It is a bill that would send funds through the Department of Education to schools to support educational activities. It is not a bill that can change the criminal code regarding gun show restrictions and child safety locks. The Committee, however, does recognize that a compelling argument can be made for gun violence prevention education. With this in mind, the Committee agreed to three gun amendments. The Committee finds these amendments to be appropriate allowable uses of local drug and violence prevention funds.

The first amendment would allow local educational agencies that receive Title II funds and have a high rate of expulsions of students for possession of a firearm at school to use those Title II funds to study the effectiveness of promoting the benefits of child safety locks for firearms.

The second amendment would require the National Center on Education Statistics to collect data on drug use by youth and on firearm related injuries and fatalities, data on the relationship between the victims and perpetrators, the demographic characteristics of victims and perpetrators, and the type and characteristic of the firearm used in the incident.

The third amendment would allow local educational agencies that receive Title II funds and have a high rate of expulsions of

students for possession of a firearm at school to develop a plan with local law enforcement agencies to protect students and school employees against gun violence, which may include the promotion of the benefits of child safety locks for firearms.

Discipline of students with disabilities

The Committee adopted two amendments that change federal requirements regarding disciplining students with disabilities. Mr. Norwood (R–GA) offered an amendment that would allow school personnel to discipline, as they would discipline a non-disabled student under regular school policies, a disabled student who brings a weapon to school. This amendment passed by a vote of 28–17. It is substantially similar to an amendment Mr. Norwood offered during Floor debate on H.R. 1501, the Juvenile Justice bill. That amendment passed on the House Floor by a vote of 300–128. The second amendment, offered by Mr. Talent (R–MO) would allow school personnel the same discretion for students with disabilities who have illegal drugs at school or who commit an aggravated assault while at school. This amendment was accepted in Committee markup by voice vote.

Both amendments would allow school personnel to cease providing educational services, if they have that ability under state law, but would encourage school personnel to make this decision on a case-by-case basis. Committee members argued that the amendments are necessary to ensure the safety of all students in our nation's schools. Members also offered the experiences of constituents as support for the amendments. One member spoke of a student whose misbehavior warranted a suspension. The student, in discussing the situation with school personnel, commented that he knew school personnel could not apply the usual school punishment and that there would be no consequences for his misbehavior because he was a student served under the Individuals with Disabilities Education Act (IDEA). Such stories illustrate the need to allow school personnel discretion in disciplining students.

Local educators and the organizations that represent them have pushed for these amendments. In letters supporting both amendments, the American Association of School Administrators (AASA) stated,

> The requirements of the Individuals with Disabilities Education Act of 1997 (IDEA) have tied the hands of school administrators when it comes to discipline. * * * For the past several years [AASA] has been urging Congress to eliminate that dual code of discipline. We greatly appreciate your ongoing efforts to eliminate the discipline contradiction in current law and your commitment to return discipline authority to school administrators.

In its letter of support, the National Association of Secondary School Principals wrote,

> While it is the intent of every educator to deliver the best and most appropriate education to every child, difficult decisions are sometimes required in order to deliver quality education in a safe and learning conducive environment. It is unfair—indeed unsafe—to allow one student to

> jeopardize the safety of all others. * * * Thank you for recognizing the inequities related to discipline which are created under differing sets of law, and for taking action to remove these legislative and regulatory barriers.

Members addressed cessation of educational services during debate of these two amendments. All members offering comments during the debate of these amendments acknowledged that ceasing educational services might not provide long-term solutions to student misbehavior. The sponsors of the amendments argued, however, that current requirements could teach students that their misbehaviors have no consequences and that they will never be punished. The Committee believes that local school personnel need the discretion allowed by these two amendments, and that school personnel will invoke the case-by-case exception when appropriate and necessary.

H.R. 4141 does not leave local schools without options for serving students who have been suspended or expelled from school. As mentioned previously, Mr. Castle (R–DE) offered an amendment, which was accepted, that allows local funds to be used for alternative education services. Under the amendment, alternative education programs range from in-school suspension to entire school curriculums serving students in a non-traditional or alternative format. The amendment requires that such programs have a priority on serving students suspended or expelled from their regular school or classroom. Included in the amendment is a provision that would require states to set-aside 30 percent of the 30 percent need based funds they distribute to local schools under Title II. Those set-aside funds would still flow to local schools, but would be targeted to local schools in need of assistance to plan, implement, or expand alternative education programs. Today, school districts increasingly are turning to alternative education programs to deliver educational and mental health services to expelled students, often in collaboration with social agencies and community-based organizations. This amendment provides key assistance for this worthy endeavor.

National activities

The Committee purposefully rewrote the secretary's national programs authority from how it appears in the current Safe and Drug-Free Schools and Communities Act. In Title II, the secretary's program authority is narrowly focused on those activities for which states and local educational agencies have reported needing assistance. These activities must fall within scientifically based evaluations of prevention programs, assistance in dissemination of drug and violence prevention information, and technical assistance to states and local educational agencies in their drug and violence prevention programs and activities.

Throughout recent education legislation, the Committee has sent a greater percentage of funds and more program authority down to the local level. Title II is no different. The Committee believes that the federal government can provide assistance in youth drug and violence prevention, but the responsibility for establishing prevention programs and setting priorities for prevention programs should remain at the local level. This philosophy supports a locally created

drug and violence prevention agenda, rather than a nationally driven agenda and related initiatives.

The Committee chose not to retain the current national activity authority regarding hate crimes and the references throughout the law to hate crimes and prejudice and intolerance. Current national programs authority to create a sample curriculum regarding hate crime prevention has been abused. A publication created by the Department of Education, Healing the Hate, which targets middle school age students, teaches that certain Christian beliefs are intolerant. Including this in a middle school curriculum is inappropriate, and in fact, furthers the hate it is designed to prevent.

H.R. 4141 takes a constructive approach toward preventing hate crimes and prejudice and intolerance. It allows funds to be used for promoting positive behaviors in students by including several uses of funds that parallel hate crime prevention. Specifically, it allows funds to be used for activities and programs regarding character education, including teaching honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness. These are personal characteristics that promote tolerance in the treatment of individuals. The Committee believes that Title II funds are best used when they support and promote positive behaviors, rather than when they highlight negative behaviors.

Gun Free Schools Act

The Committee retains the current Gun Free Schools Act requirements. Current law requires a state that receives federal ESEA funds to have a state law requiring local educational agencies to expel for a year a student who brings a gun to school. The Education OPTIONS Act makes minor changes in the Gun Free Schools Act. It eliminates the section that requires the secretary to disseminate policy guiding the implementation of the act and its connection to IDEA. It incorporates the act into the Title II provisions. Additionally, it codifies the current practice of exempting home schools from the act, by stating, "The term "school" does not include a home school, regardless of whether a home school is treated as a private school under state law."

Definitions

It has been brought to the Committee's attention that some schools believe they cannot use current Safe and Drug-Free Schools and Communities Act funds for activities to prevent the use of inhalants. This is a mistaken belief. Furthermore, the Committee intends that schools continue to have the ability to use Title II funds for activities to prevent the use of inhalants. Communities across the nation are facing a growing problem of youth using inhalants. Because they are uncontrolled, common household products, inhalants are easily accessible by youth. Coupling this with the lack of knowledge of the deadly effects of inhalant use results in a dangerous situation. The Committee urges schools and communities to add inhalant use to their drug and violence prevention programs and activities.

Second, the Committee has included in the term "drug and violence prevention" a reference to before and after school activities and continuing education activities. These are "educational activi-

ties for individuals of all ages in the community that operate with a goal of drug and violence prevention in the school or community." The Committee notes that this definition is key to understanding how it intends before and after school programs and continuing education activities to operate in the context of drug and violence prevention. These activities must have a goal of drug and violence prevention, but do not necessarily have to teach drug and violence prevention.

Third, Title II includes a definition of "school based mental health services provider." As explained previously, the definition relies on state law to set the standard of who can provide mental health services to youth. The definition reads, "The term 'school-based mental health services providers" includes state licensed or state certified school counselors, school psychologists, school social workers, and other state licensed or certified mental health professionals qualified under state law to provide such services to children and adolescents."

Fourth, the Committee wishes to clarify that the term "school personnel," because it includes "other support staff who are employed by a school or who perform services for the school on a contractual basis," includes school bus drivers. Student drug use and violence is not confined to the school building, and can easily occur while students are on the school bus traveling to and from school. The Committee encourages schools to include school bus drivers in their drug and violence prevention strategies and training.

Wrong and harmful message

The Committee has become aware that some local schools, in implementing their drug prevention activities, are not conveying the message that "the use of drugs is wrong and harmful," especially the "wrong" component. For instance, the Committee has reviewed an article published February 26, 2000 in the San Diego Union-Tribune reporting that a program funded under the Safe and Drug-Free Schools and Communities Act teaches that "drugs are likely to remain a part of American culture and the key measure of success of any drug education program should be a reduction in drug problems, not abstinence." The Committee strongly disagrees with this perspective. Students need clear and consistent messages that teach them to resist drug use because the use of drugs is wrong and harmful. Students are not well served by confusing messages. To remedy this situation, the Committee has included in the governors application and the local educational agency application a requirement to provide an assurance that drug prevention programs and activities funded under Title II convey a "clear and consistent message that the use of drugs is wrong and harmful."

Participation by religious organizations

The Committee has clarified its intent that religious organizations should be allowed to participate in Title II activities and programs. While these organizations can participate under the current "community based organization" authority, the Committee thought it was important to amend current definitions to clarify that such providers may not be barred from providing services in the future, because of their religious nature.

The Committee has also included "charitable choice" provisions to support the participation of religious organizations in Title II programs and activities. Charitable choice is designed to ensure that all levels of government give consideration to religious organizations, on the same basis as other nongovernmental organizations, in carrying out drug and violence prevention activities with funds provided under the governors' program authority, and that such consideration be consistent with the Establishment Clause of the Constitution.

In addition to providing that religious organizations be considered on the same basis as other nongovernmental organizations, these provisions clarify that religious organizations may not be discriminated against on the basis of their religious character. The provision would: (1) clarify that a religious organization that provides assistance retains its religious character and control over the definition, development, practice and expression of its religious beliefs; (2) clarify that neither the federal, state or local governments may require the religious organization to alter its form of governance or remove religious art, icons, scripture or other symbols in order to be eligible for assistance; (3) clarify that religious organizations are exempt from employment nondiscrimination requirements of Title VII of the Civil Rights Act as is true under the current Title VII civil rights law; (4) clarify that religious organizations receiving funds shall follow generally accepted auditing principles and that only the funds provided under Title II and segregated shall be subject to audit; (5) clarify that no government funds may be used for sectarian worship, instruction or proselytization; and (6) clarify that nothing in the provision preempts state law that prohibits or restricts the expenditure of state funds by a religious organization.

The charitable choice language is substantially similar to language that is already a part of current law in the Community Services Block Grant (P.L. 105–285) and the welfare reform law (P.L. 104–193). It is also substantially similar to the House-passed version of the Fathers Count Act of 1999 (H.R. 3073), the House-passed version of the Juvenile Justice legislation (H.R. 1501), and the Committee-passed version of Even Start (H.R. 3222). Each of these two laws as well as the fatherhood bill passed the House with broad bipartisan support. Additionally, with respect to the Juvenile Justice bill, on June 17, 1999, the House passed a specific charitable choice amendment by a vote of 346–83. Furthermore, in prior years the House enacted childcare legislation under which the federal government funds childcare services, in many cases, through private faith-based organizations. Pell grants, too, are funded by the government and may be used by students who attend private church-supported colleges. In short, Congress is clearly on record as supporting more choices across the board in order to involve religiously affiliated entities. The language of the Title II provision extends charitable choice to drug and violence prevention activities and programs.

The executive branch is also an advocate for charitable choice. The Clinton administration has been a strong advocate for allowing religious organizations to compete with traditional non-religious organizations in providing social and other services to the needy. In

fact, on May 24, 1999 during a speech in Atlanta, Georgia, Vice President Gore said,

> I have seen the transformative power of faith-based approaches through the national coalition I have led to help people move from welfare to work—the Coalition to Sustain Success * * * I believe government should play a greater role in sustaining this quiet transformation—not by dictating solutions from above, but by supporting the effective new policies that are rising up from below. And I believe the lesson for our nation is clear: in those specific instances where this approach can help us meet crushing social challenges that are otherwise impossible to meet—such as drug addiction and gang violence—we should explore carefully-tailored partnerships with our faith community, so we can use the approaches that are working best.

Similarly, President Clinton has stated "Common sense says that faith and faith-based organizations from all religious backgrounds can play an important role in helping children to reach their fullest potential * * *."

The Committee notes that under the Title II charitable choice provision no religious organization is required to participate. Rather, under the provision, the government may not discriminate against religious organizations that seek to participate and may not require those religious organizations to "secularize" or eliminate their religious character in order to participate.

An amendment offered by Mr. Scott (D–VA), which was adopted during markup, would prohibit an eligible entity from subjecting a participant in a Title II program or activity and during the conduct of such program or activity to sectarian worship or instruction or proselytization. Title II already prohibits Title II funds from being used for worship, instruction or proselytization. The amendment goes one step further to include a prohibition in the program regardless of the funding source. While the language provides a safeguard, First Amendment jurisprudence in any event would likely prohibit such activities as a part of a Title II drug and violence prevention program.

A second amendment to charitable choice offered by Mr. Scott was accepted. The amendment states that receipt of financial assistance under Title II constitutes receipt of federal financial assistance. The Committee views the amendment as nothing more than restating current law and what is patently obvious. Regardless of whether the entity is a school district or a nonprofit organization, if it receives federal money under Title II, it is considered federal financial assistance. In no way, however, does the Committee view the amendment language as otherwise extending any new rights or extending civil rights protections beyond current law.

Some argue that continuing to include charitable choice in federal programs will lead to endless litigation. However, charitable choice has been in the welfare law for a little over three years and has not produced endless litigation over the separation of church and state. In fact, the Committee is informed that no federal district court or appellate court has published any court decision litigating this matter.

The Committee wishes to clarify that religious organizations that receive grants or contracts funded under Title II are not obligated to change the nature of their existing programs in order to comply with the obligations under Title II. For instance, a religious organization still retains control over how it offers its general education programs and to whom these programs are offered, but should be willing to serve a variety of constituencies when offering an after school program funded under Title II.

Religious nondiscrimination

The Committee also included language in Title II that prohibits funds under the title to be used for activities or programs that discriminate against or denigrate religious or moral beliefs. This provision is similar to language included in the House-passed version of the Juvenile Justice legislation (H.R. 1501). It is commonly agreed that the public school system is no place to promote the merits of a particular religion over those of others; on the same note, any particular religion should not be denigrated through what children are taught in the classroom. The Committee wishes to clarify that this provision does not convey or create a private right of action for an individual to dictate curriculum. Any remedy for noncompliance with the provision would be handled by the Department of Education through the normal procedures of the General Education Provisions Act.

Mr. Souder (R–IN) successfully added an amendment to this provision during the markup. His language would add the protection for the beliefs of parents too. The language, as amended, reads, "No funds under this part may be used for activities or programs that discriminate against or denigrate the religious or moral beliefs of students who participate in such activities or programs or of the parents or legal guardians of such students."

After school programs

H.R. 4141 requires the General Accounting Office to conduct a study of current after school program opportunities, both federally and non-federally supported.

Anecdotal evidence suggests and the Committee believes that after school programs, particularly those offered between the hours of 3 PM and 6 PM can help students enjoy school more, feel safer, and make them less likely to participate in unproductive or harmful activities. That said, the Committee has reservations about rapidly increasing funding for programs that have not been subject to thorough evaluations.

Before further expanding the supply of after school programs, the Committee needs to develop its knowledge of the wide variety of programs that already exist and the ways in which the federal government can support the replication of quality programs across the country. For this reason, Title II authorizes the GAO to conduct a study of all after school programs that are currently available, the gaps in the supply of programs, barriers to using existing programs, and barriers to implementing new programs.

Title II also authorizes a national clearinghouse of model after school programs. The Committee believes that establishing a national clearinghouse on model programs will improve the quality of

after school programs. The clearinghouse will serve as an information resource for schools and communities looking to address their needs and the needs of their students. Currently, evaluations of programs and information on the availability of programs exist. The GAO study will add a national perspective, too. What is missing is a publicly and easily accessible means of retrieving this information. The clearinghouse will fill this gap.

TITLE III—TECH FOR SUCCESS

Moore's law holds that the capacity of computer memory chips will double every 18 months. This exponential growth is not unlike that of federal spending on education technology and in the number of new technology programs created. In 1995 spending in this area amounted to a total of just $52.6 million for a handful of initiatives. By FY 2000, this amount had grown to over $3 billion (including discounts from the universal service fund under the E-rate program.) According to the General Accounting Office (GAO), the number of federal programs that may be used as a source of support for telecommunications and information technology in schools and libraries has since expanded to over 35 spread across eight federal agencies. [Telecommunications Technology: Federal Funding for Schools and Libraries, GAO/HEHS–99–133).]

Unfortunately, despite the significant amount of funds that have been spent on education technology over the past half decade, little has been learned as to what works, what doesn't and how, if at all, technology is actually going to result in improving education in this nation. More and more education professionals are beginning to question whether computers actually increase student achievement any more than traditional classroom tools such as books and chalkboards.

In fact, not much has changed since Todd Openheimer's widely circulated article in the July 1997 edition of The Atlantic Monthly. Entitled, "The Computer Delusion," it began with the following passage: "There is no good evidence that most uses of computers significantly improves teaching and learning, yet school districts are cutting programs—music, art, physical education—that enrich children's lives to make room for the dubious nostrum, and the Clinton administration has embraced the goal of 'computers in every classroom' with credulous and costly enthusiasm."

To help make sure the next five years of federal investment in education technology will bear more fruit than that of the past half decade, the Committee has made several significant changes to the current Title III programs under the ESEA.

One of the most significant changes is the consolidation of eight existing programs under Title III, including the Challenge Fund, Challenge Grants, Star Schools, Software Development Program, Preparing Tomorrow's Teachers, Community Technology Centers, the Secretary Leadership Fund, and the Middle Schools Teachers Training program. At least 95 percent of these consolidated funds will go directly to states—a change from current law under which the secretary retains 42 percent for national activities and discretionary grants.

With a single technology program, schools will no longer have to submit multiple grant applications to obtain education technology

funding. In addition, the funds will no longer be segmented so that comprehensive education technology strategies will be easier to implement. The American Association of School Administrators, representing more that 14,000 superintendents and public school leaders, highlighted this aspect of the bill as one of the most important components. In an April 5, 2000 letter to the Committee in support of these provisions, they wrote:

> The Options bill also provides school districts with the benefit and convenience of a single federal technology program. For the last several years our members have requested a single source of technology assistance. The numerous technology competitive grant programs in ESEA are frequently so narrowly targeted that local districts find it difficult to obtain funding. With a single technology formula, schools will have the increased flexibility to buy technology resources that best fit their needs.

With the funds provided under this title, schools will also have the ability to focus on projects and initiatives which best meet their particular needs within a framework established by states. This recognizes the fact that every school district is at a very different level. While some schools have just begun to acquire computers, others will choose to focus these funds solely on ensuring teachers have the skills and support necessary to effectively use technology. This is why the Committee believes the flexibility provided under Tech-for-Success is so important because it recognizes these differing needs.

Although the specific use of state and local funds are very flexible, the Tech-for-Success program includes a strong focus in five primary areas: academic achievement; increased access to technology; expanded professional development; innovative technology such as distance learning; and parental involvement.

Academic achievement

The first stated purpose of the Tech-for-Success initiative is "To provide assistance to states and localities for implementing innovative technology initiatives which lead to increased student academic achievement and which may be evaluated for effectiveness and replicated if successful."

The Committee believes the primary focus on education technology should be to enhance student academic achievement. Too often, technology is being implemented in schools without this focus and the results can be costly. A September 1999 ABC News report stated,

> * * * American schools have spent more than $5 billion on new technology that was designed to improve student performance. But during that same period of time, student test scores for reading and math have remained relatively flat.

The report quoted Gary Bloom of the University of California Santa Cruz making the point "It's easy to put computers in schools. What's not easy is to ensure that they make a real difference in improving student achievement."

Despite the overall disappointment in the ability of technology in improving education there are some reasons to be hopeful. In 1990, West Virginia implemented the first stages of the Basic Skills/Computer Education (BS/CE) program. Their success is often cited as the primary example of how technology—when implemented with the right focus—may have the potential to improve student academic achievement. A 1999 study commissioned by the Milken Exchange on Education Technology, entitled "The West Virginia Story: Achievement gains from a statewide comprehensive instructional technology program" found several positive aspects of the BS/CE initiative.

In particular, "the more students participated in BS/CE, the more their test scores rose on the Stanford 9." The report also found the "BS/CE was more cost effective in improving student achievement than (1) class size reduction from 35 to 20 students, (2) increasing instructional time, and (3) cross age tutoring programs." One of the main reasons cited for West Virginia's success was the program "clearly articulated goals focused upon increased student achievement in reading, mathematics and composition."

The Tech-for-Success initiative under Title III draws from the success in states like West Virginia by ensuring the first and foremost focus of these funds is to implement technology for the purpose of improving student academic achievement. Specifically, states and local school districts receiving these funds must include in their plans a description of how funds will be used to improve student academic achievement.

In addition, state and local funds may be used for developing and implementing enhanced performance measurement systems in order to determine the effectives of technology in improving student academic achievement. The Committee also recognizes the ability for schools to use these funds for projects that focus on core academic subjects along with components that may include practical applications of those subjects. The act also includes funds for the secretary to conduct a much needed independent, long-term study, utilizing scientifically based research methods and control groups, on the effectiveness of the uses of educational technology on improving student academic achievement. The Committee urges the Department to consult with appropriate agencies, such as the National Science Foundation, in conducting this evaluation.

Taken together, these provisions represent a significant shift from current law in focusing far more on using technology to improve student academic achievement.

Expanding access

It is also the purpose of the Tech-for-Success Act "To encourage the establishment or expansion of initiatives, especially those involving public/private partnerships, designed to increase access to technology, particularly in high need local educational agencies."

The nationwide increase in access to technology has been significant. In 1994, just 35 percent of schools had Internet access, by 1999 this had risen to 95 percent. This high percentage held true even in schools where more than 70 percent of the children received free or reduced price school lunch. During this same period, the percentage of instructional rooms with Internet access in-

creased from just three percent to 63 percent. Additionally, the student-per-computer ratio dropped from 12 to just nine. However, in both of these indicators, schools in the highest poverty areas were far less likely to have computers in every room (just 39 percent) and the student-per-computer remained relatively high at 16 to 1. (National Center for Education Statistics, "Internet Access in U.S. Public Schools and Classrooms 1994–99," February 2000).

These figures indicate that although there have been tremendous gains over the past several years in expanding technology, students in the poorest school districts are still lagging far behind.

It is for this reason that under the Tech-for-Success program, states must send 95 percent of all funds locally, of which 80 percent must be distributed through a formula established by the state "which shall target funds to high need local educational agencies." The term "high need local educational agencies" is defined in the legislation as an area in which a high percentage of families have income below poverty, or is identified by the state as having limited access to technology; a high ratio of students to computers within the school, or having a high proportion of teachers who are not computer proficient. As exemplified by the NCES report, these factors are often associated with those schools in very high poverty areas.

This targeting of funds is a departure from the current practices under the two major Title III technology grant programs. A recent GAO study, (U.S. General Accounting Office, GAO/HEHS–00–55, Education Discretionary Grants: Awards Process Could Benefit from Additional Improvements, March 2000), reported that of 20 current grants under the Technology Innovation Challenge Grant program, none had been reported as being awarded to grantees with greater than 51 percent poverty (although the report notes that for seven of the grants, information could not be found). In addition, the Department of Education reported in it's recent program performance report, (U.S. Department of Education Volume II—Individual Programs: 1999 Performance Reports and 2001 Plans, March 2000, Washington, D.C.), that only 27 states reported awarding 66 percent or more of their FY 97 funds under the Technology Learning Challenge Fund (TLCF) to districts they designated as high-poverty. The Tech-for-Success initiative will ensure more funds get to the schools that are most in need of obtaining and using education technology.

In addition to the requirement that Tech-for-Success funds be targeted to high-need areas, the legislation also includes several other important provisions aimed at expanding access to education technology. Specifically, states and localities must submit a plan in order to receive funds, which includes a description of how they will "take steps to ensure that all students, particularly those residing in districts served by high need local educational agencies, will have increased access to education technology."

Also, the uses of funds authorized under this title allow states to establish or support "joint public and private initiatives to provide interest-free or reduced loans for the acquisition of educational technology for both high need local educational agencies and students attending schools within such districts."

Also, at the state and local levels, funds may be used for "establishing or expanding access to technology in neighborhoods served by high need local educational agencies, with special emphasis for access provided through technology centers in partnership with libraries and with the support of the private sector."

At the local level, funds may be used for "the establishment or expansion of initiatives, especially those involving public/private partnerships, designed to increase access to technology, particularly for high need local educational agencies."

The Committee stresses the need for these initiatives to focus on promoting public/private partnerships as a means of increasing access to technology in high need schools. Through such leveraging of federal dollars, far more students in high need areas will be served. There is ample evidence to support a growing desire of the business sector to participate in these initiatives.

The Committee on Education and the Workforce House Subcommittee on Early Childhood, Youth and Families held a hearing on March 8, 2000 on "The Role of Technology in America's Schools." Carlene M. Ellis, Vice President and Director, Worldwide Education Programs, Intel Corporation provided testimony describing their 'Intel Teach to the Future Program' designed to specifically address the barriers teachers face in effectively applying computer technology to improve student learning.

> Over the next three years, our investment in cash, equipment, curriculum development and program management will train more than 400,000 classroom teachers in 20 countries around the world. The program is supported by Microsoft in the form of significant software donations, and a number of computer manufacturers offering donations and discounts to participants in the program. We believe this is the largest private industry effort to date—valued at nearly half a billion dollars—to insure technology is used successfully to improve student learning.

These efforts are not limited to Intel and Microsoft. Other businesses large and small are also providing significant funding and support for education technology. The Tech-for-Success program will provide a further impetus for the continuation of such initiatives designed to increase access to technology for all students—especially those in high need districts.

Professional development for teachers

Another major focus of Tech-for-Success is "To promote initiatives which provide school administrators and teachers with the capacity to effectively utilize technology in ways which integrate such technology with challenging state content and student performance standards, through such means as high quality professional development programs."

A recent report by the National Center for Education Statistics found that only 20 percent of all teachers feel 'very well prepared' to integrate computer applications into classroom instruction. Oftentimes, this has led to significant expenditures by school districts for the purchase of technology that fails to be fully and effectively utilized to improve instruction and learning.

The Committee believes that until this issue is addressed, further expenditures in technology are, by and large, misplaced. For this reason, under the Tech-for-Success program, local school districts are required to use at least 20 percent of their funds from this grant, to provide—

> sustained and intensive, high-quality professional development, based on scientifically based research, in the integration of advanced technologies (including emerging technologies) into curriculum and in using those technologies to create new learning environments. * * * which effectively prepare students to meet challenging state content and student performance standards.

A survey published in Education Week (Technology Counts '99, September 1999) found that while professional development in technology seems to have a positive impact on teachers, during the past year 58 percent of all teachers had no more than five hours of training in technology. This includes 27 percent of teachers who received no technology skills training. The survey also found that 72 percent of teachers during the past year had no more than five hours of training on integrating technology into the curriculum.

The Tech-for-Success Act will greatly expand not only the amount of professional development for teachers, but also the quality. In working on the House-passed Teacher Empowerment Act (TEA), H.R. 1995, the Committee found ample evidence to suggest that far too many funds for professional development are simply not benefiting teachers. This is due primarily to the short term and inconsistent nature of how this training is often delivered. As a result, both the TEA bill and the Tech-for-Success provisions, require that professional development be sustained and intensive. Research, including the ongoing U.S. Department of Education's National Evaluation of the Eisenhower Professional Development Program, has found that programs with these characteristics have a far greater impact on the way in which teachers instruct.

Technology innovation

The Tech-for-Success legislation also, "Supports the development of electronic networks and other innovative methods, such as distance learning, to deliver challenging courses and curricula for students who would otherwise not have access to such courses and curricula, especially in isolated regions."

Such technology is especially beneficial to many small rural schools, which through the use of distance learning, may share teachers in subjects where there are shortages, such as math, science, foreign languages and advanced placement courses. These teachers currently have to travel long distances between schools to teach multiple classes or students are going without some of these courses.

As changes in technology continue at a rapid pace, the possibilities for new applications to improving education will expand. For example, greater availability to broadband Internet connections, digital communications, and wireless networks, are just a few of the emerging technologies that will have a significant impact on how education is provided in this nation. This legislation does not

attempt or intend to limit funds on today's technology, but instead, encourages the implementation and development of new and improved applications of this emerging technology in an effort to improve student academic achievement.

Parental involvement

Another important purpose of Tech-for-Success is, "To support local efforts for the use of technology to promote parent and family involvement in education and communication among parents, teachers and students."

The Committee notes that while student achievement is the primary focus of education technology, there are other important applications that can have a positive impact. The potential to greatly expand parental involvement is one example of such applications. Technology is being used by some schools to keep parents up to date on how their child is performing, what homework has been assigned, and provide an open link for parents to communicate with teachers. The Tech-for-Success Act specifically authorizes funds to be used for this purpose.

National activities

Under the current Title III program, nearly 42 percent of funds are awarded through a grant process by the secretary as opposed to a formula to all states. Although some of these funds are being used for innovative projects, the Committee notes the recent expansion of secretary funded programs, such as the Preparing Tomorrow's Teachers to use Technology (PT3) program and the Community Technology Centers, which the Committee believes would be more suitable for funding at the state and local levels. Under Tech-for-Success, states and localities will have more funds in order to carry out such initiatives.

Although Tech-for-Success limits the awarding of new grants such as PT3 and Technology Centers, the Committee recognizes that several multi-year grants have been awarded to states and local schools. Under this legislation, the secretary would be authorized to continue these grants throughout their original grant period. Funding for these grants would come from the $731 million of consolidated funds, prior to five percent being held for national activities.

In addition to funds made available for multiyear grants, the secretary is authorized to use up to five percent of funds from the Tech-for Success grant for other national activities. These activities include awarding competitive grants for education technology programs. A priority is given for those projects involving innovative models of delivering challenging distance-learning courses (such as advance placement courses) to schools where such courses would otherwise not be available. A second priority for these funds is for projects aimed at increasing access to technology in high need areas. In addition to funding these grants, the secretary is authorized to provide technical assistance to states and localities in order to achieve the purposes of the Tech-for-Success program. Funds from this section may also be used to update the existing national long-range educational technology plan. This section would also

fund the previously mentioned national study on the use of technology to improve academic achievement.

Protecting students from harmful material on the Internet

The Committee strongly believes that it would be irresponsible not to require blocking or filtering technology if a local educational agency or school chooses to use Title III funds for Internet access under the Education OPTIONS Act. The goal of this particular title is to provide technology to schools in order to improve student academic achievement, not to expose students to a virtual red light district of pornographic images and other harmful materials.

Specifically, the act includes a provision requiring that those schools choosing to receive federal funds under Title III for Internet access have in place on computers accessible by minors technology to filter or block obscenity, child pornography, and material that is harmful to minors. This provision allows for flexibility regarding the type of technology used for filtering and blocking purposes, and provides local officials with the latitude to disable filtering or blocking technology for bona fide research and other lawful purposes. Schools that object to such an approach to protecting students do not have to accept these funds and may use other sources of funds for Internet needs.

The courts, as well as the American public, have long recognized the government has a compelling interest in protecting children. Neither obscenity nor child pornography enjoys protection under the First Amendment. Child pornography is material that visually depicts sexual conduct by children below a specified age. Obscenity is commonly defined under the three-prong test of *Miller* v. *California,* 413 U.S. 15, 27 (1973), which asks: (a) whether the "average person applying contemporary community standards" would find that work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. "Material harmful to minors" is defined under the Education OPTIONS Act in the same manner as under the Child Online Protection Act (P.L. 105–277), which passed in the 105th Congress, and is consistent with Court decisions (i.e. *Ginsberg* v. *New York,* 390 U.S. 629 (1968)).

This legislation also makes it an allowable use of funds under Title III to purchase blocking or filtering technology. There is a wide variety of such technology available in the marketplace. Such technology is often updated regularly, allows users to block or unblock certain sites providing age-appropriate flexibility, and is inexpensive. The cost of such technology ranges from 50 cents to three dollars per workstation per month and many school systems have already negotiated even lower payment rates.

In sum, the Committee believes it would be negligent in its duties if it allowed federal taxpayer dollars to be spent on important classroom technology without taking reasonable steps to protect students from some of the most graphic and harmful material imaginable. Title III of the Education OPTIONS Act affords students such protection.

Part B—Ready-to-learn television

The Ready-To-Learn Television program authorizes the secretary to award grants to or enter into contracts or cooperative agreements with nonprofit entities (including public telecommunications entities) to develop, produce, and distribute educational and instructional television programming and support materials for preschool and elementary school children and their parents. *Dragon Tales* and *Between the Lions* are two examples of Ready-To-Learn Television programs.

The Committee has made several minor modifications to the Ready-To-Learn Television program. These modifications acknowledge and encourage a more aggressive approach to obtaining ancillary rights on the part of grantees in the hopes of further leveraging federal dollars and provide for the transition to digital programming. However, in making these changes, the Committee was careful to protect the program's original mission of developing high quality, educational television programming for preschool and elementary school children.

Part C—Telecommunications program

The Telecommunications Demonstration Project for Mathematics authorized the secretary to make grants to a nonprofit telecommunications entity, or partnership for such entities, for the purpose of carrying out a national telecommunications-based program (i.e. PBS' MATHLINE) to improve the teaching of mathematics.

Under H.R. 4141, the Telecommunications Demonstration Project for Mathematics is renamed the Telecommunications Program and the secretary is allowed, but not required, to award grants for the purpose of carrying out a national telecommunications-based program to improve the teaching of core academic subjects and/or for the purpose of developing, producing and distributing digital educational and instructional programming designed for use by elementary and secondary school students.

With the advent of digital technology comes the ability to produce multi-dimensional, educational and instructional programming that can increase student academic achievement. The Committee adopted an amendment offered by Mr. Fletcher (R-KY) during the markup in the hopes of encouraging the development of such programming under the Telecommunications Program.

Specifically, the Fletcher amendment allows the secretary to issue three-year competitive grants to local public television stations that enter into multi-year collaborative arrangements for digital content development with SEAs, LEAs, institutions of higher education, businesses, or other agencies or organizations. Eligible local public television stations must also contribute a 100 percent non-federal funding match.

TITLE IV—INNOVATIVE EDUCATION PROGRAMS

Innovative Education Program Strategies (Title VI under current law) is the only K–12 education block grant program contained within the Elementary and Secondary Education Act. It is the only

formula program that allows recipients to use funds to benefit any and all student populations, in any and all schools.

Title VI is the "innovation money" needed to help schools implement broad based accountability plans that are essential for education reform. Although there is broad support for this program throughout the education community, the administration zero-funds Innovative Education Program Strategies each year because they believe "the program is not well designed to support the kinds of state and local efforts most likely to result in real improvements in teaching and learning." In fact, the Committee believes the administration's opposition to this program is centered upon the fact that it is designed to support local flexibility as opposed to the top-down, Washington centered approach that characterizes so many administration initiatives.

There is ample evidence that contradicts claims made by the administration against this program. Pursuant to the requirements of the statute, the Title VI National Steering Committee conducted an evaluation of the effectiveness of Title VI for FY 1998. Forty-four states participated in the survey. The national compilation of survey data summarizes the impact of Title VI on over 19.1 million students in 5,247 public school districts and nearly 1.4 million students in private nonprofit schools. The survey, Title VI Evaluation of Effectiveness, National Summary, 1998, notes that public school districts, as well as private nonprofit schools, allocated the majority of their Title VI funds for library services and materials (including media materials). The second highest use of funds was for computer software and hardware for instructional use. The greatest benefit provided by the flexibility of Title VI at the local level is the ability to use funds to meet locally identified needs without the restrictions inherent in most other federal education programs.

If Title VI funds were not available, according to the survey public school districts would not be able to purchase/upgrade computer hardware and software and provide professional development; private nonprofit schools would not be able to upgrade library and media services and purchase/upgrade computer hardware and software; and state educational agencies would not be able to provide professional development to meet school district needs and to facilitate local school districts improvement/reform efforts. In stark contrast to claims made by the administration, the survey found that 82 percent of the districts that used Title VI funds to increase scores on norm-referenced tests reported improved test scores. Seventy-nine percent of the districts that used Title VI funds to increase scores on criterion-referenced tests reported improved test scores. Finally, the survey noted that the major recommendations made by recipients of Title VI were to increase funding and continue the flexibility to meet local needs.

In an effort to increase local control and flexibility of funds under the Innovative Education Program Strategies, H.R. 4141 adds additional "uses of funds" to current law to broaden the scope of the program for local educational agencies.

The bill provides for professional development activities and the hiring of teachers, including activities consistent with H.R. 1995, the Teacher Empowerment Act, that give teachers, principals, and administrators the knowledge and skills necessary to provide stu-

dents with the opportunity to meet challenging state or local content standards and student performance standards. Local educational agencies will now have the flexibility to focus on initiatives they believe will improve both teacher quality and student performance, such as programs to promote tenure reform; teacher testing; merit-based teacher performance systems; alternative routes to teacher certification; differential and bonus pay for teachers in "high need" subject areas; mentoring; and in-service teacher academies.

Single gender schools and classrooms

H.R. 4141 provides for education reform projects that provide single gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes. The Committee notes that use of the word "comparable" does not violate the principles of Title IX or the Constitution. The word "comparable" is already used by the Department of Education in determining whether a single-sex school is permissible under Title IX [34 C.F.R. §106.35(b)]. Further, the word "equal" is not required by the recent Supreme Court opinion [*U.S.* v. *Virginia,* 518 U.S. 515 (1996)] involving the Virginia Military Institute. The Supreme Court specifically found against Virginia because it failed to establish a "comparable" school for women. The Committee view on single gender education is supported by numerous entities in the education community including: the University of Southern California Law School; the National Coalition of Girls' Schools; the Orange County Department of Education; the National Association of Independent Schools; Denver Public Schools and Board of Education; and West Des Moines Community Schools.

The Committee also recognizes the numerous benefits of single gender schools and classrooms. Research suggests that students enrolled in single gender programs have better attitudes about school, are more likely to participate in class, take more math and science classes, have higher attendance rates, and generally have a greater likelihood of educational success. Research also suggests that girls enrolled in single gender programs tend to have more confidence to express themselves in the classroom; pursue more courses and careers in math and science; and are generally more able to focus on academics than they would if in coed classrooms. Simply put, "almost all of the research shows that girls benefit from single-sex schools which are providing an environment that is sensitive to the characteristics of female learning and social development." ("A Presentation of the Arguments For and Against Single-Sex Schooling, Zanders," 1993) In addition, "single-sex schools provide more * * * leadership opportunities, greater order and discipline, and fewer social distractions from academic matters * * * females also gain advantages because of significant reductions in gender bias in both teaching and peer interaction, and via access to the entire curriculum." ("Single Gender Schools: Outcomes for African and Hispanic Americans", Riordan, 1994)

Finally, the Committee acknowledges previous Congressional votes on single gender schools and classrooms. On April 21, 1998, the Senate approved identical single gender language by a vote of 69 to 29 as part of H.R. 2646, the Education Savings and School

Excellence Act of 1998 (this legislation was later vetoed by President Clinton). In addition, on August 1, 1994, the Senate voted 66 to 33 to approve an amendment to the Elementary and Secondary Education Act, offered by Senator Danforth (R–MO), to authorize the establishment of several single gender public schools. Unfortunately, the amendment did not survive the Conference.

Community service

The Education OPTIONS Act provides for community service programs that train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage. The Committee recognizes the accomplishments of the Do Something organization in engaging students in community-building activities in urban, rural, and suburban school districts around the country. Do Something is a national nonprofit organization that inspires young people to believe that change is possible, and trains, funds, and mobilizes them to be leaders who measurably strengthen their communities. Through an ongoing national media campaign and an interactive, educational website, Do Something works with partners—including MTV, Blockbuster Entertainment, FOX Television Network, Channel One, Applied Materials, and MSN—to inspire and empower millions of young people to take action to measurably strengthen their communities. The Committee believes that the inclusion of increased community service opportunities within the Elementary and Secondary Education Act will help to strengthen schools and communities across the nation.

Youth entrepreneurship education

H.R. 4141 provides for curriculum-based youth entrepreneurship education programs with demonstrated records of empowering disadvantaged youth with applied math, entrepreneurial, and other analytical skills. To be successful, it is the view of the Committee that curriculum-based youth entrepreneurship education programs should include organized academic materials that are sequentially based and which have been field-tested and based on sound educational practices. Additionally, such programs should 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.

Financial literacy education

The Education OPTIONS Act provides for activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills, including the basic principles involved with

earning, spending, saving, and investing. In addition, the bill provides for similar authority under Part A of Title V, the Fund for the Improvement of Education.

In order to succeed in our dynamic American economy, young people must obtain the skills, knowledge, and experience necessary to manage their personal finances and obtain general financial literacy. Yet, despite the critical importance of financial literacy to young people, the average student who graduates from high school lacks basic skills in the management of personal financial affairs. A nationwide survey conducted in 1997 by the Jump$tart Coalition for Personal Financial Literacy, examined the financial knowledge of 1,509 high school seniors. On average, survey respondents answered only!57 percent of the questions correctly, and only five percent of the respondents received a 'C' grade or better. A similar survey conducted in the spring of 2000 found financial skills declining among 12th graders, with an average of only 52 percent of the questions answered correctly.

As a result, many state educational leaders have recognized the importance of providing a basic financial education to students and have begun integrating financial education into state educational standards. On November 2, 1999, by a vote of 411 to 3, the House overwhelmingly passed H. Con. Res. 213, encouraging the Secretary of Education to promote, and state and local educational agencies to incorporate in their education programs, financial literacy training.

The Committee commends the efforts of the Jump$start Coalition in furthering personal financial literacy. The Jump$tart Coalition encourages schools and organizations serving youth to strengthen personal finance education and insure that personal financial management skills are attained during the K–12 educational experience. The Committee also recognizes Financial Literacy 2001, a state-by-state campaign to increase the average high school student's knowledge in the areas of personal finance and investment. Financial Literacy 2001 provides high school teachers with a money management curriculum to use in their classrooms. These types of programs are excellent resources for promoting financial literacy.

Mental health services

Title IV of H.R. 4141 provides for expanding and improving school-based mental health services, including early identification, assessment, and direct individual or group counseling services provided to students, parents, and school personnel by qualified school-based mental health services personnel. The Committee recognizes that LEAs may find that school-based mental health services are a necessary and appropriate component of improving student learning experiences and outcomes. The Committee intends that schools have the flexibility they need in creating innovative educational programs to address such situations as personal and social adjustment needs and emotional disturbances of students that prevent them from succeeding in the classroom.

In addition to expanding and improving school-based mental health services, the Committee notes that local educational agencies may use funds for eating disorder prevention, awareness,

treatment, and education programs. These types of programs can be an effective way to improve the education, health, and well being of students at-risk or suffering from eating disorders. An estimated five to ten million Americans suffer from eating-related disorders, including anorexia, bulimia, binge eating, and morbid obesity. In addition, 86 percent of all eating disorder problems originate in the school-aged years, some starting as early as age eight. While the medical complications resulting from eating disorders are well known, an often-overlooked consequence of these problems are the negative impact they have on a child's educational advancement.

TITLE V—PROGRAMS OF NATIONAL SIGNIFICANCE

Part A—Fund for the Improvement of Education

The Fund for the Improvement of Education provides resources to conduct nationally significant activities to improve the quality of education and assists all students to meet challenging state content standards. Unfortunately, over the years, this program has been used in some cases as a fund for the Secretary of Education to dispense funds for what some characterize as "pork" projects that have been earmarked for specific purposes. Funding for this program has ballooned from $32.5 million in FY 1994 to $243.8 million in FY 2000. H.R. 3194, the Consolidated Appropriations Act of 2000, earmarked over $200 million in unauthorized projects for this program. H.R. 4141 caps the authorization at $50 million annually to help prevent the funding of unauthorized projects earmarked as part of the Fund for the Improvement of Education and returns the program to its original purpose, a small funding source for the Secretary of Education to use for innovative education reform proposals.

National testing

The administration relied upon the broad, general grant authority in the Fund for the Improvement of Education for "developing and evaluating strategies for integrating instruction and assessment" and authority for the "development and evaluation of model strategies for the assessment of student learning" as its legal justification to create a Voluntary National Test in reading and mathematics. In response to the administration's attempts to implement a national testing initiative, Congress voted on several occasions to prohibit the creation of a national test.

On September 16, 1997, the House voted 295–125 to prohibit national testing as a part of P.L. 105–78, the Labor, Health and Human Services and Education Appropriations Act of 1998. The Committee notes that 75 Democrats voted "Yes" to prohibit the creation of a national test during this vote. On February 5, 1998, the House passed H.R. 2846, to prohibit spending federal education funds on national testing without explicit and specific legislation by a vote of 242–174. On April 22, 1998, the Senate voted 52–47 to prohibit national testing as a part of an amendment offered by Senator Coverdell (R–GA) to H.R. 2646, the Education Savings and School Excellence Act of 1998. Finally, P.L. 105–277, the Omnibus Appropriations Act of 1999, stipulated that "no funds provided to

the Department of Education or to an applicable program, may be used to pilot test, field test, implement, administer or distribute in any way any federally sponsored national test in reading, mathematics, or any other subject that is not specifically and explicitly provided for in authorizing legislation enacted into law."

H.R. 4141 ensures that no federally sponsored national test is created without an explicit authorization. Specifically, the bill stipulates that no funds provided under the Fund for the Improvement of Education may be used "to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law." Testing and standards play a valuable role in helping Americans understand how well children are learning; however, the Committee recognizes that the best tests and standards are those developed at the state and local levels. The Committee believes that this language makes it absolutely clear that a national test cannot be developed, tested, or implemented without a specific congressional authorization.

Prohibition on Federal endorsement of elementary and secondary school curriculum

The Committee notes that decisions about school curricula have been, and continue to be, local decisions. The federal government must take care not to have its heavy hand override state, local or parental choice in curricula, or use its influence or imprimatur to pressure state and local schools to implement national math standards. Accordingly, H.R. 4141 ensures that no funds provided under the Fund for the Improvement of Education may be used to endorse, approve, or sanction any curriculum designed to be used in elementary or secondary schools. In addition, the bill prohibits the Department of Education from endorsing curricula under Part E of Title VI.

Consolidated applications

The Education OPTIONS Act consolidates and streamlines the applications process for the Fund for the Improvement of Education to ensure that the effectiveness of all funded projects can be fully examined. Specifically, an applicant for an award under the Fund for the Improvement of Education will be required to establish clear goals and objectives for its project; describe the activities it will carry out in order to meet the goals and objectives; evaluate the effectiveness of its project's activities in achieving the goals and objectives stated in its application; and report to the Secretary of Education such information as may be required, including evidence of its progress toward meeting the goals and objectives of its project. In addition, the Secretary shall provide for dissemination of evaluation results. Such information shall be made publicly available upon request, with public notice of such availability provided.

Achievement gap performance rewards

Under current law, federal dollars continue to flow to states the same way regardless of whether a state improves student academic achievement. H.R. 2300 (The Academic Achievement For All or

Straight A's Act), passed by the House on October 21, 1999, creates incentives to improve student academic achievement by financially rewarding states that improve student academic achievement and narrow achievement gaps. No such reward program exists in current law for federal education funds. Under H.R. 2300, funds for the rewards would come from the Fund for the Improvement of Education. Rather than creating a new reward program, H.R. 2300 directs the secretary to set aside sufficient funds from the Fund for the Improvement of Education in advance in order to fully fund rewards under this provision at the end of the five-year performance agreements. H.R. 4141 adds language to the Fund for the Improvement of Education that specifically grants authority to the secretary to award performance grants, and specifically, according to the criteria for awards set forth in H.R. 2300.

H.R. 4141 authorizes performance rewards for states that (1) make significant progress in eliminating achievement gaps by increasing the proportions of two or more groups of students under Sec. 1111(a)(3)(I) of the Elementary and Secondary Education Act of 1965 that meet state proficiency standards, and (2) have agreed to meet specific and numerical performance goals during the term of a performance agreement of at least five years in length.

Elementary and Secondary School Counseling Program

The Committee has done much to address the mental health needs of youth in Title II of H.R. 4141. While the Committee believes that the primary purpose of schools is to further student academic achievement, the Committee does recognize that some schools and communities may find it appropriate and necessary to provide mental health services to students.

In addition to provisions in Title II to expand and improve school based mental health services, H.R. 4141 includes provisions supporting school based counseling services in Part A of Title V. H.R. 4141 streamlines the elementary and secondary school counseling program requirements to allow local educational agencies greater flexibility in creating and implementing programs and improves the ability of local educational agencies to implement demonstration projects. Under the Elementary and Secondary School Counseling Program's authority in the Fund for the Improvement of Education, the Secretary of Education is authorized to award grants to local educational agencies to establish or expand school counseling programs. Each program shall include teacher training by school counselors, school psychologists, and school social workers; shall involve parents of participating students in the design, implementation, and evaluation of the counseling program; and shall involve collaborative efforts with community groups, social service agencies, or other public or private entities to enhance the counseling.

Character education

With the growing concern for the safety of students and teachers in our schools, many have looked to character education in the schools as a solution. Making appropriate and good choices in life relies upon a strong character, yet some children do not get much guidance or support for character development. When and if

schools step in to help students develop strong character, the appropriate role of the federal government in such education becomes a key concern. To gain insight on this issue, the Subcommittee on Early Childhood, Youth and Families held a hearing on "Building a Nation of Citizens—The Role of Character Education in America's Schools" on March 1, 2000.

As a result of issues discussed at the hearing and input from various organizations in the character education community, the Education OPTIONS Act streamlines the Character Education Program to allow local educational agencies greater flexibility in creating and implementing programs. Under the Character Education Program in the Fund for the Improvement of Education, H.R. 4141 removes the limit of ten character education grants per year and the maximum award of $1 million to states, and instead authorizes the Secretary of Education to make up to five-year grants to states, local educational agencies, or a consortia of educational agencies for the design and implementation of character education programs.

Allowing local educational agencies and consortia of educational agencies to apply for funds will increase the flexibility to fund programs in school districts where states have not submitted applications for funding. In addition, H.R. 4141 defines the elements of character that shall be incorporated into character education programs including: Honesty, Citizenship, Courage, Justice, Respect, Personal Responsibility, Trustworthiness, and any other elements deemed appropriate by each state, local educational agency, or consortia of such educational agencies receiving funds under this program.

Smaller learning communities within high schools

According to the Conference Report on H.R. 3194, the FY 2000 Consolidated Appropriations Act, there is a strong body of research that documents the benefits of smaller high schools. These benefits include greater student academic achievement, less crime and violence, fewer disciplinary problems, less alcohol and tobacco use, better student attendance, fewer dropouts, more satisfied students, and greater student participation in school activities. The Committee acknowledges that school districts should be encouraged to undertake research-based strategies to create smaller learning communities within large high schools.

H.R. 4141 streamlines the Smaller Learning Communities Program to encourage the development and implementation of activities in high schools through which students receive more individualized attention and support. Under the Smaller Learning Communities Program in the Fund for the Improvement of Education, funds may be used to (1) create smaller learning communities in high schools where students receive individual attention and support, with a goal of not more than 600 students in each learning community; (2) develop and implement scientifically based research strategies to create smaller learning communities within large high schools including learning clusters, 'houses' (under this model, students across grades are assigned to groups of a few hundred each within a high school, each 'house' has its own discipline policies, student activity program, student government, and social activities), magnet schools or other approaches to creating schools within

schools; block scheduling; personal adult advocates; teacher-advisory systems and other mentoring strategies; reduced teaching loads; and other innovations designed to create a more personalized high school experience for students and improve student achievement; and (3) develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities for high schools.

Mathematics and science professional development study

The Education OPTIONS Act authorizes an independent study, conducted in consultation with appropriate agencies, that will provide a multi-level coordinated implementation strategy, based on scientifically based research, for effective professional development activities for mathematics and science teachers. The Committee encourages the Department of Education to consult with appropriate agencies, including the National Science Foundation, when conducting this study.

Repeals

The Committee amendment repeals the Promoting Scholar Athlete Competitions; National Student and Parent Mock Election; and the Model Projects programs from the Fund for the Improvement of Education. These repeals will help to streamline funding for the Fund for the Improvement of Education and are consistent with the administration's Educational Excellence for All Children Act of 1999.

Part B—Arts Education

The Arts Education program supports student competency in the arts by encouraging the integration of arts education into elementary and secondary school curricula. In its deliberations, the Committee has focused on increasing the involvement of local arts educators and state and local arts organizations, and on targeting resources to the programs that are providing results. Title V of the Education OPTIONS Act updates and improves the program in a number of ways.

The Committee bill continues the Arts Education program at its current funding level. It updates the congressional findings with respect to arts education. In addition, H.R. 4141 eliminates a number of outdated references to "Goals 2000," "National Education Goals," and "national efforts," and instead focuses the program on improving school-based programs using state standards.

Encouraging local participation and increasing local control

The Committee bill maintains the current list of eligible entities, and retains most of the current allowable uses of funds. However, consistent with the Committee's philosophy of increasing local involvement and local control, the focus of collaborative activities allowed under the act has been shifted away from specific federal agencies and specifically named organizations, to arts educators and arts organizations including state and local arts agencies. In addition, H.R. 4141 eliminates a restrictive special rule which has had the effect of limiting involvement by individuals and local orga-

nizations, and replaces it with a requirement that the secretary consult with arts educators (including professional arts education associations), and organizations representing state and local arts agencies involved in arts education when making grants.

In taking these actions, the Committee highlights the importance of consultation with the individuals and entities that have the primary responsibility and accountability for delivering a quality education in the arts. The Committee notes that there are currently four professional associations representing arts educators: MENC: the National Association for Music Education; the National Art Education Association; the American Alliance for Theater Education; and the National Dance Education Organization. The Committee believes that the secretary, grant recipients, and ultimately America's children will benefit from this consultative process.

Simplification and flexibility

The Committee bill also accepts two proposals put forth by the administration. First, H.R. 4141 eliminates an outdated funding threshold that requires in any year that appropriations for the Arts Education program are below $9 million, all appropriated funds are to be spent on programs operated by the Kennedy Center and VSA arts. In taking this action, it is not the intent of the Committee to increase or reduce federal funding to any specific entity. Rather, the Committee's goal is to simplify the act and increase flexibility by eliminating a provision that is no longer necessary or even in effect. The Committee notes that funding for Arts Education has exceeded the $9 million threshold in each of the three prior fiscal years. During that same time, combined funding under the program for the Kennedy Center and VSA arts has also grown beyond the $9 million threshold, to its current level of $10.5 million.

The second proposal put forth by the administration and accepted by the Committee is the elimination of a separate authorization for the Cultural Partnerships for At-Risk Children and Youth program. This program was created as a separate subpart 2 during the last reauthorization of the ESEA, but has never been funded. This action is consistent with the Committee's philosophy of targeting resources to the programs that are providing the best results, as well as with its responsibility to set priorities for the Appropriations Committee.

Leveraging funds

Finally, the Committee bill includes a new provision stating that funds provided under this program must be used to supplement and not to supplant non-federal funds used for arts education programs. This provision was added after consultation with arts educators who expressed concern that a few providers might reduce their own efforts if or when federal funding became available. It is the intent of the Committee that initiatives provided for under this program should complement the ongoing efforts of schools and school districts across the country.

Part C—Public charter schools

Background

Charter schools are public schools established under state law that come into existence through a contract with either a state agency or a local school board. The charter establishes the framework within which the school operates and provides public support for the school for a specified period of time. The school's charter gives the school autonomy over its operation and frees the school from regulations that other public schools must follow. In exchange for their autonomy, charter schools are held accountable for meeting the terms of their charters including improving student academic performance.

Under the Public Charter Schools program, federal charter school dollars are provided only to those states that have a state charter statute. Currently, 36 states, the District of Columbia and the Commonwealth of Puerto Rico have passed laws authorizing charter schools. Since not all states have charter schools, the Public Charter Schools program is a discretionary grant program not a formula program. Grants are awarded on a competitive basis and the length of the grant is for three years.

Provisions in H.R. 4141

Since the 105th Congress passed the Charter Schools Expansion Act of 1998 (P.L. 105–278), which authorizes the Public Charter Schools program through FY 2004, the Committee believes that only two legislative modifications are in order. The first provision clarifies that the definition of a charter school is, among other things, a public school that admits students on the basis of a lottery or in another non-discriminatory manner consistent with state law, if more students apply for admission than can be accommodated. The second provision authorizes $145 million for the program in FY 2000 and extends the authorization through FY 2005.

However, the Committee also believes that it is important to reiterate its position on subgrant administrative expenses. Under current law (Part C of Title X of ESEA, Sec. 10304 [20 U.S.C. 8064] (f)(4)), "Each state educational agency receiving a grant pursuant to this part may reserve not more than five percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part."

In other words, state educational agencies (SEAs) are allowed to reserve up to five percent of the grants they receive for the cost of administering subgrants. Depending on each state's charter law, subgrants may flow through local educational agencies (LEAs) before reaching the charter schools. It has come to the Committee's attention that in Colorado and several other states, LEAs are deducting an additional administrative charge from the subgrants. It was not the intent of the original authorizing legislation that any administrative expense be deducted from subgrants beyond the five percent allowed by SEAs. The Committee strongly encourages that this intent be communicated to state and local educational agencies by the Department and appropriately monitored to ensure that all schools receive 100 percent of the subgrants that SEAs award.

Part D—Civic education

The 28th Annual Phi Delta Kappa/Gallup Poll in 1996 found that American citizens believe that the nation's schools, apart from providing a basic education, have a very important role to play in preparing students to be responsible citizens. The 1998 National Assessment of Educational Progress found that students have only superficial knowledge of, and lacked a depth of understanding regarding, civics. In addition, more than three quarters of Americans surveyed by the National Constitution Center in 1997, admitted that they knew only some or very little about the Constitution of the United States.

To address these shortcomings, the Committee amendment incorporates parts of H.R. 3195, the Education for Democracy Act introduced by Mr. Kildee (D–MI) and Mr. Castle (R–DE). The purpose of H.R. 3195 is to improve the quality of civics and government education by educating students about the history and principles of the Constitution of the United States, and to foster civic competence and responsibility. Part D of Title V of H.R. 4141 supports the Center for Civic Education and its education program that encourages instruction on the principles of our Constitutional democracy; the history of the Constitution and the Bill of Rights; congressional hearings simulations; and annual competitions of simulated congressional hearings for secondary school students. In addition, the bill provides for advanced training of teachers about the Constitution of the United States and the political system the United States created; and civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

Part E—Ellender Fellowship Program (Close Up Foundation)

An amendment offered by Mr. Roemer (D–IN) and Mr. Barrett (R–NE) was adopted by the Committee to restore the Allen J. Ellender Fellowship Program. This program, administered by the private, non-profit Close Up Foundation, provides financial aid to enable low-income students, their teachers, senior citizens, recent immigrants, and children of migrant parents to come to Washington, D.C. to study the operations of the three branches of government. Activities include attending seminars on government and current events, and meeting with government leaders. H.R. 4141 authorizes $4.4 million for FY 2001 and such sums as may be necessary for the next four succeeding fiscal years for this program.

The Close Up Foundation is the nation's largest nonprofit (501(c)(3)), nonpartisan citizenship education organization. Since its founding in 1970, Close Up has worked to promote responsible and informed participation in the democratic process through a variety of educational programs. Close Up's mission is built on the belief that textbooks and lectures alone are not enough to help students understand the democratic process and make it work. Students need a "close up" experience in government. Close Up's national, state, and local experiential government studies programs strengthen participants' knowledge of how the political process works, increases their awareness of major national and international issues, and motivates them to become actively involved in the world around them. Each year, more than 25,000 students,

teachers, and other adults take part in Close Up's programs in Washington, D.C. Since the inception of its Washington-based programs in 1971, the Close Up Foundation has welcomed more than 500,000 students, educators, and other adults to the nation's capital.

TITLE VI—GENERAL PROVISIONS

In general

Title XIV of the Elementary and Secondary Education Act contains general provisions that affect all federal K–12 education programs. Changes to Title XIV have been included in Title VI of H.R. 4141, the Education OPTIONS Act. The general provisions are divided into several parts: Part A—Definitions; Part B—Flexibility in the Use of Administrative and Other Funds; Part C—Coordination of Programs and Consolidated State and Local Plans and Applications; Part D—Waivers; Part E—Uniform Provisions; and Part F—Sense of the Congress. Repeals are included in section 602 and the effective date is in section 603.

Part A—Definitions

The Committee has added two new definitions to the list of defined terms for the Elementary and Secondary Education Act programs. Most of the remaining definitions from current law remain substantially unchanged. The two new terms are "family literacy services" and "scientifically based research."

The "family literacy services" definition is identical to the definition that was included in the Reading Excellence Act (Title VIII of P.L. 105–277) in 1998. This definition will also be the definition used for purposes of the Even Start Family Literacy program that is being reauthorized in a separate bill, H.R. 3222, the Literacy Involves Families Together Act (LIFT). "Family literacy services" are those services provided to a participant that are of sufficient intensity and duration to make sustainable changes in a family, and that integrate all of the following activities: (1) interactive literacy activities between parents and their children; (2) training for parents regarding how to be the primary teacher for their children and full partners in the education of their children; (3) parent literacy training that leads to economic self-sufficiency; and (4) an age-appropriate education to prepare children for success in school and life experiences.

The "scientifically based research" definition is consistent with the definition included in the Reading Excellence Act (Title VIII of P.L. 105–277), the House-passed Teacher Empowerment Act (H.R. 1995) and the House-passed Student Results Act (H.R. 2). The Committee strongly believes that all Elementary and Secondary Education Act programs should be based upon scientifically based research. This means research that employs systematic, empirical methods that draw upon observation or experiment; involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; relies upon measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and has been accepted by a peer-reviewed journal or

approved by a panel of independent experts through a comparably rigorous, objective, and scientific review. In addition, during Committee consideration of the Education OPTIONS Act, an amendment was offered by Mr. Schaffer (R–CO) to further include language requiring such research to be evaluated using randomized experiments in which individuals, entities, programs or activities are randomly assigned to different variations (including a control condition) to compare the relative effects of the variations. The amendment was accepted by voice vote.

Part B—Flexibility in the use of administrative and other funds

Under current law section 14201, a state may consolidate its administrative funds from Title I of the Elementary and Secondary Education Act (ESEA), the Eisenhower professional development program, the technology programs, the safe and drug free schools program, the innovative education program strategies grants, and Goals 2000 and apply the consolidated funds to the state's costs of administering this group of programs, rather than applying each funding source only to the administrative costs for that one program.

According to a study prepared for the Department of Education and entitled Living in Interesting Times: Early State Implementation of New Federal Education Laws, only nine states have completely consolidated their administrative funds, and many state administrators appear to be confused as to what extent, if at all, administrative funds have been consolidated in their states. However, for states that have consolidated administrative funds, they have found the experience to be a positive one. Consolidation has eliminated the requirement of tracking time and effort of personnel assigned to individual federal education programs. Collaboration across federal education programs has also increased. In many cases, consolidated administrative funds have made it easier for states to fund salaries, fringe benefits, and training and conference expenses.

While the provision in current law is a positive one, the Committee finds no sound reason why the authority to combine administrative funds at the state level should not be extended to all ESEA programs. H.R. 4141 would extend such authority to all ESEA programs for which funds are authorized to be used for administration at the state level.

Similarly, current law section 14203 allows for consolidation of funds for local administration for certain ESEA programs. As with state administrative funds, the Committee has included language allowing all ESEA administrative funds at the local level to be combined. A General Accounting Office report[2] found the current law provision, in practice, to be frequently unavailable and seldom used by school districts. In GAO's survey of state educational agencies, about one third reported that they did not allow local school districts to combine administrative funds. It is the Committee's understanding that in some states, a barrier to the use of this option is the state or state educational agency's failure to establish an ad-

[2] GAO/HEHS–98–232 Federal Requirements and School districts, Recent Flexibility Initiatives Are Generally Not Structured to Address the Major Implementation Issues Affecting School Districts, p.55.

ditional fiscal account line for managing these combined funds. This is largely an implementation problem. Accordingly, the Committee would strongly encourage states to take all necessary steps, including the modification of accounting procedures, to make this option available to local school districts.

Part C—Coordination of programs; consolidated state and local plans and applications

In general, to receive funding for most federal education programs, states and school districts must submit plans or applications to either the state or federal government. These plans or applications typically tell how the funds will be used, certify that federal procedures will be followed, and provide assurances that the funds will be spent in accordance with the purpose or purposes of the program.

Section 14302 of the general provisions gives states the option of consolidating state plans or applications that they submit to the United States Department of Education for specified ESEA education programs. This means that a state may submit one plan that covers two or more of the specified programs. In similar fashion, section 14305 gives school districts the option of consolidating local plans or applications that they submit to the state. As with the provisions on consolidated administrative funds, the Committee has expanded the provisions of current law to allow all ESEA programs to be included in a single state or school district plan. Consolidated plans eliminate bureaucratic paperwork requirements, promote greater coordination between programs, and in general, give states and localities the flexibility they need to better administer federal education resources. As with consolidation of administrative funds, states that have used consolidated plans have found the benefits to be quite positive. In Virginia, for example, the use of a single consolidated plan has allowed funding for cross program planning, eliminated the need to track personnel time and effort in individual programs, and eliminated the need to develop separate program plans.

It is the view of the Committee that all states must allow all local educational agencies to submit consolidated plans, as the statute requires this in under section 14305. On February 16, 1999, Carlotta Joyner of the General Accounting Office (GAO) sent Secretary Riley a memo concerning several states that may not have been implementing these flexibility provisions. GAO reported in its memo that in a survey of 50 state educational agencies, ten states reported that they require school districts to submit separate plans for at least one of the programs covered under the law, in order to receive federal program dollars. Under ESEA, though, states may require school districts to submit consolidated plans, but they cannot require them to submit separate plans for each of these covered programs. As a result, school districts in these states are not able to take advantage of the reductions in paperwork requirements that have been available under current law for more than five years. Consequently, in an effort to address this problem, H.R. 4141 clearly states in section 14305 that states cannot require local educational agencies to submit separate plans for each federal program.

Part C of the general provisions also includes a new provision on consolidated reporting, yet another provision to eliminate unnecessary paperwork requirements and reporting burdens. Section 14303 gives the secretary authority to establish procedures for allowing states to submit consolidated annual reports on ESEA programs. This single report, already under development at the Department, will take the place of separate individual annual reports the states are required to submit to the Department of Education. The Committee also encourages the Department to implement electronic consolidated reporting to further reduce paperwork. In addition, to the extent possible, states should be granted the flexibility to submit state annual reports and other data that meet federal reporting requirements so that they do not have to repackage data that otherwise meets those requirements.

Part D—Waivers

The general authority of the Secretary of Education to waive statutory and regulatory requirements of federal K–12 education programs is found in Part D, section 14401, of the Elementary and Secondary Education Act. The basic concept behind waiver authority is that states and school districts may have a better way of implementing federal education programs and this authority enables them to do so. For too many years, the federal government has had a top-down, one-size-fits-all approach to education that has proven itself flawed. In recognition of this fact, Congress has begun to provide more flexibility to states and school districts via the waiver process. Generally, the Title XIV waiver authority allows the secretary to consider requests from states and school districts for waivers of any statutory or regulatory requirement with several exceptions. The Committee has continued the waiver authority and made minor conforming changes so that the secretary's waiver authority is generally consistent with the waiver authority granted to states under the Education Flexibility Partnership Act (P.L. 106–25).

Under current law, the secretary may not waive statutory or regulatory requirements relating to the following: (1) allocation or distribution of funds to state educational agencies, local educational agencies, or other recipients of ESEA funds; (2) maintenance of effort; (3) comparability of services; (4) use of federal funds to supplement, not supplant non-federal funds; (5) equitable participation of private school students and teachers; (6) parental participation and involvement; (7) applicable civil rights requirements; (8) charter school requirements; (9) prohibitions regarding state aid and the use of funds for religious worship or instruction. In Section 14513 the Committee has added to the list of things that cannot be waived. The prohibitions that are included are: prohibition on funds being used to develop or distribute materials or operate programs or courses of instruction directed at youth that are designed to encourage sexual activity, whether homosexual or heterosexual; prohibition on funds being used to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds; prohibition on funds being used to provide sex education or HIV prevention education in schools unless such instruction is age appropriate and emphasizes the health benefits of

abstinence; and prohibition on funds being used to operate a program of contraceptive distribution in schools.

Part E—Uniform provisions

Part E includes what is commonly referred to as the "uniform provisions." These provisions include maintenance of effort, the participation by private school students and teachers in ESEA programs, prohibitions against funds being used for religious worship or instruction, rules of construction relating to home schools, school prayer provisions, prohibitions against federal control of curriculum, prohibitions relating to sex education and contraceptive distribution, and other matters.

The Committee has made several significant changes to current law. First, the Committee has included language on private school consultations with school district officials that is parallel to the language reauthorizing Title I of ESEA that was included in the House-passed Student Results Act (H.R. 2). In general, school districts are required to consult with private school officials when arranging for the provision of equitable services under ESEA programs to private school students and staff. However, Catholic school officials have informed the Committee that in some areas of the country, public school districts provide little or no consultation with private officials. Where consultation does occur, it can hardly be considered meaningful.

To help address these concerns, H.R. 4141 requires public school districts to consult with private school officials not only on how and where the services will be provided, as under current law, but also on the selection of the contractor that provides the services, in situations where contractors are utilized. In addition, the public school district must tell how the 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 public 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.

Second, the Committee has included new language on school prayer. Current law states that any state or school district that has been found by a federal court to have willfully violated a court order with respect to school prayer is ineligible to receive ESEA funds. Sadly, this law is unnecessarily hostile to the right to pray and erects several hurdles in the paths of students who wish to exercise their right to pray at school. First, current law requires one to have first gone to federal court and previously obtained an order against a school district or state. Second, one must additionally prove in court that a state or school district has willfully violated the order, before the state or school district would be subject to losing education funds. This framework is flawed. It does nothing to provide for prompt enforcement of a student's rights. Rather it provides a remedy only after a student has been compelled to go to court two times—once to get an initial court order and the second time to show there has been a violation of the court order. This puts an onerous burden upon students who are simply trying to exercise a basic constitutional right.

The Committee has replaced current law with a simple provision that denies ESEA funds to states or school districts that have policies which deny or prevent participation in constitutionally protected prayer in schools on a voluntary basis. The language included in section 14510 of H.R. 4141 is the same language that Rep. Sam Johnson (R–TX) authored in 1994 that passed the House 345–64. The Senate passed substantially the same language in 1994 but it was dropped from the final conference report and replaced with what is now in current law.

Third, the Committee has added new language in section 14511 regarding religious memorial services and religious memorials located on school campuses. The language was prompted by the circumstances surrounding the courageous actions of Cassie Bernall at Columbine High School in Littleton, Colorado. The Committee bill states that Congress does not find religious services or religious memorials that are located on campus to honor others that may have been slain on campus to be objectionable. This statement sends a clear signal that Members of Congress believe schools and communities should be free to honor their classmates through a religious service or memorial erected on campus. Too often, there are people and organizations that would seek to prevent parents and students from seeking the comfort of their Creator on public property and in public settings. Efforts by such organizations are puzzling, given the many references to religion in our government and public life. We have chaplains in the Armed Forces; chapels located on the grounds of our military service academies; House and Senate chaplains who open our legislative sessions in prayer and who pray and counsel with Members of Congress; the words "In God We Trust" appears on coins and paper money; religious organizations participate in charitable choice; and many other examples. Even our nation's laws dealing with crimes against persons (murder and robbery) and property (theft) are rooted in scripture. The very modest provision included in H.R. 4141 is substantially similar to language that passed the House in June 1999 by a vote of 300–127 as a part of the juvenile justice legislation (H.R. 1501).

Fourth, the Committee has added new language in section 14512 which permits school districts, if they wish, to use up to 20 percent of administrative funds from ESEA programs for payment of attorneys fees and related legal services in the defense of any legal action where the claim is that a school or its agent violated the constitutional prohibition against the establishment of religion by permitting, facilitating, or accommodating a student's religious expression or by permitting, facilitating or accommodating religious memorials on campus. Too often, lawsuits or threats of lawsuits against a school district can have a chilling effect upon a district's willingness to accommodate a student's religious expression. This language will ensure that the school district could access a portion of their administrative funds when they extend themselves to accommodate a student's religious expression.

Fifth, the Committee has added new language in section 14515 which ensures that regulations are promulgated by the secretary only to the extent that such regulations are necessary to ensure compliance with specific requirements and assurances required under the Elementary and Secondary Education Act. This provision

is consistent with language that has been included separately in individual education programs in recent years. It is included here to cover all elementary and secondary programs.

Sixth, the Committee has added new language in section 14518 prohibiting the endorsement, approval or sanctioning of any curriculum by the Department of Education. The Educational Research, Development, Dissemination, and Improvement Act of 1994 (P.L. 103–227) directs the Assistant Secretary of Education for the Office of Educational Research and Improvement to establish "panels of appropriate qualified experts and practitioners to evaluate educational programs * * * and recommend to the secretary programs that should be designated as exemplary or promising educational programs."

Within the past several months, the Secretary of Education identified as "exemplary" and "promising" several highly questionable math programs that had been supported by the National Science Foundation. These programs have been commonly referred to as "fuzzy math" because they adhered to a philosophy of math that minimized essential computational skills, were not based on sound scientific research, and promoted lower levels of proficiency in mathematics. In fact, over 200 math and science scholars from across the nation sent a letter to the Secretary of Education pointing out the flaws of the curricula, and asked the Department to rescind the endorsements. The endorsements were not rescinded.

The continuing ability of the Department of Education to be able to endorse curricula is misguided, and accordingly, the Committee has included a prohibition on any further endorsements by the Department. This provision effectively supersedes the current authority provided for these panels of experts to make recommendations on exemplary programs in the Educational Research, Development, Dissemination, and Improvement Act of 1994.

Decisions about school curricula have been and continue to be local decisions. The federal government must take care not to have its heavy hand override state, local or parental choice in curricula, or use its influence or imprimatur to pressure state and local schools to implement national math standards.

Seventh, the Committee has continued the prohibitions included in section 14511 of current law. These prohibitions have been moved to section 14513 of H.R. 4141. Section 14513 prohibits ESEA funds from being used to: (1) distribute obscene materials on school grounds; (2) fund courses or the development or distribution of materials that are designed to promote or encourage sexual activities; (3) operate a program of contraceptive distribution at schools; and (4) fund sex education in schools unless such program is age appropriate and emphasizes abstinence.

Eighth, during Committee consideration of H.R. 4141, Rep. George Miller (D–CA) offered an amendment which states that no state educational agency or school district that receives ESEA funds may enter into third party agreements that allow persons or entities to monitor, gather or obtain information used to advertise, sell or develop a product from any student under 18 years of age unless such agreements require the written permission of the parent of such student prior to monitoring, gathering or obtaining such information. Exceptions to the requirement are: (1) recruit-

ment activities by higher education institutions; (2) development and administration of tests and assessments; (3) development and administration of curriculum and instructional materials; and (4) contact information collected from a student that is used only to respond directly to a specific request from the student for a transaction. The amendment was approved by a vote of 26–20.

Finally, the Committee wishes to make clear that for purposes of section 14509 relating to protections against federal control over private and home schools, the phrase "any other act administered by the Department" is not intended to include civil rights statutes that prohibit discrimination against individuals such as Title VI of the Civil Rights Act of 1964.

Part F—Sense of the Congress on reducing the reading deficit; Sense of the Congress on science assessments

The Committee has included in section 14614 a Sense of the Congress statement on reducing the reading deficit. The Committee recognizes the significant challenges we face, as a nation, in overcoming the reading deficit, and is particularly concerned about estimates of as many as two million students being placed in special education simply because they cannot read. Additionally, across the nation 50 million adults are unable to read. Sixty-nine percent of 4th graders are reading below the proficient level. Proficient is the level identified by the National Assessment Governing Board as the reading level that all students in our nation should reach. Fourth grade students performing at the proficient level should be able to demonstrate an overall understanding of the text, providing inferential as well as literal information. When reading text appropriate to fourth grade, they should be able to extend the ideas in the text by making inferences, drawing conclusions, and making connections to their own experiences. The connection between the text and what the student infers should be clear.

It is clear that the reduction in the reading deficit is one of the most significant challenges that the nation must address. The Committee has found that by applying the findings of scientifically based research to classroom instruction in reading, the number of students who cannot read can be dramatically reduced. In the largest, most comprehensive evidentiary review ever conducted on how children learn to read, a Congressionally-mandated National Reading Panel concluded that the most effective way to teach children to read is through instruction in phonemic awareness, direct systematic phonics, reading fluency, spelling, writing, and reading comprehension strategies.

Perhaps the greatest single impediment to educationally disadvantaged students is limited reading skills. Reading is the access skill to all other learning, and many of the programs authorized in the accompanying bill either directly or indirectly focus on this fundamental deficit for at risk students. For many of these students, the Committee urges that teachers take full advantage of all the tools currently available to help these learners acquire the skill of reading, including the use of recorded textbook materials, available free of charge for needy students, while they are learning to read on their own.

Another Sense of the Congress provision is included in section 14615. It relates to state and local science assessments, and simply states that it is the Sense of Congress that such assessments should measure a student's ability to understand scientific facts, results, and concepts, design and conduct experiments, make arguments based on evidence and data, and communicate scientific information.

Repeals

Section 602 of the Education OPTIONS Act repeals the following titles of the Goals 2000: Educate America Act: Title II, Part A (National Education Goals Panel); Title II, Part C (Goals Panel Authorization); Title VI (International Education). Title XI (Coordinated Services) of the ESEA is also repealed.

In the early 1990s, Congress wrote into law eight national education goals to be met by the year 2000, and authorized a National Education Goals Panel to chart the progress of the nation in meeting the goals. The goals to be met by the year 2000 were: (1) all children will start school ready to learn; (2) the high school graduation rate will be at least 90 percent; (3) students will master a challenging curriculum at grades 4, 8, and 12; (4) teachers will have access to professional development opportunities; (5) U.S. students will be first in the world in science and math achievement; (6) all adults will be literate; (7) schools will be free of drugs, violence and firearms; and (8) every school will promote parental involvement in education. For several years the National Education Goals Panel charted the nation's progress and published various reports. However, as their reports attest, the nation has unfortunately fallen short in meeting most of the goals by the year 2000. While the goals may have served a worthy purpose for their time, the Committee believes it is unnecessary to extend the goals or the National Education Goals Panel for an infinite period of time.

In this regard, an amendment was offered to H.R. 4141 by Mr. Schaffer (R–CO) that repealed the National Education Goals. The amendment further added a Sense of Congress provision stating: (1) the Constitution gives states the responsibility for the general supervision of education; (2) states and school districts are best suited to increase academic achievement; (3) states and school districts need maximum liberty in instituting education reform; (4) the best education decisions are made by those who know the students best; and (5) states should be commended for their educational efforts and results. The amendment passed by voice vote.

The Committee has repealed the coordinated services program found in Title XI of the Elementary and Secondary Education Act. Coordination of non-academic related services under ESEA is far removed from the underlying purposes of federal elementary and secondary education programs. It is the responsibility of families, not schools, to meet these needs of children. Stretching federal education programs into such tangential areas is an unnecessary diversion of federal education resources and accordingly the Committee has repealed Title XI.

Effective date

Section 603 of the bill provides an effective date of October 1, 2000 or the date of enactment of the bill, whichever comes later in time.

IDEA funding

During Committee consideration of H.R. 4141, Mr. Tierney (D–MA) offered an amendment, which was accepted, that requires a local educational agency that exercises the authority under IDEA to treat as local funds up to 20 percent of the amount it received for part B of IDEA that exceeds the amount it received in the previous fiscal year to spend those additional local funds to provide funding for programs under ESEA, Class Size Reduction, School to Work, and programs addressing the digital divide, school construction, school safety, teacher quality and after school or related education programs authorized under federal, state or local law. This amendment is substantially similar to the amendment Mr. Tierney successfully included in H. Con. Res. 84, the IDEA Full Funding Resolution.

SECTION BY SECTION ANALYSIS

Section 1—sets forth the short title as the 'Education Opportunities to Protect and Invest in Our Nation's Students (Education OPTIONS) Act.'

Section 2—contains the table of contents.

Section 3—states the purpose of the act.

TITLE I—TRANSFERABILITY

Section 101—states the short title as 'State and Local Transferability Act.'

Section 102—states the purpose of Title I.

Section 103—amends Part B of Title XIV of the Elementary and Secondary Education Act to provide the provisions regarding transferability as follows: "Section 14206 states the provisions for state transfer authority; states the provisions for local transfer authority; states the limitation on transfer authority; states the provisions regarding the state plan and application modification; states the provisions regarding the local plan and application modification; states the provisions regarding applicable rules to transferred funds."

TITLE II—DRUG AND VIOLENCE PREVENTION AND EDUCATION

Section 201—amends Title IV of the Elementary and Secondary Education Act to provide the provisions regarding drug and violence prevention education as follows:

"Section 4001 establishes the short title as 'Supporting Drug and Violence Prevention and Education for Students and Communities Act of 2000.'

"Section 4002 sets forth the findings.

"Section 4003 establishes the purpose.

"Section 4004 sets the authorization of appropriations."

"Part A—State grants for drug and violence prevention programs

"Section 4111 sets forth reservations and allotments.

"Section 4112 establishes the within-state distribution of funds.

"Section 4113 establishes and describes the state application process.

"Section 4114 establishes and describes the local educational agency application.

"Section 4115 establishes authorized activities.

"Section 4116 establishes and describes the system of evaluation and reporting."

"Part B—National program

"Section 4121 establishes and describes federal activities.

"Section 4122 establishes a national clearinghouse for after school programs."

"Part C—Gun possession

"Section 4131 establishes gun-free school requirements."

"Part D—General provisions

"Section 4141 sets forth the definitions.

"Section 4142 establishes that drug prevention programs under this title convey a message that the use of drugs is wrong and harmful, but prohibits the Secretary from prescribing specific curricula.

"Section 4143 establishes that any state and local educational agency receiving funds under this title must have a policy that prohibits cigarette vending machines and the illegal possession of drugs or alcohol on school property or school sponsored events.

"Section 4144 establishes that local educational agencies shall make a reasonable effort to inform parents or legal guardians of the content of programs funded under this title, and shall withdraw a student from any program funded under this title upon receipt of written notification from the parents or legal guardian.

"Section 4145 sets forth prohibited uses of funds.

"Section 4146 sets forth that each state must establish a standard of quality for programs and sets minimum requirements for such standards.

"Section 4147 authorizes the Secretary to continue to fund grants received by any school or consortia of schools under part I of title X (21st Century Community Learning Centers Program) prior to the enactment of this bill shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates.

"Section 4148 requires that the General Accounting Office shall submit a report to Congress no later than one year after the date of enactment, and establishes what such report must contain.

"Section 4149 establishes that states may provide services through contracts with charitable, religious, or private organizations, and sets forth guidelines to direct the exercise of this authority.

"Section 4150 establishes a policy relating to the discipline of a child with a disability who possesses or sells illegal drugs at school, or who commits aggravated assault or battery at school and establishes a policy relating to the discipline of a child with a disability who possesses a weapon at school."

Section 202—provides local educational agency with requirements for use of certain funds.

TITLE III—TECH FOR SUCCESS

Section 301—amends Title III of the Elementary and Secondary Education Act as follows:

"Section 3001 provides the short title as the 'Tech for Success Act of 2000.'

"Section 3002 provides for the purpose of the title."

"Part A—Tech for success grant program

"Subpart 1—General provisions

"Section 3101 sets the authorization of appropriations for this part and states the funding rule.

"Section 3102 states the definitions for this part."

Subpart 2—State and local technology for success grants

"Section 3111 provides the provisions regarding allocating funds to the states and the Bureau of Indian Affairs.

"Section 3112 states the use of allotments by states.

"Section 3113 provides the provisions regarding state plans.

"Section 3114 provides the provisions regarding local plans.

"Section 3115 states the permitted state activities and states the limitation on administrative costs.

"Section 3116 provides the provisions regarding the required and allowable local activities, including Internet filtering."

"Subpart 3—National technology initiatives

"Section 3121 directs the Secretary to carry out national programs designed to increase academic achievement through technology, study the effects of technology on academic achievement and coordinate all federal activities in the education technology arena.

"Section 3122 provides for the provisions regarding the requirements for recipients of funds.

"Section 3123 provides the provisions directing the Secretary to evaluate programs carried out under this subpart and to disseminate the results."

"Part B—Ready to learn television

"Section 3201 provides the provisions authorizing the Secretary to award grants; sets specific limits on administrative costs; and requires the coordination of federal activities under this part.

"Section 3202 provides the provisions regarding applications.

"Section 3203 states that any entity receiving funds under this part shall submit an annual report to the Secretary for review.

"Section 3204 sets the authorization of appropriations."

"Part C—Telecommunications program

"Section 3301 provides the provisions authorizing the Secretary to make grants to carry out a national telecommunications-based education program and a digital education content program.

"Section 3302 sets the authorization of appropriations for this part."

TITLE IV—INNOVATIVE EDUCATION PROGRAMS

Section 401—amends Title VI of the Elementary and Secondary Education Act to provide for the provisions regarding the Innovative Education Program Strategies provisions as follows:

"Part A—State and local program

"Section 6001 states the findings and purpose of the title.
"Section 6101 provides for the provisions for allotments to states.
"Section 6102 provides for the provisions for allocations to local educational agencies."

"Part B—State programs

"Section 6201 provides the provisions for state uses of funds.
"Section 6202 provides the state application requirements."

"Part C—Local innovative education programs

"Section 6301 provides for the targeted uses of funds available to local educational agencies.
"Section 6302 states the administrative authority for states and local educational agencies.
"Section 6303 provides the provisions for local applications."

"Part D—General provisions

"Section 6401 states the provisions regarding maintenance of effort and states that funds are to supplement, not supplant federal funds.
"Section 6402 states the provisions regarding participation of children enrolled in private schools.
"Section 6403 provides for the provisions regarding federal technical assistance, rulemaking, and availability of appropriations.
"Section 6404 states the definitions for the title.
"Section 6405 provides the authorization of appropriations."

TITLE V—PROGRAMS OF NATOINAL SIGNIFICANCE

Part A—Fund for the improvement of education

Section 501—amends Part A of Title X of the Elementary and Secondary Education Act as follows:
"Section 10101 prohibits funds for federally sponsored testing.
"Section 10102 prohibits funds for the federal endorsement of elementary and secondary school curriculum.
"Section 10103 authorizes programs and projects to be conducted under the Fund for the Improvement of Education.
"Section 10104 details grants authorized for elementary and secondary school counseling programs.
"Section 10105 details grants authorized for character education programs.
"Section 10106 details grants authorized for smaller learning communities within high schools.
"Section 10107 details general provisions including competitive awards, special rule, peer review, applications, evaluations, dis-

semination of evaluation results, matching funds, scientifically based research, and authorization of appropriations."

Part B—Arts education

Section 511—amends Part D of Title X of the Elementary and Secondary Education Act to provide for Arts Education provisions as follows:

"Section 10401 sets forth the findings, purpose, eligible recipients, and authorized activities; provides for coordination and consultation for awarding grants and authorizes appropriations for fiscal years 2000 through 2004."

Part C—Public charter schools

Section 521—amends Section 10310(1)(H) by inserting "or in another nondiscriminatory manner consistent with state law;" and provides for the authorization of appropriations.

Part D—Civic education

Section 531—amends Part F of Title X of the Elementary and Secondary Education Act as follows:

"Section 10601 states the short title as the 'Education for Democracy Act.'

"Section 10602 states the purpose.

"Section 10603 establishes general authority for the Secretary of Education to award grants.

"Section 10604 establishes the 'We the People' program.

"Section 10605 sets the authorization of appropriations."

Part E—Allen J. Ellender fellowship program

Section 541 amends Part G of title X of the Elementary and Secondary Education Act of 1965.

"Part G—Allen J. Ellender fellowship program

"Section 10701 states the findings.

"Subpart 1—Program for middle and secondary school students

"Section 10711 authorizes the Secretary to make grants and establishes the uses of funds.

"Section 10712 establishes the application requirements."

"Subpart 2—Program for middle and secondary school teachers

"Section 10721 authorizes the secretary to make grants and establishes the uses of funds.

"Section 10722 establishes the application requirements."

"Subpart 3—Programs for recent immigrants, students of migrant parents and older Americans

"Section 10731 authorizes the Secretary to makes grants, sets forth the definition of older American, and establishes the uses of funds.

"Section 10732 establishes the application requirements."

"Subpart 4—General provisions

"Section 10741 establishes administrative provisions regarding payments and audits.

"Section 10742 establishes authorization of appropriations."

TITLE VI—GENERAL PROVISIONS

Section 601—amends Title XIV of the Elementary and Secondary Education Act to provide for the General Provisions of the act as follows:

"Part A—Definitions

"Section 14101 states the definitions for the act.

"Section 14102 states that Parts B, C, D, E, and F do not apply to Title VIII of this act.

"Section 14103 provides the provisions regarding the applicability to schools operated by the Bureau of Indian Affairs."

"Part B—Flexibility in the use of administrative and other funds

"Section 14201 provides the provisions regarding the consolidation of state administrative funds, uses of such funds, provides that states are not required to keep separate records, performance review by the Secretary, and unused administrative funds.

"Section 14202 provides for the provisions regarding single local educational agency states.

"Section 14203 provides for the provisions regarding the consolidation of funds for local administration.

"Section 14205 states the provisions regarding the consolidated set-aside for the Department of Interior funds."

"Part C—Coordination of programs; consolidated state and local plans and applications

"Section 14301 states the purpose of this part.

"Section 14302 states the provisions for optional consolidated state plans or applications.

"Section 14303 provides the provisions for consolidated reporting.

"Section 14304 provides the provisions for the general applicability of state educational agency assurances.

"Section 14305 provides the provisions regarding consolidated local plans or applications.

"Section 14306 provides the provisions regarding other general assurances."

"Part D—Waivers

"Section 14401 states the provisions pertaining to waivers of statutory and regulatory requirements."

"Part E—Uniform provisions

"Section 14501 provides for the provisions pertaining to maintenance of effort.

"Section 14502 states that a state shall not consider federal aid provided under the act in determining state aid with respect to free public education.

"Section 14503 provides the provisions for granting the participation of private school children and teachers on an equitable basis in programs under the act.

"Section 14504 provides the provisions regarding the standards for by-pass authority.

"Section 14505 provides the provisions for the complaint process for participation of private school children.

"Section 14506 provides the provisions for the by-pass determination process.

"Section 14507 states the prohibition against funds for religious worship or instruction.

"Section 14508 states that nothing in the act shall be construed to affect home schools.

"Section 14509 states that nothing in the act or any other act administered by the Department of Education shall be construed to authorize federal control over any aspect of any private, religious, or home school regardless of how a state treats a home school and states that this section shall not be construed as to bar private, religious, or home schools from participation in programs or services under the act or any other act administered by the Department of Education.

"Section 14510 provides for the protection of constitutionally protected voluntary public school prayer.

"Section 14511 states that nothing in the act shall prohibit the saying of prayer, reading of a scripture, performance of religious music or design or construction of a religious memorial in order to honor the memory of any person slain on an elementary or secondary school campus and states that nothing in the act shall be construed as authorizing such payment for such purposes.

"Section 14512 states that local educational agencies or elementary and secondary schools may use up to 20 percent of its administrative funds from any program under the act for the payment of attorneys fees and related legal services in defending any legal action claiming that such agency, school or agent violated the constitutional prohibition against the establishment of religion.

"Section 14513 provides the provisions regarding general prohibitions under the act.

"Section 14514 states that nothing in the act shall be construed to authorize federal control over a state, local educational agency, or school's curriculum, program of instruction, or allocation of state and local resources.

"Section 14515 states that the Secretary shall issue regulations as necessary to ensure compliance with the act.

"Section 14516 provides for the Secretary to report to Congress regarding compliance of the act.

"Section 14517 states that states are not required to have content standards or student performance standards approved or certified by the federal government in order to receive assistance under the act.

"Section 14518 states the prohibition on federal endorsement of a national curriculum to be used in elementary or secondary schools.

"Section 14519 provides for privacy for students.

"Section 14520 prohibits a national database of personally identifiable student information."

"Part F—Sense of Congress

"Section 14614 provides the provisions stating a Sense of Congress regarding reducing the reading deficit.

"Section 14615 provides the provision stating a Sense of Congress regarding science assessment.

"Section 14616 provides the provision stating a Sense of Congress regarding 'America Achieves Academic Excellence.'"

Section 602—provides the provisions for programs and other acts that are repealed under the act.

Section 603—states the effective date as October 1, 2000, or the date of enactment of the Education OPTIONS Act.

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, H.R. 4141, the Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act, authorizes several programs of the Elementary and Secondary Education Act and provides states and school districts with increased flexibility. 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. H.R. 4141 authorizes several programs of the Elementary and Secondary Education Act and provides states and school districts with increased flexibility. As such, the bill does not contain any unfunded mandates.

ROLLCALL 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.

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 1 **BILL** H.R. 4141 **DATE** April 5, 2000

AMENDMENT NUMBER 2 **DEFEATED** 21 - 27

SPONSOR/AMENDMENT Mr. Kildee / democrat substitute to the Goodling amendment in the nature of a substitute; continues the administration's priorities, including school construction, class-size reduction, after school programs, programs under Safe and Drug Free Schools, technology, teacher recruitment and training, and gun programs

MEMBER	AYE	NO	PRESENT	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

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 2 **BILL** H.R. 4141 **DATE** April 5, 2000
AMENDMENT NUMBER 4 **DEFEATED 19 - 23**
SPONSOR/AMENDMENT Mr. Clay / H.R. 3705, offered as an amendment regarding school construction amending the current law Title XII program authorizing $1.3 billion in grants and loans

MEMBER	AYE	NO	PRESENT	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	23		7

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 3 **BILL** H.R. 4141 **DATE** April 5, 2000

AMENDMENT NUMBER 5 **DEFEATED** 19 - 26

SPONSOR/AMENDMENT Mr. Kildee / increases authorization for the Reading Excellence Act to $1 billion and such sums over the next five years

MEMBER	AYE	NO	PRESENT	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	26		4

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 4 **BILL** H.R. 4141 **DATE** April 6, 2000
AMENDMENT NUMBER 6 **DEFEATED 19 - 27**
SPONSOR/AMENDMENT Mr. Clay / adds the president's 100,000 teacher program to ESEA and authorizes it at $2 billion and such sums over five years

MEMBER	AYE	NO	PRESENT	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

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 9 **BILL** H.R. 4141 **DATE** April 6, 2000

AMENDMENT NUMBER 8 **ADOPTED** 28 - 17

SPONSOR/AMENDMENT Mr. Norwood / allows school personnel to discipline a student with a disability who has a weapon at school in the same manner as they would discipline a non-disabled student who has a weapon at school, including suspension or expulsion; allows school personnel to cease educational services if that is the policy for non-disabled students

MEMBER	AYE	NO	PRESENT AND NOT VOTING	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	17	1	3

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 8 **BILL** H.R. 4141 **DATE** April 6, 2000

AMENDMENT NUMBER 9 **ADOPTED** 26 - 21

SPONSOR/AMENDMENT Mrs. McCarthy as amended by Chairman Goodling/ Requires LEA's to use a portion of Title IV of ESEA funds to promote child safety locks

MEMBER	AYE	NO	PRESENT	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

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 6 **BILL** H.R. 4141 **DATE** April 6, 2000

AMENDMENT NUMBER 9B **ADOPTED** 25 - 21

SPONSOR/AMENDMENT Chairman Goodling / Substitute amendment to the McCarthy amendment to allow the LEA to use a portion of Title IV ESEA funds to study the effectiveness of promoting child safety locks with the purpose of reducing the danger of firearms harming students and school employees

MEMBER	AYE	NO	PRESENT	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	25	21		3

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 11 **BILL** H.R. 4141 **DATE** April 12, 2000
AMENDMENT NUMBER 15 **DEFEATED 21 - 22**
SPONSOR/AMENDMENT Ms. Woolsey / creates a $50 million program called "Go Girl"

MEMBER	AYE	NO	PRESENT	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	22		6

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 12 **BILL** H.R. 4141 **DATE** April 12, 2000

AMENDMENT NUMBER 16 **DEFEATED** 17 - 28

SPONSOR/AMENDMENT Mr. Souder / requires all Safe and Drug-Free School programs, including after-school programs, to have an anti-drug message

MEMBER	AYE	NO	PRESENT AND NOT VOTING	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	28	1	3

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 13 **BILL** H.R. 4141 **DATE** April 12, 2000

AMENDMENT NUMBER 17 **DEFEATED** 23 - 24

SPONSOR/AMENDMENT Mr. Scott / adds current law hate crime provisions and allows the Secretary to make grants to locals for providing assistance to localities most affected by hate crimes

MEMBER	AYE	NO	PRESENT	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	24		2

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 14 **BILL** H.R. 4141 **DATE** April 12, 2000

AMENDMENT NUMBER 18 **ADOPTED 37 - 10**

SPONSOR/AMENDMENT Mrs. Roukema / requires states to give special consideration to LEAs in the distribution of local grant funds to LEAs that include mental health services as a component of their drug and violence prevention plan

MEMBER	AYE	NO	PRESENT	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	37	10		2

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 15 **BILL** H.R. 4141 **DATE** April 12, 2000
AMENDMENT NUMBER 20 **ADOPTED** 35 - 12
SPONSOR/AMENDMENT Mr. Schaffer / clarifies "private for-profit entities" are eligible to provide services under the Safe and Drug-Free Schools programs

MEMBER	AYE	NO	PRESENT	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	35	12		2

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 16 **BILL** H.R. 4141 **DATE** April 12, 2000
AMENDMENT NUMBER 21 **DEFEATED** 21 - 25
SPONSOR/AMENDMENT Mrs. McCarthy / creates a separate $1 billion program for the 21st Century Community Learning Centers

MEMBER	AYE	NO	PRESENT	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

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 17 **BILL** H.R. 4141 **DATE** April 12, 2000
AMENDMENT NUMBER 23 **DEFEATED** **20 - 25**
SPONSOR/AMENDMENT Mrs. Mink / creates a new $3.5 billion program to hire 100,000 new school counselors

MEMBER	AYE	NO	PRESENT	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	25		4

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 18 **BILL** H.R. 4141 **DATE** April 12, 2000

AMENDMENT NUMBER 26 **ADOPTED** 26 - 20

SPONSOR/AMENDMENT Mr. Miller / prohibits state and LEAs from receiving ESEA funds unless 3rd party contracts involving the collection of student data (including anonymous and aggregate data) require individual written parental permission

MEMBER	AYE	NO	PRESENT	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	20		3

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 19 **BILL** H.R. 4141 **DATE** April 12, 2000
AMENDMENT NUMBER 28 **DEFEATED** 22 - 23
SPONSOR/AMENDMENT Mrs. Mink / creates a new $10 million sexual harassment prevention program

MEMBER	AYE	NO	PRESENT	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	23		4

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 20 **BILL** H.R. 4141 **DATE** April 12, 2000

AMENDMENT NUMBER 29 **DEFEATED** 21 - 24

SPONSOR/AMENDMENT Mr. Payne / adds hate-related incidents, racial harassments, and sexual abuse at the local level as factors of need in determining distribution of funds to local school districts for Safe and Drug-Free Schools' funds

MEMBER	AYE	NO	PRESENT	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		4

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 21 **BILL** H.R. 4141 **DATE** April 12, 2000
AMENDMENT NUMBER 30 **ADOPTED** 47 - 0
SPONSOR/AMENDMENT Mr. Andrews / prohibits cigarette vending machines on schools grounds or any school sponsored event

MEMBER	AYE	NO	PRESENT	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	47	0		2

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 22 **BILL** H.R. 4141 **DATE** April 12, 2000

AMENDMENT NUMBER 33 **DEFEATED** 21 - 25

SPONSOR/AMENDMENT Mr. Scott / deletes "except as otherwise provided in law" in the charitable choice non-discrimination provisions

MEMBER	AYE	NO	PRESENT	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

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 23 **BILL** H.R. 4141 **DATE** April 12, 2000

AMENDMENT NUMBER 34 **DEFEATED** 18 - 28

SPONSOR/AMENDMENT Mr. Scott / overrides the current civil rights law exemption for religious organizations with respect to employment positions funded in whole or in part with Title IV ESEA funds

MEMBER	AYE	NO	PRESENT	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	18	28		3

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 24 **BILL** H.R. 4141 **DATE** April 12, 2000

AMENDMENT NUMBER 35 **DEFEATED 21 - 26**

SPONSOR/AMENDMENT Mr. Tierney / creates a new $25 million program for comprehensive prevention services

MEMBER	AYE	NO	PRESENT	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		2

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 25 **BILL** H.R. 4141 **DATE** April 12, 2000

AMENDMENT NUMBER 38 **DEFEATED** 21 - 25

SPONSOR/AMENDMENT Mr. Owens / en bloc amendment creating a new $100 million information technology training program and a new school library media resources program at "such sums"

MEMBER	AYE	NO	PRESENT	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

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 26 **BILL** H.R. 4141 **DATE** April 12, 2000
AMENDMENT NUMBER 39 **DEFEATED 22 - 24**
SPONSOR/AMENDMENT Mr. Roemer / creates a new $100 million technology curriculum interactive program

MEMBER	AYE	NO	PRESENT	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	24		3

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 27 **BILL** H.R. 4141 **DATE** April 12, 2000
AMENDMENT NUMBER 42 **DEFEATED 21 - 25**
SPONSOR/AMENDMENT Mr. Hinojosa / creates a new $100 million Community Technology Centers program

MEMBER	AYE	NO	PRESENT	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

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 28 **BILL** H.R. 4141 **DATE** April 12, 2000
AMENDMENT NUMBER 44 **DEFEATED** 21 - 27
SPONSOR/AMENDMENT Mr. Kind / retains the separate authorization of the Technology Literacy Challenge Fund at $500 million and reauthorizes the National Programs at $5 million

MEMBER	AYE	NO	PRESENT	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

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 30 **BILL** H.R. 4141 **DATE** April 13, 2000
AMENDMENT NUMBER 45 **DEFEATED 22 – 23 with 1 Member Voting Present**
SPONSOR/AMENDMENT Mr. Hoekstra / allows states to use Title VI of ESEA funds for voluntary public and private parental school choice programs

MEMBER	AYE	NO	PRESENT	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	23	1	3

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 29 **BILL** H.R. 4141 **DATE** April 13, 2000
AMENDMENT NUMBER 45A **DEFEATED** 19 - 24
SPONSOR/AMENDMENT Mr. Scott / second degree amendment to the Hoekstra #45 striking the section stipulating that choice scholarship funds are considered aid to the student and not aid to the school

MEMBER	AYE	NO	PRESENT	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	24		6

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 31 **BILL** H.R. 4141 **DATE** April 13, 2000
AMENDMENT NUMBER 47 **DEFEATED** 19 - 26
SPONSOR/AMENDMENT Mr. Andrews / creates a new $2 million Holocaust education federal grant program

MEMBER	AYE	NO	PRESENT	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	26		4

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 32 **BILL** H.R. 4141 **DATE** April 13, 2000

AMENDMENT NUMBER 48 **DEFEATED** 19 - 26

SPONSOR/AMENDMENT Mr. Andrews / creates a new pre-kindergarten program at $210 million, $210 million, $1 billion, $1.5. billion and $2.1 billion for FY01, FY02, FY03, FY04, and FY05

MEMBER	AYE	NO	PRESENT	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	26		4

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 33 **BILL** H.R. 4141 **DATE** April 13, 2000

AMENDMENT NUMBER 49 **DEFEATED** 20 - 26

SPONSOR/AMENDMENT Mr. Roemer / strikes the transferability provisions (Title I of the bill) and creates a new $100 million authorization under Title VI of ESEA for school districts that meet the adequate yearly progress requirements in Title I of ESEA

MEMBER	AYE	NO	PRESENT	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	26		3

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 34 **BILL** H.R. 4141 **DATE** April 13, 2000

AMENDMENT NUMBER 50 **DEFEATED** 20 - 25

SPONSOR/AMENDMENT Ms. Woolsey / requires single gender schools and classrooms provide an "equal" educational opportunity rather than a "comparable" education, and that they be consistent with Title IX (gender equity in federal education programs – civil rights law) and the 14th Amendment of the Constitution

MEMBER	AYE	NO	PRESENT	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	25		4

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 35 **BILL** H.R. 4141 **DATE** April 13, 2000
AMENDMENT NUMBER 53 **DEFEATED** 22 - 24
SPONSOR/AMENDMENT Mr. Roemer / creates a new $5 million program for future math and science teacher recruitment

MEMBER	AYE	NO	PRESENT	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	24		3

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 36 **BILL** H.R. 4141 **DATE** April 13, 2000
AMENDMENT NUMBER 54 **DEFEATED** 20 - 26
SPONSOR/AMENDMENT Mr. Roemer / creates a new $50 million program to "end postsecondary remediation"

MEMBER	AYE	NO	PRESENT	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	26		3

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 37 **BILL** H.R. 4141 **DATE** April 13, 2000

AMENDMENT NUMBER 57 **DEFEATED** 19 - 28

SPONSOR/AMENDMENT Ms. Sanchez / creates a $120 million separate program for "smaller schools within schools"

MEMBER	AYE	NO	PRESENT	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	28		2

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 38 **BILL** H.R. 4141 **DATE** April 13, 2000
AMENDMENT NUMBER 58 **DEFEATED** 21 - 27
SPONSOR/AMENDMENT Mr. Ford / creates a new $15 million program for Arts in Education and Cultural partnerships for at-risk youth

MEMBER	AYE	NO	PRESENT	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

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 39 **BILL** H.R. 4141 **DATE** April 13, 2000

AMENDMENT NUMBER 59 **DEFEATED 19 - 28**

SPONSOR/AMENDMENT Mr. Scott / strikes prayer in school language in the bill and replaces it with the language in the current law under ESEA

MEMBER	AYE	NO	PRESENT	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	28		2

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 40 **BILL** H.R. 4141 **DATE** April 13, 2000

AMENDMENT NUMBER 60 **DEFEATED** 21 - 27

SPONSOR/AMENDMENT Mr. Scott / strikes section 14511, Memorials and Memorial Services, Rule of Construction

MEMBER	AYE	NO	PRESENT	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

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 41 **BILL** H.R. 4141 **DATE** April 13, 2000

AMENDMENT NUMBER 61 **DEFEATED** 19 - 27

SPONSOR/AMENDMENT Mr. Scott / requires states to have in effect a policy that provides a child with a disability, who is suspended or expelled, with a free and appropriate public education in an alternative educational setting in order to receive ESEA funds

MEMBER	AYE	NO	PRESENT	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

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 42 **BILL** H.R. 4141 **DATE** April 13, 2000

AMENDMENT NUMBER 63 **DEFEATED** 17 - 29

SPONSOR/AMENDMENT Mr. Scott / requires states to have pupil expenditures in the LEAs of the state to be substantially equal in order to receive ESEA funds

MEMBER	AYE	NO	PRESENT	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	29		3

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 43 **BILL** H.R. 4141 **DATE** April 13, 2000
AMENDMENT NUMBER 64 **DEFEATED** 20 - 27
SPONSOR/AMENDMENT Ms. Woolsey/ creates a new $50 million "Coordinated Services" program

MEMBER	AYE	NO	PRESENT	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	27		2

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 44 **BILL** H.R. 4141 **DATE** April 13, 2000

AMENDMENT NUMBER 66 **DEFEATED** 20 - 27

SPONSOR/AMENDMENT Mr. Hinojosa / creates two new Dropout Prevention programs at $5 million and $145 million authorization respectively

MEMBER	AYE	NO	PRESENT	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	27		2

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 45 **BILL** H.R. 4141 **DATE** April 13, 2000
AMENDMENT NUMBER 68 **DEFEATED** 21 - 27
SPONSOR/AMENDMENT Mr. Ford / creates a new $1 billion school construction program

MEMBER	AYE	NO	PRESENT	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

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COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 47 **BILL** H.R. 4141 **DATE** April 13, 2000

ADOPTED 25 - 21

SPONSOR/AMENDMENT Mr. Petri / motion to 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	PRESENT	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	25	21		3

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 received the following cost estimate for H.R. 4141 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 3, 2000.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4141, the Education Opportunity to Protect and Invest in our Nation's Students Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Audra Millen (for federal costs) and Susan Sieg Tompkins (for the state and local impact).

Sincerely,

BARRY B. ANDERSON,
(for Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 4141—Education Opportunity to Protect and Invest in our Nation's Students Act

Summary: Programs under the Elementary and Secondary Education Act of 1965 (ESEA) are authorized through 2000 under the General Education Provisions Act (GEPA). H.R. 4141 would extend the authorization for several of these programs through 2005. The bill addresses programs that fund violence and drug prevention programs, technology education, an education block grant, and programs of national significance. Because most of these programs will qualify for an automatic one-year extension under GEPA, CBO has estimated costs through 2006.

CBO estimates that authorizations under the bill relative to current law would total about $2.2 billion in 2001 and about $14 billion over the 2001–2006 period, CBO estimates that implementing H.R. 4141 would increase outlays by $10.4 billion assuming appro-

priations keep pace with inflation, and by $10 billion without such inflation adjustments.

The reauthorization of programs under H.R. 4141 would provide grants to state and local education agencies and tribal governments to assist specific populations of students in meeting state performance standards. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs incurred by state, local, or tribal governments would result from complying with conditions of aid.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4141 is shown in Table 1. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

TABLE. 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 4141

	By fiscal year, in millions of dollars—						
	2000	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION							
With Adjustments For Inflation							
Spending under current law:							
Budget authority authorization level[1]	1,927	762	150	152	155	0	0
Estimated outlays	1,829	2,064	1,060	357	207	158	46
Proposed changes:							
Estimated authorization level	0	2,197	2,231	2,268	2,306	2,499	2,540
Estimated outlays	0	116	1,354	2,035	2,214	2,288	2,435
Spending under H.R. 4141:							
Estimated authorization level	1,927	2,960	2,381	2,421	2,461	2,499	2,540
Estimated outlays	1,829	2,180	2,414	2,392	2,421	2,446	2,482
Without Adjustments For Inflation							
Spending under current law:							
Budget authority authorization level[1]	1,927	760	145	145	145	0	0
Estimated outlays	1,829	2,064	1,058	353	200	150	44
Proposed changes:							
Estimated authorization level	0	2,162	2,162	2,162	2,162	2,305	2,305
Estimated outlays	0	114	1,331	1,980	2,124	2,160	2,261
Spending under H.R. 4141:							
Estimated authorization level	1,927	2,922	2,307	2,307	2,307	2,305	2,305
Estimated outlays	1,829	2,178	2,389	2,333	2,324	2,309	2,305

Note.—Components may not sum to totals because of rounding.

[1] The 2000 level is the amount appropriated for that year for the programs that H.R. 4141 would reauthorize. The 2001 level includes $615 million from an advance appropriation already enacted. Remaining amounts for 2001 and subsequent years are the estimated authorization levels under current law.

CBO's estimate of the total spending under current law for 2001 includes budget authority that was provided in advance under Department of Education Appropriations Act, 2000, contained in the Consolidated Appropriations Act, 2000 (Public Law 106–113) and outlays from both this advanced authority and funding from previous years. CBO's estimate of proposed changes under H.R. 4141 does not make any assumptions about advanced funding. Therefore, estimate of total spending in 2001 under H.R. 4141 includes the advance appropriation enacted for the 2000–2001 academic year as well as the total estimated funding under H.R. 4141 for the 2001–2002 academic year.[1]

[1] Funds for education programs are generally provided on an academic-year basis, so appropriations made in 2000, including any advances for 2001, are intended for the 2000–2001 academic year.

Basis of estimate

H.R. 4141 would reauthorize several existing education programs that fund violence and drug prevention programs, technology education, and programs of national significance. All of the bill's provisions would be subject to appropriation action. The bill would reauthorize funding for 2000 through 2005; however, programmatic changes would not take effect until 2001. Under GEPA, the programs would automatically be authorized for an additional year; therefore, CBO estimates cost through 2006. For the purposes of this estimate, CBO assumes that H.R. 4141 will be enacted by October 1, 2000, and that the full amounts authorized would be appropriated by the beginning of each fiscal year.

In general, the bill would set authorization levels for 2000 equal to the actual appropriations and would authorize the appropriation of such sums as necessary for the subsequent years, when the programmatic changes would become effective. CBO assumes spending levels for 2001 through 2006 will remain consistent with the 2000 amount unless revisions under the bill would alter the required funding level. For a small set of programs, the bill sets specific authorization levels for each year through 2005.

With adjustments for inflation, CBO estimates the bill would increase authorized levels by $2.2 billion for 2001 and by $2.5 billion for 2006. Table 2 provides a detailed breakdown of CBO's estimates for the various components of titles II through IV of H.R. 4141, including adjustments for inflation. CBO estimates no additional costs would result from titles I or VI.

TABLE 2.—DETAILED EFFECTS OF H.R. 4141, WITH ADJUSTMENTS FOR INFLATION

	By fiscal year, in millions of dollars—						
	2000	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION							
Spending under current law:							
Budget authority/authorization level [1]	1,927	762	150	152	155	0	0
Estimated Outlays	1,829	2,064	1,060	357	207	158	46
Proposed changes:							
Title II—Drug and Violence Prevention and Education:							
State grants for drug and violence prevention programs:							
Estimated authorization level	0	959	974	991	1,008	1,025	1,042
Estimated outlays	0	48	672	922	986	1,003	1,020
National programs:							
Estimated authorization level	0	20	20	20	20	20	20
Estimated outlays	0	1	14	19	20	20	20
Subtotal, Title II:							
Estimated authorization level	0	979	994	1,011	1,028	1,045	1,062
Estimated outlays	0	49	686	941	1,006	1,023	1,040
Title III—Tech for Success:							
Tech for Success Grant Program:							
Estimated authorization level	0	746	757	771	784	795	808
Estimated outlays	0	39	337	640	725	765	786
Ready to Learn Television:							
Estimated authorization level	0	16	17	17	17	17	18
Estimated outlays	0	1	7	14	16	17	17
Telecommunication Program:							
Estimated authorization level	0	9	9	9	9	9	9
Estimated outlays	0	0	4	7	8	9	9
Subtotal, Title III:							
Estimated authorization level	0	771	783	796	810	822	835

TABLE 2.—DETAILED EFFECTS OF H.R. 4141, WITH ADJUSTMENTS FOR INFLATION—Continued

	By fiscal year, in millions of dollars—						
	2000	2001	2002	2003	2004	2005	2006
Estimated outlays	0	40	348	661	749	791	812
Title IV—Innovative Education Programs:							
Estimated authorization level	0	372	378	384	391	398	404
Estimated outlays	0	19	261	358	382	389	396
Title V—Programs of National Significance:							
Fund for the Improvement of Education:							
Estimated authorization level	0	50	50	50	50	50	50
Estimated outlays	0	6	40	49	50	50	50
Arts Education:							
Estimated authorization level	0	12	12	12	12	13	13
Estimated outlays	0	1	8	11	12	12	12
Public Charter Schools:							
Estimated authorization level	0	0	0	0	0	158	160
Estimated outlays	0	0	0	0	0	8	110
Civic Education:							
Estimated authorization level	0	10	10	10	11	11	11
Estimated outlays	0	1	8	10	10	11	11
Allen J. Ellender Fellowships:							
Estimated authorization level	0	4	4	5	5	5	5
Estimated outlays	0	0	3	4	5	5	5
Subtotal, Title V:							
Estimated authorization level	0	76	77	77	77	236	239
Estimated outlays	0	8	59	74	77	85	188
Total proposed changes:							
Estimated authorization level	0	2,197	2,231	2,268	2,306	2,499	2,540
Estimated outlays	0	116	1,354	2,035	2,214	2,288	2,435
Total Spending under H.R. 4141:							
Estimated authorization level [1]	1,927	2,960	2,381	2,421	2,461	2,499	2,540
Estimated outlays	1,829	2,180	2,414	2,392	2,421	2,446	2,482

Note.—Components may not sum to totals because of rounding.

[1] The 2000 level is the amount appropriated for that year for the programs that H.R. 4141 would reauthorize. The 2001 level includes $615 million from an advance appropriation already enacted. Remaining amounts for 2001 and subsequent years are the estimated authorization levels under current law.

Most of the programs that would be reauthorized under H.R. 4141 are funded through the education reform and school improvement budget accounts. The school improvement account includes several of the currently funded competitive grant programs, such as the Charter School and Arts in Education program, as well as formula grant programs that are forward-funded and broad in their allowable usages, such as the Innovative Education Program Strategies block grant and the Safe and Drug Free Schools program. Programs in this account tend to have a pattern of spending 5 percent in the first year and 65 percent in the second year. The education reform account includes most of the technology education programs, which are predominantly competitive grant programs, as well as the 21st Century Community Learning Centers program, a relatively new competitive grant program. Spending under these programs tends to occur over a longer period, with a pattern of spending 5 percent in the first year, 40 percent in the second, and 40 percent in the third, with the remaining 15 percent over the subsequent three years.

Title I—Transferability

Title I would allow states and local education agencies (LEAs) to transfer funds between several formula grant programs. States would be granted transfer authority over all of their funds under

these programs, whereas LEAs would need state approval to transfer more than 35 percent of funds under any single program. No money could be transferred out of funds provided under Title I of ESEA, but funds from other programs could supplement programs authorized under that title. CBO estimates that enactment of title I of H.R. 4141 would not introduce any additional costs or change the spending patterns of these programs.

Title II—Drug and violence prevention education

Title II would combine the 21st Century Community Learning Centers program (21st Century program), currently authorized under Part I of Title X of ESEA, and the Safe and Drug Free Schools and Communities Act, authorized under Title IV of ESEA, into a new Supporting Drug and Violence Prevention and Education for Students and Communities Act. Total funding for these two programs in 2000 was $1.05 billion. CBO estimates the total cost of implementing this title would be $928 million for 2001. Assuming adjustments for inflation, we estimate total authorizations of $6.2 billion over the 2001–2006 period, with resulting outlays of $4.7 billion over that period.

Current Law—The 21st Century program funds three-year competitive grants to LEAs to support before-school and after-school programs. The 21st Century program was funded at $453 million in 2000.

The Safe and Drug Free Schools and Communities Act has two components. Part A provides formula grants to states for drug and violence prevention programs. One-half of the total funding is allocated based on a state's relative school-aged population, with the other half based on its relative share of funding under Title I of ESEA. From each state's allocation, 80 percent is awarded to the State Education Agency (SEA) and 20 percent to the governor for statewide programs. SEAs are allowed an administrative set-aside of 4 percent and required to set aside 0.2 percent for Native Hawaiians and 1 percent each for Native Indians and outlying areas. Of the remainder, 70 percent must be awarded to LEAs based on enrollment and 30 percent to LEAs with the greatest need. Funding for Part A for the 2000–2001 academic year was $439 million.

The National Activities component, under part B of the Safe and Drug Free Schools and Communities Act, authorizes discretionary grants for demonstration projects and evaluations of drug and violence programs. Under the 1999 appropriations act, the Congress significantly increased funding for National Activities initiatives, directing the additional money to be used to enable LEAs to hire program coordinators for middle schools and for targeted assistance to LEAs. These directives resulted in the establishment of the Middle School Drug Prevention and School Safety Coordinators program (Middle School Coordinator program), and the Safe Schools/Healthy Students program, a joint initiative with the Departments of Education, Justice, and Health and Human Services. Total funding for National Programs for 2000 was $161 million, of which $82 million was directed for the Safe Schools/Healthy Students initiative and $50 million for the Middle School Coordinator program.

Part A—State Grants for Drug and Violence Prevention Programs.—Part A of the Supporting Drug and Violence Prevention

and Education for Students and Communities Act, would continue the state grant component of the Safe and Drug Free Schools and Communities Act, and expand the authorized use of funds to include both after-school programs and the hiring of program coordinators for drug and violence prevention programs in grades six through nine. The combined funding level for these three activities for the 2000–2001 academic year was $943 million.

Under H.R. 4141, grants would be allocated among states and within states in basically the same manner that grants are currently allocated under the Safe and Drug Free Schools and Communities Act. However, because total funding for the new program would be almost twice the level under the current Safe and Drug Free state grant program alone, the set-aside percentages would be reduced accordingly. While the current governors' allocation is 20 percent of the state allocation for the Safe and Drug Free School and Communities program, it would be 10 percent of the total allocation under the new program. Likewise, the set-aside for Native Indians and outlying areas would be revised from the current 1 percent of the Safe and Drug Free School funds to 0.5 percent of the total funds under the new program or $5.2 million, whichever is greater. The set-aside for Native Hawaiians would be continued.

Because grants under the 21st Century and Middle School Coordinator programs are currently awarded directly to LEAs, the structure of the new program would not authorize the direct continuation of grants made under these programs prior to the enactment of H.R. 4141. However, since the new program would authorize the activities currently funded under these programs. CBO estimates that total funding for such activities would remain consistent with the 2000 funding level.

Currently, funds from the 21st Century competitive grant program demonstrate a slower spending pattern than the formula grants to states under the Safe and Drug Free Schools and Communities Act. CBO estimates that the funds from this new program would demonstrate a spending pattern consistent with the Safe and Drug Free Schools and Communities state grants, since it would allocate funds in the same way.

CBO estimates that the bill would authorize total funding for part A of the new Supporting Drug and Violence Prevention and Education for Students and Communities Act for 2001 at $959 million, increasing to $1,042 million in 2006, assuming adjustments for inflation.

Part B—National Programs.—H.R. 4141 would remove some activities currently authorized under the national programs component of the Safe and Drug Free Schools and Communities Act, but most current programs would continue to be authorized. Excluding funds for the coordinator initiative, whose activities would now be authorized under part A, the 2000 funding level for national programs totaled $111 million.

H.R. 4141 would require the Secretary of Education to establish a national clearinghouse for after-school programs out of funds made available for national programs. Based on information from the department, CBO estimates a total cost of the clearinghouse would be $7.5 million over five years, starting in 2001.

In addition, part D of this title would authorize the Secretary to use funds appropriated for part B to award continuation grants for the 21st Century program and the Middle School Coordinator program. Based on information from the Department of Education, continuation of existing grants under the existing 21st Century program would cost $405 million in 2001 and $253 million in 2002. For the Middle School Coordinator program, the department estimates continuation grants would cost $48 million in 2001 and $38 million in 2002.

In contrast, H.R. 4141 would cap the authorized funding level for national programs at $20 million for each year of the reauthorization. Clearly, this level is insufficient to maintain the current funding level for existing programs under this part or to support continuation grants for the 21st Century program or the Middle School Coordinator program. CBO estimates a spending rate consistent with programs currently funded under this program, which would result in outlays of $94 million over the 2001–2006 period.

Title III—Tech for success

Title would reauthorize several technology education programs, currently funded under Title III of ESEA. It would consolidate several activities into a new Tech for Success Grant Program, reauthorize the Ready to Learn Television Program, and expand the Telecommunications Demonstration Project for Mathematics. CBO estimates authorizations under this title would be $771 million for 2001 and $4.8 billion for the 2001–2006 period, with resulting outlays over this period of $3.4 billion. Comparable funding for 2000 was $756 million.

Part A—Tech for Success Grant Program.—The Tech for Success Grant Program under H.R. 4141 would consolidate the activities currently funded under the Literacy Challenge Fund, the Innovation Challenge Fund, the Technology Leadership, Teacher Training, Community-based Centers, and the Star Schools programs, all currently authorized under Part A of Title III of ESEA. The combined funding level for these programs for 2000 was $731 million. The Literacy Challenge Fund, the largest of these current programs with a 2000 funding level of $425 million, is allocated to states based on their relative share of funds under Part A of Title I of ESEA and among LEAs on a competitive basis. The remaining programs fund competitive grants to various education entities.

H.R. 4141 would allow 5 percent of total funds to be used for National Technology Initiatives, set aside the greater of $2.125 million or 0.305 percent of total funds for schools operated by the Bureau of Indian Affairs within the Department of the Interior, and set aside an equivalent amount for outlying areas.

The bill would allocate 50 percent of available funds under the Tech for Success Grant Program to states based on their relative share of funds Part A of Title I of ESEA and 50 percent based on enrollment. States would be allowed to set aside 5 percent of their funds for state-level activities. H.R. 4141 would require states to distribute their remaining funds to LEAs, 80 percent based on a state-determined formula and 20 percent through competitive grants.

H.R. 4141 would require the Secretary to conduct a long-term study on the effectiveness of technology education on student outcomes. Based on information from the department, CBO estimates a total cost of the study would be $8 million over four years. H.R. 4141 would authorize continuation of multiyear grants made under Title III of ESEA prior to enactment of H.R. 4141. Funds available for grants under the new program would be reduced accordingly. The spending rate is currently the same for each of these programs, and CBO assumes spending under the Tech for Success Program would continue at the same rate.

The bill would also expand the authorized use of funds to include purchasing laptop computers, would require that 20 percent of funds be used for professional development activities, and would require schools that purchase computers for Internet use to filter harmful material. CBO estimates that these provisions would have no effect on spending.

CBO estimates that the bill would authorize a funding level for 2001 for the Tech for Success Grant Program of $746 million. We estimate that authorizations over the 2001–2006 period would total $4.7 billion with resulting outlays of $3.3 billion.

Part B—Ready to Learn Television.—H.R. 4141 would reauthorize the Ready to Learn Television program, currently authorized under Part C of Title III of ESEA. The 2000 funding level was $16 million and H.R. 4141 would not introduce any significant revision to the program. Under H.R. 4141, CBO estimates authorizations for this program for the 2001–2006 period totaling $102 million. CBO assumes spending would remain consistent with current rates.

Part C—Telecommunications Program.—H.R. 4141 would introduce a new program that would expand on the existing Telecommunications Demonstration Project for Mathematics, currently authorized under Part D of Title III of ESEA. The current program supports an online professional development network for mathematics educators to share teaching strategies. The new program would be more extensive and include educators from all core funding for 2000 was $8.5 million and CBO estimates that authorized funding for the new program under H.R. 4141 would be $8.6 million for 2001. CBO assumes spending to remain consistent with current rates.

Title IV—Innovative education programs

H.R. 4141 would continue a block grant program, currently authorized under Title VI of ESEA. The bill would specify a few additional authorized activities, such as programs that provide same-gender classrooms or schools, community service projects, and public school choice initiatives. However, the current program authorizes a broad range of activities, and CBO estimates authorized funding would remain consistent with the 2000–2001 academic year level of $366 million. CBO estimates the total cost of implementing this title would require an appropriation of $372 million in 2001. CBO estimates total authorizations over the 2001–2006 period of $2.3 billion, with outlays of $1.8 billion over that period, assuming adjustments for inflation.

Title V—Programs of national significance

Title V would reauthorize certain programs currently funded under the Fund for the Improvement of Education, extend the authorization of the Charter Schools program, and reauthorize the Civic Education, Arts in Education, and Ellender Fellowship Programs. CBO estimates that enactment of this title would increase authorizations by $76 million in 2001 and $781 million over the 2001–2006 period. We estimate outlays over the six-year period of $492 million. Total funding for these programs in 2000 was $412 million.

Part A—Fund for the Improvement of Education.—H.R. 4141 would streamline the authorized activities under the Fund for the Improvement of Education, currently authorized under Part A of Title X of ESEA. It would cap authorized spending for the program at $50 million, less than one-fourth of the 2000 funding level of $244 million.

Part B—Arts in Education.—H.R. 4141 would reauthorize the Arts in Education program, currently authorized under Part D of Title X of ESEA. It would not extend the authority for the Cultural Partnerships for At-Risk Youth, which has never been funded. CBO estimates authorizations for the 2001–2006 period for the Arts in Education program under H.R. 4141 would be $73 million. Funding for 2000 was $11.5 million.

Part C—Charter Schools.—H.R. 4141 would extend the authorization of the Charter School program through 2005 plus the one-year extension under GEPA. The Charter School program is currently authorized through 2003 under the Charter School Expansion Act of 1998 and through 2004 under GEPA. Thus, CBO estimates no additional costs for this program for the 2001–2004 period. We estimate authorizations of $158 million in 2005 and $160 million in 2006, assuming adjustments for inflation.

Part D—Civic Education.—H.R. 4141 would reauthorize the Civic Education program, currently authorized under Part F of Title X of ESEA. Assuming adjustments for inflation, CBO estimates that H.R. 4141 would provide additional authorizations of $63 million for the 2001–2006 period for this program. The 2000 funding level was $9.85 million. CBO estimates the program will continue to spend funds at its current rate.

Part E—Allen J. Ellender Fellowship Program.—H.R. 4141 would authorize $4.4 million for 2001 to continue the Allen J. Ellender Fellowship program, and such sums as may be necessary for the following four years. The funding level for 2000 was $1.5 million.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: HR 4141 would reauthorize certain sections of the Elementary and Secondary Education Act of 1965 that provide over $2 billion in grants to state and local education agencies and tribal governments to support their efforts to improve educational opportunities and performance for specific populations of students. The bill contains no intergovernmental mandates as defined in UMRA; any costs to state, local, or tribal governments as a result of enactment of this bill would be incurred voluntarily, as conditions of aid.

Estimated impact on the private sector: The bill contains no private-sector mandates as defined in UMRA.

Previous CBO estimates: On March 31, 2000, CBO transmitted a cost estimate for S. 2, as ordered reported by the Senate Committee on Health, Education, Labor, and Pensions on March 9, 2000. That bill would reauthorize several education programs, including those addressed in this bill, with some variations from the authorizations under H.R. 4141. For example, S. 2 would not consolidate the current Safe and Drug Free Schools program and the 21st Century programs, would authorize a higher funding level for the Fund for the Improvement of Education, would increase funding for Charter Schools, and would consolidate other programs into the existing Innovative Education Program Strategies block grant.

H.R. 4141 marks the sixth in a series of bills ordered reported during the 106th Congress that will comprise the House's comprehensive reauthorization of ESEA and related education acts. CBO prepared estimates of the five previous bills:

- H.R. 1995, as ordered reported by the House Committee on Education and the Workforce on June 30, 1999, would consolidate funding for teacher training initiatives. (See CBO estimate dated July 1, 1999.)
- H.R. 2300, as ordered reported by the House Committee on Education and the Workforce on October 13, 1999, would authorize the Straight A's program to consolidate funding under several education programs. (See CBO estimate dated October 15, 1999.)
- H.R. 2, as reported by the House Committee on Education and the Workforce on October 18, 1999, addressed Education for the Disadvantaged, Rural Education, Education for the Homeless, Education for Indians, Native Hawaiians, and Alaska Natives, and the Magnet School and Charter School programs. (See CBO estimate dated October 19, 1999.)
- H.R. 3616, as ordered reported by the House Committee on Education and the Workforce on February 16, 2000, would reauthorize the Impact Aid program. (See CBO estimate dated February 28, 2000.)
- H.R. 3222, as ordered reported by the House Committee on Education and the Workforce on February 16, 2000, would reauthorize the Even Start Family Literacy and Inexpensive Book Distribution programs. (See CBO estimate dated February 28, 2000.)

Estimate prepared by: Federal costs: Audra Millen; impact on State, local, and Tribal governments: Susan Sieg Tompkins; impact on the private sector: Michelle Jewett.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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. 4141.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by H.R. 4141. The Committee believes that the amendments made by this bill to the Elementary and Secondary Education Act are within Congress' authority under Article I, section 8, clause 1 of the Constitution.

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. 4141. 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 (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

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 III—TECHNOLOGY FOR EDUCATION

[SEC. 3101. SHORT TITLE.

[This title may be cited as the "Technology for Education Act of 1994".

[PART A—TECHNOLOGY FOR EDUCATION OF ALL STUDENTS

[SEC. 3111. FINDINGS.

[The Congress finds that—

[(1) technology can produce far greater opportunities for all students to learn to high standards, promote efficiency and effectiveness in education, and help propel our Nation's school systems into very immediate and dramatic reform, without which our Nation will not meet the National Education Goals by the target year 2000;

[(2) the use of technology as a tool in the teaching and learning process is essential to the development and maintenance of a technologically literate citizenry and an internationally competitive workforce;

[(3) the acquisition and use of technology in education throughout the United States has been inhibited by—

[(A) the absence of Federal leadership;

[(B) the inability of many State and local educational agencies to invest in and support needed technologies;

[(C) the limited exposure of students and teachers to the power of technology as a cost-effective tool to improve student learning and achievement;

[(D) the lack of appropriate electrical and telephone connections in the classroom; and

[(E) the limited availability of appropriate technology-enhanced curriculum, instruction, professional development, and administrative support resources and services in the educational marketplace;

[(4) policies at the Federal, State, and local levels concerning technology in education must address disparities in the availability of technology to different groups of students, give priority to serving students in greatest need, and recognize that educational telecommunications and technology can address educational equalization concerns and school restructuring needs by providing universal access to high-quality teaching and programs, particularly in urban and rural areas;

[(5) the increasing use of new technologies and telecommunications systems in business has increased the gap between schooling and work force preparation, and underscores the need for technology policies at the Federal, State, tribal, and local levels that address preparation for school-to-work transitions;

[(6) technology can enhance the ongoing professional development of teachers and administrators by providing constant access to updated research in teaching and learning by means of telecommunications, and, through exposure to technology advancements, keep teachers and administrators excited and knowledgeable about unfolding opportunities for the classroom;

[(7) planned and creative uses of technology, combined with teachers adequately trained in the use of technology, can reshape our Nation's traditional method of providing education and empower teachers to create an environment in which students are challenged through rigorous, rich classroom instruction provided at a pace suited to each student's learning style, and in which students have increased opportunities to develop higher order thinking and technical skills;

[(8) schools need new ways of financing the acquisition and maintenance of educational technology;

[(9) the needs for educational technology differ from State to State;

[(10) technology can provide students, parents, teachers, other education professionals, communities, and industry with increased opportunities for partnerships and with increased access to information, instruction, and educational services in schools and other settings, including homes, libraries, preschool and child-care facilities, adult and family education programs, and postsecondary institutions;

[(11) the Department, consistent with the overall national technology policy established by the President, must assume a vital leadership and coordinating role in developing the national vision and strategy to infuse advanced technology throughout all educational programs;

[(12) Federal support can ease the burden at the State and local levels by enabling the acquisition of advanced technology and initiating the development of teacher training and support as well as new educational products;

[(13) leadership at the Federal level should consider guidelines to ensure that educational technology is accessible to all users with maximum interoperability nationwide;

[(14) the rapidly changing nature of technology requires coordination and flexibility in Federal leadership; and

[(15) technology has the potential to assist and support the improvement of teaching and learning in schools and other settings.

[SEC. 3112. STATEMENT OF PURPOSE.

[The purpose of this part is to support a comprehensive system for the acquisition and use by elementary and secondary schools in the United States of technology and technology-enhanced curricula, instruction, and administrative support resources and services to improve the delivery of educational services. Such system shall include—

[(1) national leadership with respect to the need for, and the provision of, appropriate technology-enhanced curriculum, instruction, and administrative programs to improve learning in the United States, and to promote equal access for all students to educational opportunities in order to achieve the National Education Goals by the year 2000;

[(2) funding mechanisms which will support the development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure, including activities undertaken by State and local educational agencies to promote and provide equipment, training for teachers and school library and media personnel, and technical support;

[(3) support for technical assistance, professional development, information and resource dissemination, in order to help States, local educational agencies, teachers, school library and media personnel, and administrators successfully integrate technology into kindergarten through 12th grade classrooms and library media centers;

[(4) support for the development of educational and instructional programming in core subject areas, which shall address the National Education Goals;

[(5) strengthening and building upon, but not duplicating, existing telecommunications infrastructures dedicated to educational purposes;

[(6) development and evaluation of new and emerging educational technologies, telecommunications networks, and state-of-the-art educational technology products that promote the use of advanced technologies in the classroom and school library media center;

[(7) assessment data regarding state-of-the-art uses of technologies in United States education upon which commercial and noncommercial telecommunications entities, and governments can rely for decisionmaking about the need for, and provision of, appropriate technologies for education in the United States;

[(8) ensuring that uses of educational technology are consistent with the overall national technology policy established by the President, and ensuring that Federal technology-related policies and programs will facilitate the use of technology in education;

[(9) ensuring that activities supported under this part will form the basis for sound State and local decisions about investing in, sustaining, and expanding uses of technology in education;

[(10) establishing working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution;

[(11) ensuring that, as technological advances are made, the educational uses of these advances are considered and their applications are developed; and

[(12) encouragement of collaborative relationships among the State agency for higher education, the State library administrative agency, the State telecommunications agency, and the State educational agency, in the area of technology support to strengthen the system of education.

[SEC. 3113. DEFINITIONS.

[For purposes of this title—

[(1) the term "adult education" has the same meaning given such term by section 203 of the Adult Education and Family Literacy Act;

[(2) the term "all students" means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited English proficiency, students who have dropped out of school, and academically talented students;

[(3) the term "information infrastructure" means a network of communication systems designed to exchange information among all citizens and residents of the United States;

[(4) the term "instructional programming" means the full range of audio and video data, text, graphics, or additional

state-of-the-art communications, including multimedia based resources distributed through interactive, command and control, or passive methods for the purpose of education and instruction;

[(5) the terms "interoperable" and "interoperability" mean the ability to exchange easily data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students and other users;

[(6) the term "Office" means the Office of Educational Technology;

[(7) the term "public telecommunications entity" has the same meaning given to such term by section 397(12) of the Communications Act of 1934;

[(8) the term "regional educational laboratory" means a regional educational laboratory supported under section 941(h) of the Educational, Research, Development, Dissemination, and Improvement Act of 1994;

[(9) the term "State educational agency" includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part;

[(10) the term "State library administrative agency" has the same meaning given to such term in section 3 of the Library Services and Construction Act; and

[(11) the term "technology" means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable television, satellite, copper and fiber optic transmission, computer hardware and software, video and audio laser and CD-ROM discs, and video and audio tapes.

[SEC. 3114. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

[(a) AUTHORIZATION OF APPROPRIATIONS.—

[(1) SUBPARTS 1, 2, AND 3.—There are authorized to be appropriated $200,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years to carry out subparts 1, 2, and 3, of which—

[(A)(i) $3,000,000 shall be available to carry out subpart 1 (National Programs for Technology in Education) for any such year for which the amount appropriated under this subsection is less than $75,000,000; and

[(ii) $5,000,000 shall be available to carry out subpart 1 for any such year for which the amount appropriated under this subsection is equal to or greater than $75,000,000;

[(B) $10,000,000 shall be available to carry out subpart 3 (Regional Technical Support and Professional Development) for each such year; and

[(C) the remainder shall be available to carry out subpart 2 (State and Local Programs for School Technology Resources) for each such year.

[(2) SUBPART 4.—For the purpose of carrying out subpart 4, there are authorized to be appropriated $50,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

[(b) FUNDING RULE.—

[(1) APPROPRIATIONS OF LESS THAN $75,000,000.—For any fiscal year for which the amount appropriated under subsection (a)(1) is less than $75,000,000, from the remainder of funds made available under subsection (a)(1)(C) the Secretary shall award grants for the National Challenge Grants in accordance with section 3136.

[(2) APPROPRIATIONS EQUAL TO OR GREATER THAN $75,000,000.—For any fiscal year for which the amount appropriated under subsection (a)(1) is equal to or greater than $75,000,000, from the remainder of funds made available under subsection (a)(1)(C) the Secretary shall award grants to State educational agencies from allotments under section 3131, except that the Secretary may reserve, from such remainder, such funds as the Secretary determines necessary to meet outstanding obligations for such fiscal year to continue the National Challenge Grants for Technology awarded under section 3136.

[SEC. 3115. LIMITATION ON COSTS.

[Not more than 5 percent of the funds under this part that are made available to a recipient of funds under this part for any fiscal year may be used by such recipient for administrative costs or technical assistance.

[Subpart 1—National Programs for Technology in Education

[SEC. 3121. NATIONAL LONG-RANGE TECHNOLOGY PLAN.

[(a) IN GENERAL.—The Secretary shall develop and publish not later than 12 months after the date of the enactment of the Improving America's Schools Act of 1994, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this part.

[(b) PLAN REQUIREMENTS.—The Secretary shall—

[(1) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the applications of technology to education, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Act, and providers of technology services and products;

[(2) transmit such plan to the President and to the appropriate committees of the Congress; and

[(3) publish such plan in a form that is readily accessible to the public.

[(c) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this title, including—

[(1) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve State content standards and State student performance stand-

ards, especially through programs administered by the Department;

[(2) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Institute for Literacy, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

[(A) to promote the use of technology in education, training, and lifelong learning, including plans for the educational uses of a national information infrastructure; and

[(B) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

[(3) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

[(4) how the Secretary will promote—

[(A) higher achievement of all students through the integration of technology into the curriculum;

[(B) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;

[(C) the use of technology to assist in the implementation of State systemic reform strategies;

[(D) the application of technological advances to use in education;

[(E) increased access to high quality adult and family education services through the use of technology for instruction and professional development; and

[(F) increased opportunities for the professional development of teachers in the use of new technologies;

[(5) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

[(6) how the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the effective use of technology in education;

[(7) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 3123 to promote the purposes of this part; and

[(8) the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

[SEC. 3122. FEDERAL LEADERSHIP.

[(a) PROGRAM AUTHORIZED.—In order to provide Federal leadership in promoting the use of technology in education, the Secretary, in consultation with the National Science Foundation, the Department of Commerce, the United States National Commission on Li-

braries and Information Sciences, and other appropriate Federal agencies, may carry out activities designed to achieve the purposes of this part directly or by awarding grants or contracts competitively and pursuant to a peer review process to, or entering into contracts with, State educational agencies, local educational agencies, institutions of higher education, or other public and private nonprofit or for-profit agencies and organizations.

[(b) ASSISTANCE.—

[(1) IN GENERAL.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 317 of the Goals 2000: Educate America Act.

[(2) OTHER FEDERAL AGENCIES.—For the purpose of carrying out coordinated or joint activities consistent with the purposes of this part, the Secretary may accept funds from, and transfer funds to, other Federal agencies.

[(c) USES OF FUNDS.—The Secretary shall use funds made available to carry out this section for activities designed to carry out the purpose of this part, such as—

[(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the uses of technology for education, including professional development;

[(2) providing development grants to technical assistance providers, to enable such providers to improve substantially the services such providers offer to educators on the educational uses of technology, including professional development;

[(3) consulting with representatives of industry, elementary and secondary education, higher education, adult and family education, and appropriate experts in technology and educational applications of technology in carrying out activities under this subpart;

[(4) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;

[(5) research on, and the development of, applications for education of the most advanced and newly emerging technologies which research shall be coordinated, when appropriate, with the Office of Educational Research and Improvement, and other Federal agencies;

[(6) the development, demonstration, and evaluation of the educational aspects of high performance computing and communications technologies and of the national information infrastructure, in providing professional development for teachers, school librarians, and other educators; enriching academic curricula for elementary and secondary schools; facilitating communications among schools, local educational agencies, libraries, parents, and local communities and in other such areas as the Secretary deems appropriate;

[(7) the development, demonstration, and evaluation of applications of existing technology in preschool education, ele-

mentary and secondary education, training and lifelong learning, and professional development of educational personnel;

[(8) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals, State content standards and State student performance standards;

[(9) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

[(10) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

[(11) research on, and the evaluation of, the effectiveness and benefits of technology in education;

[(12) a biennial assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State, tribal, and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, which assessment and report shall use, to the extent possible, existing information and resources;

[(13) conferences on, and dissemination of information regarding, the uses of technology in education;

[(14) the development of model strategies to promote gender equity concerning access to, and the use of, technology in the classroom;

[(15) encouraging collaboration between the Department and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

[(16) such other activities as the Secretary determines will meet the purposes of this subpart.

[(d) NON-FEDERAL SHARE.—

[(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this section to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

[(2) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this section after the first year such recipient receives funds under such grant or contract.

[(3) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this section.

[SEC. 3123. STUDY, EVALUATION AND REPORT OF FUNDING ALTERNATIVES.

[The Secretary, through the Office of Educational Technology, shall conduct a study to evaluate, and report to the Congress on, the feasibility of several alternative models for providing sustained and adequate funding for schools throughout the United States so

that such schools are able to acquire and maintain technology-enhanced curriculum, instruction, and administrative support resources and services. Such report shall be submitted to the Congress not later than one year after the date of enactment of the Improving America's Schools Act of 1994.

[Subpart 2—State and Local Programs for School Technology Resources

[SEC. 3131. ALLOTMENT AND REALLOTMENT.

[(a) ALLOTMENT.—

[(1) IN GENERAL.—Except as provided in paragraph (2), each State educational agency shall be eligible to receive a grant under this subpart for a fiscal year in an amount which bears the same relationship to the amount made available under section 3114(a)(1)(C) for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

[(2) MINIMUM.—No State educational agency shall be eligible to receive a grant under paragraph (1) in any fiscal year in an amount which is less than one-half of one percent of the amount made available under section 3115(a)(1)(C) for such year.

[(b) REALLOTMENT OF UNUSED FUNDS.—

[(1) IN GENERAL.—The amount of any State educational agency's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such fiscal year to carry out this subpart shall be available for reallotment from time to time, on such dates during such year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to such State educational agencies under subsection (a) for such year, but with such proportionate amount for any of such other State educational agencies being reduced to the extent such amount exceeds the sum the Secretary estimates such State needs and will be able to use for such year.

[(2) OTHER REALLOTMENTS.—The total of reductions under paragraph (1) shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a subpart of such agencies allotment under subsection (a) for such year.

[SEC. 3132. SCHOOL TECHNOLOGY RESOURCE GRANTS.

[(a) GRANTS TO STATES.—

[(1) IN GENERAL.—From amounts made available under section 3131, the Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having applications approved under section 3133.

[(2) USE OF GRANTS.—(A) Each State educational agency receiving a grant under paragraph (1) shall use such grant funds to award grants, on a competitive basis, to local educational agencies to enable such local educational agencies to carry out the activities described in section 3134.

[(B) In awarding grants under subparagraph (A), each State educational agency shall ensure that each such grant is of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this part effectively.

[(b) TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under paragraph (1) shall—

[(1) identify the local educational agencies served by the State educational agency that—

[(A) have the highest number or percentage of children in poverty; and

[(B) demonstrate to such State educational agency the greatest need for technical assistance in developing the application under section 3133; and

[(2) offer such technical assistance to such local educational agencies.

[SEC. 3133. STATE APPLICATION.

[To receive funds under this subpart, each State educational agency shall submit a statewide educational technology plan which may include plans submitted under the Goals 2000: Educate America Act or other statewide technology plans which meet the requirements of this section. Such application shall be submitted to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall contain a systemic statewide plan that—

[(1) outlines long-term strategies for financing technology education in the State and describes how business, industry, and other public and private agencies, including libraries, library literacy programs, and institutions of higher education, can participate in the implementation, ongoing planning, and support of the plan; and

[(2) meets such other criteria as the Secretary may establish in order to enable such agency to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to carry out activities such as—

[(A) purchasing quality technology resources;

[(B) installing various linkages necessary to acquire connectivity;

[(C) integrating technology into the curriculum in order to improve student learning and achievement;

[(D) providing teachers and library media personnel with training or access to training;

[(E) providing administrative and technical support and services that improve student learning through enriched technology-enhanced resources, including library media resources;

[(F) promoting in individual schools the sharing, distribution, and application of educational technologies with demonstrated effectiveness;

[(G) assisting schools in promoting parent involvement;

[(H) assisting the community in providing literacy-related services;

[(I) establishing partnerships with private or public educational providers or other entities to serve the needs of children in poverty; and

[(J) providing assurances that financial assistance provided under this part shall supplement, not supplant, State and local funds.

[SEC. 3134. LOCAL USES OF FUNDS.

[Each local educational agency, to the extent possible, shall use the funds made available under section 3132(a)(2) for—

[(1) developing, adapting, or expanding existing and new applications of technology to support the school reform effort;

[(2) funding projects of sufficient size and scope to improve student learning and, as appropriate, support professional development, and provide administrative support;

[(3) acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students and school library media personnel in the classroom or in school library media centers, in order to improve student learning by supporting the instructional program offered by such agency to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources and services;

[(4) providing ongoing professional development in the integration of quality educational technologies into school curriculum and long-term planning for implementing educational technologies;

[(5) acquiring connectivity with wide area networks for purposes of accessing information and educational programming sources, particularly with institutions of higher education and public libraries; and

[(6) providing educational services for adults and families.

[SEC. 3135. LOCAL APPLICATIONS.

[Each local educational agency desiring assistance from a State educational agency under section 3132(a)(2) shall submit an application, consistent with the objectives of the systemic statewide plan, to the State educational agency at such time, in such manner and accompanied by such information as the State educational agency may reasonably require. Such application, at a minimum, shall—

[(1) include a strategic, long-range (three- to five-year), plan that includes—

[(A) a description of the type of technologies to be acquired, including specific provisions for interoperability among components of such technologies and, to the extent practicable, with existing technologies;

[(B) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency enhance teaching, training, and student achievement;

[(C) an explanation of how programs will be developed in collaboration with existing adult literacy services providers to maximize the use of such technologies;

[(D)(i) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center; and

[(ii) a list of the source or sources of ongoing training and technical assistance available to schools, teachers and administrators served by the local educational agency, such as State technology offices, intermediate educational support units, regional educational laboratories or institutions of higher education;

[(E) a description of the supporting resources, such as services, software and print resources, which will be acquired to ensure successful and effective use of technologies acquired under this section;

[(F) the projected timetable for implementing such plan in schools;

[(G) the projected cost of technologies to be acquired and related expenses needed to implement such plan; and

[(H) a description of how the local educational agency will coordinate the technology provided pursuant to this subpart with other grant funds available for technology from State and local sources;

[(2) describe how the local educational agency will involve parents, public libraries, business leaders and community leaders in the development of such plan;

[(3) describe how the acquired instructionally based technologies will help the local educational agency—

[(A) promote equity in education in order to support State content standards and State student performance standards that may be developed; and

[(B) provide access for teachers, parents and students to the best teaching practices and curriculum resources through technology; and

[(4) describe a process for the ongoing evaluation of how technologies acquired under this section—

[(A) will be integrated into the school curriculum; and

[(B) will affect student achievement and progress toward meeting the National Education Goals and any challenging State content standards and State student performance standards that may be developed.

[(d) FORMATION OF CONSORTIA.—A local educational agency for any fiscal year may apply for financial assistance as part of a consortium with other local educational agencies, institutions of higher education, intermediate educational units, libraries, or other educational entities appropriate to provide local programs. The State educational agency may assist in the formation of consortia among local educational agencies, providers of educational services for adults and families, institutions of higher education, intermediate educational units, libraries, or other appropriate educational entities to provide services for the teachers and students in a local educational agency at the request of such local educational agency.

[(e) COORDINATION OF APPLICATION REQUIREMENTS.—If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement plan, in conjunction with requirements under this Act or the Goals 2000: Educate America Act, the State educational agency may approve such plan, or a component of such plan, notwithstanding the requirements of subsection (e) if the State educational agency determines that such approval would further the purposes of this subpart.

[SEC. 3136. NATIONAL CHALLENGE GRANTS FOR TECHNOLOGY IN EDUCATION.

[(a) GRANTS AUTHORIZED.—

[(1) IN GENERAL.—From amounts made available under section 3115(b)(1) for any fiscal year the Secretary is authorized to award grants, on a competitive basis, to consortia having applications approved under subsection (d), which consortia shall include at least one local educational agency with a high percentage or number of children living below the poverty line and may include other local educational agencies, State educational agencies, institutions of higher education, businesses, academic content experts, software designers, museums, libraries, or other appropriate entities.

[(2) DURATION.—Grants under this section shall be awarded for a period of 5 years.

[(b) USE OF GRANTS.—Grants awarded under subsection (a) shall be used for activities similar to the activities described in section 3134.

[(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to consortia which demonstrate in the application submitted under subsection (d) that—

[(1) the project for which assistance is sought is designed to serve areas with a high number or percentage of disadvantaged students or the greatest need for educational technology;

[(2) the project will directly benefit students by, for example, integrating the acquired technologies into curriculum to help the local educational agency enhance teaching, training, and student achievement;

[(3) the project will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center;

[(4) the project will ensure successful, effective, and sustainable use of technologies acquired under this subsection; and

[(5) members of the consortia or other appropriate entities will contribute substantial financial and other resources to achieve the goals of the project.

[(d) APPLICATION.—Each local educational agency 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.

[SEC. 3137. FEDERAL ADMINISTRATION.

[(a) EVALUATION PROCEDURES.—The Secretary shall develop procedures for State and local evaluations of the programs under this subpart.

[(b) EVALUATION SUMMARY.—The Secretary shall submit to the Congress four years after the enactment of the Improving America's Schools Act of 1994 a summary of the State evaluations of programs under this subpart in accordance with the provisions of section 14701.

[Subpart 3—Regional Technical Support and Professional Development

[SEC. 3141. REGIONAL TECHNICAL SUPPORT AND PROFESSIONAL DEVELOPMENT.

[(a) GRANTS AUTHORIZED.—

[(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall make grants in accordance with the provisions of this section, to regional entities such as the Eisenhower Mathematics and Science Regional Consortia under part C of title XIII, the regional education laboratories, the comprehensive regional assistance centers, or such other regional entities as may be designated or established by the Secretary. In awarding grants under this section, the Secretary shall give priority to such consortia and shall ensure that each geographic region of the United States shall be served by such a consortium.

[(2) REQUIREMENTS.—Each consortium receiving a grant under this section shall—

[(A) be composed of State educational agencies, institutions of higher education, nonprofit organizations, or a combination thereof;

[(B) in cooperation with State and local educational agencies, develop a regional program that addresses professional development, technical assistance, and information resource dissemination, with special emphasis on meeting the documented needs of educators and learners in the region; and

[(C) foster regional cooperation and resource and coursework sharing.

[(b) FUNCTIONS.—

[(1) TECHNICAL ASSISTANCE.—Each consortium receiving a grant under this section shall, to the extent practicable—

[(A) collaborate with State educational agencies and local educational agencies requesting collaboration, particularly in the development of strategies for assisting those schools with the highest numbers or percentages of disadvantaged students with little or no access to technology in the classroom;

[(B) provide information, in coordination with information available from the Secretary, to State educational agencies, local educational agencies, schools and adult education programs, on the types and features of various educational technology equipment and software available,

evaluate and make recommendations on equipment and software that support the National Education Goals and are suited for a school's particular needs, and compile and share information regarding creative and effective applications of technology in the classroom and school library media centers in order to support the purposes of this part;

[(C) collaborate with such State educational agencies, local educational agencies, or schools requesting to participate in the tailoring of software programs and other supporting materials to meet challenging State content standards or challenging State student performance standards that may be developed; and

[(D) provide technical assistance to facilitate use of the electronic dissemination networks by State and local educational agencies and schools throughout the region.

[(2) PROFESSIONAL DEVELOPMENT.—Each consortium receiving a grant under this section shall, to the extent practicable—

[(A) develop and implement, in collaboration with State educational agencies and institutions of higher education, technology-specific, ongoing professional development, such as—

[(i) intensive school year and summer workshops that use teachers, school librarians, and school library personnel to train other teachers, school librarians, and other school library media personnel; and

[(ii) distance professional development, including—

[(I) interactive training tele-courses using researchers, educators, and telecommunications personnel who have experience in developing, implementing, or operating educational and instructional technology as a learning tool;

[(II) onsite courses teaching teachers to use educational and instructional technology and to develop their own instructional materials for effectively incorporating technology and programming in their own classrooms;

[(III) methods for successful integration of instructional technology into the curriculum in order to improve student learning and achievement;

[(IV) video conferences and seminars which offer professional development through peer interaction with experts as well as other teachers using technologies in their classrooms; and

[(V) mobile education technology and training resources;

[(B) develop training resources that—

[(i) are relevant to the needs of the region and schools within the region;

[(ii) are relevant to the needs of adult literacy staff and volunteers, including onsite courses on how to—

[(I) use instructional technology; and

[(II) develop instructional materials for adult learning; and

[(iii) are aligned with the needs of teachers and administrators in the region;

[(C) establish a repository of professional development and technical assistance resources;

[(D) identify and link technical assistance providers to State and local educational agencies, as needed;

[(E) ensure that training, professional development, and technical assistance meet the needs of educators, parents, and students served by the region;

[(F) assist colleges and universities within the region to develop and implement preservice training programs for students enrolled in teacher education programs; and

[(G) assist local educational agencies and schools in working with community members and parents to develop support from communities and parents for educational technology programs and projects.

[(3) INFORMATION AND RESOURCE DISSEMINATION.—Each consortium receiving a grant under this section shall, to the extent practicable—

[(A) assist State and local educational agencies in the identification and procurement of financial, technological and human resources needed to implement technology plans;

[(B) provide outreach and, at the request of a State or local educational agency, work with such agency to assist in the development and validation of instructionally based technology education resources; and

[(C) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region as such interests pertain to the application of technology in teaching, learning, instructional management, dissemination, collection and distribution of educational statistics, and the transfer of student information.

[(4) COORDINATION.—Each consortium receiving a grant under this section shall work collaboratively, and coordinate the services the consortium provides, with appropriate regional and other entities assisted in whole or in part by the Department.

[Subpart 4—Product Development

[SEC. 3151. EDUCATIONAL TECHNOLOGY PRODUCT DEVELOPMENT.

[(a) PURPOSE.—It is the purpose of this subpart to—

[(1) support development of curriculum-based learning resources using state-of-the-art technologies and techniques designed to improve student learning; and

[(2) support development of long-term comprehensive instructional programming and associated support resources that ensure maximum access by all educational institutions.

[(b) FEDERAL ASSISTANCE AUTHORIZED.—

[(1) IN GENERAL.—The Secretary shall provide assistance, on a competitive basis, to eligible consortia to enable such entities to develop, produce, and distribute state-of-the-art technology-

enhanced instructional resources and programming for use in the classroom or to support professional development for teachers.

[(2) GRANTS AND LOANS AUTHORIZED.—In carrying out the purposes of this section, the Secretary is authorized to pay the Federal share of the cost of the development, production, and distribution of state-of-the-art technology enhanced instructional resources and programming—

[(A) by awarding grants to, or entering into contracts or cooperative agreements with, eligible consortia; or

[(B) by awarding loans to eligible consortia which—

[(i) shall be secured in such manner and be repaid within such period, not exceeding 20 years, as may be determined by the Secretary;

[(ii) shall bear interest at a rate determined by the Secretary which shall be not more than the total of one-quarter of 1 percent per annum added to the rate of interest paid by the Secretary on funds obtained from the Secretary of the Treasury; and

[(iii) may be forgiven by the Secretary, in an amount not to exceed 25 percent of the total loan, under such terms and conditions as the Secretary may consider appropriate.

[(3) MATCHING REQUIREMENT.—The Secretary may require any recipient of a grant or contract under this subpart to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

[(4) ELIGIBLE CONSORTIUM.—For the purpose of this subsection, the term "eligible consortium" means a consortium—

[(A) that shall include—

[(i) a State or local educational agency; and

[(ii) a business, industry, or telecommunications entity; and

[(B) that may include—

[(i) a public or private nonprofit organization; or

[(ii) a postsecondary institution.

[(5) PRIORITIES.—In awarding assistance under this section, the Secretary shall give priority to applications describing programs or systems that—

[(A) promote the acquisition of higher-order thinking skills and promise to raise the achievement levels of all students, particularly disadvantaged students who are not realizing their potential;

[(B) are aligned with challenging State content standards and State and local curriculum frameworks;

[(C) may be adapted and applied nationally at a reasonable cost over a broad technology platform;

[(D) convert technology resources developed with support from the Department of Defense and other Federal agencies for effective use in the classroom;

[(E) show promise of reducing the costs of providing high-quality instruction;

[(F) show promise of expanding access to high-quality instruction in content areas which would otherwise not be available to students in rural and urban communities or who are served by other educational agencies with limited financial resources;

[(G) are developed in consultation with classroom teachers;

[(H) are developed through consultation and collaboration with appropriate education entities in designing the product to ensure relevance to the voluntary national content standards, the voluntary national student performance standards and State curriculum frameworks; and

[(I) are developed so that the product can be adapted for use by adults in need of literacy services, including English as a second language and preparation for a secondary school diploma or its recognized equivalent.

[(6) REQUIREMENTS FOR FEDERAL ASSISTANCE.—Each eligible consortium desiring Federal assistance under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe. Each application shall include—

[(A) a description of how the product will improve the achievement levels of students;

[(B) a description of how the activities assisted under this section will promote professional development of teachers and administrators in the uses and applications of the product, including the development of training materials;

[(C) a description of design, development, field testing, evaluation, and distribution of products, where appropriate;

[(D) an assurance that the product shall effectively serve a significant number or percentage of economically disadvantaged students;

[(E) plans for dissemination of products to a wide audience of learners;

[(F) a description of how the product can be adapted for use by students with disabilities including provisions for closed captioning or descriptive video, where appropriate;

[(G) a description of how ownership and rights to the use and marketing of any product developed by the consortium, including intellectual property rights, will be allocated among consortium participants; and

[(H) a description of the contributions, including services and funds, to be made by each member of the consortium, and how any revenues derived from the sale of any product developed by the consortium shall be distributed.

[(c) CONSUMER REPORT.—The Secretary shall provide for the independent evaluation of products developed under this section and shall disseminate information about products developed pursuant to provisions of this section to State and local educational agencies, and other organizations or individuals that the Secretary determines to be appropriate, through print and electronic media that are accessible to the education community at large.

[(d) PROCEEDS.—The Secretary shall not prohibit an eligible consortium or any of the members of such consortium from receiving financial benefits from the distribution of any products resulting from the assistance received under this section. Notwithstanding any other provision of law, any profits or royalties received by a State educational agency, local educational agency, or other nonprofit member of an eligible consortium receiving assistance under this section shall be used to support further development of curriculum-based learning resources, services, and programming or to provide access to such products for a wider audience.

[PART B—STAR SCHOOLS PROGRAM

[SEC. 3201. SHORT TITLE.

[This part may be cited as the "Star Schools Act".

[SEC. 3202. FINDINGS.

[The Congress finds that—

[(1) the Star Schools program has helped to encourage the use of distance learning strategies to serve multi-State regions primarily by means of satellite and broadcast television;

[(2) in general, distance learning programs have been used effectively to provide students in small, rural, and isolated schools with courses and instruction, such as science and foreign language instruction, that the local educational agency is not otherwise able to provide; and

[(3) distance learning programs may also be used to—

[(A) provide students of all ages in all types of schools and educational settings with greater access to high-quality instruction in the full range of core academic subjects that will enable such students to meet challenging, internationally competitive, educational standards;

[(B) expand professional development opportunities for teachers;

[(C) contribute to achievement of the National Education Goals; and

[(D) expand learning opportunities for everyone.

[SEC. 3203. PURPOSE.

[It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and individuals with disabilities, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

[(1) develop, construct, acquire, maintain and operate telecommunications audio and visual facilities and equipment;

[(2) develop and acquire educational and instructional programming; and

[(3) obtain technical assistance for the use of such facilities and instructional programming.

[SEC. 3204. GRANTS AUTHORIZED.

[(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible entities to pay the Federal share of the cost of—

[(1) the development, construction, acquisition, maintenance and operation of telecommunications facilities and equipment;

[(2) the development and acquisition of live, interactive instructional programming;

[(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

[(4) the establishment of teleconferencing facilities and resources for making interactive training available to teachers;

[(5) obtaining technical assistance; and

[(6) the coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.

[(b) DURATION.—

[(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

[(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for one additional three-year period.

[(c) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated $35,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

[(2) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

[(d) LIMITATIONS.—

[(1) IN GENERAL.—A grant under this section shall not exceed—

[(A) five years in duration; and

[(B) $10,000,000 in any one fiscal year.

[(2) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.

[(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I.

[(e) FEDERAL SHARE.—

[(1) IN GENERAL.—The Federal share of the cost of projects funded under this section shall not exceed—

[(A) 75 percent for the first and second years for which an eligible telecommunications partnership receives a grant under this part;

[(B) 60 percent for the third and fourth such years; and

[(C) 50 percent for the fifth such year.

[(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

[(f) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other Federal departments or agencies to carry out the purposes of this section, including funds for the purchase of equipment.

[(g) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this part with the activities of such department or agency relating to a telecommunications network for educational purposes.

[(h) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this part is encouraged to provide—

[(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

[(2) descriptive video of the visual content of such program, as appropriate.

[SEC. 3205. ELIGIBLE ENTITIES.

[(a) ELIGIBLE ENTITIES.—

[(1) REQUIRED PARTICIPATION.—The Secretary may make a grant under section 3204 to any eligible entity, if at least one local educational agency is participating in the proposed project.

[(2) ELIGIBLE ENTITY.—For the purpose of this part, the term "eligible entity" may include—

[(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I; or

[(B) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in clause (i) or (ii):

[(i) a local educational agency that serves a significant number of elementary and secondary schools that are eligible for assistance under part A of title I, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(2);

[(ii) a State educational agency;

[(iii) adult and family education programs;

[(iv) an institution of higher education or a State higher education agency;

[(v) a teacher training center or academy that—

[(I) provides teacher pre-service and in-service training; and

[(II) receives Federal financial assistance or has been approved by a State agency;

[(vi) (I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or

[(II) a public broadcasting entity with such experience; or

[(vii) a public or private elementary or secondary school.

[(b) SPECIAL RULE.—An eligible entity receiving assistance under this part shall be organized on a statewide or multistate basis.

[SEC. 3206. APPLICATIONS.

[(a) APPLICATIONS REQUIRED.—Each eligible entity which desires to receive a grant under section 3204 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

[(b) STAR SCHOOL AWARD APPLICATIONS.—Each application submitted pursuant to subsection (a) shall—

[(1) describe how the proposed project will assist in achieving the National Education Goals, how such project will assist all students to have an opportunity to learn to challenging State standards, how such project will assist State and local educational reform efforts, and how such project will contribute to creating a high quality system of lifelong learning;

[(2) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

[(A) the design, development, construction, acquisition, maintenance and operation of State or multistate educational telecommunications networks and technology resource centers;

[(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

[(C) reception facilities;

[(D) satellite time;

[(E) production facilities;

[(F) other telecommunications equipment capable of serving a wide geographic area;

[(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

[(H) the development of educational and related programming for use on a telecommunications network;

[(3) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in

consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;

[(4) describe how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

[(5) describe the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

[(6) describe the manner in which historically underserved students (such as students from low-income families, limited English proficient students, students with disabilities, or students who have low literacy skills) and their families, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;

[(7) describe how existing telecommunications equipment, facilities, and services, where available, will be used;

[(8) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

[(9) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

[(10) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;

[(11) if any member of the consortia receives assistance under subpart 3 of part A, describe how funds received under this part will be coordinated with funds received for educational technology in the classroom under such section;

[(12) describe the activities or services for which assistance is sought, such as—

[(A) providing facilities, equipment, training services, and technical assistance;

[(B) making programs accessible to students with disabilities through mechanisms such as closed captioning and descriptive video services;

[(C) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

[(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

[(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

[(F) incorporating community resources such as libraries and museums into instructional programs;

[(G) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff, and adult and family educators;

[(H) providing programs for adults to maximize the use of telecommunications facilities and equipment;

[(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed; and

[(J) providing parent education programs during and after the regular school day which reinforce a student's course of study and actively involve parents in the learning process;

[(13) describe how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

[(14) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I;

[(15) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this part; and

[(16) include such additional assurances as the Secretary may reasonably require.

[(c) PRIORITIES.—The Secretary, in approving applications for grants authorized under section 3204, shall give priority to applications describing projects that—

[(1) propose high-quality plans to assist in achieving one or more of the National Education Goals, will provide instruction consistent with State content standards, or will otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform;

[(2) will provide services to programs serving adults, especially parents, with low levels of literacy;

[(3) will serve schools with significant numbers of children counted for the purposes of part A of title I;

[(4) ensure that the eligible entity will—

[(A) serve the broadest range of institutions, programs providing instruction outside of the school setting, programs serving adults, especially parents, with low levels of literacy, institutions of higher education, teacher training centers, research institutes, and private industry;

[(B) have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development;

[(C) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

[(D) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

[(E) provide instruction for students, teachers, and parents;

[(F) serve a multistate area; and

[(G) give priority to the provision of equipment and linkages to isolated areas; and

[(5) involve a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) participating in the eligible entity and donating equipment or in-kind services for telecommunications linkages.

[(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 3204, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services provided under this part.

[SEC. 3207. LEADERSHIP AND EVALUATION ACTIVITIES.

[(a) RESERVATION.—From the amount appropriated pursuant to the authority of section 3204(c)(1) in each fiscal year, the Secretary may reserve not more than 5 percent of such amount for national leadership, evaluation, and peer review activities.

[(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

[(c) USES OF FUNDS.—

[(1) LEADERSHIP.—Funds reserved for leadership activities under subsection (a) may be used for—

[(A) disseminating information, including lists and descriptions of services available from grant recipients under this part; and

[(B) other activities designed to enhance the quality of distance learning activities nationwide.

[(2) EVALUATION.—Funds reserved for evaluation activities under subsection (a) may be used to conduct independent evaluations of the activities assisted under this part and of distance learning in general, including—

[(A) analyses of distance learning efforts, including such efforts that are assisted under this part and such efforts that are not assisted under this part; and

[(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

[(3) PEER REVIEW.—Funds reserved for peer review activities under subsection (a) may be used for peer review of—

[(A) applications for grants under this part; and

[(B) activities assisted under this part.

[SEC. 3208. DEFINITIONS.

[As used in this part—

[(1) the term "educational institution" means an institution of higher education, a local educational agency, or a State educational agency;

[(2) the term "instructional programming" means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices; and

[(3) the term "public broadcasting entity" has the same meaning given such term in section 397 of the Communications Act of 1934.

[SEC. 3209. ADMINISTRATIVE PROVISIONS.

[(a) CONTINUING ELIGIBILITY.—

[(1) IN GENERAL.—In order to be eligible to receive a grant under section 3204 for a second 3-year grant period an eligible entity shall demonstrate in the application submitted pursuant to section 3206 that such partnership shall—

[(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and

[(B) use all grant funds received under this part for the second 3-year grant period to provide expanded services by—

[(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

[(ii) providing new courses of instruction; and

[(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are individuals with disabilities, are illiterate, or lack secondary school diplomas or their recognized equivalent.

[(2) SPECIAL RULE.—Grant funds received pursuant to paragraph (1) shall be used to supplement and not supplant services provided by the grant recipient under this part in the previous fiscal year.

[(b) FEDERAL ACTIVITIES.—The Secretary may assist grant recipients under section 3204 in acquiring satellite time, where appropriate, as economically as possible.

[SEC. 3210. OTHER ASSISTANCE.

[(a) SPECIAL STATEWIDE NETWORK.—

[(1) IN GENERAL.—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide telecommunications network under this subsection if such network—

[(A) provides 2-way full motion interactive video and audio communications;

[(B) links together public colleges and universities and secondary schools throughout the State; and

[(C) meets any other requirements determined appropriate by the Secretary.

[(2) STATE CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

[(b) SPECIAL LOCAL NETWORK.—

[(1) IN GENERAL.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

[(2) PROGRAM REQUIREMENTS.—A high technology demonstration program assisted under paragraph (1) shall—

[(A) include 2-way full motion interactive video, audio and text communications;

[(B) link together elementary and secondary schools, colleges, and universities;

[(C) provide parent participation and family programs;

[(D) include a staff development program; and

[(E) have a significant contribution and participation from business and industry.

[(3) SPECIAL RULE.—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting the National Education Goals.

[(4) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

[(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—

[(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable such partnerships to develop and operate one or more programs which provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent. The program authorized by this section shall be designed to advance adult literacy, secondary school completion and the acquisition of specified competency by the end of the 12th grade, as envisioned by the Goals 2000: Educate America Act.

[(2) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary. Each such application shall—

[(A) demonstrate that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its recognized equivalent;

[(B) assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

[(C) incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs;

[(D) assure that the applicant has the technological and substantive experience to carry out the program; and

[(E) contain such additional assurances as the Secretary may reasonably require.

[PART C—READY-TO-LEARN TELEVISION

[SEC. 3301. READY-TO-LEARN.

[(a) IN GENERAL.—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in section 3302(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

[(b) AVAILABILITY.—In making such grants, contracts, or cooperative agreements, the Secretary shall ensure that recipients make programming widely available with support materials as appropriate to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

[SEC. 3302. EDUCATIONAL PROGRAMMING.

[(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements to eligible entities to—

[(1) facilitate the development directly or through contracts with producers of children and family educational television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

[(2) enable such entities to contract with entities (such as public telecommunications entities and those funded under the Star Schools Act) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

[(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

[(1) a nonprofit entity (including a public telecommunications entity) able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

[(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

[(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experi-

ences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

[SEC. 3303. DUTIES OF SECRETARY.

[The Secretary is authorized—

[(1) to establish and administer a Special Projects of National Significance program to award grants, contracts, or cooperative agreements to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

[(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

[(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

[(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness;

[(2) to establish within the Department a clearinghouse to compile and provide information, referrals and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

[(3) to develop and disseminate training materials, including—

[(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

[(B) support materials to promote the effective use of materials developed under paragraph (2);

among parents, Head Start providers, in-home and center based day care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children;

[(4) coordinate activities with the Secretary of Health and Human Services in order to—

[(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

[(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including Head Start, Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under

paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

[SEC. 3304. APPLICATIONS.

[Each eligible entity desiring a grant, contract, or cooperative agreement under section 3301 or 3303 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[SEC. 3305. REPORTS AND EVALUATION.

[(a) ANNUAL REPORT TO SECRETARY.—An entity receiving funds under section 3301 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under this section, including—

[(1) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

[(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

[(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

[(4) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

[(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

[(1) a summary of the information made available under section 3302(a); and

[(2) a description of the training materials made available under section 3303(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

[SEC. 3306. ADMINISTRATIVE COSTS.

[With respect to the implementation of section 3302, entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

[SEC. 3307. DEFINITION.

[For the purposes of this part, the term "distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

[SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years. Not less than 60 percent of the amounts appropriated under this subsection for each fiscal year shall be used to carry out section 3302.

[(b) SPECIAL PROJECTS.—Of the amount appropriated under subsection (b) for each fiscal year, at least 10 percent of such amount shall be used for each such fiscal year for activities under section 3303(1)(C).

[PART D—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS

[SEC. 3401. PROJECT AUTHORIZED.

[The Secretary is authorized to make grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based demonstration project to improve the teaching of mathematics. The demonstration project authorized by this part shall be designed to assist elementary and secondary school teachers in preparing all students for achieving State content standards.

[SEC. 3402. APPLICATION REQUIRED.

[(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

[(1) demonstrate that the applicant will use the existing publicly funded telecommunications infrastructure to deliver video, voice and data in an integrated service to train teachers in the use of new standards-based curricula materials and learning technologies;

[(2) assure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, State or local nonprofit public telecommunications entities, and a national mathematics education professional association that has developed content standards;

[(3) assure that a significant portion of the benefits available for elementary and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

[(4) contain such additional assurances as the Secretary may reasonably require.

[(b) APPROVAL OF APPLICATIONS; NUMBER OF DEMONSTRATION SITES.—In approving applications under this section, the Secretary shall assure that the demonstration project authorized by this part is conducted at elementary and secondary school sites in at least 15 States.

[SEC. 3403. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to carry out this part, $5,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years.

[PART E—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM

[SEC. 3501. SHORT TITLE.

[This part may be cited as the "Elementary Mathematics and Science Equipment Act".

[SEC. 3502. STATEMENT OF PURPOSE.

[It is the purpose of this part to raise the quality of instruction in mathematics and science in the Nation's elementary schools by providing equipment and materials necessary for hands-on instruction through assistance to State and local educational agencies.

[SEC. 3503. PROGRAM AUTHORIZED.

[The Secretary is authorized to make allotments to State educational agencies under section 3504 to enable such agencies to award grants to local educational agencies for the purpose of providing equipment and materials to elementary schools to improve mathematics and science education in such schools.

[SEC. 3504. ALLOTMENTS OF FUNDS.

[(a) IN GENERAL.—From the amount appropriated under section 3509 for any fiscal year, the Secretary shall reserve—

[(1) not more than one-half of 1 percent for allotment among Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands according to their respective needs for assistance under this part; and

[(2) one-half of 1 percent for programs for Indian students served by schools funded by the Secretary of the Interior which are consistent with the purposes of this part.

[(b) ALLOTMENT.—

[(1) IN GENERAL.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

[(A) one-half of such remainder shall be distributed by allotting to each State educational agency an amount which bears the same ratio to such one-half of such remainder as the number of children aged 5 to 17, inclusive, in the State bears to the number of such children in all States; and

[(B) one-half of such remainder shall be distributed according to each State's share of allocations under part A of title I.

[(2) MINIMUM.—Except as provided in paragraph (3), no State educational agency shall receive an allotment under this subsection for any fiscal year in an amount that is—

[(A) less than one-half of 1 percent of the amount made available under this subsection for such fiscal year; or

[(B) less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

[(3) RATABLE REDUCTIONS.—(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under paragraph (2)(B) for such year, the Secretary shall ratably reduce the allotment to such agencies for such year.

[(B) If additional funds become available for making payments under paragraph (2)(B) for such fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis as such allotments were reduced.

[(c) REALLOTMENT OF UNUSED FUNDS.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year to carry out this part which the Secretary determines will not be required for that fiscal year to carry out this part shall be available for reallotment from time to time, on such dates during that year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to those State educational agencies under subsection (b) for that year but with such proportionate amount for any of those other State educational agencies being reduced to the extent it exceeds the sum the Secretary estimates that the State educational agency needs and will be able to use for that year, and the total of those reductions shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a part of the State educational agency's allotment under subsection (b) for that year.

[(d) DEFINITION.—For the purposes of this part the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[(e) DATA.—The number of children aged 5 to 17, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

[SEC. 3505. STATE APPLICATION.

[(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this part shall file an application with the Secretary which covers a period of 5 fiscal years. Such application shall be filed at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

[(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

[(1) provide assurances that—

[(A) the State educational agency shall use the allotment provided under this part to award grants to local educational agencies within the State to enable such local educational agencies to provide assistance to schools served by such agency to carry out the purpose of this part;

[(B) the State educational agency will provide such fiscal control and funds accounting as the Secretary may require;

[(C) every public elementary school in the State is eligible to receive assistance under this part once over the 5-year duration of the program assisted under this part;

[(D) funds provided under this part will supplement, not supplant, State and local funds made available for activities authorized under this part;

[(E) during the 5-year period described in the application, the State educational agency will evaluate its standards and programs for teacher preparation and inservice professional development for elementary mathematics and science;

[(F) the State educational agency will take into account the needs for greater access to and participation in mathematics and science by students and teachers from historically underrepresented groups, including females, minorities, individuals with limited English proficiency, the economically disadvantaged, and individuals with disabilities; and

[(G) that the needs of teachers and students in areas with high concentrations of low-income students and sparsely populated areas will be given priority in awarding assistance under this part;

[(2) provide, if appropriate, a description of how funds paid under this part will be coordinated with State and local funds and other Federal resources, particularly with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

[(3) describe procedures—

[(A) for submitting applications for programs described in section 3506 for distribution of assistance under this part within the State; and

[(B) for approval of applications by the State educational agency, including appropriate procedures to assure that such agency will not disapprove an application without notice and opportunity for a hearing.

[(c) STATE ADMINISTRATION.—Not more than 5 percent of the funds allotted to each State educational agency under this part shall be used for the administrative costs of such agency associated with carrying out the program assisted under this part.

[SEC. 3506. LOCAL APPLICATION.

[(a) APPLICATION.—A local educational agency that desires to receive a grant under this part shall submit an application to the State educational agency. Each such application shall contain assurances that each school served by the local educational agency shall be eligible for assistance under this part only once.

[(b) CONTENTS OF APPLICATION.—Each application described in subsection (a) shall—

[(1) describe how the local educational agency plans to set priorities on the use and distribution among schools of grant funds received under this part to meet the purpose of this part;

[(2) include assurances that the local educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part based on failure to provide such matching funds;

[(3) describe, if applicable, how funds under this part will be coordinated with State, local, and other Federal resources, especially with respect to programs for the professional development and inservice training of elementary school teachers in science and mathematics; and

[(4) describe the process which will be used to determine different levels of assistance to be awarded to schools with different needs.

[(c) PRIORITY.—In awarding grants under this part, the State educational agency shall give priority to applications that—

[(1) assign highest priority to providing assistance to schools which—

[(A) are most seriously underequipped; or

[(B) serve large numbers or percentages of economically disadvantaged students;

[(2) are attentive to the needs of underrepresented groups in science and mathematics;

[(3) demonstrate how science and mathematics equipment will be part of a comprehensive plan of curriculum planning or implementation and teacher training supporting hands-on laboratory activities; and

[(4) assign priority to providing equipment and materials for students in grades 1 through 6.

[SEC. 3507. PROGRAM REQUIREMENTS.

[(a) COORDINATION.—Each State educational agency receiving an allotment under this part shall—

[(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this part;

[(2) evaluate applications of local educational agencies;

[(3) award grants to local educational agencies based on the priorities described in section 3506(c); and

[(4) evaluate local educational agencies' end-of-year summaries and submit such evaluation to the Secretary.

[(b) LIMITATIONS ON USE OF FUNDS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), grant funds and matching funds under this part only shall be used to purchase science equipment, science materials, or mathematical manipulative materials and shall not be used for computers, computer peripherals, software, textbooks, or staff development costs.

[(2) CAPITAL IMPROVEMENTS.—Grant funds under this part may not be used for capital improvements. Not more than 50 percent of any matching funds provided by the local educational agency may be used for capital improvements of classroom science facilities to support the hands-on instruction that this part is intended to support, such as the installation of

electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

[SEC. 3508. FEDERAL ADMINISTRATION.

[(a) TECHNICAL ASSISTANCE AND EVALUATION PROCEDURES.—The Secretary shall provide technical assistance and, in consultation with State and local representatives of the program assisted under this part, shall develop procedures for State and local evaluations of the programs assisted under this part.

[(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this part in accordance with section 10701.

[SEC. 3509. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out this part.

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

[SEC. 4001. SHORT TITLE.

[This title may be cited as the "Safe and Drug-Free Schools and Communities Act of 1994".

[SEC. 4002. FINDINGS.

[The Congress finds as follows:

[(1) The seventh National Education Goal provides that by the year 2000, all schools in America will be free of drugs and violence and the unauthorized presence of firearms and alcohol, and offer a disciplined environment that is conducive to learning.

[(2) The widespread illegal use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to such students' physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

[(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately 3,000,000 thefts and violent crimes occur in or near our Nation's schools every year, the equivalent of more than 16,000 incidents per school day.

[(4) Violence that is linked to prejudice and intolerance victimizes entire communities leading to more violence and discrimination.

[(5) The tragic consequences of violence and the illegal use of alcohol and drugs by students are felt not only by students and such students' families, but by such students' communities and the Nation, which can ill afford to lose such students' skills, talents, and vitality.

[(6) While use of illegal drugs is a serious problem among a minority of teenagers, alcohol use is far more widespread.

The proportion of high school students using alcohol, though lower than a decade ago, remains unacceptably high. By the 8th grade, 70 percent of youth report having tried alcohol and by the 12th grade, about 88 percent have used alcohol. Alcohol use by young people can and does have adverse consequences for users, their families, communities, schools, and colleges.

[(7) Alcohol and tobacco are widely used by young people. Such use can, and does, have adverse consequences for young people, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address alcohol and tobacco as well.

[(8) Every day approximately 3,000 children start smoking. Thirty percent of all secondary school seniors are smokers. Half of all new smokers begin smoking before the age of 14, 90 percent of such smokers begin before the age of 21, and the average age of the first use of smokeless tobacco is under the age of 10. Use of tobacco products has been linked to serious health problems. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco.

[(9) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

[(10) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve the goals of providing a safe, disciplined, and drug-free learning environment.

[SEC. 4003. PURPOSE.

[The purpose of this title is to support programs to meet the seventh National Education Goal by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

[(1) States for grants to local educational agencies and educational service agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

[(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;

[(3) States for development, training, technical assistance, and coordination activities;

[(4) public and private nonprofit organizations to conduct training, demonstrations, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth; and

[(5) institutions of higher education to establish, operate, expand, and improve programs of school drug and violence prevention, education, and rehabilitation referral for students enrolled in colleges and universities.

[SEC. 4004. FUNDING.

[There are authorized to be appropriated—

[(1) $630,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, for State grants under subpart 1; and

[(2) $25,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years, for national programs under subpart 2.

[PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

[Subpart 1—State Grants for Drug and Violence Prevention Programs

[SEC. 4011. RESERVATIONS AND ALLOTMENTS.

[(a) RESERVATIONS.—From the amount made available under section 4004(a) to carry out this subpart for each fiscal year, the Secretary—

[(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs;

[(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

[(3) may reserve not more than $1,000,000 for the national impact evaluation required by section 4117(a); and

[(4) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 4118.

[(b) STATE ALLOTMENTS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

[(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

[(B) one-half of such remainder according to the ratio between the amount each State received under part A of title I for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as such sections were

in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and the sum of such amounts received by all the States.

[(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

[(3) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallotments shall be made on the same basis as allotments are made under paragraph (1).

[(4) DEFINITIONS.—For the purpose of this subsection—

[(A) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

[(B) the term "local educational agency" includes educational service agencies and consortia of such agencies.

[SEC. 4112. STATE APPLICATIONS.

[(a) IN GENERAL.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

[(1) describes how funds under this subpart will be coordinated with programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, in accordance with the provisions of section 14306;

[(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

[(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State educational agency were developed separately by such officer or agency, respectively, but in consultation and coordination with appropriate State officials and others, including the chief State school officer, the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

[(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4117(a); and

[(5) includes any other information the Secretary may require.

[(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4113(a) by the State educational agency that includes—

[(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and

a description of the procedures such agency will use for assessing and publicly reporting progress toward meeting those goals and objectives;

[(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4116;

[(3) a description of how the State educational agency will use funds under section 4113(b);

[(4) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies;

[(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 4113(d)(2)(A)(ii) and how the supplemental funds will be allocated among such local educational agencies; and

[(6) a description of the procedures the State educational agency will use to review applications from local educational agencies under section 4115.

[(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4114(a) by the chief executive officer that includes—

[(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting such goals and objectives;

[(2) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

[(3) a description of how funds reserved under section 4114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

[(4) a description of how the chief executive officer will award funds under section 4114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

[(5) a description of the special outreach activities that will be carried out to maximize the participation of community-based organizations of demonstrated effectiveness which provide services in low-income communities; and

[(6) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

[(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

[(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

[SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

[(a) USE OF FUNDS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), an amount equal to 80 percent of the total amount allocated to a State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

[(2) EXCEPTION.—(A) If a State has, on or before January 1, 1994, established an independent State agency for the purpose of administering all of the funds described in section 5121 of this Act (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994), then—

[(i) an amount equal to 80 percent of the total amount allocated to such State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section; and

[(ii) an amount equal to 20 percent of such total amount shall be used by such independent State agency for drug and violence prevention activities in accordance with this section.

[(B) Not more than 5 percent of the amount reserved under subparagraph (A)(ii) may be used for administrative costs of the independent State agency incurred in carrying out the activities described in such subparagraph.

[(C) For purposes of this paragraph, the term "independent State agency" means an independent agency with a board of directors or a cabinet level agency whose chief executive officer is appointed by the chief executive officer of the State and confirmed with the advice and consent of the senate of such State.

[(b) STATE LEVEL PROGRAMS.—

[(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

[(A) training and technical assistance concerning drug and violence prevention for local educational agencies and educational service agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

[(B) the development, identification, dissemination, and evaluation of the most readily available, accurate, and up-to-date curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

[(C) making available to local educational agencies cost effective programs for youth violence and drug abuse prevention;

[(D) demonstration projects in drug and violence prevention;

[(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

[(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and

[(G) the evaluation of activities carried out within the State under this part.

[(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

[(c) STATE ADMINISTRATION.—A State educational agency may use not more than 4 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

[(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

[(1) IN GENERAL.—A State educational agency shall distribute not less than 91 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

[(2) DISTRIBUTION.—(A) Of the amount distributed under paragraph (1), a State educational agency shall distribute—

[(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

[(ii) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

[(B) Where appropriate and to the extent consistent with the needs assessment conducted by the State, not less than 25 percent of the amount distributed under subparagraph (A)(ii) for a fiscal year shall be distributed to local educational agencies located in rural and urban areas.

[(C)(i) A State educational agency shall distribute funds under subparagraph (A)(ii) to not more than 10 percent of the local educational agencies in the State, or five such agencies, whichever is greater.

[(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider objective data such as—

[(I) high rates of alcohol or drug use among youth;

[(II) high rates of victimization of youth by violence and crime;

[(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

[(IV) the extent of illegal gang activity;

[(V) high incidence of violence associated with prejudice and intolerance;

[(VI) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

[(VII) high rates of referrals of youths to juvenile court;

[(VIII) high rates of expulsions and suspensions of students from schools; and

[(IX) high rates of reported cases of child abuse and domestic violence.

[(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 4115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local educational agencies determined by the State educational agency under subsection (d)(2)(C)(ii) to have the greatest need for additional funds.

[(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—

[(1) RETURN.—Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency or educational service agency under this title receives its allocation under this title—

[(A) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

[(B) the State educational agency shall reallocate any such amount to local educational agencies or educational service agencies that have plans for using such amount for programs or activities on a timely basis.

[(2) REALLOCATION.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

[(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

[(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

[SEC. 4114. GOVERNOR'S PROGRAMS.

[(a) USE OF FUNDS.—

[(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 4111(1) for each fiscal year shall be used by the chief executive officer of

such State for drug and violence prevention programs and activities in accordance with this section.

[(2) LAW ENFORCEMENT EDUCATION PARTNERSHIPS.—A chief executive officer shall use not less than 10 percent of the 20 percent of the total amount described in paragraph (1) for each fiscal year for law enforcement education partnerships in accordance with subsection (d).

[(3) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the 20 percent of the total amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

[(b) PROGRAMS AUTHORIZED.—

[(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (c) for—

[(A) children and youth who are not normally served by State or local educational agencies; or

[(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

[(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

[(c) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (b) shall be used for programs and activities such as—

[(1) disseminating information about drug and violence prevention;

[(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, comprehensive health education, early intervention, pupil services, or rehabilitation referral;

[(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, mentoring, and other appropriate services;

[(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

[(5) activities to protect students traveling to and from school;

[(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

[(7) activities that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

[(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

[(9) developing and implementing strategies to prevent illegal gang activity;

[(10) coordinating and conducting community-wide violence and safety assessments and surveys;

[(11) service-learning projects that encourage drug- and violence-free lifestyles; and

[(12) evaluating programs and activities assisted under this section.

[(d) LAW ENFORCEMENT EDUCATION PARTNERSHIPS.—A chief executive officer shall use funds under subsection (a)(2) to award grants to State, county or local law enforcement agencies (including district attorneys) in consortium with local educational agencies or community-based agencies for the purposes of carrying out drug abuse and violence prevention activities, such as—

[(1) Project Drug Abuse Resistance Education and other programs which provide classroom instruction by uniformed law enforcement officials that is designed to teach students to recognize and resist pressures to experiment that influence such children to use controlled substances or alcohol;

[(2) Project Legal Lives and other programs in which district attorneys provide classroom instruction in the law and legal system which emphasizes interactive learning techniques, such as mock trial competitions;

[(3) partnerships between law enforcement and child guidance professionals; and

[(4) before- and after-school activities.

[SEC. 4115. LOCAL APPLICATIONS.

[(a) APPLICATION REQUIRED.—

[(1) IN GENERAL.—In order to be eligible to receive a distribution under section 4113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

[(2) DEVELOPMENT.—(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

[(B) In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under subparagraph (A) shall, on an ongoing basis—

[(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

[(ii) advise the local educational agency regarding—

[(I) how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities; and

[(II) the agencies that administer such programs, projects, and activities; and

[(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve such agency's drug and violence prevention programs.

[(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

[(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

[(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

[(A) how the plan will be coordinated with programs under this Act, the Goals 2000: Educate America Act, and other Acts, as appropriate, in accordance with the provisions of section 14306;

[(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how such agency will assess and publicly report progress toward attaining these goals;

[(C) how the local educational agency will use its distribution under this subpart;

[(D) how the local educational agency will coordinate such agency's programs and projects with community-wide efforts to achieve such agency's goals for drug and violence prevention; and

[(E) how the local educational agency will coordinate such agency's programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

[(3) such other information and assurances as the State educational agency may reasonably require.

[(c) REVIEW OF APPLICATION.—

[(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

[(2) CONSIDERATIONS.—(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality

of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which such plan is coordinated with programs under this Act, the Goals 2000: Educate America Act, in accordance with the provisions of section 14306.

[(B) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

[SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

[(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

[(1) be designed, for all students and employees, to—

[(A) prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by employees;

[(B) prevent violence and promote school safety; and

[(C) create a disciplined environment conducive to learning; and

[(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart.

[(b) AUTHORIZED ACTIVITIES.—A comprehensive drug and violence prevention program carried out under this subpart may include—

[(1) age-appropriate, developmentally based drug prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

[(2) programs of drug prevention, comprehensive health education, early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

[(A) the dissemination of information about drug prevention;

[(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

[(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as—

[(i) family counseling;

[(ii) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

[(iii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

[(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

[(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

[(A) the dissemination of information about school safety and discipline;

[(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

[(C) the implementation of strategies, such as conflict resolution and peer mediation, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies), and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse; and

[(D) the development and implementation of character education programs, as a component of a comprehensive drug or violence prevention program, that are tailored by communities, parents and schools; and

[(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

[(5) supporting "safe zones of passage" for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

[(6) acquiring and installing metal detectors and hiring security personnel;

[(7) professional development for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

[(8) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

[(9) drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol

or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provision for parental involvement; and

[(10) the evaluation of any of the activities authorized under this subsection.

[(c) LIMITATIONS.—

[(1) IN GENERAL.—Not more than 20 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5) and (6) of subsection (b).

[(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5) and (6) of subsection (b) if funding for such activities is not received from other Federal agencies.

[(d) ADMINISTRATIVE PROVISIONS.—Notwithstanding any other provisions of law, any funds expended prior to July 1, 1995, under part B of the Drug-Free Schools and Communities Act of 1986 (as in effect prior to enactment of the Improving America's Schools Act) for the support of a comprehensive school health program shall be deemed to have been authorized by part B of such Act.

[SEC. 4117. EVALUATION AND REPORTING.

[(a) NATIONAL IMPACT EVALUATION.—

[(1) BIENNIAL EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs assisted under this subpart and of other recent and new initiatives to combat violence in schools and submit a report of the findings of such evaluation to the President and the Congress.

[(2) DATA COLLECTION.—(A) The National Center for Education Statistics shall collect data to determine the frequency, seriousness, and incidence of violence in elementary and secondary schools in the States. The Secretary shall collect the data using, wherever appropriate, data submitted by the States pursuant to subsection (b)(2)(B).

[(B) Not later than January 1, 1998, the Secretary shall submit to the Congress a report on the data collected under this subsection, together with such recommendations as the Secretary determines appropriate, including estimated costs for implementing any recommendation.

[(b) STATE REPORT.—

[(1) IN GENERAL.—By October 1, 1997, and every third year thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

[(A) on the implementation and outcomes of State programs under section 4114 and section 4113(b) and local educational agency programs under section 4113(d), as well as an assessment of their effectiveness; and

[(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 4112.

[(2) SPECIAL RULE.—The report required by this subsection shall be—

[(A) in the form specified by the Secretary;

[(B) based on the State's ongoing evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

[(C) made readily available to the public.

[(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information, and at such intervals, that the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

[SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.

[(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(4) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Native Hawaiians.

[(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term "Native Hawaiian" means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

[Subpart 2—National Programs

[SEC. 4121. FEDERAL ACTIVITIES.

[(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, the Chair of the Ounce of Prevention Council, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels from preschool through the postsecondary level. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

[(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

[(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

[(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services

for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

[(4) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary schoolchildren;

[(5) program evaluations in accordance with section 14701 that address issues not addressed under section 4117(a);

[(6) direct services to schools and school systems afflicted with especially severe drug and violence problems;

[(7) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

[(8) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

[(9) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include conflict resolution, peer mediation, the teaching of law and legal concepts, and other activities designed to stop violence;

[(10) the implementation of innovative activities, such as community service projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

[(11) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking;

[(12) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes; and

[(13) other activities that meet unmet national needs related to the purposes of this title.

[(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

[SEC. 4123. HATE CRIME PREVENTION.

[(a) GRANT AUTHORIZATION.—From funds made available to carry out this subpart under section 4004(1) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

[(b) USE OF FUNDS.—

[(1) PROGRAM DEVELOPMENT.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

[(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

[(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

[(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

[(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

[(2) IN GENERAL.—In order to be eligible to receive a grant under this section for any fiscal year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the office may reasonably require.

[(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

[(A) a request for funds for the purposes described in this section;

[(B) a description of the schools and communities to be served by the grants; and

[(C) assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

[(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

[(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

[(B) a description of the program to be developed or augmented by such Federal and matching funds;

[(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

[(D) proper and efficient administration of such program; and

[(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

[(c) AWARD OF GRANTS.—

[(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

[(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

[(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

[(d) REPORTS.—The Secretary shall submit to the Congress a report every two years which shall contain a detailed statement re-

garding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

[Subpart 3—General Provisions

[SEC. 4131. DEFINITIONS.

[For the purposes of this part:

[(1) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

[(2) DRUG AND VIOLENCE PREVENTION.—The term "drug and violence prevention" means—

[(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

[(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco by children and youth eligible for services under this title; and

[(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

[(3) HATE CRIME.—The term "hate crime" means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

[(4) NONPROFIT.—The term "nonprofit", as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

[(5) SCHOOL-AGED POPULATION.—The term "school-aged population" means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

[(6) SCHOOL PERSONNEL.—The term "school personnel" includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

[SEC. 4132. MATERIALS.

[(a) "WRONG AND HARMFUL" MESSAGE.—Drug prevention programs supported under this part shall convey a clear and con-

sistent message that the illegal use of alcohol and other drugs is wrong and harmful.

[(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

[SEC. 4133. PROHIBITED USES OF FUNDS.

[No funds under this part may be used for—

[(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

[(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or drugs.

[SEC. 4134. QUALITY RATING.

[(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

[(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

[(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

[(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

[(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

[(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

[(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

[(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

[(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

[(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

[(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the

State that has received a quality program school designation in accordance with this section.]

TITLE III—TECH FOR SUCCESS

SEC. 3001. SHORT TITLE.

This title may be cited as the "Tech for Success Act of 2000".

SEC. 3002. PURPOSE.

The purposes of this title are as follows:

(1) To provide assistance to states and localities for implementing innovative technology initiatives which lead to increased student academic achievement and which may be evaluated for effectiveness and replicated if successful.

(2) To encourage the establishment or expansion of initiatives, especially those involving public/private partnerships, designed to increase access to technology, particularly in high need local educational agencies.

(3) To promote initiatives which provide school administrators and teachers with the capacity to effectively utilize technology in ways which integrate such technology with challenging State content and student performance standards, through such means as high quality professional development programs.

(4) To support the development of electronic networks and other innovative methods, such as distance learning, of delivering challenging courses and curricula for students who would otherwise not have access to such courses and curricula, especially in isolated regions.

(5) To support the rigorous evaluation of programs funded under this title, especially the impact of such initiatives on student academic performance, and ensuring timely information on the results of such evaluations are widely accessible through electronic means.

(6) To support local efforts for the use of technology to promote parent and family involvement in education and communication among parents, teachers and students.

PART A—TECH FOR SUCCESS GRANT PROGRAM

Subpart 1—General Provisions

SEC. 3101. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULE.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this part—

(1) $731,305,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) ALLOCATION OF FUNDS BETWEEN NATIONAL AND STATE AND LOCAL INITIATIVES.—Except as provided in subsection (c), the amount of funds made available under subsection (a) shall be allocated as follows:

(1) Not less than 95 percent shall be made available for State and local technology initiatives pursuant to subpart 2.

(2) Not more than 5 percent may be made available for activities of the Secretary under subpart 3.

(c) CONTINUATION OF FUNDING FOR FORMER PROGRAMS.—

(1) IN GENERAL.—Using funds made available under subsection (a), the Secretary is authorized to continue funding multiyear grants under this title (as in effect prior to the enactment of the Education OPTIONS Act) which were awarded prior to fiscal year 2001 for the duration of the original grant period.

(2) REDUCTION IN AMOUNT AVAILABLE.—The amount of funds allocated under subsection (b) between State and local technology initiatives and activities of the Secretary shall be reduced by the amount used by the Secretary to continue funding former programs under paragraph (1).

SEC. 3102. DEFINITIONS.

For purposes of this part, the following definitions shall apply:

(1) In this part and part B, the term "distance learning" means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

(2) The term "eligible local entity" means—

(A) a high need local educational agency; or

(B) an eligible local partnership.

(3) The term "eligible local partnership" means a partnership that includes at least one high need local educational agency and at least one—

(A) local educational agency that can demonstrate that teachers in schools served by that agency are using technology effectively in their classrooms;

(B) institution of higher education;

(C) for-profit business or organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology;

(D) public or private non-profit organization with demonstrated experience in the application of educational technology; or

(E) local educational agency which has the potential to become an exemplary model for wide-scale adoption by other local educational agencies on how to effectively integrate technology and proven research-based teaching practices which result in improvement in classroom instruction in the core academic subject areas, and the preparation of students to meet challenging State content and student performance standards.

(4) The term "emerging technologies" means the applications that can result from the development of high-speed, broad band telecommunications networks and more powerful computer systems.

(5) The term "high need local educational agency" means a local educational agency which serves an elementary or secondary school located in an area—

(A) in which there is a high percentage of individuals 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)); or

(B) which is identified by the State as an area with—

(i) limited access to advanced telecommunications services,

(ii) a high ratio of students to computers within the school, or

(iii) a high proportion of teachers who are not computer-proficient.

(6) The term "scientifically based research"—

(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to education technology; and

(B) shall include research which—

(i) employs systematic, empirical methods which draw on observation or experiment,

(ii) involves rigorous data analyses which are adequate to test the stated hypotheses and justify the general conclusions drawn,

(iii) relies on measurements or observational methods which 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.

Subpart 2—State and Local Technology for Success Grants

SEC. 3111. DETERMINATION OF AMOUNT OF STATE ALLOTMENT.

(a) IN GENERAL.—Except as otherwise provided in this subpart, each State shall be eligible to receive a grant under this subpart for a fiscal year in an allotment determined as follows:

(1) 50 percent shall bear the same relationship to the amount made available under section 3101(b)(1) for such year as the amount such state received under part A for title I for such year bears to the amount received for such year under such part by all States.

(2) 50 percent shall be determined on the basis of the State's relative population of individuals age 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

(b) RESERVATION OF FUNDS FOR BUREAU OF INDIAN AFFAIRS AND OUTLYING AREAS.—Of the amount made available to carry out this subpart under section 3101(b)(1) for a fiscal year—

(1) the Secretary shall reserve .305 percent (or $2,125,000, whichever is greater) for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs; and

(2) the Secretary shall reserve .305 percent (or $2,125,000, whichever is greater) to provide assistance to the outlying areas.

(c) MINIMUM ALLOTMENT.—The amount of any State's allotment under subsection (a) for any fiscal year may not be less than one-half of one percent of the amount made available under section 3101(b)(1) for such year.

(d) REALLOTMENT OF UNUSED FUNDS.—If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

SEC. 3112. USE OF ALLOTMENT BY STATE.

(a) IN GENERAL.—Except as provided in subsection (b), of the amount provided to a State from its allotment under section 3111—

(1) the State may use not more than 5 percent to carry out activities under section 3115; and

(2) not less than 95 percent shall be distributed to local educational agencies by the State as follows:

(A) At least 80 percent shall be used for activities described in section 3116, to be distributed through a formula developed by the State which shall target funds to high need local educational agencies which have submitted plans to the State under section 3114, and which may (at the option of the State)—

(i) be the formula used by the State to award grants to local educational agencies under section 3132 (as in effect prior to the enactment of the Education OPTIONS Act); and

(ii) set a minimum amount that may be provided to any recipient.

(B) Not more than 20 percent shall be awarded through a State-determined competitive process to eligible local entities which have submitted plans to the State under section 3114, to be used to carry out activities consistent with this part.

(b) CONTINUATION OF FUNDING FOR FORMER PROGRAMS.—

(1) IN GENERAL.—From funds made available under this subpart, a State is authorized to continue funding multiyear grants awarded prior to fiscal year 2001 under section 3132 of this title (as in effect prior to the enactment of the Education OPTIONS Act), for the duration of the original grant period.

(2) REDUCTION IN AMOUNT AVAILABLE FOR OTHER ACTIVITIES.—The amount available for a State to use under subsection (a) shall be reduced by the amount used by the State to continue funding former programs under paragraph (1).

SEC. 3113. STATE PLANS.

(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit a new or updated statewide, long-range strategic educational technology plan to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) CONTENTS.—Each State plan submitted under this section shall include the following:

(1) A description of how the State will use funds provided under this subpart to improve the academic achievement of all students and to improve the capacity of all teachers to provide instruction in the State, through the use of education technology.

(2) A description of the State's goals for using advanced technology to improve student achievement aligned to challenging State content and student performance standards, including a description of how the State will take steps to ensure that all students in the State, particularly those residing in districts served by high need local educational agencies, will have increased access to educational technology.

(3) A description of the process the State will use for the evaluation of the extent to which education technology funded under this part has been successfully integrated into teaching strategies and school curriculum, has increased the ability of teachers to teach, and has enabled students to meet challenging State content and student performance standards.

(4) A description of how the State will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology and distance learning, particularly for those areas of the State which are isolated and which would not otherwise have access to such courses and curricula.

(5) An assurance that financial assistance provided under this subpart shall supplement, not supplant, State and local funds.

(6) A description of how the State plans to ensure that every teacher within a school funded under this part will be computer-literate and proficient (as determined by the State) by 2004.

(c) DEEMED APPROVAL.—A State plan submitted to the Secretary under this section shall be deemed to be approved by the Secretary unless the Secretary makes a written determination prior to the expiration of the 90-day period which begins on the date the Secretary receives the application that the plan is in violation of the provisions of this part.

(d) DISAPPROVAL.—The Secretary may issue a final disapproval of a State's application under this subpart only after giving the State notice and an opportunity for a hearing.

(e) DISSEMINATION OF INFORMATION ON STATE PLANS.—The Secretary shall establish a process under which information on State plans under this subpart is made widely available to schools and the general public, including through dissemination on the Internet, in a timely and user-friendly manner.

SEC. 3114. LOCAL PLANS.

(a) IN GENERAL.—An applicant seeking to receive funds from a State under this subpart shall submit a new or updated long-range local strategic educational technology plan consistent with the objectives of the statewide education technology plan described in section 3113(a) to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(b) CONTENTS OF LOCAL PLAN.—Each local plan described in this section shall include the following:

(1) A description of how the applicant will use Federal funds provided under this subpart to improve the academic achievement of all students and to improve the capacity of all teachers to provide instruction through the use of education technology.

(2) A description of the applicant's specific goals for using advanced technology to improve student achievement aligned to challenging State content and student performance standards, including a description of how the applicant will take steps to ensure that all students in the local educational area (particularly those in high poverty and high need schools) have increased access to educational technology, and a description of how such technology will be used to improve the academic achievement for such students.

(3) A description of how the applicant will promote—

(A) the utilization of teaching strategies and curricula, based upon scientifically based research, which effectively integrate technology into instruction, leading to improvements in student academic achievement as measured by challenging State content and student performance standards; and

(B) sustained and intensive, high quality professional development, based upon scientifically based research, which increases teacher capacity to create improved learning environments through the integration of technology into instruction through proven strategies and improved content as described in subparagraph (A).

(4) A description of how the applicant will integrate technology across the curriculum and a time line for such integration, including a description of how the applicant will make effective use of new and emerging technologies and teaching practices that are linked to such emerging technologies to provide challenging content and improved classroom instruction.

(5) A description of how the applicant will coordinate education technology activities funded under this subpart, including (but not limited to) professional development, with any such activities provided under other Federal, State, and local programs, including those authorized under title I, title II, title VI, and (where applicable) the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act of 1998.

(6) A description of the process the applicant will use for the evaluation of the extent to which funds provided under this subpart were effective in integrating technology into school curriculum, increasing the ability of teachers to teach, and enabling students to meet challenging State content and student performance standards.

(7) If requested by the State—

(A) a description of how the applicant will use funds provided under this subpart in a manner which is consistent with any broad education technology priorities which may be established by the State consistent with this part; and

(B) an assurance that any technology obtained with funds provided under this subpart will have compatibility and interconnectivity with technology obtained with funds

provided previously under this title (as in effect prior to the enactment of the Education OPTIONS Act).

(8) A description of the applicant's Internet filtering or blocking technology and related enforcement policies.

SEC. 3115. STATE ACTIVITIES.

(a) IN GENERAL.—From funds made available under section 3112(a)(1), a State shall carry out activities and assist local efforts to carry out the purposes of this part, which may include the following activities:

(1) Developing or assisting applicants in the development and utilization of innovative strategies to deliver rigorous academic programs through the use of technology and distance learning, and providing other technical assistance to such applicants throughout the State, with a priority to high need local educational agencies.

(2) Establishing or supporting joint public and private initiatives to provide interest-free or reduced loans for the acquisition of educational technology for high need local educational agencies and students attending schools within such districts.

(3) Assisting applicants in providing sustained and intensive high-quality professional development based upon scientifically based research in the integration of advanced technologies (including emerging technologies) into curriculum and in using those technologies to create new learning environments, including training in the use of technology to—

(A) access data and resources to develop curricula and instructional materials;

(B) enable teachers to use the Internet to communicate with other teachers and to retrieve web-based learning resources; and

(C) lead to improvements in classroom instruction in the core academic subject areas, which effectively prepare students to meet challenging State content and student performance standards.

(4) Assisting applicants in providing all students (including students from nontraditional populations, students with disabilities, and students with limited English proficiency) with access to educational technology.

(5) Establishing or expanding access to technology in neighborhoods served by high need local educational agencies, with special emphasis for access provided through technology centers in partnership with libraries and with the support of the private sector.

(6) Developing enhanced performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, especially in determining the extent to which education technology funded under this part has been successfully integrated into teaching strategies and school curriculum, has increased the ability of teachers to teach, and has enabled students to meet challenging State content and student performance standards.

(b) LIMITATION ON ADMINISTRATIVE COSTS.—Of the 5 percent of the State's allotment under section 3111 which may be used to carry

out activities under this section, not more than 10 percent may be used by the State for administrative costs.

SEC. 3116. LOCAL ACTIVITIES.

(a) PROFESSIONAL DEVELOPMENT.—A recipient of funds made available under section 3112(a)(2)(A) shall use not less than 20 percent of such funds to provide sustained and intensive, high-quality professional development, based on scientifically based research, in the integration of advanced technologies (including emerging technologies) into curriculum and in using those technologies to create new learning environments, including training in the use of technology to—

(1) access data and resources to develop curricula and instructional materials;

(2) enable teachers to use the Internet to communicate with other teachers and retrieve web-based learning resources; and

(3) lead to improvements in classroom instruction in the core academic subject areas, which effectively prepare students to meet challenging State content and student performance standards.

(b) OTHER ACTIVITIES.—In addition to the activities described in subsection (a), a recipient of funds made available under section 3112(a)(2)(A) shall use such funds to carry out other activities consistent with this part, which may include the following:

(1) Adapting or expanding existing and new applications of technology to enable teachers to increase student academic achievement through the use of teaching practices and advanced technologies which are based upon scientifically based research and are designed to prepare students to meet challenging State content and student performance standards, and for developing and utilizing innovative strategies to deliver rigorous academic programs.

(2) Developing, expanding, or acquiring education technology as a means to improve the academic achievement of all students.

(3) The establishment or expansion of initiatives, especially those involving public/private partnerships, designed to increase access to technology, particularly for high need local educational agencies.

(4) Using technology to promote parent and family involvement and support communications between parents, teachers, and students.

(5) Acquiring filtering, blocking, or other technologies and activities which are designed to protect students from harmful materials which may be accessed on the Internet.

(6) Using technology to collect, manage, and analyze data to inform school improvement efforts.

(7) Implementing enhanced performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, especially in determining the extent to which education technology funded under this part has been successfully integrated into teaching strategies and school curriculum, has increased the ability of teachers to teach, and has enabled students to meet challenging State content and student performance standards.

(8) Preparing one or more teachers in elementary, middle, and secondary schools as technology leaders who are provided with the means to serve as experts and train other teachers in the effective use of technology.

(9) Establishing or expanding access to technology in neighborhoods served by high need local educational agencies, with special emphasis for access provided through technology centers in partnership with libraries and with the support of the private sector.

(10) Carrying out a program under which the recipient enters into an agreement with an entity for providing—

(A) one laptop computer for each child in the third through twelfth grades in the school district (in such installments over such period of time as the recipient and entity may provide in the agreement) ;

(B) training and ongoing support in the use of such laptop computers for students, teachers, and parents;

(C) hardware and software for such laptop computers for instruction and professional development; and

(D) assistance in using the technology provided to incorporate State and local academic goals into the curricula.

(c) INTERNET FILTERING.—

(1) IN GENERAL.—No funds made available under this subpart to a local educational agency or elementary or secondary school may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, unless such agency or school has in place, on computers that are accessible to minors, and during use by such minors, technology which filters or blocks—

(A) material that is obscene;

(B) child pornography; and

(C) material harmful to minors.

(2) DISABLING DURING ADULT USE.—An administrator, supervisor, or other authority may disable the technology described in paragraph (1) during use by an adult, to enable unfiltered access for bona fide research or other lawful purposes.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a local educational agency or elementary or secondary school from filtering or blocking materials other than those referred to in subparagraph (A), (B), or (C) of paragraph (1).

(4) DEFINITIONS.—

(A) MATERIAL HARMFUL TO MINORS.—The term "material harmful to minors" has the meaning given such term in section 231(e)(6) of the Communications Act of 1934.

(B) CHILD PORNOGRAPHY.—The term "child pornography" has the meaning given such term in section 2256(8) of title 18, United States Code.

(C) MINOR.—The term "minor" has the meaning given such term in section 2256(1) of title 18, United States Code.

(5) SEVERABILITY.—If any provision of this subsection is held invalid, the remainder of such subsection and this Act shall not be affected thereby.

Subpart 3—National Technology Initiatives

SEC. 3121. NATIONAL TECHNOLOGY INITIATIVES.

(a) IN GENERAL.—Using funds made available under section 3101(b)(2), the Secretary may carry out the following initiatives:

(1) The funding of programs built upon scientifically based research, which utilize technology in education, through the competitive awarding of grants or contracts, pursuant to a peer review process, to States, local educational agencies (including eligible local entities), institutions of higher education, and public and private or nonprofit or for-profit agencies.

(2) The provision of technical assistance to States, local educational agencies, and other grantees under this part (directly or through the competitive award of grants or contracts) in order to assist such States, local educational agencies, and other grantees to achieve the purposes of this part.

(3) Acting through the Office of Educational Technology, the updating of the national long-range educational technology plan developed pursuant to section 3121 (as in effect prior to the enactment of the Education OPTIONS Act) in accordance with the requirements of such section, in order to promote the purposes of this title and to ensure the coordination of Federal efforts to promote the effective use of educational technology.

(b) STUDY OF USE OF TECHNOLOGY TO IMPROVE ACADEMIC ACHIEVEMENT.—Using funds made available under section 3101(b)(2), the Secretary shall conduct an independent, long-term study utilizing scientifically based research methods and control groups, on the effectiveness of the uses of educational technology on improving student academic achievement, and shall include in the study an identification of effective uses of educational technology that have a measurable positive impact on student achievement.

(c) PRIORITIES.—In funding initiatives under subsection (a), the Secretary shall place a priority on projects which—

(1) develop innovative models using electronic networks or other forms of distance learning to provide challenging courses which are otherwise not readily available to students in a particular school district, particularly in rural areas; and

(2) increase access to technology to those residing in districts served by high need local educational agencies.

SEC. 3122. REQUIREMENTS FOR RECIPIENTS OF FUNDS.

(a) APPLICATION.—In order to receive a grant or contract under this subpart, an entity shall submit an application to the Secretary (at such time and in such form as the Secretary may require), and shall include in the application—

(1) a description of the project proposed to be carried out with the grant or contract and how it would carry out the purposes of this subpart; and

(2) a detailed plan for the independent evaluation of the project built upon scientifically based research principles to determine the impact on the academic achievement of students served under such project, as measured by challenging State content and student performance standards.

(b) NON-FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this subpart to share in the cost of the activities assisted under such grant or contract, which may be in the form of cash or in-kind contributions fairly valued.

(2) INCREASE.—The Secretary may increase the non-Federal share required of a recipient of a grant or contract under this subpart after the first year such recipient receives funds under such grant or contract.

(3) MAXIMUM.—The non-Federal share required under this subsection may not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this subpart.

(4) NOTICE.—The Secretary shall publish in the Federal Register the non-Federal share required under this subsection.

SEC. 3123. EVALUATION AND DISSEMINATION.

(a) EVALUATION AUTHORITY.—In order to identify effective uses of educational technology that have a measurable positive impact on student achievement, the Secretary shall—

(1) develop tools and provide resources, including technical assistance, for recipients of funds under this subpart to effectively evaluate their activities; and

(2) conduct independent evaluations of the activities assisted under this subpart.

(b) POST-GRANT EVALUATION INFORMATION AND DISSEMINATION.—

(1) IN GENERAL.—The Secretary shall establish a process under which information on each project funded with a grant or contract under this subpart is made widely available to schools and the general public, including through dissemination on the Internet, in a timely and user-friendly manner.

(2) SPECIFIC INFORMATION REQUIRED.—The information made available and disseminated under paragraph (1) shall at a minimum include the following:

(A) Upon the awarding of such a grant or contract under this subpart, the identification of the grant or contract recipient, the amount of the grant or contract, the stated goals of the grant or contract, the methods by which the grant or contract will be evaluated in meeting such stated goals, and the timeline for meeting such goals.

(B) Not later than 12 months after the awarding of such a grant or contract, information on the progress of the grant or contract recipient in carrying out the grant or contract, including a detailed description of the use of the funds provided, the extent to which the stated goals have been reached, and the results (or progress of) the evaluation of the project, meeting the requirements of scientifically based research, funded under the grant or contract.

(C) Not later than 24 months after the awarding of such a grant or contract (and updated thereafter as appropriate), a follow up to the information described in subparagraph (B).

PART B—READY TO LEARN TELEVISION

SEC. 3201. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in subsection (c) to—

(1) develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

(2) facilitate the development (directly or through contracts with producers of children and family educational television programming) of educational programming for preschool and elementary school children and accompanying support materials and services that directly promote the effective use of such programming;

(3) facilitate the development of programming and digital content especially designed for nationwide distribution over digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers;

(4) enable such entities to contract with other entities (such as public telecommunications entities) so that programs funded under this section are disseminated and distributed by the most appropriate distribution technologies to the widest possible audience appropriate to be served by the programming; and

(5) develop and disseminate training and support materials, including interactive programs and programs adaptable to distance learning technologies which are designed to—

(A) promote school readiness; and

(B) promote the effective use of programming developed under paragraphs (2) and (3) among parents, Head Start providers, Even Start and providers of family literacy services, child care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children.

(b) AVAILABILITY.—In making grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that recipients increase the effective use of the programming funded under this section by making it widely available with support materials as appropriate to young children, their parents, child care workers, Head Start providers, and Even Start and providers of family literacy services.

(c) ELIGIBLE ENTITIES DESCRIBED.—In this part, an "eligible entity" means a nonprofit entity (including a public telecommunications entity) which is able—

(1) to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality which is accessible by a large majority of disadvantaged preschool and elementary school children; and

(2) to demonstrate—

(A) a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality which is accessible by a large majority of disadvantaged preschool and elementary school children, and

(B) consistent with the entity's mission and nonprofit nature, a capacity to negotiate such contracts in a manner which returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

(d) CAP ON ADMINISTRATIVE COSTS.—An entity receiving a grant, contract, or cooperative agreement from the Secretary under this section may not use more than 5 percent of the amounts received under the grant, contract, or cooperative agreement for the expenses of administering the grant, contract, or cooperative agreement.

(e) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement from the Secretary under this section shall work with the Secretary and the Secretary of Health and Human Services to—

(1) maximize the utilization by preschool and elementary school children of the programming funded under this section and to make such programming widely available to federally funded programs serving such populations; and

(2) coordinate with Federal programs that have major training components for early childhood development (including Head Start, Even Start, family literacy services, and State training activities funded under the Child Care Development Block Grant Act of 1990) regarding the availability and utilization of materials developed with funds provided under this section to enhance parent and child care provider skills in early childhood development and education.

SEC. 3202. APPLICATIONS.

Any entity desiring a grant, contract, or cooperative agreement under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

SEC. 3203. REPORTS AND EVALUATION.

(a) ANNUAL REPORT BY GRANT RECIPIENTS TO SECRETARY.—Each entity receiving funds under section 3201 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under such section, including information regarding—

(1) the programming that has been developed directly or indirectly by the entity and the target population of the programs developed;

(2) the support and training materials that have been developed to accompany the programming and the method by which such materials are distributed to consumers and users of the programming;

(3) the means by which the programming has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

(4) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report on the activities funded and carried out under this part, and shall include in the report—

(1) a summary of the programming developed using funds provided under section 3201; and

(2) a description of the training materials developed using funds provided under section 3201, the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed.

SEC. 3204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $16,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 5 succeeding fiscal years. Not less than 60 percent of the amounts authorized to be appropriated under this section for any fiscal year shall be used to carry out paragraphs (2) and (3) of section 3201(a).

PART C—TELECOMMUNICATIONS PROGRAM

SEC. 3301. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to carry out any of the following activities:

(1) Awarding grants to a nonprofit telecommunications entity (or a partnership of such entities) for the purpose of carrying out a national telecommunications-based program to improve the teaching of core academic subjects and to assist elementary and secondary school teachers in preparing all students to achieve State content standards.

(2) Awarding grants to or entering into contracts or cooperative agreements with a local public telecommunications entity to develop, produce, and distribute educational and instructional video programming which is designed for use by elementary and secondary school students, created for or adaptable to State content standards, and capable of distribution through digital broadcasting and school digital networks.

(b) APPLICATIONS.—

(1) IN GENERAL.—Any telecommunications entity or partnership of such entities desiring a grant under this part shall submit an application to the Secretary.

(2) SPECIFIC REQUIREMENTS FOR NATIONAL TELECOMMUNICATIONS-BASED PROGRAM.—Each application for a grant subsection (a)(1) shall—

(A) demonstrate that the applicant will use the existing publicly funded telecommunications infrastructure, the Internet, and school digital networks (where available) to deliver video, voice, and data in an integrated service to

train teachers in the use of materials and learning technologies for achieving State content standards;

(B) assure that the program for which assistance is sought will be conducted in cooperation with States as appropriate, local educational agencies, and State or local nonprofit public telecommunications entities;

(C) assure that a significant portion of the benefits available for elementary and secondary schools from the program for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

(D) contain such additional assurances as the Secretary may reasonably require.

(c) APPROVAL OF APPLICATIONS; NUMBER OF DEMONSTRATION SITES.—In approving applications under this section, the Secretary shall assure that—

(1) the national telecommunications-based program under subsection (a)(1) is conducted at elementary and secondary school sites in at least 15 States; and

(2) grants under subsection (a)(2) are awarded on a competitive basis and for a period of 3 years to entities which—

(A) enter into multiyear collaborative arrangements for content development with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations, and

(B) contribute non-Federal matching funds (including funds provided for transitions to digital broadcasting as well as in-kind contributions) to the activities assisted with the grant in an amount not less than 100 percent of the amount of the grant.

SEC. 3302. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $8,500,000 for fiscal year 2000, and such sums as may be necessary for each of the 5 succeeding fiscal years.

TITLE IV—SUPPORTING DRUG AND VIOLENCE PREVENTION AND EDUCATION FOR STUDENTS AND COMMUNITIES

SEC. 4001. SHORT TITLE.

This title may be cited as the "Supporting Drug and Violence Prevention and Education for Students and Communities Act of 2000".

SEC. 4002. FINDINGS.

Congress finds as follows:

(1) Students need drug-free and safe schools and communities in order to maximize their academic performance and their future opportunities.

(2) Drug use among children ages 12 through 17 doubled from the historic low year of 1992, when 5.3 percent of youth in that age group were current users, as compared to 11.4 percent in 1997. While youth use of some drugs, including

hallucinogens, has slightly dropped since 1997, use of other drugs, such as ecstasy, has increased in 1999 (up 1.1 percent in use among 10th graders).

(3) Drug use by youth increases the likelihood that a child will be delinquent, engage in high-risk sexual activity, not finish high school, and commit theft, violence, and vandalism.

(4) Drug use among rural youth is higher than that of youth in large urban centers, and these rural youth abuse quite serious drugs, including methamphetamine and cocaine. Many rural communities have few resources for helping youth avoid drug use.

(5) Drug and violence prevention programs and activities need to include efforts to prevent underage use of tobacco and alcohol, and are more likely to succeed when such efforts are included. Drug and violence prevention research calls for aggressive activities to prevent the use of these gateway drugs.

(6) Students continue to face physical harm while at school. From 1993 to 1997, between 7 to 8 percent of students in grades 9 through 12 were threatened or injured with a weapon on school property over a 12-month period. Roughly 12 percent of students in grades 9 through 12 reported being in a physical fight on school property during a 12-month period between 1993 and 1997.

(7) While schools statistically are one of the safest places for youth, students report an increase in their perception that they risk harm while at school, perhaps partly due to the recent instances of extreme violence in schools.

(8) Drug and violence prevention programs that incorporate "protective factors" tend to reduce drug use and violence. Protective factors include a student feeling connected to parents and family, practicing religion and prayer, having parents present at key times of the day, having high educational expectations, feeling part of the school, and having high self-esteem.

(9) After school programs, because they keep youth in supervised settings, prevent drug use and violence at least during the time of those programs. Research indicates that the juvenile crime rate triples between the hours of 3 p.m. and 6 p.m., and children in particular are most likely to be victims of a violent crime committed by a non-family member between 2 p.m. and 6 p.m.

SEC. 4003. PURPOSE.

The purpose of this title is to support programs that prevent the use of drugs, that prevent violence, that involve parents and communities, and that are coordinated with related Federal, State, and community efforts and resources to foster a learning environment in which students increase their academic achievement, through the provision of Federal assistance to—

(1) States for grants to local educational agencies and consortia of such agencies to establish, operate, and improve local programs of drug and violence prevention in elementary and secondary schools;

(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit and for-

profit agencies and organizations for programs of drug and violence prevention and education;

(3) States for grants to local educational agencies, community-based organizations, and private nonprofit and for-profit organizations for before and after school programs for youth and continuing educational opportunities for individuals of all ages; and

(4) public and private nonprofit and for-profit organizations to conduct training, demonstrations, and evaluations, and to provide supplementary services for drug and violence prevention.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $1,033,377,000 for fiscal year 2000, and such sums as may be necessary for each of the five succeeding fiscal years, for State grants under part A; and

(2) $20,000,000 for fiscal year 2000, and for each of the five succeeding fiscal years, for national programs under part B.

PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

SEC. 4111. RESERVATIONS AND ALLOTMENTS.

(a) RESERVATIONS.—From the amount made available under section 4004(1) to carry out this part for each fiscal year, the Secretary—

(1) shall reserve 0.5 percent (or $5,166,885, whichever is greater) of such amount for grants under this subpart to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs; and

(2) shall reserve 0.5 (or $5,166,885, whichever is greater) of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth.

(b) STATE ALLOTMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

(B) one-half of such remainder according to the ratio between the amount each State received under part A of title I for the preceding year and the sum of such amounts received by all the States.

(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

(c) REALLOTMENT OF UNUSED FUNDS.—If any State does not apply for an allotment under this subpart for a fiscal year, the Sec-

retary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

SEC. 4112. WITHIN-STATE DISTRIBUTION.

(a) GOVERNOR'S ALLOCATION.—

(1) IN GENERAL.—The chief executive officer of a State may reserve not more than 10 percent of the total amount allocated to a State under section 4111 for each fiscal year for drug and violence prevention programs and activities in accordance with section 4115.

(2) LAW ENFORCEMENT EDUCATION PARTNERSHIPS.—The chief executive officer of a State shall use not less than 10 percent and not more than 20 percent of the amount described in paragraph (1) for each fiscal year for law enforcement education partnerships in accordance with section 4115(b)(3).

(3) ADMINISTRATIVE COSTS.—The chief executive officer of a State may use not more than 3 percent of the amount described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section.

(4) GRANT AWARDS.—The chief executive officer of a State shall use the remainder of funds not reserved under paragraphs (2) and (3) to award competitive grants and contracts for programs or activities that improve comprehensive community-wide prevention efforts or provide direct services to youth at the local level. Such officer shall award grants based on—

(A) the quality of the activity or program proposed; and

(B) how closely the program or activity is aligned with the appropriate principles of effectiveness described in section 4115(a).

(b) STATE FUNDS.—

(1) IN GENERAL.—An amount equal to the total amount allotted to a State under section 4111, less the amount reserved under subsection (a) and paragraphs (2) and (3) of this subsection, for each fiscal year shall be made available to the State and its local educational agencies for drug and violence prevention activities in accordance with section 4115.

(2) STATE ACTIVITIES.—A State shall use not more than 2 percent of the amount available under paragraph (1) for State activities described in section 4115(c).

(3) STATE ADMINISTRATION.—A State may use not more than 2 percent of the amount made available under paragraph (1) for the administrative costs of carrying out its responsibilities under this part.

(c) DISTRIBUTION TO LOCAL EDUCATIONAL AGENCY.—

(1) IN GENERAL.—(A) A State shall distribute not less than 96 percent of the amount made available under subsection (b) for each fiscal year as follows:

(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies.

(ii) 30 percent of such amount to local educational agencies that the State determines have the greatest need for additional funds to carry out drug and violence prevention programs in accordance with subparagraph (B), a portion

of which shall be distributed in accordance with subparagraph (F).

(B) In awarding funds under clause (ii) of subparagraph (A), a State shall give special consideration to agencies that pursue a comprehensive approach to drug and violence prevention by providing or incorporating mental health services in their programs.

(C) Of the amount received under paragraph (1), a local educational agency may use not more than 2 percent for the administrative costs of carrying out its responsibilities under this part.

(D) In determining which local educational agencies have the greatest need for additional funds, a State shall consider objective data such as—

(i) high rates of drug use among youth;

(ii) high rates of victimization of youth by violence and crime;

(iii) high rates of arrests and convictions of youth for violent or drug related crime;

(iv) high incidence of illegal gang activity;

(v) high rates of referrals of youths to drug abuse treatment and rehabilitation programs;

(vi) high rates of referrals of youths to juvenile court;

(vii) high rates of expulsions and suspensions of students from schools;

(viii) high rates of reported cases of child abuse and domestic violence;

(ix) local fiscal capacity to fund drug and violence prevention activities and programs without Federal assistance;

(x) high rates of drug related emergencies or deaths;

(xi) high degree of geographically rural isolation; and

(xii) local fiscal capacity to fund before and after school activities for youth without Federal assistance.

(E) The distribution of funds shall reflect the geographical diversity of local educational agencies in the State.

(F) Of the amount made available for distribution under paragraph (2)(A)(ii), a State shall distribute 30 percent of such amount for grants to local educational agencies in need of assistance to plan, implement, or expand alternative education programs (which may include in-school suspensions, Saturday school, alternative schools within schools, charter schools with a focus on alternative programs and services, and alternative schools) giving priority to programs or activities that serve students who have been suspended or expelled from school. Such programs and services may include—

(i) programs and activities designed to reduce the incidence of suspensions and expulsions;

(ii) mental health services;

(iii) behavior management, social skills instruction and other programs and activities designed to increase a student's sense of community, such as service learning and character education;

(iv) tutoring, mentoring, and other activities to improve academic performance;

(v) support services to help a student transition back into regular school programs; and

(vi) parental and family involvement activities.

(2) RETURN OF FUNDS TO STATE; REALLOCATION.—

(A) RETURN.—Except as provided in subparagraph (B), upon the expiration of the 1-year period beginning on the date that a local educational agency receives its allocation—

(i) such agency shall return to the State any funds from such allocation that remain unobligated; and

(ii) the State shall reallocate any such amount to local educational agencies that have plans for using such amount for programs or activities on a timely basis.

(B) CARRYOVER.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

(i) an amount equal to not more than 25 percent of the allocation it received under this title for such fiscal year; or

(ii) upon a demonstration of good cause by such agency or consortium and approval by the State, an amount that exceeds 25 percent of such allocation.

SEC. 4113. STATE APPLICATION.

(a) IN GENERAL.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

(1) describes how funds under this subpart will be coordinated with programs under this Act, and other drug and violence prevention programs, as appropriate, in accordance with the provisions of section 14306;

(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the incidence and prevalence of drug use and violence by youth in schools and communities;

(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State were developed in consultation and coordination with appropriate State officials and others, including the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations, including religious organizations;

(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting data collection as required by section 4116;

(5) contains an assurance that the chief executive officer of the State and the chief State school officer will coordinate program administration and activities under this part and will coordi-

nate with drug and violence prevention efforts established by other State agencies; and

(6) contains an assurance that the local educational agencies in the State will comply with the provisions of section 14503 pertaining to the participation of private school children and teachers in the programs and activities under this part.

(b) GOVERNOR'S APPLICATION.—An application submitted under this section shall also contain a comprehensive plan for the use of funds under section 4115(b) by the chief executive officer that includes—

(1) a statement of the chief executive officer's performance measures for drug and violence prevention. The chief executive officer's performance measures shall consist of—

(A) performance indicators for drug and violence prevention, and;

(B) levels of performance for each performance indicator;

(2) a description of the procedures to be used for assessing and publicly reporting progress toward meeting such performance measures;

(3) a description of how the chief executive officer will coordinate such officer's activities under this part with the chief State school officer and with State agencies and organizations involved with drug and violence prevention efforts;

(4) a description of how funds allocated under section 4112(a) will be used—

(A) to enhance the efforts of other State agencies and local educational agencies with regard to the provision of school-based drug and violence prevention efforts and services; and

(B) to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

(5) a description of how the chief executive officer will award funds under section 4115(b) in order to support activities and programs that meet the principles of effectiveness and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

(6) a description of the special outreach activities that will be carried out to maximize the participation of community-based organizations, including religious organizations;

(7) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning, implementation strategies, and programs, including before and after school and continuing education programs; and

(8) an assurance that drug prevention programs supported under this part convey a clear and consistent message that the use of drugs is wrong and harmful.

(c) STATE APPLICATION.—The State shall include in its application a comprehensive plan for the use of funds under section 4115(c), including the following:

(1) A statement of the State's performance measures for drug and violence prevention that shall be developed in consultation between the State and local officials and that consist of—

(A) performance indicators for drug and violence prevention; and

(B) levels of performance for each performance indicator.

(2) A description of the procedures the State will use for assessing and publicly reporting progress toward meeting those performance measures;

(3) A plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4115(d); and

(4) A description of how the State educational agency will coordinate such agency's activities under this part with the chief executive officer's drug and violence prevention programs and with the drug and violence prevention efforts of other State agencies.

(d) GENERAL APPROVAL.—A State application submitted to the Secretary under this title shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 90-day period beginning on the date that the Secretary receives the application, that the application is in violation of this title.

(e) DISAPPROVAL.—The Secretary shall not finally disapprove a State application, except after giving the State notice and opportunity for a hearing.

SEC. 4114. LOCAL EDUCATIONAL AGENCY APPLICATION.

(a) IN GENERAL.—In order to be eligible to receive a distribution under section 4112(c) for any fiscal year, a local educational agency shall submit, at such time as the State requires, an application to the State. Such an application shall be amended, as necessary, to reflect changes in the activities and programs of the local educational agency.

(b) DEVELOPMENT.—

(1) CONSULTATION.—A local educational agency shall develop its application through timely and meaningful consultation with a local or substate regional advisory council, as described in subsection (c).

(2) DESIGN AND DEVELOPMENT.—To ensure timely and meaningful consultation, a local educational agency shall, in accordance with subsection (c), establish and consult with a local or substate regional advisory council on issues regarding the design and development of the program or activity, including efforts to meet the principles of effectiveness described in section 4115(a). Such meetings with the advisory council shall occur beginning at the initial stages of design and development of the program or activity.

(c) ADVISORY COUNCIL.—

(1) REPRESENTATION.—In establishing a local or substate regional advisory council, the local educational agency shall include, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, private for-profit organizations, religious organizations, and other groups with interest and expertise in drug and violence preven-

tion, including before and after school and continuing education programs.

(2) DUTIES.—In addition to assisting the local educational agency to develop an application under this section, the advisory council shall, on an ongoing basis—

(A) disseminate information about drug and violence prevention programs and activities conducted within the boundaries of the local educational agency;

(B) advise the local educational agency regarding—

(i) how best to coordinate such agency's activities under this part with other related drug and violence prevention strategies, programs, and activities; and

(ii) the agencies that administer such programs, projects, and activities; and

(C) review program and activity evaluations and other relevant material and make recommendations to the local educational agency on how to improve such agency's drug and violence prevention programs and activities.

(d) CONTENTS OF APPLICATIONS.—An application submitted by a local educational agency under this section shall contain—

(1) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

(A) how the plan will be coordinated with programs under this Act, and other Acts dealing with drug and violence prevention, as appropriate, in accordance with the provisions of section 14306;

(B) the local educational agency's performance measures for drug and violence prevention, that shall consist of—

(i) performance indicators for drug and violence prevention; and

(ii) levels of performance for each performance indicator;

(C) how such agency will assess and publicly report progress toward attaining its performance measures;

(D) the drug and violence prevention activity or program (including before and after school programs and continuing education activities) to be funded, including how the activity or program will meet the principles of effectiveness described in section 4115(a), and the means of evaluating such activity or program;

(E) how the local educational agency will coordinate such agency's activities and programs with community-wide efforts to achieve such agency's performance measures for drug and violence prevention;

(F) how the local educational agency will coordinate such agency's activities and programs with other Federal, State, and local programs for youth drug and violence prevention, including before and after school programs and continuing education activities;

(2) a certification that a meaningful assessment has been conducted to determine community needs, available resources in the private sector, and capacity in the private sector, the findings of such assessments, and a description of the mechanisms

used to provide effective notice to the community of an intention to submit an application under this title;

(3) an assurance that drug prevention programs supported under this part convey a clear and consistent message that the use of drugs is wrong and harmful; and

(4) such other information and assurances as the State may reasonably require.

(e) PEER REVIEW.—

(1) IN GENERAL.—In reviewing local applications under this section, a State shall use a peer review process or other methods of assuring the quality of such applications.

(2) CONSIDERATIONS.—(A) In determining whether to approve the application of a local educational agency under this section, a State shall consider the quality of the local educational agency's comprehensive plan, including the degree to which the principles of effectiveness described in section 4115(a) are met.

(B) GENERAL APPROVAL.—A local educational agency's application submitted to the State under this title shall be deemed to be approved by the State unless the State makes a written determination, prior to the expiration of the 90-day period beginning on the date that the State receives the application, that the application is in violation of this title.

(C) DISAPPROVAL.—The State shall not finally disapprove a local educational agency application, except after giving such agency notice and opportunity for a hearing.

SEC. 4115. AUTHORIZED ACTIVITIES.

(a) PRINCIPLES OF EFFECTIVENESS.—

(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the principles of effectiveness, such program or activity shall—

(A) be based upon an assessment of objective data—

(i) regarding the drug and violence problems in the elementary and secondary schools and communities to be served, including an objective analysis of the current conditions and consequences regarding drug use and violence, including delinquency and serious discipline problems, among students who attend such schools (including private school students who participate in the drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

(ii) regarding the current drug and violence prevention strategies, programs, and activities, including before and after school programs and continuing education activities, in such schools and communities; and

(iii) regarding student academic achievement and current programs and activities to increase student academic achievement;

(B) be based upon an established set of performance measures aimed at ensuring that all elementary and secondary schools and communities served by the local educational agency have a drug-free, safe, and orderly learning environment; and

(C) be based upon scientifically based research that provides evidence that the program to be used will prevent or

reduce drug use and violence, including delinquency and serious discipline problems among youth.

(2) PERIODIC EVALUATION.—The program or activity shall undergo a periodic evaluation to assess its progress toward achieving its goals and objectives. The results shall be used to refine, improve, and strengthen the program, and to refine the performance measures. The results shall also be made available to the public upon request, with public notice of such availability provided.

(3) WAIVER.—A local educational agency or community-based organization may apply to the State for a waiver of the requirement of paragraph (1)(C) to allow innovative activities or programs that demonstrate substantial likelihood of success in drug and violence prevention or in beneficially serving the community.

(b) GOVERNORS' ACTIVITIES.—

(1) IN GENERAL.—A chief executive officer of a State shall use funds made available under section 4112(a) for competitive grants or contracts with local educational agencies, parent groups, community-based organizations, religious organizations, and other public entities and private organizations, including for-profit organizations, and consortia thereof, including community anti-drug coalitions—

(A) to support drug and violence prevention strategies, programs, and activities, including before and after school activities, continuing education programs, and alternative education activities, that provide comprehensive community-wide prevention efforts or direct services to prevent drug use and violence in schools and communities; and

(B) to reward drug and violence prevention programs of exceptional quality.

(2) CONSIDERATIONS.—In making such grants and contracts, a chief executive officer of a State—

(A) shall require that any program or activity meet the principles of effectiveness;

(B) shall give priority to programs and activities for populations that need special services or additional resources (such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts); and

(C) may require partnerships between local educational agencies and other groups or organizations, including religious organizations, in order to receive funds.

(3) REQUIRED ACTIVITIES.—A chief executive officer of a State shall use funds made available under section 4112(a)(2) to award grants to State, county or local law enforcement agencies (including district attorneys) in consortium with local educational agencies or community-based agencies for the purposes of carrying out drug and violence prevention activities, such as—

(A) programs that provide classroom instruction by uniformed law enforcement officials designed to teach students to recognize and resist pressures to experiment with drugs and that meet the principles of effectiveness;

(B) programs in which district attorneys provide classroom instruction in the law and legal system, which emphasizes interactive learning techniques such as mock trial competitions; or

(C) partnerships between law enforcement and child guidance professionals, which may include mental health providers.

(c) STATE ACTIVITIES.—A State shall use the funds described in section 4112(b)(2) to plan, develop, and implement capacity building, technical assistance, accountability, program improvement services, and coordination activities for local educational agencies that are designed to support the implementation of drug and violence prevention programs, including before and after school programs and continuing education activities. A State may carry out these activities directly, or through grants and contracts.

(d) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

(1) PROGRAM REQUIREMENTS.—A local educational agency shall use funds described in section 4112(c) to develop, implement, and evaluate a comprehensive drug and violence prevention program, which is coordinated with other school and community-based services and programs, that shall—

(A) be consistent with the principles of effectiveness described in subsection (a);

(B) be designed to—

(i) prevent or reduce drug use or violence, including through the prevention of delinquency, serious discipline problems and poor academic performance; and

(ii) create a well disciplined environment conducive to learning, which includes consultation between teachers and school personnel to identify early warning signs of drug use and violence and to provide behavioral interventions as part of classroom management efforts;

(C) include activities to promote the involvement of parents in the activity or program, to promote coordination with community groups and coalitions, including religious organizations, and government agencies, and to distribute information about the local educational agency's needs, goals, and programs under this part; and

(D) address before and after school activities and continuing education needs of youth and adults in the community.

(2) AUTHORIZED ACTIVITIES.—Each local educational agency, or consortium of such agencies, that receives a subgrant under section 4112(c) may use such funds to carry out youth drug and violence prevention activities, including before and after school programs and continuing education activities, in the elementary and secondary schools and communities, such as—

(A) developmentally appropriate drug and violence prevention programs that serve students in both elementary and secondary school and that incorporate a variety of prevention strategies and activities, which may include—

(i) teaching students that most people do not use drugs;

(ii) teaching students to recognize social and peer pressure to use drugs;

(iii) teaching students skills for resisting drug use;

(iv) engaging students in the learning process;

(v) using developmentally appropriate teaching materials;

(vi) incorporating activities in secondary schools that reinforce prevention activities implemented in elementary schools; and

(vii) involving families and communities in setting clear expectations against drug use and enforcing consequences for drug use;

(B) before and after school programs and continuing education opportunities for individuals of all ages, such as—

(i) integrated educational, recreational, or cultural programs, including curriculum based entrepreneurial education programs, remedial education programs, and extended learning programs;

(ii) literacy education programs (including family literacy services);

(iii) youth science education programs;

(iv) consumer, economic, and personal finance education programs;

(v) senior citizen and adult education programs (including programs for individuals who leave school before graduating from secondary school, regardless of the age of such individual);

(vi) parenting skills education programs;

(vii) educational children's day care services;

(viii) summer and weekend school programs in conjunction with recreation programs;

(ix) expanded library service hours to serve community needs;

(x) distance learning, technology, and Internet education programs for individuals of all ages;

(xi) educational services for individuals with disabilities;

(xii) peer resistance education; and

(xiii) arts and music education;

(C) training and development of school personnel in youth drug and violence prevention, including training in early identification, intervention, and prevention of threatening behavior;

(D) parental involvement and training in youth drug and violence prevention, including early identification of potential youth violence;

(E) community involvement activities pertaining to youth drug and violence prevention;

(F) law enforcement and security activities, including the acquisition and installation of metal detectors and the hiring and training of security personnel, that are related to youth drug and violence prevention;

(G) comprehensive school security assessments;

(H) creating and maintaining safe zones of passage to and from school to prevent violence and drug use and trafficking;

(I) counseling, mentoring, and referral services, and other student assistance practices and programs, including training of teachers by school-based mental health service providers in appropriate identification and intervention techniques for disciplining and teaching students at risk of violent behavior;

(J) services and activities that reduce the need for suspension and expulsion in maintaining classroom order and school discipline;

(K) establishing and implementing a system for transferring suspension and expulsion records by a local educational agency to any public or private elementary or secondary school;

(L) allowing students attending unsafe public elementary and secondary schools, as determined by the State, to attend a safe public school, including a public charter school, in the same State as the unsafe public elementary and secondary school, and allowing payment of reasonable transportation costs for such students;

(M) establishing or enhancing programs or initiatives that improve academic achievement;

(N) the development and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

(O) testing students for illegal drug use or conducting student locker searches for illegal drugs or drug paraphernalia;

(P) establishing of school uniform policies;

(Q) emergency intervention services following traumatic crisis events, such as a shooting, major accident, or a drug-related incident, that has disrupted the learning environment;

(R) establishing and maintaining a school violence hotline;

(S) conducting background checks of school personnel;

(T) expanding and improving school-based mental health services, including early identification of drug use and violence, assessment, and direct individual or group counseling services provided to students, parents, and school personnel by qualified school based mental health services personnel;

(U) hiring and training coordinators of drug and violence prevention programs serving students in grades six through nine;

(V) mentoring and tutoring services for students provided by senior citizen volunteers;

(W) alternative education programs or services for students who have been expelled or suspended from the reg-

ular educational settings, including programs or services to assist students to reenter the regular education setting upon return from treatment or alternative education programs; and

(X) partnerships between the courts and the schools that address alternative education programs.

(Y) the evaluation of any of the activities authorized under this subsection.

(3) SCHOOL PROTECTION—Each local educational agency, or consortium of such agencies, that receives a subgrant under section 4112(c) and has reported expulsions under part C during the past 3 years, may develop a plan with local law enforcement agencies to protect students and employees of public schools against gun violence that may include, but not be limited to, promoting the benefits of child safety locks for firearms.

(4) STUDY.—Each local educational agency, or consortium of such agencies, that receives a subgrant under section 4112(c) and has a high rate of expulsions, as reported under part C, may use a portion of its subgrant to study the effectiveness of promoting the benefits of child safety locks for firearms with the purpose of reducing the danger of firearms harming public school students and employees.

SEC. 4116. EVALUATION AND REPORTING.

(a) DATA COLLECTION.—

(1) IN GENERAL.—The National Center for Education Statistics shall collect data for the following purposes:

(A) To determine the frequency, seriousness, and incidence of drug use by youth in schools and communities in the States using, if appropriate, data submitted by the States pursuant to subsection (b).

(B) To determine the frequency, degree of harm, and morbidity of violent incidents, particularly firearm-related injuries and fatalities, by youth in schools and communities in the States, including information with respect to—

(i) the relationship between victims and perpetrators;

(ii) demographic characteristics of victims and perpetrators; and

(iii) type and characteristic of the firearm used in the shooting.

(2) REPORT.—The Secretary shall submit to the Congress a report on the data collected under this subsection.

(b) STATE REPORT.—

(1) IN GENERAL.—Not later than October 1, 2003, and every third year thereafter, the chief executive officer of a State, in consultation with the State educational agency, shall submit to the Secretary a report on the implementation and outcomes of State and local programs under section 4115.

(2) SPECIAL RULE.—The report required by this subsection shall be—

(A) based on the State's ongoing evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

(B) made available to the public upon request, with public notice of such availability provided.

LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this part shall submit to the State such information, and at such intervals, as the State reasonably requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community and the progress of the local educational agency toward meeting its performance measures. The report shall be made available to the public upon request, with public notice of such availability provided.

PART B—NATIONAL PROGRAMS

SEC. 4121. FEDERAL ACTIVITIES.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—From funds made available to carry out this part under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, the Chair of the Ounce of Prevention Council, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students in elementary and secondary schools based on the needs reported by States and local educational agencies.

(2) COORDINATION.—The Secretary shall carry out programs described in paragraph (1) directly, or through grants, contracts, or cooperative agreements with public and private nonprofit and for-profit organizations, including religious organizations, and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities.

(3) PROGRAMS.—Programs described in paragraph (1) may include—

(A) demonstrations and rigorous scientifically based evaluations of innovative approaches to drug and violence prevention based on needs reported by State and local educational agencies;

(B) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act; and

(C) continuing technical assistance to chief executive officers, State agencies, and local educational agencies to build capacity to develop and implement high-quality, effective programs consistent with the principles of effectiveness.

(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

SEC. 4122. NATIONAL CLEARINGHOUSE FOR AFTER SCHOOL PROGRAMS.

From funds made available to carry this part under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, through the Commissioner on Children, Youth, and Families, the Attorney General, and representatives with relevant experience from State child care agencies and child care re-

source and referral centers, shall establish a national clearinghouse to provide technical assistance regarding establishment and operation of after school programs and models of after school programs. The national clearinghouse shall be available to the public, including via Internet, and shall serve as a resource for child care organizations, communities, and individuals seeking to improve the quality and availability of after school programs.

PART C—GUN POSSESSION

SEC. 4131. GUN-FREE SCHOOL REQUIREMENTS.

(a) REQUIREMENTS.—

(1) STATE LAW.—Each State receiving funds under this Act shall have in effect a State law requiring each local educational agency—

(A) to expel from school for a period of not less than one year a student who is determined to have brought a firearm to a school under the jurisdiction of a local educational agency in that State, except that such State law shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis; and

(B) to have a policy requiring each elementary and secondary school to refer to the criminal justice or juvenile delinquency system any student who brings a firearm to school.

(2) CONSTRUCTION.—Nothing in this part shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

(b) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

(c) APPLICATION TO STATE.—Each local educational agency requesting assistance from a State that is provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

(1) an assurance that such local educational agency is in compliance with the State law required by subsection (a); and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

(A) the name of the school concerned;

(B) the number of students expelled from such school, including the number of children with disabilities expelled from such school; and

(C) the type of firearm concerned.

(d) REPORTING.—Each State shall report the information described in subsection (b) to the Secretary on an annual basis.

(e) DEFINITIONS.—For the purpose of this part—

(1) the term "firearm" has the same meaning given to such term under section 921(a)(3) of title 18, United States Code; and

(2) the term "school" does not include a home school, regardless of whether a home school is treated as a private school under State law.

PART D—GENERAL PROVISIONS

SEC. 4141. DEFINITIONS.

For the purposes of this title, the following terms have the following meanings:

(1) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a private nonprofit organization that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community.

(2) CONTROLLED SUBSTANCE.—The term "controlled substance" means a drug or other substance identified under Schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(3) DRUG.—The term "drug" includes controlled substances; the illegal use of alcohol and tobacco; and the harmful, abusive, or addictive use of substances, including inhalants and anabolic steroids.

(4) DRUG AND VIOLENCE PREVENTION.—The term "drug and violence prevention" means—

(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of drugs;

(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others; and

(C) with respect to before and after school programs and continuing education activities, educational activities for individuals of all ages in the community that operate with a goal of drug and violence prevention in the school or community.

(5) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" includes educational service agencies and consortia of such agencies.

(6) NONPROFIT.—The term "nonprofit," as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(7) SCHOOL-AGED POPULATION.—The term "school-aged population" means the population aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

(8) SCHOOL BASED MENTAL HEALTH SERVICES PROVIDER.—The term "school based mental health services provider" includes a

State licensed or State certified school counselor, school psychologist, school social worker, or other State licensed or certified mental health professional qualified under State law to provide such services to children and adolescents.

(9) SCHOOL PERSONNEL.—The term "school personnel" includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

(10) SCIENTIFICALLY BASED RESEARCH.—The term "scientifically based research"—

(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to youth drug and violence prevention activities and programs; and

(B) shall include research that—

(i) employs systemic, 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.

(11) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 4142. MESSAGE AND MATERIALS.

(a) "WRONG AND HARMFUL" MESSAGE.—Drug prevention programs supported under this title shall convey a clear and consistent message that the use of drugs is wrong and harmful.

(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part.

SEC. 4143. REQUIRED POLICY.

Each State educational agency and local educational agency that receives funds under this title shall have a policy that prohibits cigarette vending machines, and the illegal possession or use of drugs and alcohol, in any form, at any time, and by any person, in school buildings, on school grounds, or at any school-sponsored event.

SEC. 4144. PARENTAL CONSENT.

Upon receipt of written notification from the parents or legal guardians of a student, the local educational agency shall withdraw such student from any program or activity funded under this title. The local educational agency shall make reasonable efforts to inform parents or legal guardians of the content of such programs or activities funded under this title, other than classroom instruction.

SEC. 4145. PROHIBITED USES OF FUNDS.

No funds under this title may be used for—

(1) construction (except for minor remodeling needed to accomplish the purposes of this part);

(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of, or witnesses to, use of drugs or crime; and

(3) activities or programs that discriminate against or denigrate the religious or moral beliefs of students who participate in such activities or programs or of the parents or legal guardians of such students.

SEC. 4146. QUALITY RATING.

(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency is authorized and encouraged—

(1) to establish a standard of quality for drug and violence prevention programs implemented in public elementary and secondary schools in the State in accordance with subsection (b); and

(2) to identify and designate, upon application by a public elementary or secondary school, any such school that achieves such standard as a quality program school.

(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

(1) a comparison of the rate of illegal use of drugs and of violent occurrences by students enrolled in the school over a period of time to be determined by the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be;

(2) the rate of suspensions or expulsions of students enrolled in the school for drug and violence offenses;

(3) the effectiveness of the drug and violence prevention program as proven by scientifically based research;

(4) the involvement of parents and community members in the design of the drug and violence prevention program; and

(5) the extent of review of existing community drug and violence prevention programs before implementation of the public school program.

(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program school designation in accordance with this section.

SEC. 4147. CONTINUATION AWARDS.

From funds made available under section 4004(2), the Secretary is authorized to continue funding multi-year grants awarded prior to fiscal year 2001 under part I of title X, as such part was in effect

on the day preceding the date of the enactment of the Education OPTIONS Act, or the Middle School Coordinator Initiative (as described in title III of the Department of Education Act, 2000, (as enacted into law by section 1004(a)(4) of Public Law 106–113) and prior appropriations Acts, prior to the date of the enactment of the Education OPTIONS Act for the duration of the original grant period.

SEC. 4148. GENERAL ACCOUNTING OFFICE REPORT.

Not later than 1 year after the date of the enactment of the Education OPTIONS Act, the General Accounting Office shall transmit to Congress a report containing the following:

(1) For each State, a description of the types of after school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCA's, private nonprofit and for-profit organizations, and athletic and other programs operated by public schools and other State and local agencies.

(2) For 15 communities selected to represent a variety of regional, population, and demographic profiles, a detailed analysis of the after school programs that are available for students in kindergarten through grade 12, including programs sponsored by the Boys and Girls Clubs of America, the Boy Scouts of America, the Girl Scouts of America, YMCA's, mentoring programs, athletic programs, and programs operated by public schools, churches, day care centers, parks, recreation centers, family day care, community organizations, law enforcement agencies, service providers, and for-profit and non-profit organizations.

(3) For each State, a description of significant areas of unmet need in the quality and availability of after school programs.

(4) For each State, a description of barriers which prevent or deter the participation of children in after school programs.

(5) A list of activities, other than after school programs, in which students in kindergarten through grade 12 participate when not in school, including jobs, volunteer opportunities, and other non-school affiliated programs.

(6) An analysis of the value of the activities listed pursuant to paragraph (5) relevant to the well-being and educational development of students in kindergarten through grade 12.

SEC. 4149. SERVICES PROVIDED BY CHARITABLE, RELIGIOUS, OR PRIVATE ORGANIZATIONS.

(a) IN GENERAL.—A State may administer and provide services under the programs and activities described in this title through grants and contracts with charitable, religious, or private organizations.

(b) RELIGIOUS ORGANIZATIONS.—The purpose of this section is to allow States to provide grants to or to contract with religious organizations on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program.

(c) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.—In the event a State exercises its authority under subsection (a), religious organizations are eligible, on the same basis as any other private organization, as grant recipients or contractors, to provide assistance under any program described in this title if the programs sponsored by such religious organization are implemented in a manner consistent with the Establishment Clause of the United States Constitution. Except as provided in subsection (i), neither the Federal Government, a State, nor a local educational agency receiving funds under this title shall discriminate against an organization that is or applies to be a contractor to provide assistance on the basis that the organization has a religious character.

(d) RELIGIOUS CHARACTER AND FREEDOM.—

(1) RELIGIOUS ORGANIZATIONS.—A religious organization with a grant or contract under this title shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government, a State, nor local government shall require a religious organization to—

(A) alter its form of internal governance; or

(B) remove religious art, icons, scripture, or other symbols;

in order to be eligible to receive a grant or contract under this title.

(e) EMPLOYMENT PRACTICES.—A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1), regarding employment practices, shall not be affected by its participation in, or receipt of funds from, programs under this title.

(f) NONDISCRIMINATION AGAINST BENEFICIARIES.—Except as otherwise provided in law, a religious organization shall not discriminate against an individual in regard to rendering assistance funded under any program described in this title on the basis of religion, a religious belief, or refusal to actively participate in a religious practice.

(g) FISCAL ACCOUNTABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization receiving a grant or contracting to provide assistance funded under any program described in this title shall be subject to the same regulations as other recipients or contractors to account in accord with generally accepted auditing principles for the use of such funds provided under such programs.

(2) LIMITED AUDIT.—If such organization segregates Federal funds provided under such programs into separate accounts, then only the financial assistance provided with such funds shall be subject to audit.

(h) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided directly to institutions or organizations to provide services and administer programs under this Act shall be expended for sectarian worship, instruction, or proselytization.

(i) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of a State constitution or State statute that

prohibits or restricts the expenditure of State funds in or by religious organizations.

(j) PROTECTION FOR BENEFICIARIES.—A charitable, religious, or private organization shall not subject a participant during a program assisted under this title to sectarian worship, instruction, or proselytization.

(k) TREATMENT OF RELIGIOUS ORGANIZATIONS.—For purposes of any Federal, State, or local law, receipt of financial assistance under this title shall constitute receipt of Federal financial assistance or aid.

SEC. 4150. DISCIPLINE OF CHILDREN WITH DISABILITIES.

(a) POSSESSION OF WEAPONS.—

(1) AUTHORITY OF SCHOOL PERSONNEL.—Each State receiving funds under this Act shall require each local educational agency to have in effect a policy under which school personnel of such agency may discipline (including expel or suspend) a child with a disability who carries or possesses a weapon to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability. Such personnel may modify the disciplinary action on a case-by-case basis.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1) from asserting a defense that the carrying or possession of the weapon was unintentional or innocent.

(3) FREE APPROPRIATE PUBLIC EDUCATION.—

(A) CEASING TO PROVIDE EDUCATION.—Notwithstanding any other provision of Federal law, a child expelled or suspended under paragraph (1) shall not be entitled to continue educational services, including a free appropriate public education, required under Federal law during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

(B) PROVIDING EDUCATION.—Notwithstanding subparagraph (A), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services or mental health services to such child. If the local educational agency so chooses to continue to provide the services—

(i) nothing in any other provision of Federal law shall require the local educational agency to provide such child with any particular level of service; and

(ii) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

(4) DEFINITION.—For purposes of this subsection, the term "weapon" has the meaning given the term "dangerous weapon"

under paragraph (2) of subsection (g) of section 930 of title 18, United States Code.

(b) DANGEROUS BEHAVIOR.—

(1) AUTHORITY OF SCHOOL PERSONNEL.—Each State receiving funds under this Act shall require each local educational agency to have in effect a policy under which school personnel of such agency may discipline (including expel or suspend) a child with a disability who—

(A) knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, or

(B) commits an aggravated assault or battery (as defined under State or local law) at a school, on school premises, or at a school function, under the jurisdiction of a State or a local educational agency,

in the same manner in which such personnel may discipline a child without a disability, consistent with State and local law. Such personnel may modify the disciplinary action on a case-by-case basis.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under paragraph (1)(A) from asserting a defense that the possession or use of the illegal drugs (or sale or solicitation of the controlled substance) was unintentional or innocent.

(3) FREE APPROPRIATE PUBLIC EDUCATION.—

(A) CEASING TO PROVIDE EDUCATION.—Notwithstanding any other provision of Federal law, a child expelled or suspended under paragraph (1) shall not be entitled to continue educational services, including a free appropriate public education, required under Federal law during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

(B) PROVIDING EDUCATION.—Notwithstanding subparagraph (A), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services or mental health services to such child. If the local educational agency so chooses to continue to provide the services—

(i) nothing in any other provision of Federal law shall require the local educational agency to provide such child with any particular level of service; and

(ii) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

(4) DEFINITIONS.—For purposes of this subsection:

(A) CONTROLLED SUBSTANCE.—The term "controlled substance" shall have the same meaning as the term is defined in section 4141.

(B) ILLEGAL DRUG.—The term "illegal drug" means a controlled substance, but does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of Federal law.

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[TITLE VI—INNOVATIVE EDUCATION PROGRAM STRATEGIES

[SEC. 6001. FINDINGS AND STATEMENT OF PURPOSE.

[(a) FINDINGS.—The Congress finds that chapter 2 of title I of this Act (as such chapter was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) has been successful in achieving the goals of increasing local flexibility, reducing administrative burden, providing services for private school students, encouraging innovation, and contributing to the improvement of elementary and secondary educational programs.

[(b) STATEMENT OF PURPOSE.—It is the purpose of programs under this title—

[(1) to support local education reform efforts which are consistent with and support statewide reform efforts under Goals 2000: Educate America Act;

[(2) to support State and local efforts to accomplish the National Education Goals;

[(3) to provide funding to enable State and local educational agencies to implement promising educational reform programs;

[(4) to provide a continuing source of innovation, and educational improvement, including support for library services and instructional and media materials; and

[(5) to meet the special educational needs of at risk and high cost students.

[(c) STATE AND LOCAL RESPONSIBILITY.—The basic responsibility for the administration of funds made available under this title is within the State educational agencies, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this title will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because such agencies and individuals have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own school districts.

[SEC. 6002. AUTHORIZATION OF APPROPRIATIONS; DURATION OF ASSISTANCE.

[(a) AUTHORIZATION.—To carry out the purposes of this title, there are authorized to be appropriated $370,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

[(b) DURATION OF ASSISTANCE.—During the period beginning October 1, 1994, and ending September 30, 1999, the Secretary shall, in accordance with the provisions of this title, make payments to State educational agencies for the purpose of this title.

[SEC. 6003. DEFINITION.

[For the purposes of this title the term "effective schools programs" means school-based programs that may encompass preschool through secondary school levels and that have the objectives of (1) promoting school-level planning, instructional improvement, and staff development, (2) increasing the academic achievement levels of all children and particularly educationally disadvantaged children, and (3) achieving as ongoing conditions in the school the following factors identified through effective schools research as distinguishing effective from ineffective schools:

[(A) Strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving.

[(B) Emphasis on the acquisition of basic and higher order skills.

[(C) A safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement.

[(D) A climate of expectation that virtually all children can learn under appropriate conditions.

[(E) Continuous assessment of students and programs to evaluate the effects of instruction.

[PART A—STATE AND LOCAL PROGRAMS

[SEC. 6101. ALLOTMENT TO STATES.

[(a) RESERVATIONS.—From the sums appropriated to carry out this title in any fiscal year, the Secretary shall reserve not to exceed one percent for payments to outlying areas to be allotted in accordance with their respective needs.

[(b) ALLOTMENT.—From the remainder of such sums, the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of one percent of such remainder.

[(c) DEFINITIONS.—For purposes of this part:

[(1) The term "school-age population" means the population aged 5 through 17.

[(2) The term "States" includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[SEC. 6102. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

[(a) DISTRIBUTION RULE.—From the sums made available each year to carry out this title, the State educational agency shall distribute not less than 85 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational

agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

[(1) children living in areas with high concentrationsof low-income families;

[(2) children from low-income families; and

[(3) children living in sparsely populated areas.

[(b) CALCULATION OF ENROLLMENTS.—

[(1) IN GENERAL.—The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

[(A) the number of children enrolled in public schools; and

[(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this title, for the fiscal year preceding the fiscal year for which the determination is made.

[(2) CONSTRUCTION.—Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this part.

[(3) ADJUSTMENTS.—(A) Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

[(i) children living in areas with high concentrations of low-income families;

[(ii) children from low-income families; or

[(iii) children living in sparsely populated areas.

[(B) The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

[(c) PAYMENT OF ALLOCATIONS.—

[(1) DISTRIBUTION.—From the funds paid to a State educational agency pursuant to section 6002 for a fiscal year, a State educational agency shall distribute to each eligible local educational agency which has submitted an application as required in section 6202 the amount of such local educational agency allocation as determined under subsection (a).

[(2) ADDITIONAL FUNDS.—(A) Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described

in subsection (a) and enrolled in such schools within the local educational agency.

[(B) In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

[(C) The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

[PART B—STATE PROGRAMS

[SEC. 6201. STATE USES OF FUNDS.

[(a) AUTHORIZED ACTIVITIES.—A State educational agency may use funds made available for State use under this title only for—

[(1) State administration of programs under this title including—

[(A) supervision of the allocation of funds to local educational agencies;

[(B) planning, supervision, and processing of State funds; and

[(C) monitoring and evaluation of programs and activities under this title;

[(2) support for planning, designing, and initial implementation of charter schools as described in part C of title X; and

[(3) technical assistance and direct grants to local educational agencies and statewide education reform activities including effective schools programs which assist local educational agencies to provide targeted assistance.

[(b) LIMITATIONS AND REQUIREMENTS.—Not more than 25 percent of funds available for State programs under this title in any fiscal year may be used for State administration under subsection (a)(1).

[SEC. 6202. STATE APPLICATIONS.

[(a) APPLICATION REQUIREMENTS.—Any State which desires to receive assistance under this part shall submit to the Secretary an application which—

[(1) designates the State educational agency as the State agency responsible for administration and supervision of programs assisted under this title;

[(2)(A) provides for a biennial submission of data on the use of funds, the types of services furnished, and the students served under this title; and

[(B) in fiscal year 1998 provides for an evaluation of the effectiveness of programs assisted under this title;

[(3) sets forth the allocation of such funds required to implement section 6402;

[(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section);

[(5) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this title, the State educational agency has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditure made pursuant to an application under section 6303;

[(6) contains assurances that there is compliance with the specific requirements of this title; and

[(7) provides for timely public notice and public dissemination of the information provided pursuant to paragraph (2).

[(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed three years, and may be amended annually as may be necessary to reflect changes without filing a new application.

[(c) AUDIT RULE.—Local educational agencies receiving less than an average of $5,000 each under this title shall not be audited more frequently than once every five years.

[PART C—LOCAL INNOVATIVE EDUCATION PROGRAMS

[SEC. 6301. TARGETED USE OF FUNDS.

[(a) GENERAL RULE.—Funds made available to local educational agencies under section 6102 shall be used for innovative assistance described in subsection (b).

[(b) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subsection (a) include—

[(1) technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

[(2) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials which are tied to high academic standards and which will be used to improve student achievement and which are part of an overall education reform program;

[(3) promising education reform projects, including effective schools and magnet schools;

[(4) programs to improve the higher order thinking skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school;

[(5) programs to combat illiteracy in the student and adult population, including parent illiteracy;

[(6) programs to provide for the educational needs of gifted and talented children;

[(7) school reform activities that are consistent with the Goals 2000: Educate America Act;

[(8) planning, designing, and initial implementation of charter schools as described in part C of title X; and

[(9) school improvement programs or activities under sections 1116 and 1117.

[SEC. 6302. ADMINISTRATIVE AUTHORITY.

[In order to conduct the activities authorized by this title, each State or local educational agency may use funds reserved for this title to make grants to and to enter into contracts with local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

[SEC. 6303. LOCAL APPLICATIONS.

[(a) CONTENTS OF APPLICATION.—A local educational agency or consortium of such agencies may receive an allocation of funds under this title for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

[(1)(A) sets forth the planned allocation of funds among innovative assistance programs described in section 6301 and describes the programs, projects, and activities designed to carry out such innovative assistance which the local educational agency intends to support, together with the reasons for the selection of such programs, projects, and activities; and

[(B) sets forth the allocation of such funds required to implement section 6402;

[(2) describes how assistance under this title will contribute to meeting the National Education Goals and improving student achievement or improving the quality of education for students;

[(3) provide assurances of compliance with the provisions of this title, including the participation of children enrolled in private, nonprofit schools in accordance with section 6402;

[(4) agrees to keep such records, and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State agency under this title; and

[(5) provides in the allocation of funds for the assistance authorized by this title, and in the design, planning and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this title (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

[(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed three fiscal years, may provide for the allocation of funds to programs for a period of three years, and may be amended annually as may be necessary to reflect changes without filing a new application.

[(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this title, a local educational agency shall have complete discretion in determining how funds under this part shall be divided among the areas of targeted assistance. In exercising such discretion, a local educational agency shall en-

sure that expenditures under this part carry out the purposes of this title and are used to meet the educational needs within the schools of such local educational agency.

[PART D—GENERAL ADMINISTRATIVE PROVISIONS

[SEC. 6401. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

[(a) MAINTENANCE OF EFFORT.—

[(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education 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.

[(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of the allocation of funds under this part in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

[(3) WAIVERS.—The Secretary may waive, for one fiscal year only, the requirements of this section if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

[(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this part only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this part, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

[SEC. 6402. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

[(a) PARTICIPATION ON EQUITABLE BASIS.—

[(1) IN GENERAL.—To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this title or which serves the area in which a program or project assisted under this title is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds made available for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such

schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this title.

[(2) OTHER PROVISIONS FOR SERVICES.—If no program or project is carried out under paragraph (1) in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in such district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this title.

[(3) APPLICATION OF REQUIREMENTS.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this title by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

[(b) EQUAL EXPENDITURES.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this title for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this title are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

[(c) FUNDS.—

[(1) ADMINISTRATION OF FUNDS AND PROPERTY.—The control of funds provided under this title, and title to materials, equipment, and property repaired, remodeled, or constructed with such funds, shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property.

[(2) PROVISION OF SERVICES.—The provision of services pursuant to this title shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or

contract shall be under the control and supervision of such public agency, and the funds provided under this title shall not be commingled with State or local funds.

[(d) STATE PROHIBITION WAIVER.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

[(e) WAIVER AND PROVISION OF SERVICES.—

[(1) FAILURE TO COMPLY.—If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

[(2) WITHHOLDING OF ALLOCATION.—Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

[(f) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

[(g) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this title.

[(h) REVIEW.—

[(1) WRITTEN OBJECTIONS.—The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

[(2) COURT ACTION.—If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

[(3) REMAND TO SECRETARY.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

[(4) COURT REVIEW.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

[(i) PRIOR DETERMINATION.—Any bypass determination by the Secretary under chapter 2 of title I of this Act (as such chapter was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall, to the extent consistent with the purposes of this title, apply to programs under this title.

[SEC. 6403. FEDERAL ADMINISTRATION.

[(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this title.

[(b) RULEMAKING.—The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this title.

[(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this title shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.]

TITLE VI—INNOVATIVE EDUCATION PROGRAM STRATEGIES

SEC. 6001. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—The Congress finds that this title—

(1) provides flexibility to meet local needs;

(2) promotes local and State education reforms;

(3) contributes to the improvement of academic achievement for all students.

(4) provides funding for critical activities; and

(5) provides services for private school students.

(b) STATEMENT OF PURPOSE.—It is the purpose of programs under this title—

(1) to provide funding to enable States and local educational agencies to implement promising educational reform programs and school improvement initiatives based on scientifically based research;

(2) to provide a continuing source of innovation and educational improvement, including support for library services and instructional and media materials; and

(3) to meet the educational needs of all students, including at risk students.

(c) STATE AND LOCAL RESPONSIBILITY.—The basic responsibility for the administration of funds made available under this title is within the States, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this title will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because such agencies and individuals have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own school districts.

PART A—STATE AND LOCAL PROGRAMS

SEC. 6101. ALLOTMENT TO STATES.

(a) RESERVATIONS.—From the sums appropriated to carry out this title for any fiscal year, the Secretary shall reserve not to exceed 1 percent for payments to outlying areas to be allotted in accordance with their respective needs.

(b) ALLOTMENT.—From the remainder of such sums, the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to ½ of 1 percent of such remainder.

SEC. 6102. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

(a) DISTRIBUTION RULE.—

(1) IN GENERAL.—Subject to paragraph (2), from the sums made available each year to carry out this title, the State shall distribute not less than 85 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the jurisdictions of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per-pupil allocations to local educational agencies that have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

(A) children living in areas with high concentrations of low-income families;

(B) children from low-income families; and

(C) children living in sparsely populated areas.

(2) EXCEPTION.—100 percent of any amount by which the funds paid to a State under this title for a fiscal year exceed the amount of such funds paid to the State for fiscal year 2000 shall be distributed to local educational agencies and used locally for innovative assistance described in section 6301(b).

(3) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 4 percent of the funds paid to a State under this title for a fiscal

year may be used by the agency for administration and supervision of programs assisted under this title.

(b) CALCULATION OF ENROLLMENTS.—

(1) IN GENERAL.—The calculation of relative enrollments under subsection (a)(1) shall be on the basis of the total of—

(A) the number of children enrolled in public schools; and

(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this title, for the fiscal year preceding the fiscal year for which the determination is made.

(2) CONSTRUCTION.—Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this part.

(3) ADJUSTMENTS.—

(A) IN GENERAL.—Relative enrollments under subsection (a)(1) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per-pupil allocations only to local educational agencies that serve the greatest numbers or percentages of—

(i) children living in areas with high concentrations of low-income families;

(ii) children from low-income families; or

(iii) children living in sparsely populated areas.

(B) CRITERIA.—The Secretary shall review criteria submitted by a State for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

(c) PAYMENT OF ALLOCATIONS.—

(1) DISTRIBUTION.—From the funds paid to a State under this title for a fiscal year, a State shall distribute to each eligible local educational agency that has submitted an application as required in section 6303 the amount of such local educational agency's allocation, as determined under subsection (a).

(2) ADDITIONAL FUNDS.—

(A) IN GENERAL.—Additional funds resulting from higher per-pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a)(1) may, in the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a)(1) and enrolled in such schools within the local educational agency.

(B) ELECTION.—In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all

additional funds to schools within the local educational agency in such manner.

(C) CONSTRUCTION.—Subparagraphs (A) and (B) may not be construed to require any school to limit the use of the additional funds described in subparagraph (A) to the provision of services to specific students or categories of students.

PART B—STATE PROGRAMS

SEC. 6201. STATE USES OF FUNDS.

A State may use funds made available for State use under this title only for—

(1) State administration of programs under this title including—

(A) supervision of the allocation of funds to local educational agencies;

(B) planning, supervision, and processing of State funds; and

(C) monitoring and evaluation of programs and activities under this title;

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

(3) statewide education reform and school improvement activities and technical assistance and direct grants to local educational agencies which assist such agencies under section 6301.

SEC. 6202. STATE APPLICATIONS.

(a) APPLICATION REQUIREMENTS.—Any State that desires to receive assistance under this title shall submit to the Secretary an application which—

(1) provides for an annual statewide summary of how assistance under this title is contributing toward improving student achievement or improving the quality of education for students;

(2) sets forth the allocation of such funds required to implement section 6402;

(3) provides that the State will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section);

(4) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this title, the State has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditure made pursuant to an application under section 6303;

(5) contains assurances that there is compliance with the specific requirements of this title; and

(6) provides for timely public notice and public dissemination of the information provided pursuant to paragraph (2).

(b) STATEWIDE SUMMARY.—The statewide summary referred to in subsection (a)(2) shall be submitted to the Secretary and shall be derived from the evaluation information submitted by local edu-

cational agencies to the State under section 6303(a)(8). The format and content of such summary shall be in the discretion of the State and may include statistical measures such as the number of students served by each type of innovative assistance described in subsection (b), including the number of teachers trained.

(c) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

(d) AUDIT RULE.—Local educational agencies receiving less than an average of $5,000 each under this title shall not be audited more frequently than once every 5 years.

PART C—LOCAL INNOVATIVE EDUCATION PROGRAMS

SEC. 6301. TARGETED USE OF FUNDS.

(a) GENERAL RULE.—Funds made available to local educational agencies under section 6102 shall be used for innovative assistance described in subsection (b).

(b) INNOVATIVE ASSISTANCE.—The innovative assistance programs referred to in subsection (a) may include—

(1) professional development activities and the hiring of teachers, including activities consistent with title II, 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;

(2) technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software;

(3) programs for the development or acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular materials which are tied to high academic standards and which will be used to improve student achievement and which are part of an overall education reform program;

(4) promising education reform projects, including effective schools and magnet schools;

(5) programs to improve the academic skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school;

(6) programs to combat illiteracy in the student and adult population, including parent illiteracy;

(7) programs to provide for the educational needs of gifted and talented children;

(8) planning, designing, and initial implementation of charter schools as described in part C of title X;

(9) school improvement programs or activities under sections 1116 and 1117;

(10) education reform projects that provide single gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes;

(11) community service programs that use qualified school personnel to train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage;

(12) curriculum-based youth entrepreneurship education programs with demonstrated records of empowering disadvantaged youth with applied mathematics, entrepreneurial, and other analytical skills;

(13) activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills including the basic principles involved with earning, spending, saving, and investing;

(14) public school choice;

(15) expanding and improving school-based mental health services, including early identification of drug use and violence, assessment, and direct individual or group counseling services provided to students, parents, and school personnel by qualified school based mental health services personnel; and

(16) alternative educational programs for those students who have been expelled or suspended from their regular educational setting, including programs to assist students to reenter the regular educational setting upon return from treatment or alternative educational programs.

SEC. 6302. ADMINISTRATIVE AUTHORITY.

In order to conduct the activities authorized by this title, each State or local educational agency may use funds reserved for this title to make grants to, and to enter into contracts with, local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

SEC. 6303. LOCAL APPLICATIONS.

(a) CONTENTS OF APPLICATION.—A local educational agency or consortium of such agencies may receive an allocation of funds under this title for any year for which an application is submitted to the State and such application is certified to meet the requirements of this section. The State shall certify any such application if such application—

(1) describes locally identified needs relative to the purposes of this title and to the innovative assistance described in section 6301(b);

(2) based on the needs identified in paragraph (1), sets forth the planned allocation of funds among innovative assistance programs described in section 6301 and describes the programs, projects, and activities designed to carry out such innovative assistance that the local educational agency intends to support;

(3) sets forth the allocation of such funds required to implement section 6402;

(4) describes how assistance under this title will contribute to improving student academic achievement;

(5) provides assurances of compliance with the provisions of this title, including the participation of children enrolled in private, nonprofit schools in accordance with section 6402;

(6) agrees to keep such records, and provide such information to the State as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State under this title;

(7) provides in the allocation of funds for the assistance authorized by this title, and in the design, planning, and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this title (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency; and

(8) provides assurance that—

(A) programs, services, and activities will be evaluated annually;

(B) such evaluation will be used to determine and implement appropriate changes in program services and activities for the subsequent year;

(C) such evaluation shall describe how assistance under this title contributed toward improving student academic achievement; and

(D) such evaluation shall be submitted to the State in the time and manner requested by the agency.

(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 3 fiscal years, may provide for the allocation of funds to programs for a period of 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this title, a local educational agency shall have complete discretion in determining how funds under this part shall be divided under section 6301. In exercising such discretion, a local educational agency shall ensure that expenditures under this part carry out the purposes of this title and are used to meet the educational needs within the schools of such local educational agency.

PART D—GENERAL PROVISIONS

SEC. 6401. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

(a) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this part for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures

within the State with respect to the provision of free public education 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.

(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of the allocation of funds under this part in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

(3) WAIVERS.—The Secretary may waive, for 1 fiscal year only, the requirements of this section if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this part only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this part, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

SEC. 6402. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) PARTICIPATION ON EQUITABLE BASIS.—

(1) IN GENERAL.—To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this title or which serves the area in which a program or project assisted under this title is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State from funds made available for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair or minor remodeling of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this title.

(2) OTHER PROVISIONS FOR SERVICES.—If no program or project is carried out under paragraph (1) in the school district of a local educational agency, the State shall make arrange-

ments, such as through contracts with nonprofit agencies or organizations, under which children in private schools in such district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this title.

(3) APPLICATION OF REQUIREMENTS.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this title by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

(b) EQUAL EXPENDITURES.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this title for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this title are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

(c) FUNDS.—

(1) ADMINISTRATION OF FUNDS AND PROPERTY.—The control of funds provided under this title, and title to materials, equipment, and property repaired, remodeled, or constructed with such funds, shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property.

(2) PROVISION OF SERVICES.—The provision of services pursuant to this title shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this title shall not be commingled with State or local funds.

(d) STATE PROHIBITION WAIVER.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

(e) WAIVER AND PROVISION OF SERVICES.—

(1) FAILURE TO COMPLY.—If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, the Secretary may waive

such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

(2) WITHHOLDING OF ALLOCATION.—Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

(f) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

(g) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this title.

(h) REVIEW.—

(1) WRITTEN OBJECTIONS.—The Secretary shall not take any final action under this section until the State and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

(2) COURT ACTION.—If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

(3) REMAND TO SECRETARY.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(4) COURT REVIEW.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

SEC. 6403. FEDERAL ADMINISTRATION.

(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to States and local educational agencies under this title.

(b) RULEMAKING.—The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this title.

(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this title shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

SEC. 6404. DEFINITIONS.

For purposes of this title:

(1) EFFECTIVE SCHOOLS PROGRAMS.—The term "effective schools programs" means school-based programs that may encompass preschool through secondary school levels and that have the objectives of—

(A) promoting school-level planning, instructional improvement, and staff development;

(B) increasing the academic achievement levels of all children and particularly educationally disadvantaged children; and

(C) achieving as ongoing conditions in the school the following factors identified through scientifically based research as distinguishing effective from ineffective schools:

(i) Strong and effective administrative and instructional leadership that creates consensus on instructional goals and organizational capacity for instructional problem solving.

(ii) Emphasis on the acquisition of basic and advanced academic skills.

(iii) A safe and orderly school environment that allows teachers and pupils to focus their energies on academic achievement.

(iv) Continuous review of students and programs to evaluate the effects of instruction.

(2) SCHOOL-AGE POPULATION.—The term "school-age population" means the population aged 5 through 17.

(3) SCIENTIFICALLY BASED RESEARCH.—The term "scientifically based research"—

(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to effective schools programs; 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.

(4) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 6405. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $365,750,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years.

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[TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

[PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

[SEC. 10101. FUND FOR THE IMPROVEMENT OF EDUCATION.

[(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging State content standards and challenging State student performance standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

[(b) USES OF FUNDS.—

[(1) IN GENERAL.—Funds under this section may be used for—

[(A) activities that will promote systemic education reform at the State and local levels, such as—

[(i) research and development related to challenging State content and challenging State student performance standards;

[(ii) the development and evaluation of model strategies for—

[(I) assessment of student learning;

[(II) professional development for teachers and administrators;

[(III) parent and community involvement; and

[(IV) other aspects of systemic reform;

[(iii) developing and evaluating strategies for eliminating ability-grouping practices, and developing policies and programs that place all students on a college-preparatory path of study, particularly in academic fields such as mathematics, science, English, and social studies, including comprehensive inservice programs for teachers and pupil services personnel and

academic enrichment programs that supplement regular courses for students;

[(iv) developing and evaluating programs that directly involve parents and family members in the academic progress of their children;

[(v) developing and evaluating strategies for integrating instruction and assessment such that teachers and administrators can focus on what students should know and be able to do at particular grade levels, which instruction shall promote the synthesis of knowledge, encourage the development of problem-solving skills drawing on a vast range of disciplines, and promote the development of higher order thinking by all students; and

[(vi) developing and evaluating strategies for supporting professional development for teachers across all disciplines and for pupil services personnel, guidance counselors, and administrators, including inservice training that improves the skills of pupil services personnel, counselors and administrators for working with students from diverse populations;

[(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice and school-based decisionmaking;

[(C) joint activities with other agencies to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services;

[(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

[(E) activities to promote and evaluate coordinated pupil services programs;

[(F) activities to promote comprehensive health education;

[(G) activities to promote environmental education;

[(H) activities to promote consumer, economic, and personal finance education, such as saving, investing, and entrepreneurial education;

[(I) activities to promote programs to assist students to demonstrate competence in foreign languages;

[(J) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

[(K) activities to promote metric education;

[(L) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools;

[(M) programs designed to promote gender equity in education by evaluating and eliminating gender bias in instruction and educational materials, identifying, and analyzing gender inequities in educational practices, and im-

plementing and evaluating educational policies and practices designed to achieve gender equity;

[(N) programs designed to reduce excessive student mobility, retain students who move within a school district at the same school, educate parents about the effect of mobility on a child's education and encourage parents to participate in school activities;

[(O) experiential-based learning, such as service-learning;

[(P) the development and expansion of public-private partnership programs which extend the learning experience, via computers, beyond the classroom environment into student homes through such programs as the Buddy System Computer Project;

[(Q) other programs and projects that meet the purposes of this section;

[(R) activities to promote child abuse education and prevention programs;

[(S) activities to raise standards and expectations for academic achievement among all students, especially disadvantaged students traditionally underserved in schools;

[(T) activities to provide the academic support, enrichment and motivation to enable all students to reach such standards;

[(U) demonstrations relating to the planning and evaluations of the effectiveness of projects under which local educational agencies or schools contract with private management organizations to reform a school or schools;

[(V) demonstrations that are designed to test whether prenatal and counseling provided to pregnant students may have a positive effect on pregnancy outcomes, with such education and counseling emphasizing the importance of prenatal care, the value of sound diet and nutrition habits, and the harmful effects of smoking, alcohol, and substance abuse on fetal development;

[(W) programs under section 10102;

[(X) programs under section 10103;

[(Y) programs under section 10104; and

[(Z) programs under section 10105;

[(2) ADDITIONAL USES.—The Secretary may also use funds under this section to complete the project periods for direct grants or contracts awarded under the provisions of this Act, the Fund for the Improvement and Reform of Schools and Teaching Act, or title III of the Education for Economic Security Act, as such Acts were in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994.

[(3) SPECIAL RULE.—The Secretary shall not make available more than $1,000,000 to carry out paragraph (1)(R), nor more than $1,000,000 to carry out paragraph (1)(V) during the period beginning on October 1, 1994, through September 30, 1999.

[(c) AWARDS.—

[(1) IN GENERAL.—The Secretary may—

[(A) make awards under this section on the basis of competitions announced by the Secretary; and

[(B) support meritorious unsolicited proposals.

[(2) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this section are designed so that the effectiveness of such programs, projects, and activities is readily ascertainable.

[(3) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for assistance under this section and may use funds appropriated under subsection (d) for the cost of such peer review.

[(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

[SEC. 10102. ELEMENTARY SCHOOL COUNSELING DEMONSTRATION.

[(a) COUNSELING DEMONSTRATION.—

[(1) IN GENERAL.—The Secretary may award grants under this section to establish or expand elementary school counseling programs.

[(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

[(A) demonstrate the greatest need for new or additional counseling services among the children in the elementary schools served by the applicant;

[(B) propose the most promising and innovative approaches for initiating or expanding elementary school counseling; and

[(C) show the greatest potential for replication and dissemination.

[(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

[(4) DURATION.—A grant under this section shall be awarded for a period not to exceed three years.

[(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

[(b) APPLICATIONS.—

[(1) IN GENERAL.—Each local educational agency 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) CONTENTS.—Each application for a grant under this section shall—

[(A) describe the elementary school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

[(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

[(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

[(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

[(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of elementary school counselors, school psychologists, and school social workers;

[(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

[(G) describe how any diverse cultural populations, if applicable, would be served through the program;

[(H) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

[(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

[(c) USE OF FUNDS.—

[(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand elementary school counseling programs that comply with the requirements in paragraph (2).

[(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

[(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

[(B) use a developmental, preventive approach to counseling;

[(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

[(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

[(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, academic and career planning, or to improve social functioning;

[(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

[(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

[(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

[(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

[(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section.

[(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 1998.

[(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

[(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

[(d) DEFINITIONS.—For purposes of this section—

[(1) the term "school counselor" means an individual who has documented competence in counseling children and adolescents in a school setting and who—

[(A) possesses State licensure or certification granted by an independent professional regulatory authority;

[(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

[(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

[(2) the term "school psychologist" means an individual who—

[(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

[(B) possesses State licensure or certification in the State in which the individual works; or

[(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

[(3) the term "school social worker" means an individual who holds a master's degree in social work and is licensed or cer-

tified by the State in which services are provided or holds a school social work specialist credential; and

[(4) the term "supervisor" means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

[SEC. 10103. PARTNERSHIPS IN CHARACTER EDUCATION PILOT PROJECT.

[(a) PROGRAM AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to make up to a total of ten grants annually to partnerships of State educational agencies and local educational agencies for the design and implementation of character education programs that incorporate the elements of character listed in subsection (d), as well as other character elements identified by applicants.

[(2) MAXIMUM AMOUNT OF GRANT.—No State educational agency shall receive more than a total of $1,000,000 in grants under this part.

[(3) DURATION.—Each grant under this section shall be awarded for a period not to exceed five years, of which the State educational agency shall not use more than one year for planning and program design.

[(b) STATE EDUCATIONAL AGENCY APPLICATIONS.—

[(1) REQUIREMENT.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

[(2) PARTNERSHIPS.—Each State educational agency desiring a grant under this section shall form a partnership with at least one local educational agency to be eligible for funding. The partnership shall pursue State and local initiatives to meet the objectives of this section.

[(3) APPLICATION.—Each application under this section shall include—

[(A) a list of the local educational agencies entering into the partnership with the State educational agency;

[(B) a description of the goals of the partnership;

[(C) a description of activities that will be pursued by the participating local educational agencies, including—

[(i) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program;

[(ii) curriculum and instructional practices;

[(iii) methods of teacher training and parent education that will be used or developed; and

[(iv) examples of activities that will be carried out under this part;

[(D) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs;

[(E) a description of how the State educational agency will evaluate the success of local programs and how local educational agencies will evaluate the progress of their own programs;

[(F) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing programs;

[(G) a description of how the State educational agency will establish a clearinghouse for information on model programs, materials, and other information the State and local educational agencies determine to be appropriate;

[(H) an assurance that the State educational agency will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

[(I) any other information that the Secretary may require.

[(4) NON-PARTNER LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that was not a partner with the State when the application was submitted may become a partner by submitting an application for partnership to the State educational agency, containing such information that the State educational agency may require.

[(c) EVALUATION AND PROGRAM DEVELOPMENT.—

[(1) REQUIREMENT.—Each State educational agency receiving a grant under this section shall submit to the Secretary a comprehensive evaluation of the program assisted under this part, including the impact on students, teachers, administrators, parents, and others—

[(A) by the mid-term of the program; and

[(B) not later than one year after completion of such program.

[(2) CONTRACTS FOR EVALUATION.—Each State educational agency receiving a grant under this section may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating their program and measuring the success of the program toward fostering in students the elements of character listed in subsection (b).

[(3) FACTORS.—Factors which may be considered in evaluating the success of the program may include—

[(A) discipline problems;

[(B) students' grades;

[(C) participation in extracurricular activities;

[(D) parental and community involvement;

[(E) faculty and administration involvement; and

[(F) student and staff morale.

[(4) MATERIALS AND PROGRAM DEVELOPMENT.—Local educational agencies, after consulting with the State educational agency, may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for assistance in developing curriculum, materials, teacher training, and other activities related to character education.

[(d) ELEMENTS OF CHARACTER.—

[(1) IN GENERAL.—Applicants desiring funding under this part shall develop character education programs that incorporate the following elements of character:

[(A) Caring.

[(B) Civic virtue and citizenship.

[(C) Justice and fairness.

[(D) Respect.

[(E) Responsibility.

[(F) Trustworthiness.

[(G) Any other elements deemed appropriate by the members of the partnership.

[(2) ADDITIONAL ELEMENTS OF CHARACTER.—A local educational agency participating under this section may, after consultation with schools and communities of such agency, define additional elements of character that the agency determines to be important to the schools and communities of such agency.

[(e) USE OF FUNDS.—Of the total funds received by a State educational agency in any fiscal year under this section—

[(1) not more than 30 percent of such funds may be retained by the State educational agency, of which—

[(A) not more than 10 percent of such funds may be used for administrative purposes; and

[(B) the remainder of such funds may be used for—

[(i) collaborative initiatives with local educational agencies;

[(ii) the establishment of the clearinghouse, preparation of materials, teacher training; and

[(iii) other appropriate activities; and

[(2) the remaining of such funds shall be used to award subgrants to local educational agencies, of which—

[(A) not more than 10 percent of such funds may be retained for administrative purposes; and

[(B) the remainder of such funds may be used to—

[(i) award subgrants to schools within the local educational agency; and

[(ii) pursue collaborative efforts with the State educational agency.

[(f) SELECTION OF GRANTEES.—

[(1) CRITERIA.—The Secretary shall select, through peer review, partnerships to receive grants under this section on the basis of the quality of the applications submitted under subsection (b), taking into consideration such factors as—

[(A) the quality of the activities proposed by local educational agencies;

[(B) the extent to which the program fosters in students the elements of character;

[(C) the extent of parental, student, and community involvement;

[(D) the number of local educational agencies involved in the effort;

[(E) the quality of the plan for measuring and assessing success; and

[(F) the likelihood that the goals of the program will be realistically achieved.

[(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section—

[(A) serve different areas of the Nation, including urban, suburban, and rural areas; and

[(B) serve schools that serve minorities, Native Americans, students of limited-English proficiency, and disadvantaged students.

[SEC. 10104. PROMOTING SCHOLAR-ATHLETE COMPETITIONS.

[(a) IN GENERAL.—The Secretary is authorized to award a grant to a nonprofit organization to reimburse such organizations for the costs of conducting scholar-athlete games to be held in 1999.

[(b) PRIORITY.—In awarding the grant under subsection (a), the Secretary shall give priority to a nonprofit organization that—

[(1) is described in section 501(c)(3) of, and exempt from taxation under section 501(a) of, the Internal Revenue Code of 1986, and is affiliated with a university capable of hosting a large educational, cultural, and athletic event that will serve as a national model;

[(2) has the capability and experience in administering federally funded scholar-athlete games;

[(3) has the ability to provide matching funds, on a dollar-for-dollar basis, from foundations and the private sector for the purpose of conducting a scholar-athlete program;

[(4) has the organizational structure and capability to administer a model scholar-athlete program in the summer of 1999;

[(5) has the organizational structure and expertise to replicate the scholar-athlete program in various venues throughout the United States internationally; and

[(6) has plans for conducting scholar-athlete games after 1999 without Federal assistance.

[SEC. 10105. SMALLER LEARNING COMMUNITIES.

[(a) IN GENERAL.—Each local educational agency 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 require. Each such application shall describe—

[(1) strategies and methods the applicant will use to create the smaller learning community or communities;

[(2) curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

[(3) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community or communities;

[(4) the process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community or communities;

[(5) any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities;

[(6) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

[(7) the goals and objectives of the activities assisted under this part, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

[(8) the methods by which the applicant will assess progress in meeting such goals and objectives;

[(9) if the smaller learning community or communities exist as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

[(10) a description of the administrative and managerial relationship between the local educational agency and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities, including the continuity of student and teacher assignment to a particular learning community;

[(11) how the applicant will coordinate or use funds provided under this part with other funds provided under this Act or other Federal laws;

[(12) grade levels or ages of students who will participate in the smaller learning community or communities; and

[(13) the method of placing students in the smaller learning community or communities, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

[(b) AUTHORIZED ACTIVITIES.—Funds under this section may be used—

[(1) to study the feasibility of creating the smaller learning community or communities as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities;

[(2) to research, develop and implement strategies for creating the smaller learning community or communities, as well as effective and innovative changes in curriculum and instruction, geared to high State content standards and State student performance standards;

[(3) to provide professional development for school staff in innovative teaching methods that challenge and engage students to be used in the smaller learning community or communities; and

[(4) to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional de-

velopment activities, as well as to provide links between students and their community.

[SEC. 10106. NATIONAL STUDENT AND PARENT MOCK ELECTION.

[(a) IN GENERAL.—The Secretary is authorized to award grants to national nonprofit, nonpartisan organizations that work to promote voter participation in American elections to enable such organizations to carry out voter education activities for students and their parents. Such activities shall—

[(1) be limited to simulated national elections that permit participation by students and parents from all 50 States in the United States; and

[(2) consist of—

[(A) school forums and local cable call-in shows on the national issues to be voted upon in an "issue forum";

[(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

[(C) quiz team competitions, mock press conferences and speechwriting competitions;

[(D) weekly meetings to follow the course of the campaign; or

[(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

[(b) REQUIREMENT.—Each organization receiving a grant under this section shall present awards to outstanding student and parent mock election projects.

[SEC. 10107. MODEL PROJECTS.

[(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to cultural institutions to enable such institutions to develop and expand model projects of outreach activities for at-risk children in the communities served by such institutions, including activities which integrate such institution's cultural programming with other disciplines, including environmental, mathematics, and science programs.

[(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to activities that are part of an overall State, local, and private commitment, seek to improve learning for at-risk youth, and are substantially funded by State, local, or private funds.]

PART A—FUND FOR THE IMPROVEMENT OF EDUCATION

SEC. 10101. PROHIBITION ON FEDERALLY SPONSORED TESTING.

Notwithstanding any other provision of Federal law, no funds provided under this part to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

SEC. 10102. PROHIBITION ON FEDERAL ENDORSEMENT OF ELEMENTARY AND SECONDARY SCHOOL CURRICULUM.

Notwithstanding any other provision of Federal law, no funds provided under this part to the Secretary may be used to endorse, approve, or sanction any curriculum designed to be used in elementary or secondary schools.

SEC. 10103. FUND FOR THE IMPROVEMENT OF EDUCATION.

(a) PROGRAMS AND PROJECTS AUTHORIZED.—

(1) IN GENERAL.—From funds appropriated under this part, the Secretary is authorized to support nationally significant programs and projects to improve the quality of elementary and secondary education at the State and local levels.

(2) METHODS FOR CARRYING OUT PROGRAMS AND PROJECTS.—The Secretary is authorized to carry out such programs and projects directly, or through grants to or contracts with States or local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions, including religious organizations.

(b) USES OF FUNDS.—The funds appropriated under this part may be used for any of the following activities and programs:

(1) Activities to promote systemic education reform at the State and local levels, including—

(A) scientifically based research to improve student academic achievement at the State and local level; and

(B) the development and evaluation of strategies for parent and community involvement.

(2) Programs at the State and local levels which are designed to yield significant results, including programs to explore approaches to public school choice and school-based decision-making.

(3) Programs designed to promote public school choice.

(4) Performance rewards for States which—

(A) make significant progress in eliminating achievement gaps by increasing the proportions of 2 or more groups of students described in section 1111(a)(3)(I) who meet State proficiency standards; and

(B) have agreed to meet specific and numerical performance goals during the term of a performance agreement of at least 5 years in length.

(5) Activities to promote and evaluate coordinated pupil services programs.

(6) Activities to promote consumer, economic, entrepreneurial, and personal finance education, including disseminating and encouraging the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills, including the basic principles involved with earning, spending, saving, and investing.

(7) Studies, evaluations, and dissemination of various education reform strategies and innovations based on scientifically based research being pursued by the Federal Government, States, and local educational agencies.

(8) The identification and recognition of exemplary schools and programs such as Blue Ribbon Schools.

(9) Experiential-based learning programs.

(10) The development and expansion of public-private partnership education programs which extend the learning experience beyond the classroom environment through the use of computers.

(11) An independent study conducted in consultation with appropriate entities, which will provide a multi-level coordinated implementation strategy based on scientifically based research, for effective professional development activities for mathematics and science teachers.

(12) Programs to hire and support school nurses.

(13) Grants for the education of recent immigrants to the United States.

(14) Activities to plan, implement, or expand alternative education programs to reduce classroom disruptions and provide a safe learning environment.

(15) Grants for elementary and secondary school counseling programs under section 10104.

(16) Grants for character education programs under section 10105.

(17) Grants for smaller learning communities within high schools programs under section 10106.

SEC. 10104. ELEMENTARY AND SECONDARY SCHOOL COUNSELING PROGRAMS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use funds provided under this part to award grants to local educational agencies to enable such agencies to establish or expand elementary and secondary school counseling programs which meet the requirements of subsection (b).

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs which—

(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

(C) show the greatest potential for replication and dissemination.

(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural local educational agencies.

(4) DURATION.—A grant under this section shall be awarded for a period not to exceed 3 years.

(b) REQUIREMENTS FOR COUNSELING PROGRAMS.—Each program funded under this section shall—

(1) be comprehensive in addressing the counseling and educational needs of all students;

(2) use a developmental, preventive approach to counseling;

(3) increase the range, availability, quantity, and quality of counseling services in the elementary and secondary schools of the local educational agency;

(4) expand counseling services through qualified school counselors, school psychologists, and school social workers;

(5) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decision making, or academic and career planning, or to improve peer interaction;

(6) provide counseling services in settings that meet the range of needs of students;

(7) include inservice training, including training for teachers in appropriate identification and intervention techniques for disciplining and teaching students at risk of violent behavior, by school counselors, school psychologists, and school social workers;

(8) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

(9) involve collaborative efforts with community groups, social service agencies, or other public or private entities to enhance the program;

(10) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

(11) ensure a team approach to school counseling in the elementary and secondary schools of the local educational agency by maintaining a scientifically based ratio of school counselors, school social workers, and school psychologists to students; and

(12) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section spend a majority of their time at the school in activities directly related to the counseling process.

(c) LIMIT ON ADMINISTRATION.—Not more than 3 percent of the amounts made available under this section in any fiscal year may be used for administrative costs to carry out this section.

(d) DEFINITIONS.—For purposes of this section, the terms "school counselor", "school psychologist", and "school social worker", mean individuals qualified, licensed, or certified under State law to provide mental health counseling to children and adolescents.

SEC. 10105. CHARACTER EDUCATION PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use funds provided under this part to award grants to States, local educational agencies, or consortia of such educational agencies for the design and implementation of character education programs which incorporate the elements of character described in subsection (c).

(2) DURATION.—Each grant under this section shall be awarded for a period not to exceed 5 years, of which the recipient may not use more than 1 year for planning and program design.

(b) CONTRACTS UNDER PROGRAM.—

(1) EVALUATION.—Each State, local educational agency, or consortia of such educational agencies awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for purposes of evaluating its program and measuring the

success of the program toward fostering in students the elements of character described in subsection (c).

(2) MATERIALS AND PROGRAM DEVELOPMENT.—Each State, local educational agency, or consortia of such educational agencies awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for assistance in developing curriculum, materials, teacher training, and other activities related to character education.

(c) ELEMENTS OF CHARACTER.—The elements of character described in this subsection are as follows:

(1) Honesty.

(2) Citizenship.

(3) Courage.

(4) Justice.

(5) Respect.

(6) Personal Responsibility.

(7) Trustworthiness.

(8) Any other elements deemed appropriate by the State, local educational agency, or consortia of such educational agencies receiving a grant under this paragraph.

(d) SELECTION OF RECIPIENTS.—

(1) CRITERIA.—The Secretary shall select States, local educational agencies, or consortia of such educational agencies to receive grants under this section on the basis of the quality of the applications submitted, taking into consideration such factors as—

(A) the extent to which the proposed character education program fosters in students the elements of character described in subsection (c);

(B) the extent of parental, student, and community involvement in the program; and

(C) the likelihood that the goals of the program will be realistically achieved.

(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications for grants under this section in a manner which ensures to the extent practicable that the character education programs funded with such grants—

(A) serve an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas; and

(B) serve schools which serve a high percentage of minorities, Native Americans, students of limited English proficiency, and disadvantaged students.

SEC. 10106. SMALLER LEARNING COMMUNITIES WITHIN HIGH SCHOOLS.

(a) IN GENERAL.—The Secretary may use funds provided under this part to—

(1) promote the creation of smaller learning communities within high schools in which students may receive greater individual attention and support, including the development and implementation of scientifically based research strategies described in subsection (b) to create such communities; and

(2) develop and implement strategies to include parents, business representatives, institutions of higher education, community-based organizations, and other community members in such communities.

(b) EXAMPLES OF STRATEGIES TO CREATE SMALLER LEARNING COMMUNITIES.—The strategies described in this subsection to create smaller learning communities within high schools may include:

(1) The establishment of learning clusters, "houses", magnet schools, or other approaches to creating schools within schools.

(2) The use of block scheduling.

(3) The use of personal adult advocates, teacher-advisory systems, and other mentoring strategies.

(4) Strategies to reduce teaching loads.

(5) Other innovations designed to increase student academic achievement through the creation of a more personalized high school experience for students.

(c) SIZE OF COMMUNITIES.—In using funds under this section, the Secretary's goal shall be the creation of learning communities of not more than 600 students within high schools.

SEC. 10107. GENERAL PROVISIONS.

(a) AWARDS MADE ON COMPETITIVE BASIS.—The Secretary may make awards under this part on the basis of competitions announced by the Secretary.

(b) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this part are designed so that the effectiveness of such programs, projects, and activities is readily ascertainable and based on scientifically based research.

(c) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for assistance under this part, and may use funds appropriated under this part for the cost of such peer review.

(d) APPLICATIONS.—An applicant for an award under this part shall submit an application which—

(1) establishes clear goals and objectives for its project under this part which are based on scientifically based research; and

(2) describes the activities it will carry out in order to meet the goals and objectives described in paragraph (1).

(e) EVALUATIONS.—A recipient of an award under this part shall—

(1) evaluate the effectiveness of its project in achieving the goals and objectives stated in its application; and

(2) report to the Secretary such information as may be required, including evidence of its progress toward meeting the such goals, to determine the project's effectiveness.

(f) DISSEMINATION OF EVALUATION RESULTS.—The Secretary shall provide for the dissemination of the evaluations of projects funded under this part by making the evaluations publicly available upon request, and shall publish public notice that the evaluations are so available.

(g) MATCHING FUNDS.—The Secretary may require recipients of awards under this part to provide matching funds from non-Federal sources.

(h) SCIENTIFICALLY BASED RESEARCH DEFINED.—In this part, the term "scientifically based research"—

(1) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to education activities and programs; and

(2) shall include research which—

(A) employs systematic, empirical methods which draw on observation or experiment,

(B) involves rigorous data analyses which are adequate to test the stated hypotheses and justify the general conclusions drawn,

(C) relies on measurements or observational methods which 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.

(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $50,000,000 for fiscal year 2000 and $50,000,000 for each of the 5 succeeding fiscal years.

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PART C—PUBLIC CHARTER SCHOOLS

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SEC. 10310. DEFINITIONS.

As used in this part:

(1) The term "charter school" means a public school that—

(A) * * *

* * * * * * *

(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, *or in another nondiscriminatory manner consistent with State law,* if more students apply for admission than can be accommodated;

* * * * * * *

SEC. 10311. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this part, there are authorized to be appropriated **[**$100,000,000 for fiscal year 1999**]** *$145,000,000 for fiscal year 2000* and such sums as may be necessary for each of the **[**four**]** *5* succeeding fiscal years.

[PART D—ARTS IN EDUCATION

[Subpart 1—Arts Education

[SEC. 10401. SUPPORT FOR ARTS EDUCATION.

[(a) FINDINGS.—The Congress finds that—

[(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

[(2) the arts are important to excellent education and to effective school reform;

[(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

[(4) such transformation is best realized in the context of comprehensive, systemic education reform;

[(5) demonstrated competency in the arts for American students is among the National Education Goals;

[(6) participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings;

[(7) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities;

[(8) the arts can motivate at-risk students to stay in school and become active participants in the educational process; and

[(9) arts education should be an integral part of the elementary and secondary school curriculum.

[(b) PURPOSES.—The purposes of this subpart are to—

[(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

[(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts; and

[(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

[(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this subpart, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

[(1) State educational agencies;

[(2) local educational agencies;

[(3) institutions of higher education;

[(4) museums and other cultural institutions; and

[(5) other public and private agencies, institutions, and organizations.

[(d) AUTHORIZED ACTIVITIES.—Funds under this subpart may be used for—

[(1) research on arts education;

[(2) the development of, and dissemination of information about, model arts education programs;

[(3) the development of model arts education assessments based on high standards;

[(4) the development and implementation of curriculum frameworks for arts education;

[(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

[(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art;

[(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

[(8) supporting model projects and programs by Very Special Arts which assure the participation in mainstream settings in arts and education programs of individuals with disabilities;

[(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

[(10) other activities that further the purposes of this subpart.

[(e) COORDINATION.—

[(1) IN GENERAL.—A recipient of funds under this subpart shall, to the extent possible, coordinate projects assisted under this subpart with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

[(2) SPECIAL RULE.—In carrying out this subpart, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art.

[(f) AUTHORIZATION.—

[(1) IN GENERAL.—For the purpose of carrying out this subpart, there are authorized to be appropriated $11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

[(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is $9,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).

[Subpart 2—Cultural Partnerships for At-Risk Children and Youth

[SEC. 10411. FINDINGS AND PURPOSE.

[(a) FINDINGS.—The Congress finds:

[(1) With local school budget cuts there are inadequate arts and cultural programs available for children and youth in schools, especially at the elementary school level.

[(2) The arts promote progress in academic subjects as shown by research conducted by the National Endowment for the Arts.

[(3) Children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities, remain in school longer and are more successful than children who do not receive such instruction.

[(4) Learning in the arts and humanities promotes progress in other academic subjects, and generates positive self-esteem and a greater sense of accomplishment in young people.

[(5) School-university and school-cultural institution partnerships that upgrade teacher training in the arts and human-

ities have significantly contributed to improved instruction and achievement levels of school-aged children.

[(6) Museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to the educational achievement and enhanced interest in learning of at-risk children and youth.

[(7) The Goals 2000: Educate America Act, other legislation and local, State and national resources support the integration of the arts and humanities into the regular curriculum and school day for all children.

[(8) While all children benefit from instruction in the arts and the humanities, at-risk children and youth have a special, additional need for arts and cultural programs both in school and after school.

[(b) PURPOSE.—The purpose of this subpart is to make demonstration grants to eligible entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services.

[SEC. 10412. PROGRAM AUTHORIZED.

[(a) IN GENERAL.—The Secretary is authorized to award grants to eligible entities to pay the Federal share of the costs of the activities described in section 10413.

[(b) SPECIAL REQUIREMENTS.—

[(1) IN GENERAL.—The Secretary shall award grants under this subpart only to programs designed to—

[(A) promote and enhance educational and cultural activities;

[(B) provide multi-year services to at-risk children and youth and to integrate community cultural resources into in-school and after-school educational programs;

[(C) provide integration of community cultural resources into the regular curriculum and school day;

[(D) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk children and youth;

[(E) provide effective cultural programs to facilitate the transition from preschool programs to elementary school programs, including programs under the Head Start Act and part H of the Individuals with Disabilities Education Act;

[(F) facilitate school-to-work transition from secondary schools and alternative schools to job training, higher education and employment through educational programs and activities that utilize school resources;

[(G) increase parental and community involvement in the educational, social, and cultural development of at-risk children and youth; or

[(H)(i) develop programs and strategies that provide high-quality coordinated educational and cultural services; and

[(ii) provide a model to replicate such services in other schools and communities.

[(2) PARTNERSHIP.—An interagency partnership comprised of the Secretary of Education, the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts, and the Director of the Institute of Museum and Library Services, or their designees, shall establish criteria and procedures for awarding grants, including the establishment of panels to review the applications, and shall administer the grants program authorized by this section. The Secretary shall publish such criteria and procedures in the Federal Register.

[(3) COORDINATION.—Grants may only be awarded under this subpart to eligible entities that agree to coordinate activities carried out under other Federal, State, and local grants, received by the members of the partnership for purposes and target populations described in this subpart, into an integrated service delivery system located at a school, cultural, or other community-based site accessible to and utilized by at-risk youth.

[(4) ELIGIBLE ENTITIES.—For purposes of this subpart, the term "eligible entity" means a partnership between—

[(A) a local educational agency or an individual school that is eligible to participate in a schoolwide program under section 1114; and

[(B) at least one institution of higher education, museum, local arts agency, or cultural entity that is accessible to individuals within the school district of such local educational agency or school, and that has a history of providing quality services to the community, which may include—

[(i) nonprofit institutions of higher education, museums, libraries, performing, presenting and exhibiting arts organizations, literary arts organizations, State and local arts organizations, cultural institutions, and zoological and botanical organizations; or

[(ii) private for-profit entities with a history of training children and youth in the arts.

[(5) GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart the Secretary, to the extent feasible, shall ensure an equitable geographic distribution of such grants.

[(6) DURATION.—Grants made under this subpart may be renewable for a maximum of five years if the Secretary determines that the eligible recipient has made satisfactory progress toward the achievement of the program objectives described in the application.

[(7) MODELS.—The Secretary, in consultation with the Chairman of the National Endowment for the Humanities, the Chairman of the National Endowment for the Arts and the director of the Institute of Museum and Library Services, or their designees, shall submit successful models under this title to the National Diffusion Network for review.

[(c) TARGET POPULATION.—To be eligible for a grant under this subpart, an eligible entity shall serve—

[(1) students enrolled in schools participating in a schoolwide program under section 1114 and the families of such students to the extent practicable;

[(2) out-of-school children and youth at risk of disadvantages resulting from teenage parenting, substance abuse, recent migration, disability, limited-English proficiency, illiteracy, being the child of a teenage parent, living in a single parent household, or dropping out of school; or

[(3) any combination of in-school and out-of-school at-risk children and youth.

[SEC. 10413. AUTHORIZED ACTIVITIES.

[(a) IN GENERAL.—Grants awarded under this subpart may be used—

[(1) to plan, develop, acquire, expand, and improve school-based or community-based coordinated educational and cultural programs to strengthen the educational performance and future potential of in-school or out-of-school at-risk children and youth through grants, cooperative agreements, contracts for services, or administrative coordination;

[(2) to provide at-risk students with integrated cultural activities designed to develop a love of learning that fosters the smooth transition of preschool children to elementary school;

[(3) to design collaborative cultural activities for students in secondary or alternative schools that ensure the smooth transition to job training, higher education, or full employment;

[(4) to provide child care for children of at-risk students who would not otherwise be able to participate in the program;

[(5) to provide transportation necessary for participation in the program;

[(6) to work with existing school personnel to develop curriculum materials and programs in the arts;

[(7) to work with existing school personnel on staff development activities that encourage the integration of the arts into the curriculum;

[(8) for stipends that allow local artists to work with at-risk children and youth in schools;

[(9) for training individuals who are not trained to work with children and youth;

[(10) for cultural programs that encourage the active participation of parents in the education of their children;

[(11) for programs that use the arts and culture to reform current school practices, including lengthening the school day or academic year;

[(12) for equipment or supplies that the Secretary determines appropriate; and

[(13) for evaluation, administration, and supervision.

[(b) PLANNING GRANTS.—

[(1) APPLICATION.—An eligible entity may submit an application to the Secretary for a planning grant for an amount not to exceed $50,000. Such grants shall be for periods of not more than one year.

[(2) LIMIT ON PLANNING GRANTS.—Not more than 10 percent of the amounts appropriated in each fiscal year under this subpart shall be used for grants under this subsection, and an eli-

gible entity may receive not more than one such planning grant.

[(c) GENERAL PROVISIONS.—

[(1) IN GENERAL.—Each eligible entity desiring 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 reasonably require.

[(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

[(A) describe the cultural entity or entities that will participate in the partnership;

[(B) describe the target population to be served;

[(C) describe the services to be provided;

[(D) describe a plan for evaluating the success of the program;

[(E) in the case of each local educational agency or school participating in the eligible recipient partnership, describe how the activities assisted under this subpart will be perpetuated beyond the duration of the grant;

[(F) describe the manner in which the eligible entity will improve the educational achievement or future potential of at-risk youth through more effective coordination of cultural services in the community;

[(G) describe the overall and operational goals of the program;

[(H) describe the nature and location of all planned sites where services will be delivered and a description of services which will be provided at each site; and

[(I) describe training that will be provided to individuals who are not trained to work with children and youth, and how teachers will be involved.

[SEC. 10414. PAYMENTS; AMOUNTS OF AWARD; COST SHARE; LIMITATIONS.

[(a) PAYMENTS.—

[(1) IN GENERAL.—The Secretary shall pay to each eligible recipient having an application approved under section 10413(c) the Federal share of the cost of the activities described in the application.

[(2) SPECIAL RULE.—(A) Grants awarded under this subpart shall be of sufficient size, scope, and quality to be effective.

[(B) The Secretary shall award grants under this subpart so as to ensure nonduplication of services provided by grant recipients and services provided by—

[(i) the National Endowment for the Humanities;

[(ii) the National Endowment for the Arts; and

[(iii) the Institute of Museum and Library Services.

[(b) COST SHARE.—

[(1) FEDERAL SHARE.—The Federal share of a grant under this subpart shall be 80 percent of the cost of carrying out the activities described in the application.

[(2) NON-FEDERAL SHARE.—The non-Federal share of a grant under this subpart shall be 20 percent of the cost of carrying out the activities described in the application and may be in

cash or in kind, fairly evaluated, including the provision of equipment, services, or facilities.

[(c) LIMITATIONS.—

[(1) NONINSTRUCTIONAL SERVICES.—Not more than 25 percent of the grant funds provided in any fiscal year under this subpart may be used for noninstructional activities such as the activities described in paragraphs (4), (5), and (12) of section 10413(a).

[(2) SUPPLEMENT AND NOT SUPPLANT.—Grant funds awarded under this part shall be used to supplement not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this subpart, in amounts that exceed the amounts expended for such activities in the year preceding the year for which the grant is awarded.

[(3) ADMINISTRATIVE COSTS.—(A) The Secretary may reserve not more than five percent of the grant funds received under this subpart in each fiscal year for the costs of administration.

[(B) Each eligible recipient may reserve not more than 5 percent of any grant funds received under this subpart in each fiscal year for the costs of administration.

[SEC. 10415. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to carry out this subpart, $45,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years.]

PART D—ARTS EDUCATION

SEC. 10401. SUPPORT FOR ARTS EDUCATION.

(a) FINDINGS.—The Congress finds that—

(1) every student can benefit from an education in the arts;

(2) a growing body of research indicates that education in the arts may provide cognitive benefits and bolster academic achievement, beginning at an early age and continuing through school;

(3) qualified arts teachers and sequential curriculum are the basis and core for substantive arts education for students;

(4) arts education programs should be grounded in rigorous instruction and take their place within a structure of direct accountability to parents, school officials, and the community;

(5) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities; and

(6) arts education is a valuable part of the elementary and secondary school curriculum.

(b) PURPOSES.—The purposes of this part are to—

(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum; and

(2) help ensure that all students can learn to challenging State content standards and challenging State student performance standards in the arts.

(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

(1) States;

(2) local educational agencies;

(3) institutions of higher education;

(4) museums and other cultural institutions; and

(5) other public and private agencies, institutions, and organizations.

(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

(1) research on arts education;

(2) planning, developing, acquiring, expanding, improving, and disseminating model school-based arts education programs;

(3) the development of model State arts education assessments based on State standards;

(4) the development and implementation of curriculum frameworks for arts education;

(5) the development of model inservice professional development programs for arts educators and other instructional staff;

(6) supporting collaborative activities with other Federal agencies or institutions, arts educators, and organizations representing the arts, including State and local arts agencies involved in arts education;

(7) supporting model projects and programs in the performing arts for children and youth and programs which assure the participation in mainstream settings in arts and education programs of individuals with disabilities through arrangements made with organizations such as the John F. Kennedy Center for the Performing Arts and VSA arts;

(8) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

(9) other activities that further the purposes of this part.

(e) COORDINATION AND CONSULTATION.—

(1) IN GENERAL.—A recipient of funds under this part shall, to the extent possible, coordinate projects assisted under this part with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

(2) CONSULTATION.—In carrying out this part, the Secretary shall consult with other Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts including State and local arts agencies involved in arts education.

(f) AUTHORIZATION.—

(1) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $11,500,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(2) SPECIAL RULE.—Any entity receiving funds under this part shall use such funds only to supplement and not to sup-

plant the amount of funds made available from non-Federal sources for the activities assisted under this part.

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[PART F—CIVIC EDUCATION

[SEC. 10601. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.

[(a) GENERAL AUTHORITY.—

[(1) PROGRAM ESTABLISHED.—(A) The Secretary is authorized to carry out a program to enhance the attainment of the third and sixth National Education Goals by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

[(B) Such program shall be known as "We the People . . . The Citizen and the Constitution".

[(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall—

[(A) continue and expand the educational activities of the "We the People . . . The Citizen and the Constitution" program administered by the Center for Civic Education; and

[(B) enhance student attainment of challenging content standards in civics and government.

[(3) CONTRACT OR GRANT AUTHORIZED.—The Secretary is authorized to award a grant or enter into a contract with the Center for Civic Education to carry out the program described in paragraph (1).

[(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

[(1) a course of instruction on the basic principles of our Nation's constitutional democracy and the history of the Constitution and the Bill of Rights;

[(2) at the request of a participating school, school and community simulated congressional hearings following the course of study; and

[(3) an annual national competition of simulated congressional hearings for secondary students who wish to participate in such program.

[(c) AVAILABILITY OF PROGRAM.—The education program authorized by this section shall be made available to public and private elementary and secondary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

[(d) SPECIAL RULE.—After the provisions of subsection (b) have been implemented, funds provided under this section may be used for—

[(1) advanced training of teachers about the United States Constitution and the political system the United States created; or

[(2) a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution, which course shall provide for—

[(A) optional school and community simulated State legislative hearings;

[(B) an annual competition of simulated legislative hearings at the State legislative district, State, and national levels for middle school students who wish to participate in the program; and

[(C) participation by public and private middle schools in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

[SEC. 10602. INSTRUCTION IN CIVICS, GOVERNMENT, AND THE LAW.

[(a) PROGRAM ESTABLISHED.—The Secretary is authorized to carry out a program of awarding grants and contracts to assist State and local educational agencies and other public and private nonprofit agencies, organizations, and institutions to enhance—

[(1) attainment by students of challenging State content standards and challenging State student performance standards in civics, government, and the law; and

[(2) attainment by the Nation of the third and the sixth National Education Goals.

[(b) AUTHORIZED ACTIVITIES.—Assistance under this section may support new and ongoing programs in elementary and secondary schools that provide for—

[(1) the development and implementation of curricular programs that enhance student understanding of—

[(A) the values and principles which underlie, and the institutions and processes which comprise, our Nation's system of government;

[(B) the role of law in our constitutional democracy, including activities to promote—

[(i) legal literacy;

[(ii) a dedication by students to the use of nonviolent means of conflict resolution such as arbitration, mediation, negotiation, trials, and appellate hearings; and

[(iii) respect for cultural diversity and acceptance of cultural differences; and

[(C) the rights and responsibilities of citizenship;

[(2) professional development for teachers, including preservice and inservice training;

[(3) outside-the-classroom learning experiences for students, including community service activities;

[(4) the active participation of community leaders, from the public and private sectors, in the schools; and

[(5) the provision of technical assistance to State and local educational agencies and other institutions and organizations working to further the progress of the Nation in attaining the third and sixth National Education Goals regarding civics and government.

[(c) APPLICATIONS, PEER REVIEW AND PRIORITY.—

[(1) SUBMISSION OF APPLICATIONS.—A State or local educational agency, other public or private nonprofit agency, organization, or institution that desires to receive a grant or enter into a contract under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

[(2) PEER REVIEW.—(A) The Secretary shall convene a panel of individuals for purpose of reviewing and rating applications submitted under paragraph (1).

[(B) Such individuals shall have experience with education programs in civics, government, and the law.

[(3) PRIORITY.—In awarding grants or awarding contracts under this section, the Secretary shall give priority consideration to applications which propose the operation of statewide programs.

[(d) DURATION OF GRANTS AND EXCEPTION.—

[(1) DURATION.—Except as provided in paragraph (2), the Secretary shall award grants and contracts under this section for periods of two or three years.

[(2) EXCEPTION.—The Secretary may award a grant or a contract under this section for a period of less than 2 years if the Secretary determines that special circumstances exist which warrant a 1-year grant or contract award.

[SEC. 10603. REPORT; AUTHORIZATION OF APPROPRIATIONS.

[(a) REPORT.—The Secretary shall report, on a biennial basis to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate regarding the distribution and use of funds authorized under this part.

[(b) AUTHORIZATION OF APPROPRIATIONS.—

[(1) GENERAL.—There are authorized to be appropriated to carry out this part $15,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

[(2) ALLOCATION.—Except as provided in paragraph (3), from the amount appropriated under subsection (a), the Secretary shall allocate—

[(A) 40 percent of such amount to carry out section 10601; and

[(B) 60 percent of such amount to carry out section 10602.

[(3) SPECIAL RULE.—From funds appropriated under paragraph (1), the Secretary shall make available for fiscal year 1995 and each succeeding fiscal year thereafter for the programs under sections 16101 and 16102 not less than the amount made available for fiscal year 1994 to carry out such programs under sections 4609 and 1562, respectively, of this Act (as such sections were in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

[PART G—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

[SEC. 10701. FINDINGS.

[The Congress finds as follows:

[(1) It is a worthwhile goal to ensure that all students in America are prepared for responsible citizenship and that all students should have the opportunity to be involved in activities that promote and demonstrate good citizenship.

[(2) It is a worthwhile goal to ensure that America's educators have access to programs for the continued improvement of their professional skills.

[(3) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people. Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and educators. Therefore, it is a fitting and appropriate tribute to Senator Ellender to provide fellowships in his name to students of limited economic means, the teachers who work with such students, and older Americans, so that such students, teachers, and older Americans may participate in the programs supported by the Close Up Foundation.

[Subpart 1—Program for Middle and Secondary School Students

[SEC. 10711. ESTABLISHMENT.

[(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among middle and secondary school students.

[(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be known as Allen J. Ellender fellowships.

[SEC. 10712. APPLICATIONS.

[(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

[(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

[(2) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including student with disabilities, ethnic minority students, and gifted and talented students; and

[(3) the proper disbursement of the funds received under this subpart.

[Subpart 2—Program for Middle and Secondary School Teachers

[SEC. 10721. ESTABLISHMENT.

[(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

[(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to teachers who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

[SEC. 10722. APPLICATIONS.

[(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

[(1) that fellowship grants are made only to teachers who have worked with at least one student from such teacher's school who participates in the programs described in section 10711(a);

[(2) that not more than one teacher in each school participating in the programs provided for in section 10711(a) may receive a fellowship in any fiscal year; and

[(3) the proper disbursement of the funds received under this subpart.

[Subpart 3—Programs for Recent Immigrants, Students of Migrant Parents and Older Americans

[SEC. 10731. ESTABLISHMENT.

[(a) GENERAL AUTHORITY.—

[(1) IN GENERAL.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among eco-

nomically disadvantaged older Americans, recent immigrants and students of migrant parents.

[(2) DEFINITION.—For the purpose of this subpart, the term "older American" means an individual who has attained 55 years of age.

[(b) USE OF FUNDS.—Grants under this subpart shall be used for financial assistance to economically disadvantaged older Americans, recent immigrants and students of migrant parents who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

[SEC. 10732. APPLICATIONS.

[(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(b) CONTENTS OF APPLICATION.—Except such application shall contain provisions to assure—

[(1) that fellowship grants are made to economically disadvantaged older Americans, recent immigrants and students of migrant parents;

[(2) that every effort will be made to ensure the participation of older Americans, recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans, recent immigrants and students of migrant parents with special needs, including individuals with disabilities, ethnic minorities, and gifted and talented students;

[(3) that activities permitted by subsection (a) are fully described; and

[(4) the proper disbursement of the funds received under this subpart.

[Subpart 4—General Provisions

[SEC. 10741. ADMINISTRATIVE PROVISIONS.

[(a) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

[(b) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

[SEC. 10742. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of subparts 1, 2, and 3 of this part $4,400,000 for fiscal year 1995 and such sums as may be necessary of each of the four succeeding fiscal years.

[(b) SPECIAL RULE.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers as-

sociated with students participating in the programs described in section 10711(a).]

PART F—CIVIC EDUCATION

SEC. 10601. SHORT TITLE.

This part may be cited as the "Education for Democracy Act".

SEC. 10602. PURPOSE.

It is the purpose of this part—

(1) to improve the quality of civics and government education, by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and

(2) to foster civic competence and responsibility.

SEC. 10603. GENERAL AUTHORITY.

The Secretary is authorized to award grants to or enter into contracts with the Center for Civic Education to carry out civic education activities under sections 10604.

SEC. 10604. WE THE PEOPLE PROGRAM.

(a) THE CITIZEN AND THE CONSTITUTION.—

(1) IN GENERAL.—The Center for Civic Education shall use funds awarded under section 10603(a) to carry out The Citizen and the Constitution program in accordance with this subsection.

(2) EDUCATIONAL ACTIVITIES.—The Citizen and the Constitution program—

(A) shall continue and expand the educational activities of the "We the People . . . The Citizen and the Constitution" program administered by the Center for Civic Education;

(B) shall enhance student attainment of challenging content standards in civics and government; and

(C) shall provide—

(i) a course of instruction on the basic principles of our Nation's constitutional democracy and the history of the Constitution of the United States and the Bill of Rights;

(ii) at the request of a participating school, school and community simulated congressional hearings following the course of study;

(iii) an annual national competition of simulated congressional hearings for secondary school students who wish to participate in such a program;

(iv) advanced training of teachers about the Constitution of the United States and the political system the United States created;

(v) materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

(vi) civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

(3) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public

and private elementary and secondary schools, including Bureau funded schools, in the 435 congressional districts, and in the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) PROJECT CITIZEN.—

(1) IN GENERAL.—The Center for Civic Education shall use funds awarded under section 10603(a) to carry out The Project Citizen program in accordance with this subsection.

(2) EDUCATIONAL ACTIVITIES.—The Project Citizen program—

(A) shall continue and expand the educational activities of the "We the People . . . Project Citizen" program administered by the Center for Civic Education;

(B) shall enhance student attainment of challenging content standards in civics and government; and

(C) shall provide—

(i) a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution of the United States;

(ii) optional school and community simulated State legislative hearings;

(iii) an annual national showcase or competition;

(iv) advanced training of teachers on the roles of State and local governments in the Federal system established by the Constitution of the United States;

(v) materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

(vi) civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

(3) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private middle schools, including Bureau funded schools, in the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(c) DEFINITION OF BUREAU FUNDED SCHOOL.—In this section the term "Bureau funded school" has the meaning given the term in section 1146 of the Education Amendments of 1978.

SEC. 10605. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out section 10604, $9,850,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2005.

PART G—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

SEC. 10701. FINDINGS.

The Congress finds as follows:

(1) It is a worthwhile goal to ensure that all students in America are prepared for responsible citizenship and that all students should have the opportunity to be involved in activities that promote and demonstrate good citizenship.

(2) It is a worthwhile goal to ensure that America's educators have access to programs for the continued improvement of their professional skills.

(3) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people. Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and educators. Therefore, it is a fitting and appropriate tribute to Senator Ellender to provide fellowships in his name to students of limited economic means, the teachers who work with such students, and older Americans, so that such students, teachers, and older Americans may participate in the programs supported by the Close Up Foundation.

Subpart 1—Program for Middle and Secondary School Students

SEC. 10711. ESTABLISHMENT.

(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among middle and secondary school students.

(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be known as Allen J. Ellender fellowships.

SEC. 10712. APPLICATIONS.

(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

(2) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including student with disabilities, ethnic minority students, and gifted and talented students; and

(3) the proper disbursement of the funds received under this subpart.

Subpart 2—Program for Middle and Secondary School Teachers

SEC. 10721. ESTABLISHMENT.

(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to teachers who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

SEC. 10722. APPLICATIONS.

(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—

(1) that fellowship grants are made only to teachers who have worked with at least one student from such teachers school who participates in the programs described in section 10711(a);

(2) that not more than one teacher in each school participating in the programs provided for in section 10711(a) may receive a fellowship in any fiscal year; and

(3) the proper disbursement of the funds received under this subpart.

Subpart 3—Programs for Recent Immigrants, Students of Migrant Parents and Older Americans

SEC. 10731. ESTABLISHMENT.

(a) GENERAL AUTHORITY.—

(1) IN GENERAL.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged older Americans, recent immigrants and students of migrant parents.

(2) DEFINITION.—For the purpose of this subpart, the term older American means an individual who has attained 55 years of age.

(b) USE OF FUNDS.—Grants under this subpart shall be used for financial assistance to economically disadvantaged older Americans, recent immigrants and students of migrant parents who par-

ticipate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.

SEC. 10732. APPLICATIONS.

(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF APPLICATION.—Except such application shall contain provisions to assure—

(1) that fellowship grants are made to economically disadvantaged older Americans, recent immigrants and students of migrant parents;

(2) that every effort will be made to ensure the participation of older Americans, recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans, recent immigrants and students of migrant parents with special needs, including individuals with disabilities, ethnic minorities, and gifted and talented students;

(3) that activities permitted by subsection (a) are fully described; and

(4) the proper disbursement of the funds received under this subpart.

Subpart 4—General Provisions

SEC. 10741. ADMINISTRATIVE PROVISIONS.

(a) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

(b) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller Generals duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

SEC. 10742. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of subparts 1, 2, and 3 of this part $4,400,000 for fiscal year 2001 and such sums as may be necessary of each of the four succeeding fiscal years.

(b) SPECIAL RULE.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in section 10711(a).

* * * * * * *

[TITLE XI—COORDINATED SERVICES

[SEC. 11001. FINDINGS AND PURPOSE.

[(a) FINDINGS.—The Congress finds the following:

[(1) Growing numbers of children are negatively affected by influences outside of the classroom which increase such children's risk of academic failure.

[(2) Factors such as poor nutrition, unsafe living conditions, physical and sexual abuse, family and gang violence, inadequate health care, unemployment, lack of child care, and substance abuse, adversely affect family relationships and the ability of a child to learn.

[(3) Parents and other caregivers in today's high pressure society often face demands which place restraints on such parents' and caregivers' time and affect such parents' and caregivers' ability to adequately provide for the needs of the families of such parents and caregivers.

[(4) Access to health and social service programs can address the basic physical and emotional needs of children so that children can fully participate in the learning experiences offered children in school.

[(5) Services for at-risk students need to be more convenient, and less fragmented, regulated and duplicative, in order to meet the needs of children and their families.

[(6) School personnel, parents, and support service providers often lack knowledge of, and access to, available services for at-risk students and their families in the community, and have few resources to coordinate services and make services accessible.

[(7) Service providers, such as teachers, social workers, health care and child care providers, juvenile justice workers and others, are often trained in separate disciplines that provide little support for the coordination of services.

[(8) Coordination of services is more cost effective because such coordination substitutes prevention for expensive crisis intervention.

[(9) Coordinating health and social services with education can help the Nation meet the National Education Goals by ensuring better outcomes for children.

[(b) PURPOSE OF COORDINATING SERVICES.—The purpose of this title is to provide elementary and secondary school students and their families better access to the social, health and education services necessary for students to succeed in school and for their families to take an active role in ensuring that such students receive the best possible education.

[SEC. 11002. DEFINITIONS.

[For the purpose of this title—

[(1) the term "coordinated services project" means a comprehensive approach to meeting the educational, health, social service, and other needs of children and their families, including foster children and their foster families, through a communitywide partnership that links public and private agencies providing such services or access to such services through a coordination site at or near a school; and

[(2) the term "eligible entity" means a local educational agency, school, or a consortium of schools.

[SEC. 11003. AUTHORITY.

[In order to use funds made available under section 14206(b) for the development, or the implementation or expansion, of a coordinated service project an eligible entity shall have an application approved under subsection (b) or (c), respectively, of section 11004.

[SEC. 11004. PROJECT DEVELOPMENT AND IMPLEMENTATION.

[(a) APPLICATIONS.—Each eligible entity desiring to use funds made available under section 14206(b) shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

[(b) PROJECT DEVELOPMENT PLAN.—The application for the development of the coordinated services project under this title shall cover a period of not more than 1 year and shall include a plan that—

[(1) demonstrates that an assessment will be performed of the economic, social, and health barriers to educational achievement experienced by children and families, including foster children and their foster families, in the community, and the local, State, Federal, and privately funded services available to meet such needs;

[(2) identifies the measures that will be taken to establish a communitywide partnership that links public and private agencies providing services to children and families; and

[(3) identifies any other measures that will be taken to develop a comprehensive plan for the implementation or expansion of a coordinated services project.

[(c) PROJECT IMPLEMENTATION OR EXPANSION PLAN.—The application for the implementation or expansion of a coordinated services project under this title shall contain a plan that includes—

[(1) the results of a children and families needs assessment, which shall include an assessment of the needs of foster children;

[(2) a description of the entities operating the coordinated services project;

[(3) a description of the proposed coordinated services project, the objectives of such project, where such project will be located, and the staff that will be used to carry out such project;

[(4) a description of how the success of the coordinated services project will be evaluated;

[(5) a description of the training to be provided to teachers and appropriate personnel;

[(6) information regarding whether a sliding scale fee for services will be employed, and if not, an explanation of why such scale is not feasible; and

[(7) when applicable, strategies to ensure that the health and welfare needs of migratory families are addressed.

[SEC. 11005. USES OF FUNDS.

[(a) USES.—

[(1) IN GENERAL.—Funds made available under section 14206(b) may be used for planning for, or the implementation or expansion of, activities which include—

[(A) hiring a services coordinator;

[(B) making minor renovations to existing buildings;

[(C) purchasing basic operating equipment;

[(D) improving communications and information-sharing among entities participating in the coordinated services project;

[(E) providing training to teachers and appropriate personnel concerning such teacher's and personnel's role in a coordinated services project; or

[(F) conducting the needs assessment required in section 11004(b)(1).

[(2) PROHIBITION.—Funds made available under section 14206(b) shall not be used for the direct provision of any health or health-related services.

[(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—An eligible entity shall use funds received under this title only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for coordinated services, and not to supplant such funds.

[SEC. 11006. CONTINUING AUTHORITY.

[The Secretary shall prohibit an eligible entity from using funds made available under section 14206(b) if the Secretary determines that the coordinated services project assisted under this title is not achieving effective coordination after two years of implementation of such project.

[SEC. 11007. FEDERAL AGENCY COORDINATION.

[(a) AGENCY COORDINATION.—The Secretaries of Education, Health and Human Services, Labor, Housing and Urban Development, Treasury, and Agriculture, and the Attorney General shall review the programs administered by their agencies to identify barriers to service coordination.

[(b) REPORT TO CONGRESS.—Such Secretaries and the Attorney General shall submit jointly a report to the Congress not later than two years after the date of the enactment of the Improving America's Schools Act of 1994, based on the review required under subsection (a) recommending legislative and regulatory action to address such barriers, and during the time preceding the submission of such report, shall use waiver authorities authorized under this and other Acts to address such barriers.]

* * * * * * *

[TITLE XIV—GENERAL PROVISIONS

[PART A—DEFINITIONS

[SEC. 14101. DEFINITIONS.

[Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

[(1) AVERAGE DAILY ATTENDANCE.—(A) Except as provided otherwise by State law or this paragraph, the term "average daily attendance" means—

[(i) the aggregate number of days of attendance of all students during a school year; divided by

[(ii) the number of days school is in session during such school year.

[(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

[(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

[(i) consider the child to be in attendance at a school of the agency making such payment; and

[(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

[(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

[(2) AVERAGE PER-PUPIL EXPENDITURE.—The term "average per-pupil expenditure" means, in the case of a State or of the United States—

[(A) without regard to the source of funds—

[(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

[(ii) any direct current expenditures by the State for the operation of such agencies; divided by

[(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

[(3) CHILD.—The term "child" means any person within the age limits for which the State provides free public education.

[(4) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a public or private nonprofit organization of demonstrated effectiveness that—

[(A) is representative of a community or significant segments of a community; and

[(B) provides educational or related services to individuals in the community.

[(5) CONSOLIDATED LOCAL APPLICATION.—The term "consolidated local application" means an application submitted by a local educational agency pursuant to section 14302.

[(6) CONSOLIDATED LOCAL PLAN.—The term "consolidated local plan" means a plan submitted by a local educational agency pursuant to section 14302.

[(7) CONSOLIDATED STATE APPLICATION.—The term "consolidated State application" means an application submitted by a State educational agency pursuant to section 14302.

[(8) CONSOLIDATED STATE PLAN.—The term "consolidated State plan" means a plan submitted by a State educational agency pursuant to section 14302.

[(9) COUNTY.—The term "county" means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

[(10) COVERED PROGRAM.—The term "covered program" means each of the programs authorized by—

[(A) part A of title I;

[(B) part C of title I;

[(C) title II (other than section 2103 and part D);

[(D) subpart 2 of part A of title III;

[(E) part A of title IV (other than section 4114); and

[(F) title VI.

[(11) The term "current expenditures" means expenditures for free public education—

[(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

[(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and title VI.

[(12) DEPARTMENT.—The term "Department" means the Department of Education.

[(13) EDUCATIONAL SERVICE AGENCY.—The term "educational service agency" means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

[(14) ELEMENTARY SCHOOL.—The term "elementary school" means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

[(15) FREE PUBLIC EDUCATION.—The term "free public education" means education that is provided—

[(A) at public expense, under public supervision and direction, and without tuition charge; and

[(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

[(16) GIFTED AND TALENTED.—The term "gifted and talented", when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields,

and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

[(17) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965.

[(18) LOCAL EDUCATIONAL AGENCY.—(A) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

[(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

[(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law and such school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

[(19) MENTORING.—The term "mentoring" means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic assistance, and introducing the child or youth to new experiences that enhance the child or youth's ability to excel in school and become a responsible citizen.

[(20) OTHER STAFF.—The term "other staff" means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

[(21) OUTLYING AREA.—The term "outlying area" means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and for the purpose of section 1121 and any other discretionary grant program under this Act, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

[(22) PARENT.—The term "parent" includes a legal guardian or other person standing in loco parentis.

[(23) PUBLIC TELECOMMUNICATION ENTITY.—The term "public telecommunication entity" has the same meaning given to such term in section 397(12) of the Communications Act of 1934.

[(24) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—(A) The term "pupil services personnel" means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary serv-

ices (including related services as such term is defined in section 602(a)(17) of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

[(B) The term "pupil services" means the services provided by pupil services personnel.

[(25) SECONDARY SCHOOL.—The term "secondary school" means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

[(26) SECRETARY.—The term "Secretary" means the Secretary of Education.

[(27) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

[(28) STATE EDUCATIONAL AGENCY.—The term "State educational agency" means the agency primarily responsible for the State supervision of public elementary and secondary schools.

[(29) TECHNOLOGY.—The term "technology" means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper fiber optic transmission, computer hardware and software, video and audio laser and CD–ROM disks, video and audio tapes, including interactive forms of such products and services, or other technologies.

[SEC. 14102. APPLICABILITY OF THIS TITLE.

[Parts B, C, D, E, and F of this title do not apply to title VIII of this Act.

[SEC. 14103. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

[For purposes of any competitive program under this Act, a consortia of schools operated by the Bureau of Indian Affairs, a school operated under a contract or grant with the Bureau of Indian Affairs in consortia with another contract or grant school or tribal or community organization, or a Bureau of Indian Affairs school in consortia with an institution of higher education, a contract or grant school and tribal or community organization shall be given the same consideration as a local educational agency.

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

[SEC. 14201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

[(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

[(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs specified under paragraph (2) if such State educational agency

can demonstrate that the majority of such agency's resources come from non-Federal sources.

[(2) APPLICABILITY.—This section applies to programs under title I, those covered programs described in subparagraphs (C), (D), (E), and (F) of section 14101(10), and administrative funds under section 308(c) of the Goals 2000: Educate America Act.

[(b) USE OF FUNDS.—

[(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

[(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

[(A) the coordination of such programs with other Federal and non-Federal programs;

[(B) the establishment and operation of peer-review mechanisms under this Act;

[(C) the administration of this title;

[(D) the dissemination of information regarding model programs and practices; and

[(E) technical assistance under programs specified in subsection (a)(2).

[(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

[(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

[(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to such agency under this section for administration, such agency may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

[(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop challenging State standards and assessments, a State educational agency may consolidate the amounts made available to such agency for such purposes under title I of this Act and title III of the Goals 2000: Educate America Act.

[SEC. 14202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

[A State educational agency that also serves as a local educational agency, in such agency's applications or plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

[SEC. 14203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

[(a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, established in each covered program, of the total amount available to the local educational agency under such covered programs.

[(b) STATE PROCEDURES.—Within one year from the date of enactment of the Improving America's Schools Act of 1994, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

[(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

[(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use such consolidated funds for the administration of covered programs and for the uses described in section 14201(b)(2).

[(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

[SEC. 14204. ADMINISTRATIVE FUNDS STUDIES.

[(a) FEDERAL FUNDS STUDY.—

[(1) IN GENERAL.—The Secretary shall conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of all covered programs, including the percentage of grant funds used for such purpose in all covered programs.

[(2) STATE DATA.—Beginning in fiscal year 1995 and each succeeding fiscal year thereafter, each State educational agency which receives funds under title I shall submit to the Secretary a report on the use of title I funds for the State administration of activities assisted under title I. Such report shall include the proportion of State administrative funds provided under section 1603 that are expended for—

[(A) basic program operation and compliance monitoring;

[(B) statewide program services such as development of standards and assessments, curriculum development, and program evaluation; and

[(C) technical assistance and other direct support to local educational agencies and schools.

[(3) FEDERAL FUNDS REPORT.—The Secretary shall complete the study conducted under this section not later than July 1, 1997, and shall submit to the President and the appropriate

committees of the Congress a report regarding such study within 30 days of the completion of such study.

[(4) RESULTS.—Based on the results of the study described in subsection (a)(1), which may include collection and analysis of the data under paragraph (2) and section 410(b) of the Improving America's Schools Act of 1994, the Secretary shall—

[(A) develop a definition of what types of activities constitute the administration of programs under this Act by State and local educational agencies; and

[(B) within one year of the completion of such study, promulgate final regulations or guidelines regarding the use of funds for administration under all programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration where such limitation is not otherwise specified in law.

[(b) GENERAL ADMINISTRATIVE FUNDS STUDY AND REPORT.—Upon the date of completion of the pilot model data system described in section 410(b) of the Improving America's Schools Act of 1994, the Secretary shall study the information obtained through the use of such data system and other relevant information, as well as any other data systems which are in use on such date that account for administrative expenses at the school, local educational agency, and State educational agency level, and shall report to the Congress not later than July 1, 1997, regarding—

[(1) the potential for the reduction of administrative expenses at the school, local educational agency, and State educational agency levels;

[(2) the potential usefulness of such data system to reduce such administrative expenses;

[(3) any other methods which may be employed by schools, local educational agencies or State educational agencies to reduce administrative expenses and maximize the use of funds for functions directly affecting student learning; and

[(4) if appropriate, steps which may be taken to assist schools, local educational agencies and State educational agencies to account for and reduce administrative expenses.

[SEC. 14205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

[(a) GENERAL AUTHORITY.—

[(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title IX of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

[(2) AGREEMENT.—(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

[(B) The agreement shall—

[(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

[(ii) be developed in consultation with Indian tribes.

[(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

[SEC. 14206. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.

[(a) UNNEEDED PROGRAM FUNDS.—With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program (other than part A of title I) are not needed for the purpose of that covered program, may use such funds, not to exceed five percent of the total amount of such local educational agency's funds under that covered program, for the purpose of another covered program.

[(b) COORDINATION OF SERVICES.—A local educational agency, individual school, or consortium of schools may use a total of not more than five percent of the funds such agency, school, or consortium, respectively, receives under this Act for the establishment and implementation of a coordinated services project in accordance with the requirements of title XI of this Act.

[PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

[SEC. 14301. PURPOSE.

[It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

[SEC. 14302. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

[(a) GENERAL AUTHORITY.—

[(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

[(A) each of the covered programs in which the State participates; and

[(B) the additional programs described in paragraph (2).

[(2) ADDITIONAL PROGRAMS.—A State educational agency may also include in its consolidated State plan or consolidated State application—

[(A) the Even Start program under part B of title I;

[(B) the Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out under part D of title I;

[(C) programs under the Goals 2000: Educate America Act;

[(D) programs under the School-to-Work Opportunities Act of 1994; and

[(E) such other programs as the Secretary may designate.

[(3) CONSOLIDATED APPLICATIONS AND PLANS.—A State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

[(b) COLLABORATION.—

[(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

[(2) CONTENTS.—Through the collaborative process described in subsection (b)(1), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

[(3) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

[SEC. 14303. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

[(a) ASSURANCES.—A State educational agency that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 14302, shall have on file with the Secretary a single set of assurances, applicable to each program for which such plan or application is submitted, that provides that—

[(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

[(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the law authorizing the program provides for assistance to such entities; and

[(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing law;

[(3) the State will adopt and use proper methods of administering each such program, including—

[(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

[(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

[(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

[(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

[(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

[(6) the State will—

[(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

[(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

[(7) before the plan or application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the plan or application and has considered such comment.

[(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

[SEC. 14304. ADDITIONAL COORDINATION.

[(a) ADDITIONAL COORDINATION.—In order to explore ways for State educational agencies to reduce administrative burdens and promote the coordination of the education services of this Act with other health and social service programs administered by such agencies, the Secretary is directed to seek agreements with other Federal agencies (including the Departments of Health and Human Services, Justice, Labor and Agriculture) for the purpose of establishing procedures and criteria under which a State educational agency would submit a consolidated State plan or consolidated State application that meets the requirements of the covered programs.

[(b) REPORT.—The Secretary shall report to the relevant committees 6 months after the date of enactment of the Improving America's Schools Act of 1994.

[SEC. 14305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

[(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under such programs on a consolidated basis.

[(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State plan or application under section 14302 may require

local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under such programs.

[(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

[(d) NECESSARY MATERIALS.—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

[SEC. 14306. OTHER GENERAL ASSURANCES.

[(a) ASSURANCES.—Any applicant other than a State educational agency that submits a plan or application under this Act, whether separately or pursuant to section 14304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

[(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

[(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to such entities; and

[(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

[(3) the applicant will adopt and use proper methods of administering each such program, including—

[(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

[(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

[(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary or other Federal officials;

[(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

[(6) the applicant will—

[(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

[(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out

the State educational agency's or the Secretary's duties; and

[(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

[(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act does not apply to programs under this Act.

[SEC. 14307. RELATIONSHIP OF STATE AND LOCAL PLANS TO PLANS UNDER THE GOALS 2000: EDUCATE AMERICA ACT.

[(a) STATE PLANS.—

[(1) IN GENERAL.—Each State plan submitted under the following programs shall be integrated with each other and the State's improvement plan, if any, either approved or being developed, under title III of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act of 1994, and the Carl D. Perkins Vocational and Technical Education Act of 1998:

[(A) Part A of title I (helping disadvantaged children meet high standards).

[(B) Part C of title I (education of migratory children).

[(C) Part D of title I (education of neglected, delinquent, and at-risk youth).

[(D) Title II (professional development).

[(E) Title IV (safe and drug-free schools).

[(F) Title VI (innovative education program strategies).

[(G) Subpart 4 of part A of title IX (Indian education).

[(2) SPECIAL RULE.—Notwithstanding any other provision of this Act, if a requirement relating to a State plan referred to in paragraph (1) is already satisfied by the approved State improvement plan for such State under title III of the Goals 2000: Educate America Act, the State plan referred to in paragraph (1) need not separately address that requirement.

[(3) AMENDMENT.—Any State plan referred to in paragraph (1) may, if necessary, be submitted as an amendment to the State improvement plan for such State under title III of the Goals 2000: Educate America Act.

[(b) LOCAL PLANS.—

[(1) IN GENERAL.—Each local educational agency plan submitted under the following programs shall be integrated with each other and its local improvement plan, if any, either approved or being developed, under title III of the Goals 2000: Educate America Act:

[(A) Part A of title I (helping disadvantaged children meet high standards).

[(B) Title II (professional development).

[(C) Title IV (safe and drug-free schools).

[(D) Subpart 4 of part A of title IX (Indian education).

[(E) Subpart 1 of part A of title VII (bilingual education).

[(F) Title VI (innovative education program strategies).

[(G) Part C of title VII (emergency immigrant education).

[(2) PLAN OF OPERATION.—Each plan of operation included in an application submitted by an eligible entity under part B of

title I (Even Start) shall be consistent with, and promote the goals of, the State and local improvement plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under sections 1111 and 1112.

[(3) SPECIAL RULE.—Notwithstanding any other provision of this Act, if a requirement relating to a local plan referred to in paragraph (1) is already satisfied by the local educational agency's approved local improvement plan under title III of the Goals 2000: Educate America Act, the local plan referred to in paragraph (1) need not separately address that requirement.

[(4) SUBMISSION.—Any local plan referred to in paragraph (1) may, if necessary, be submitted as an amendment to the local educational agency's improvement plan under title III of the Goals 2000: Educate America Act.

[PART D—WAIVERS

[SEC. 14401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

[(a) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that—

[(1) receives funds under a program authorized by this Act; and

[(2) requests a waiver under subsection (b).

[(b) REQUEST FOR WAIVER.—

[(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a waiver request to the Secretary that—

[(A) identifies the Federal programs affected by such requested waiver;

[(B) describes which Federal requirements are to be waived and how the waiving of such requirements will—

[(i) increase the quality of instruction for students; or

[(ii) improve the academic performance of students;

[(C) if applicable, describes which similar State and local requirements will be waived and how the waiving of such requirements will assist the local educational agencies, Indian tribes or schools, as appropriate, to achieve the objectives described in clauses (i) and (ii) of subparagraph (B);

[(D) describes specific, measurable educational improvement goals and expected outcomes for all affected students;

[(E) describes the methods to be used to measure progress in meeting such goals and outcomes; and

[(F) describes how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

[(2) ADDITIONAL INFORMATION.—Such requests—

[(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

[(B) shall be developed and submitted—

[(i)(I) by local educational agencies (on behalf of such agencies and schools) to State educational agencies; and

[(II) by State educational agencies (on behalf of, and based upon the requests of, local educational agencies) to the Secretary; or

[(ii) by Indian tribes (on behalf of schools operated by such tribes) to the Secretary.

[(3) GENERAL REQUIREMENTS.—(A) In the case of a waiver request submitted by a State educational agency acting in its own behalf, the State educational agency shall—

[(i) provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;

[(ii) submit the comments to the Secretary; and

[(iii) provide notice and information to the public regarding the waiver request in the manner that the applying agency customarily provides similar notices and information to the public.

[(B) In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

[(i) such request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of such State educational agency; and

[(ii) notice and information regarding the waiver request shall be provided to the public by the agency requesting the waiver in the manner that such agency customarily provides similar notices and information to the public.

[(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

[(1) the allocation or distribution of funds to States, local educational agencies, or other recipients of funds under this Act;

[(2) maintenance of effort;

[(3) comparability of services;

[(4) use of Federal funds to supplement, not supplant, non-Federal funds;

[(5) equitable participation of private school students and teachers;

[(6) parental participation and involvement;

[(7) applicable civil rights requirements;

[(8) the requirement for a charter school under part C of title X; or

[(9) the prohibitions regarding—

[(A) State aid in section 14502; or

[(B) use of funds for religious worship or instruction in section 14507.

[(d) DURATION AND EXTENSION OF WAIVER.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the duration of a waiver approved by the Secretary under this section may be for a period not to exceed three years.

[(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—

[(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved student performance; and

[(B) such extension is in the public interest.

[(e) REPORTS.—

[(1) LOCAL WAIVER.—A local educational agency that receives a waiver under this section shall at the end of the second year for which a waiver is received under this section, and each subsequent year, submit a report to the State educational agency that—

[(A) describes the uses of such waiver by such agency or by schools;

[(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers are requested; and

[(C) evaluates the progress of such agency and of schools in improving the quality of instruction or the academic performance of students.

[(2) STATE WAIVER.—A State educational agency that receives reports required under paragraph (1) shall annually submit a report to the Secretary that is based on such reports and contains such information as the Secretary may require.

[(3) INDIAN TRIBE WAIVER.—An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

[(A) describes the uses of such waiver by schools operated by such tribe; and

[(B) evaluates the progress of such schools in improving the quality of instruction or the academic performance of students.

[(4) REPORT TO CONGRESS.—Beginning in fiscal year 1997 and each subsequent year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report—

[(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

[(B) describing whether such waivers—

[(i) increased the quality of instruction to students; or

[(ii) improved the academic performance of students.

[(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.

[(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

[PART E—UNIFORM PROVISIONS

[SEC. 14501. MAINTENANCE OF EFFORT.

[(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of such agency and the State with respect to the provision of free public education by such agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

[(b) REDUCTION IN CASE OF FAILURE TO MEET.—

[(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).

[(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

[(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—

[(1) exceptional or uncontrollable circumstances such as a natural disaster; or

[(2) a precipitous decline in the financial resources of the local educational agency.

[SEC. 14502. PROHIBITION REGARDING STATE AID.

[A State shall not take into consideration payments under this Act (other than under title VIII) in determining the eligibility of any local educational agency in such State for State aid, or the amount of State aid, with respect to free public education of children.

[SEC. 14503. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

[(a) PRIVATE SCHOOL PARTICIPATION.—

[(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in a State educational agency, local educational agency, or educational service agency or consortium of such agencies receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in such agency or consortium, such agency or consortium shall, after timely and meaningful consultation

with appropriate private school officials, provide such children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits under such program.

[(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

[(3) SPECIAL RULE.—Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in such program.

[(4) EXPENDITURES.—Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving such children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

[(5) PROVISION OF SERVICES.—Such agency or consortium described in subsection (a)(1) may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

[(b) APPLICABILITY.—

[(1) IN GENERAL.—This section applies to programs under—

[(A) part C of title I (migrant education);

[(B) title II (other than section 2103 and part D of such title);

[(C) title VII;

[(D) title III (other than part B of such title) (Star Schools); and

[(E) part A of title IV (other than section 4114).

[(2) DEFINITION.—For the purposes of this section, the term "eligible children" means children eligible for services under a program described in paragraph (1).

[(c) CONSULTATION.—

[(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency or consortium of such agencies shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

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

[(B) what services will be offered;

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

[(D) how the services will be assessed.

[(2) TIMING.—Such consultation shall occur before the agency or consortium makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act.

[(3) DISCUSSION REQUIRED.—Such consultation shall include a discussion of service delivery mechanisms that the agency or

consortium could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

[(d) PUBLIC CONTROL OF FUNDS.—

[(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

[(2) PROVISION OF SERVICES.—(A) The provision of services under this section shall be provided—

[(i) by employees of a public agency; or

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

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

[(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.

[SEC. 14504. STANDARDS FOR BY-PASS.

[If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency or consortium of such agencies is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency or consortium has substantially failed or is unwilling to provide for such participation, as required by section 14503, the Secretary shall—

[(1) waive the requirements of that section for such agency or consortium; and

[(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 14503, 14505, and 14506.

[SEC. 14505. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

[(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 14503 by a State educational agency, local educational agency, educational service agency, or consortium of such agencies. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by the State educational agency within a reasonable period of time.

[(b) APPEALS TO THE SECRETARY.—Such resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State edu-

cational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve each such appeal not later than 120 days after receipt of the appeal.

[SEC. 14506. BY-PASS DETERMINATION PROCESS.

[(a) REVIEW.—

[(1) IN GENERAL.—(A) The Secretary shall not take any final action under section 14504 until the State educational agency, local educational agency, educational service agency, or consortium of such agencies affected by such action has had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

[(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

[(2) PETITION FOR REVIEW.—(A) If such affected agency or consortium is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency or consortium may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

[(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

[(C) The Secretary upon receipt of the copy of the petition shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

[(3) FINDINGS OF FACT.—(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may then make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

[(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

[(4) JURISDICTION.—(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part.

[(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

[(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable requirements of section 14503 or any other provision of this Act.

[(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

[(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994 shall remain in effect to the extent the Secretary determines that such determination is consistent with the purpose of this section.

[SEC. 14507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.

[Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

[SEC. 14508. APPLICABILITY TO HOME SCHOOLS.

[Nothing in this Act shall be construed to affect home schools.

[SEC. 14509. 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. 14510. SCHOOL PRAYER.

[Any State or local educational agency that is adjudged by a Federal court of competent jurisdiction to have willfully violated a Federal court order mandating that such local educational agency remedy a violation of the constitutional right of any student with respect to prayer in public schools, in addition to any other judicial remedies, shall be ineligible to receive Federal funds under this Act until such time as the local educational agency complies with such order. Funds that are withheld under this section shall not be reimbursed for the period during which the local educational agency was in willful noncompliance.

[SEC. 14511. GENERAL PROHIBITIONS.

[(a) PROHIBITION.—None of the funds authorized under this Act shall be used—

[(1) to develop or distribute materials, or operate programs or courses of instruction directed at youth that are designed to promote or encourage, sexual activity, whether homosexual or heterosexual;

[(2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

[(3) to provide sex education or HIV prevention education in schools unless such instruction is age appropriate and includes the health benefits of abstinence; or

[(4) to operate a program of condom distribution in schools.

[(b) LOCAL CONTROL.—Nothing in this section shall be construed to—

[(1) authorize an officer or employee of the Federal Government to mandate, direct, review, or control a State, local educational agency, or schools' instructional content, curriculum, and related activities;

[(2) limit the application of the General Education Provisions Act;

[(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

[(4) create any legally enforceable right.

[SEC. 14512. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

[Nothing in this Act 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 curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

[SEC. 14513. REPORT.

[The Secretary shall report to the Congress not later than 180 days after the date of enactment of the Improving America's Schools Act of 1994 regarding how the Secretary shall ensure that audits conducted by Department employees of activities assisted under this Act comply with changes to this Act made by the Improving America's Schools Act of 1994, particularly with respect to permitting children with similar educational needs to be served in the same educational settings, where appropriate.

[SEC. 14514. REQUIRED PARTICIPATION PROHIBITED.

[Notwithstanding any other provision of law, no State shall be required to participate in any program under the Goals 2000: Educate America Act, or to have content standards or student performance standards approved or certified under such Act, in order to receive assistance under this Act.

[PART F—GUN POSSESSION

[SEC. 14601. GUN-FREE REQUIREMENTS.

[(a) SHORT TITLE.—This section may be cited as the "Gun-Free Schools Act of 1994".

[(b) REQUIREMENTS.—

[(1) IN GENERAL.—Except as provided in paragraph (3), each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

[(2) CONSTRUCTION.—Nothing in this title shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular

school setting from providing educational services to such student in an alternative setting.

[(3) SPECIAL RULE.—(A) Any State that has a law in effect prior to the date of enactment of the Improving America's Schools Act of 1994 which is in conflict with the not less than one year expulsion requirement described in paragraph (1) shall have the period of time described in subparagraph (B) to comply with such requirement.

[(B) The period of time shall be the period beginning on the date of enactment of the Improving America's Schools Act and ending one year after such date.

[(4) DEFINITION.—For the purpose of this section, the term "weapon" means a firearm as such term is defined in section 921 of title 18, United States Code.

[(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

[(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

[(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

[(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

[(A) the name of the school concerned;

[(B) the number of students expelled from such school; and

[(C) the type of weapons concerned.

[(e) REPORTING.—Each State shall report the information described in subsection (c) to the Secretary on an annual basis.

[(f) REPORT TO CONGRESS.—Two years after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall report to Congress if any State is not in compliance with the requirements of this title.

[SEC. 14602. POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.

[(a) IN GENERAL.—No funds shall be made available under this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

[(b) DEFINITIONS.—For the purpose of this section, the terms "firearm" and "school" have the same meaning given to such terms by section 921(a) of title 18, United States Code.

[SEC. 14603. DATA AND POLICY DISSEMINATION UNDER IDEA.

[The Secretary shall—

[(1) widely disseminate the policy of the Department in effect on the date of enactment of the Improving America's Schools Act of 1994 with respect to disciplining children with disabilities;

[(2) collect data on the incidence of children with disabilities (as such term is defined in section 602(a)(1) of the Individuals With Disabilities Education Act) engaging in life threatening behavior or bringing weapons to schools; and

[(3) submit a report to Congress not later than January 31, 1995, analyzing the strengths and problems with the current approaches regarding disciplining children with disabilities.

[PART G—EVALUATIONS

[SEC. 14701. EVALUATIONS.

[(a) EVALUATIONS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is authorized to reserve not more than 0.50 percent of the amount appropriated to carry out each program authorized under this Act—

[(A) to carry out comprehensive evaluations of categorical programs and demonstration projects, and studies of program effectiveness, under this Act, and the administrative impact of such programs on schools and local educational agencies in accordance with subsection (b);

[(B) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs under this Act and related Federal preschool, elementary and secondary programs under other Federal law; and

[(C) to strengthen the usefulness of grant recipient evaluations for continuous program progress through improving the quality, timeliness, efficiency, and utilization of program information on program performance.

[(2) SPECIAL RULE.—(A) Paragraph (1) shall not apply to any program under title I.

[(B) If funds are made available under any program assisted under this Act (other than a program under title I) for evaluation activities, then the Secretary shall reserve no additional funds pursuant to the authority in subsection (a)(1) to evaluate such program, but shall coordinate the evaluation of such program with the national evaluation described in subsection (b).

[(b) NATIONAL EVALUATIONS.—

[(1) IN GENERAL.—The Secretary shall use the funds made available under subsection (a) to carry out—

[(A) independent studies of categorical and demonstration programs under this Act and the administrative impact of such programs on schools and local educational agencies, that are coordinated with research supported through the Office of Educational Research and Improvement, using rigorous methodological designs and techniques, including longitudinal designs, control groups, and random assignment, as appropriate, to determine—

[(i) the success of such programs in meeting the measurable goals and objectives, through appropriate targeting, quality services, and efficient administration, and in contributing to achieving the National Education Goals, with a priority on assessing program impact on student performance;

[(ii) the short- and long-term effects of program participation on program participants, as appropriate;

[(iii) the cost and efficiency of such programs;

[(iv) to the extent feasible, the cost of serving all students eligible to be served under such programs;

[(v) specific intervention strategies and implementation of such strategies that, based on theory, research and evaluation, offer the promise of improved achievement of program objectives;

[(vi) promising means of identifying and disseminating effective management and educational practices;

[(vii) the effect of such programs on school and local educational agencies' administrative responsibilities and structure, including the use of local and State resources, with particular attention to schools and agencies serving a high concentration of disadvantaged students; and

[(viii) the effect of Federal categorical programs at the elementary and secondary levels on the proliferation of State categorical education aid programs and regulations, including an evaluation of the State regulations that are developed in response to Federal education laws;

[(B) in collaboration with the national assessment conducted pursuant to section 1601, a comprehensive evaluation of how the Federal Government has assisted the States to reform their educational systems through the various education laws enacted during the 103d Congress, which evaluation shall—

[(i) encompass the changes made in Federal programs pursuant to the Improving America's Schools Act of 1994 as well as in any other law enacted during the 103d Congress that amended a Federal program assisting preschool, elementary, or secondary education;

[(ii) encompass new initiatives such as initiatives under the Goals 2000: Educate America Act, and the School-to-Work Opportunities Act of 1994, and be coordinated with evaluations of such Acts;

[(iii) include a comprehensive review of the programs developed under the Acts described in clauses (i) and (ii) to determine such programs' overall effect on—

[(I) the readiness of children for schooling;

[(II) the improvement in educational attainment of students in elementary and secondary education; and

[(III) the improvement in skills needed by students to obtain employment or pursue further education upon completion of secondary school or further education;

[(iv) include a comprehensive review of the programs under the Acts described in clauses (i) and (ii) to determine such programs' overall effect—

[(I) on school reform efforts undertaken by States;

[(II) on efforts by States to adopt educational standards to improve schooling for all children, to align their curricula, teacher training, and assessments with such standards, and to bring flexibility to the rules governing how education is to be provided; and

[(III) on student populations that have been the traditional beneficiaries of Federal assistance in order to determine whether such population's educational attainment has been improved as a result of such programs;

[(v) evaluate how the National Assessment Governing Board, the Advisory Council on Education Statistics, and the National Education Goals Panel coordinate, interact, or duplicate efforts to assist the States in reforming the educational systems of States; and

[(vi) include a review of the programs under the Acts described in clauses (i) and (ii) in such detail as the Secretary deems appropriate, and may involve cooperation with other Federal departments and agencies in order to incorporate evaluations and recommendations of such departments and agencies; and

[(C) a study of the waivers granted under section 14401, which study shall include—

[(i) data on the total number of waiver requests that were granted and the total number of such requests that were denied, disaggregated by the statutory or regulatory requirement for which the waivers were requested; and

[(ii) an analysis of the effect of waivers on categorical program requirements and other flexibility provisions in this Act, the School-to-Work Opportunities Act of 1994, and the Goals 2000: Educate America Act, on improvement in educational achievement of participating students and on school and local educational agency administrative responsibilities, structure, and resources based on an appropriate sample of State educational agencies, local educational agencies, schools, and tribes receiving waivers.

[(D) a study of the waivers provided under section 1114 to support schoolwide programs which shall include—

[(i) the extent to which schoolwide programs are meeting the intent and purposes of any program for which provisions were waived; and

[(ii) the extent to which the needs of all students are being served by such programs particularly students who would be eligible for assistance under any provisions waived.

[(2) INDEPENDENT PANEL.—The Secretary shall appoint an independent panel to review the plan for the evaluation described in paragraph (1), to advise the Secretary on such evaluation's progress, and to comment, if the panel so wishes, on the final report described in paragraph (3).

[(3) REPORT.—The Secretary shall submit a final report on the evaluation described in this subsection by January 1, 1998, to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

[(c) RECIPIENT EVALUATION AND QUALITY ASSURANCE IMPROVEMENT.—The Secretary is authorized to provide guidance, technical assistance, and model programs to recipients of assistance under this Act to strengthen information for quality assurance and performance information feedback at State and local levels. Such guidance and assistance shall promote the development, measurement and reporting of valid, reliable, timely and consistent performance indicators within a program in order to promote continuous program improvement. Nothing in this subsection shall be construed to establish a national data system.

[PART H—SENSE OF THE CONGRESS

[SEC. 14801. SENSE OF CONGRESS TO INCREASE THE TOTAL SHARE OF FEDERAL SPENDING ON EDUCATION.

[(a) FINDINGS.—The Congress finds that—

[(1) in order to increase our Nation's standard of living and to increase the number of good jobs, the United States must increase its productivity and ability to compete in the international marketplace by improving the educational level of our workforce;

[(2) although efforts are being made to establish higher educational standards and goals, there is a substantial shortage of resources to meet such standards and goals;

[(3) States and local communities are finding it increasingly difficult to meet ever higher educational standards and goals, and States will not be able to fund needed changes without Federal help to reach such standards and goals;

[(4) the Federal Government has established many educational programs but failed to provide adequate funding for such programs, for example one such program provides education to our Nation's disabled students and was established with a promise of 40 percent Federal funding but currently receives only eight percent Federal funding;

[(5) the annual shortfall in Federal education programs is approximately half of the promised funding;

[(6) many needed educational improvements will not need Federal funds, however, other suggested changes such as lengthened school years, better pay, after-school activities, mentoring for students at risk, programs for gifted students, and replacing substandard buildings, will require substantial Federal assistance; and

[(7) the Federal contribution to education is less than two percent of the total Federal budget, and in order to make edu-

cation a national priority, the total percentage of Federal educational funding should be increased by one percent each year over the next eight years to reach 10 percent of the total Federal budget.

[(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the total share of the Federal spending on education should increase by at least one percent each year until such share reaches 10 percent of the total Federal budget.

[SEC. 14802. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

[(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.]

TITLE XIV—GENERAL PROVISIONS

PART A—DEFINITIONS

SEC. 14101. DEFINITIONS.

Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

(1) Average daily attendance—

(A) Except as provided otherwise by State law or this paragraph, the term "average daily attendance" means—

(i) the aggregate number of days of attendance of all students during a school year; divided by

(ii) the number of days school is in session during such school year.

(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

(i) consider the child to be in attendance at a school of the agency making such payment; and

(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(3) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this

Act, consider such child to be in attendance at a school of the agency making such payment.

(2) AVERAGE PER-PUPIL EXPENDITURE.—The term "average per-pupil expenditure" means, in the case of a State or of the United States—

(A) without regard to the source of funds—

(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

(ii) any direct current expenditures by the State for the operation of such agencies; divided by

(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

(3) CHILD.—The term "child" means any person within the age limits for which the State provides free public education.

(4) CHILD WITH DISABILITY.—The term "child with a disability" means a child—

(A) with mental retardation, hearing impairments, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as "emotional disturbance"), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

(B) who, by reason thereof, needs special education and related services.

(5) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a public or private nonprofit organization of demonstrated effectiveness that—

(A) is representative of a community or significant segments of a community; and

(B) provides educational or related services to individuals in the community.

(6) CONSOLIDATED LOCAL APPLICATION.—The term "consolidated local application" means an application submitted by a local educational agency pursuant to section 14305.

(7) CONSOLIDATED LOCAL PLAN.—The term "consolidated local plan" means a plan submitted by a local educational agency pursuant to section 14305.

(8) CONSOLIDATED STATE APPLICATION.—The term "consolidated State application" means an application submitted by a State educational agency pursuant to section 14302.

(9) CONSOLIDATED STATE PLAN.—The term "consolidated State plan" means a plan submitted by a State educational agency pursuant to section 14302.

(10) COUNTY.—The term "county" means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

(11) COVERED PROGRAM.—The term "covered program" means each of the programs authorized by—

(A) part A of title I;

(B) part B of title I;

(C) part C of title I;

(D) part D of title I;

(E) title II (other than National activities);

(F) subpart 2 of part A of title III;

(G) part A title IV (other than section 4115(b));

(H) title VI;

(I) comprehensive school reform programs as authorized under section 1502 and described on pages 96–99 of the Joint Explanatory Statement of the Committee of Conference included in House Report 105–390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998);

(K) part A of title VII;

(L) part C of title VII;

(M) part J of title X; and

(N) title XII.

(12) CURRENT EXPENDITURES.—The term "current expenditures" means expenditures for free public education—

(A) including expenditures for administration, instruction, attendance, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and title VI.

(13) DEPARTMENT.—The term "Department" means the Department of Education.

(14) EDUCATIONAL SERVICE AGENCY.—The term "educational service agency" means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

(15) ELEMENTARY SCHOOL.—The term "elementary school" means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

(16) FAMILY LITERACY SERVICES.—The term "family literacy services" means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

(A) Interactive literacy activities between parents and their children.

(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

(C) Parent literacy training that leads to economic self-sufficiency.

(D) An age-appropriate education to prepare children for success in school and life experiences.

(17) FREE PUBLIC EDUCATION.—The term "free public education" means education that is provided—

(A) at public expense, under public supervision and direction, and without tuition charge; and

(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

(18) GIFTED AND TALENTED.—The term "gifted and talented", when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

(19) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101 of the Higher Education Act of 1965.

(20) LOCAL EDUCATIONAL AGENCY.—(A) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law and such school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

(D) The term includes educational service agencies and consortia of such agencies.

(21) MENTORING.—The term "mentoring" means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic assistance, and introducing the child or youth to new experiences that enhance the child or youth's ability to excel in school and become a responsible citizen.

(22) OTHER STAFF.—The term "other staff" means pupil services personnel, librarians, career guidance and counseling per-

sonnel, education aides, and other instructional and administrative personnel.

(23) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(24) PARENT.—The term "parent" includes a legal guardian or other person standing in loco parentis.

(25) PUBLIC TELECOMMUNICATION ENTITY.—The term "public telecommunication entity" has the same meaning given to such term in section 397(12) of the Communications Act of 1934.

(26) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—(A) The term "pupil services personnel" means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602(22) of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

(B) The term "pupil services" means the services provided by pupil services personnel.

(27) SCIENTIFICALLY BASED RESEARCH.—The term "scientifically based research"—

(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to education activities and programs; 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;

(iv) is evaluated using randomized experiments in which individuals, entities, programs, or activities are randomly assigned to different variations (including a control condition) to compare the relative effects of the variations; and

(v) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

(28) SECONDARY SCHOOL.—The term "secondary school" means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

(29) SECRETARY.—The term "Secretary" means the Secretary of Education.

(30) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

(31) STATE EDUCATIONAL AGENCY.—The term "State educational agency" means the agency primarily responsible for the State supervision of public elementary and secondary schools.

(32) TECHNOLOGY.—The term "technology" means the latest state-of-the-art technology products and services.

SEC. 14102. APPLICABILITY OF TITLE.

Parts B, C, D, E, and F of this title do not apply to title VIII of this Act.

SEC. 14103. APPLICABILITY TO BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS.

For purposes of any competitive program under this Act, a consortia of schools operated by the Bureau of Indian Affairs, a school operated under a contract or grant with the Bureau of Indian Affairs in consortia with another contract or grant school or tribal or community organization, or a Bureau of Indian Affairs school in consortia with an institution of higher education, a contract or grant school and tribal or community organization shall be given the same consideration as a local educational agency.

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

SEC. 14201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs under paragraph (2) if such State educational agency can demonstrate that the majority of such agency's resources are derived from non-Federal sources.

(2) APPLICABILITY.—This section applies to any program under this Act under which funds are authorized to be used for administration, and such other programs as the Secretary may designate.

(b) USE OF FUNDS.—

(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under programs included in the consolidation under subsection (a), such as—

(A) the coordination of such programs with other Federal and non-Federal programs;

(B) the establishment and operation of peer-review mechanisms under this Act;

(C) the administration of this title;

(D) the dissemination of information regarding model programs and practices;

(E) technical assistance under any program under this Act;

(F) State level activities designed to carry out this title;

(G) training personnel engaged in audit and other monitoring activities; and

(H) implementation of the Cooperative Audit Resolution and Oversight Initiative of the Department of Education.

(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to such agency under this section for administration, such agency may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

SEC. 14202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

A State educational agency that also serves as a local educational agency, in such agency's applications or plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

SEC. 14203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

(a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary and for any fiscal year, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more programs under this Act (or such other programs as the Secretary shall designate) not more than the percentage, established in each such program, of the total available for the local educational agency under such programs.

(b) STATE PROCEDURES.—Within one-year from the date of enactment of the Education OPTIONS Act, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under such programs that may be used for administration on a consolidated basis.

(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use such consolidated funds for the administration of such programs and for uses, at the school district and school levels, comparable to those described in section 14201(b)(2).

(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of such programs included in the consolidation.

SEC. 14205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

(a) GENERAL AUTHORITY.—

(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title IX of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

(2) AGREEMENT.—(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

(B) The agreement shall—

(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the performance measures to assess program effectiveness, including measurable goals and objectives; and

(ii) be developed in consultation with Indian tribes.

(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

SEC. 14206. TRANSFERABILITY.

(a) STATE TRANSFER AUTHORITY.—

(1) IN GENERAL.—A State may transfer up to 100 percent of nonadministrative State funds allocated to such State which are authorized to be used for State-level activities under any of the following provisions to the allocation of the State under any other of such provisions:

(A) Title II (excluding national activities).

(B) Subpart 2 of part A of title III.

(C) Part A of title IV.

(D) Title VI.

(E) Part C of title VII.

(F) Comprehensive school reform programs as authorized under section 1502 as described on pages 96–99 of the Joint Statement of the Committee of Conference included in House Report 105–390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998).

(2) SUPPLEMENTAL FUNDS FOR TITLE I.—A State may transfer any funds allocated to the State under a provision listed in paragraph (1) to its allocation under title I.

(b) LOCAL EDUCATIONAL AGENCY TRANSFER AUTHORITY.—

(1) TRANSFER OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraphs (C), (D), and (E), a local educational agency may transfer funds allocated to such agency under any of the provisions listed in paragraph (2).

(B) SUPPLEMENTAL FUNDS FOR TITLE I.—Subject to subparagraphs (C), (D), and (E), a local educational agency may transfer funds allocated to such agency under a provision listed in paragraph (2) to its allocation under title I.

(C) UNDER 35 PERCENT.—A transfer under subparagraph (A) or (B) of up to 35 percent of the funds allocated to a local educational agency under a provision listed in paragraph (2) in a fiscal year may be made without State approval.

(D) OVER 35 PERCENT.—Subject to paragraph (3), a transfer under subparagraph (A) or (B) in a fiscal year of funds allocated to a local educational agency under a provision listed in paragraph (2) in a fiscal year the amount of which, when added to the amount of other transfers by the agency of such funds in such fiscal year, is more than 35 percent of such funds may be made only with the approval of the State.

(E) TITLE II TRANSFERS.—If a local educational agency provides assurances that the amount of funds expended for professional development in mathematics and science under title II in a fiscal year will equal or exceed the amount of funds expended for the year preceding the date of enactment of the Education OPTIONS Act such agency may transfer funds allocated to it under title II.

(2) APPLICABLE PROVISIONS.—The provisions from which a local educational agency may transfer funds under this subsection are as follows:

(A) Title II (excluding national activities).

(B) Subpart 2 of part A of title III.

(C) Part A of title IV.

(D) Title VI.

(E) Part C of title VII.

(F) Section 310 of the Department of Education Act, 2000, included in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1004(a)(4) of Public Law 106–113).

(3) SPECIAL APPROVAL.—If a local educational agency submits to its State a written request to make a transfer under this subsection that requires State approval, the following applies:

(A) 60 DAYS FOR APPROVAL.—Such transfer shall be deemed approved by the State unless the State, within 60 days after receipt of such transfer request, disapproves such request or promptly notifies the agency in writing of such revisions as may be necessary before the State will approve the transfer.

(B) CONSIDERATION FOR APPROVAL.—When approving a local education agency request to transfer an amount great-

er than 35 percent, the State shall consider the degree to which the transfer accomplishes the following:

(i) Enables the local educational agency to direct resources to a Federal program that more effectively addresses the needs of their students, particularly the most disadvantaged students.

(ii) Allows the local educational agency to target or focus resources to address specific areas of need or priority when Federal requirements would otherwise prevent, or significantly impede, such an effort.

(c) LIMITATION.—A State or a local educational agency may not transfer any funds allocated to it under title I to any other program under this Act.

(d) STATE PLAN AND APPLICATION MODIFICATION; PRENOTIFICATION.—Each State transferring funds under this section shall—

(1) modify any plan or application of the State that is applicable to such funds to account for such transfer and submit, within 30 days after the date of such transfer, a copy of such modified plan or application to the Department of Education; and

(2) notify the Department of Education no less than 30 days before the effective date of such transfer.

(e) LOCAL PLAN AND APPLICATION MODIFICATION; PRENOTIFICATION.—Each local educational agency transferring funds under this section shall—

(1) modify any plan or application of the agency that is applicable to such funds to account for such transfer and submit, within 30 days after the date of such transfer, a copy of such modified plan or application to the State; and

(2) notify the State no less than 30 days before the effective date of such transfer.

(f) APPLICABLE RULES.—Except as otherwise provided in this subsection, when funds are transferred to an allocation under this section, they become funds of the allocation to which they are transferred and subject to all the requirements that are applicable to that allocation.

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

SEC. 14301. PURPOSE.

The purposes of this part are to improve teaching and learning through greater coordination between programs and to provide greater flexibility to State and local authorities by allowing the consolidation of State and local plans, applications, and reporting.

SEC. 14302. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

(a) GENERAL AUTHORITY.—

(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b),

shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

(A) any programs under this Act in which the State participates; and

(B) such other programs as the Secretary may designate.

(2) CONSOLIDATED APPLICATIONS AND PLANS.—A State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit a separate State plan or application for a program included in the consolidated State plan or application.

(b) COLLABORATION.—

(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

(2) CONTENTS.—Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

(3) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances, and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

SEC. 14303. CONSOLIDATED REPORTING.

In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency may submit a consolidated State annual report. Such report shall contain information about the programs included in the report, including the State's performance under those programs, and other matters as the Secretary determines, such as monitoring activities. Such a report shall take the place of separate individual annual reports for the programs subject to it.

SEC. 14304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

(a) ASSURANCES.—A State educational agency that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 14302, shall have on file with the Secretary a single set of assurances, applicable to each program for which such plan or application is submitted, that provides that—

(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or or-

ganization, or in an Indian tribe if the law authorizing the program provides for assistance to such entities; and

(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing law;

(3) the State will adopt and use proper methods of administering each such program, including—

(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

(6) the State will—

(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

(7) before the plan or application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the plan or application and has considered such comment.

(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

SEC. 14305. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one program under this Act may submit plans or applications to the State educational agency under such programs on a consolidated basis.

(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that has an approved consolidated State plan or application under section 14302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under such programs, but may not require such agencies to submit separate plans.

(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

(d) NECESSARY MATERIALS.—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

SEC. 14306. OTHER GENERAL ASSURANCES.

(a) ASSURANCES.—Any applicant other than a State educational agency that submits a plan or application under this Act, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to such entities; and

(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

(3) the applicant will adopt and use proper methods of administering each such program, including—

(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary or other Federal officials;

(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

(6) the applicant will—

(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act shall not apply to programs under this Act.

PART D—WAIVERS

SEC. 14401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act or the Carl D. Perkins Vocational and Technical Education Act of 1998 for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that—

(1) receives funds under a program authorized by this Act; and

(2) requests a waiver under subsection (b).

(b) REQUEST FOR WAIVER.—

(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a waiver application to the Secretary that—

(A) indicates each Federal program affected and each statutory or regulatory requirement requested to be waived;

(B) describes the purpose and overall expected results of waiving each such requirement;

(C) describes, for each school year, specific, measurable, educational goals for the State educational agency and for each local educational agency, Indian tribe, or school that would be affected by the wavier;

(D) explains why the waiver will assist the State educational agency and each affected local educational agency, Indian tribe, or school in reaching such goals.

(2) ADDITIONAL INFORMATION.—Such requests—

(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

(B) shall be developed and submitted—

(i)(I) by local educational agencies (on behalf of such agencies and schools) to State educational agencies; and

(II) by State educational agencies (on behalf of, and based upon the requests of, local educational agencies) to the Secretary; or

(ii) by Indian tribes (on behalf of schools operated by such tribes) to the Secretary.

(3) GENERAL REQUIREMENTS.—

(A) In the case of a waiver request submitted by a State educational agency acting in its own behalf, the State educational agency shall—

(i) provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;

(ii) submit the comments to the Secretary; and

(iii) provide notice and information to the public regarding the waiver request in the manner that the applying agency customarily provides similar notices and information to the public.

(B) In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

(i) such request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of such State educational agency; and

(ii) notice and information regarding the waiver request shall be provided to the public by the agency requesting the waiver in the manner that such agency customarily provides similar notices and information to the public.

(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

(1) the allocation or distribution of funds to States, local educational agencies, or other recipients of funds under this Act;

(2) maintenance of effort;

(3) comparability of services;

(4) use of Federal funds to supplement, not supplant, non-Federal funds;

(5) equitable participation of private school students and teachers;

(6) parental participation and involvement;

(7) applicable civil rights requirements;

(8) the requirement for a charter school under part C of title X; or

(9) the prohibitions regarding—

(A) State aid in section 14502;

(B) use of funds for religious worship or instruction in section 14507; and

(C) activities in section 14513.

(d) DURATION AND EXTENSION OF WAIVER.—

(1) IN GENERAL.—Except as provided in paragraph (2), the duration of a waiver approved by the Secretary under this section may be for a period not to exceed 5 years.

(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—

(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved student performance; and

(B) such extension is in the public interest.

(e) REPORTS.—

(1) LOCAL WAIVER.—A local educational agency that receives a waiver under this section shall at the end of the second year for which a waiver is received under this section, and each subsequent year, submit a report to the State educational agency that—

(A) describes the uses of such waiver by such agency or by schools;

(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers are requested; and

(C) evaluates the progress of such agency and of schools in improving the quality of instruction or the academic performance of students.

(2) STATE WAIVER.—A State educational agency that receives reports required under paragraph (1) shall annually submit a

report to the Secretary that is based on such reports and contains such information as the Secretary may require.

(3) INDIAN TRIBE WAIVER.—An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

(A) describes the uses of such waiver by schools operated by such tribe; and

(B) evaluates the progress of such schools in improving the quality of instruction or the academic performance of students.

(4) REPORT TO CONGRESS.—Beginning in fiscal year 2001 and each subsequent year, the Secretary shall submit to 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—

(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

(B) describing whether such waivers—

(i) increased the quality of instruction to students; or

(ii) improved the academic performance of students.

(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines, after notice and an opportunity for a hearing, that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.

(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

PART E—UNIFORM PROVISIONS

SEC. 14501. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of such agency and the State with respect to the provision of free public education by such agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

(b) REDUCTION IN CASE OF FAILURE TO MEET.—

(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).

(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) of this section for subsequent years.

(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances such as a natural disaster; or

(2) a precipitous decline in the financial resources of the local educational agency.

SEC. 14502. PROHIBITION REGARDING STATE AID.

A State shall not take into consideration payments under this Act (other than under title VIII) in determining the eligibility of any local educational agency in such State for State aid, or the amount of State aid, with respect to free public education of children.

SEC. 14503. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(a) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of such agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in areas served by such agency, consortium or entity, such agency, consortium or entity shall, after timely and meaningful consultation with appropriate private school officials, provide such children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under such program.

(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

(3) SPECIAL RULE.—Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in such program and shall be provided in a timely manner.

(4) EXPENDITURES.—Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving such children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

(5) PROVISION OF SERVICES.—Such agency, consortium or entity described in subsection (a)(1) of this section may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

(b) APPLICABILITY.—

(1) IN GENERAL.—This section applies to programs under—

(A) part C of title I;
(B) title II;
(C) title III;
(D) title IV; and
(E) title VII.

(2) DEFINITION.—For the purposes of this section, the term "eligible children" means children eligible for services under a program described in paragraph (1).

(c) CONSULTATION.—

(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of such agencies or entity shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

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

(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 the assessment will be used to improve such services;

(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount of funds available for such services; and

(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, 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.

(2) DISAGREEMENT.—If the agency, consortium or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity 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.

(3) TIMING.—Such consultation shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

(4) DISCUSSION REQUIRED.—Such consultation shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

(d) PUBLIC CONTROL OF FUNDS.—

(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

(2) PROVISION OF SERVICES.—

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

(i) by employees of a public agency; or

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

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

(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.

SEC. 14504. STANDARDS FOR BY-PASS.

If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency, consortium, or other entity of such agencies, is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency consortium or entity has substantially failed or is unwilling to provide for such participation, as required by section 14503, the Secretary shall—

(1) waive the requirements of that section for such agency, consortium, or entity;

(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 14503, 14505, and 14506; and

(3) in making the determination, consider one or more factors, including the quality, size, scope, location of the program and the opportunity of private school children, teachers, and other educational personnel to participate.

SEC. 14505. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 14503 by a State educational agency, local educational agency, educational service agency, consortium of such agencies or entity. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by the State educational agency within a reasonable period of time.

(b) APPEALS TO SECRETARY.—Such resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve each such appeal not later than 120 days after receipt of the appeal.

SEC. 14506. BY-PASS DETERMINATION PROCESS.

(a) REVIEW.—

(1) IN GENERAL.—

(A) The Secretary shall not take any final action under section 14504 until the State educational agency, local educational agency, educational service agency, consortium of such agencies or entity affected by such action has had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

(2) PETITION FOR REVIEW.—

(A) If such affected agency consortium or entity is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency consortium or entity may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

(C) The Secretary upon receipt of the copy of the petition shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

(3) FINDINGS OF FACT.—

(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may then make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(4) JURISDICTION.—

(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part.

(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency, consortium or entity and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or in-

ability on the part of such agency or consortium to meet the applicable requirements of section 14503 or any other provision of this Act.

(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the Education OPTIONS Act shall remain in effect to the extent the Secretary determines that such determination is consistent with the purpose of this section.

SEC. 14507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.

Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

SEC. 14508. APPLICABILITY TO HOME SCHOOLS.

Nothing in this Act shall be construed to affect home schools.

SEC. 14509. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.

Nothing in this Act or any other Act administered by the Department 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 or any other Act administered by the Department.

SEC. 14510. SCHOOL PRAYER.

Notwithstanding any provision of law, no funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools.

SEC. 14511. MEMORIALS AND MEMORIAL SERVICES; RULE OF CONSTRUCTION; AND ATTORNEY FEES.

(a) FINDINGS.—Congress finds the following:

(1) The saying of a prayer, the reading of a scripture, or the performance of religious music, as part of a memorial service that is held on the campus of a public elementary or secondary school in order to honor the memory of any person slain on that campus is not objectionable under this Act.

(2) The design and construction of any memorial which includes religious symbols, motifs, or sayings that is placed on the campus of a public elementary or secondary school in order to honor the memory of any person slain on that campus is not objectionable under this Act.

(b) RULE OF CONSTRUCTION.—

(1) PAYMENT.—Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship, instruction, or the construction of any religious memorial.

(2) MEMORIAL SERVICE.—This Act shall not be construed to bar—

(A) the saying of a prayer;

(B) the reading of a scripture;

(C) the performance of religious music; or

(D) the design or construction of any memorial which includes religious symbols, motifs, or sayings;

as part of a memorial service held or a memorial placed, as the case may be, on the campus of a public elementary or secondary school in order to honor the memory of any person slain on that campus.

SEC. 14512. ATTORNEYS FEES.

Notwithstanding any other provision of Federal law, a local educational agency or public elementary or secondary school may use not more than 20 percent of its administrative funds from any program under this Act for payment of attorneys fees and related legal services in the defense of any legal action, brought against a local educational agency, public elementary or secondary school, or agent of any of such entities, claiming such agency, school, or agent violated the constitutional prohibition against the establishment of religion by permitting, facilitating, or accommodating—

(1) a student's religious expression; or

(2) the design or construction of any memorial which includes religious symbols, motifs, or saying as part of a memorial placed on the campus of a public elementary or secondary school in order to honor the memory of a person slain on that campus.

SEC. 14513. GENERAL PROHIBITIONS.

(a) PROHIBITION.—None of the funds authorized under this Act shall be used—

(1) to develop or distribute materials, or operate programs or courses of instruction directed at youth that are designed to promote or encourage, sexual activity, whether homosexual or heterosexual;

(2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

(3) to provide sex education or HIV prevention education in schools unless such instruction is age appropriate and emphasizes the health benefits of abstinence; or

(4) to operate a program of contraceptive distribution in schools.

(b) LOCAL CONTROL.—Nothing in this section shall be construed to—

(1) authorize an officer or employee of the Federal Government to mandate, direct, review, or control a State, local educational agency, or schools' instructional content, curriculum, and related activities;

(2) limit the application of the General Education Provisions Act (20 U.S.C.A. 1221 et seq.);

(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

(4) create any legally enforceable right.

SEC. 14514. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

Nothing in this Act 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 curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

SEC. 14515. RULEMAKING.

The Secretary shall issue regulations under this Act only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this Act.

SEC. 14516. REPORT.

The Secretary shall report to the Congress not later than 180 days after the date of enactment of the Education OPTIONS Act regarding how the Secretary shall ensure that audits conducted by Department employees of activities assisted under this Act comply with changes to this Act made by the Education OPTIONS Act, particularly with respect to permitting children with similar educational needs to be served in the same educational settings, where appropriate.

SEC. 14517. REQUIRED APPROVAL OR CERTIFICATION PROHIBITED.

(a) IN GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have content standards or student performance standards approved or certified by the Federal Government, in order to receive assistance under this Act.

(b) CONSTRUCTION.—Nothing in this section shall be construed to affect requirements under title I of this Act.

SEC. 14518. PROHIBITION ON ENDORSEMENT OF CURRICULUM.

Notwithstanding any other prohibition of Federal law, no funds provided to the Department of Education or to any applicable program may be used by the Department to endorse, approve, or sanction any curriculum designed to be used in an elementary or secondary school.

SEC. 14519. PRIVACY FOR STUDENTS.

(a) IN GENERAL.—No State educational agency or local educational agency that receives funds under this Act may enter into an agreement, or allow a school under its supervision to enter into an agreement, with any person or entity that allows such person or entity to monitor, gather, or obtain information used to advertise, sell, or develop a product from any student under 18 years of age unless such agreement requires the written permission of the parent of such student prior to monitoring, gathering, or obtaining such information.

(b) NATURE OF INFORMATION COLLECTED.—Before a school, local educational agency, or State educational agency, as the case may be, enters into an agreement to allow a person or entity to monitor, gather, or obtain information used to advertise, sell, or develop a product from any student under 18 years, the school, agency, or State shall ascertain the nature of the information to be collected, how the information will be used, if the information will be sold, distributed, or transferred to any person or entity, and the amount of class time, if any, that will be consumed by such activity.

(c) CONSENT FORM.—The written permission required by subsection (a) shall clearly disclose to the parent the nature of the agreement between a school, local educational agency, or State educational agency, as the case may be, and the person or entity, including—

(1) the dollar amount of any consideration paid under the agreement;

(2) the nature of the information to be gathered;

(3) how the information will be used;

(4) whether the information will be sold, distributed, or transferred to any other entity; and

(5) the amount of class time, if any, that will be consumed by such activity.

(d) EXCEPTIONS.—This section shall not apply to—

(1) the recruitment activities of any institution of higher education, as such term is defined in section 102 of the Higher Education Act of 1965;

(2) the development and administration of tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, aptitude, or achievement information about students (or for normalizing data), and the subsequent analysis and public release of aggregate data, if—

(A) the information is not used to sell, advertise, or develop another product; and

(B) the tests are conducted in accordance with applicable Federal, State, and local policies;

(3) the development and administration of educational curriculum and instructional materials used by elementary and secondary schools to teach core academic subjects, if—

(A) the information is not used to sell, advertise, or develop another product; and

(B) the curriculum and instructional materials are used in accordance with applicable Federal, State, and local policies; or

(4) contact information collected from a student that is used only to respond directly to a specific request from the student for a transaction, if the information—

(A) is not used for any purpose other than as required in order to effect the transaction with the student; and

(B) is not used to recontact the student in order to advertise, sell, or develop any other product or service to the student.

SEC. 14520. RULE OF CONSTRUCTION ON PERSONALLY IDENTIFIABLE INFORMATION.

Nothing in this Act shall be construed to permit the development of a national database of personally identifiable information on individuals involved in studies or in data collection efforts under this Act.

PART F—SENSE OF CONGRESS

SEC. 14614. REDUCING THE READING DEFICIT.

(a) FINDINGS.—The ability to read the English language is the cornerstone of academic success. The 1998 National Assessment of Educational Progress (NAEP) found that 69 percent of 4th grade students are reading below the proficient level. The National Institute of Child Health and Human Development (NICHD) has conducted extensive scientific research on reading instruction for more than 34 years at a cost of more than two hundred million dollars. Federal research in reading instruction has concluded that phonemic awareness, direct systematic instruction in sound-spelling correspondences, blending of sound-spellings into words, reading comprehension, and regular exposure to interesting books are essential components of any balanced reading program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) federally funded education programs which are designed to improve reading skills, should use instructional practices that are grounded in scientifically based research as defined in section 14101(27) of this Act;

(2) reducing the reading deficit is one of the most critical tasks before the nation; and

(3) successful learning in all other areas such as science, history, literature, business and vocational training or computer science requires the ability to read fluently and with comprehension.

SEC. 14615. SCIENCE ASSESSMENT.

It is the sense of Congress that State and local assessments in science should measure a student's ability to—

(1) understand scientific facts, results, and concepts;

(2) design and conduct experiments;

(3) make arguments based on evidence and data; and

(4) communicate scientific information.

SEC. 14616. AMERICA ACHIEVES ACADEMIC EXCELLENCE.

It is the sense of Congress that—

(1) the Constitution of the United States reserves to the States and to the people the responsibility for the general supervision of public education in kindergarten through the twelfth grade;

(2) State and local educational agencies are best suited to increasing academic achievement levels for all students and ensuring no student is left behind;

(3) States and local educational agencies deserve and require the maximum liberty to build upon existing innovative approaches for education reform and continue their proven record of increasing student success;

(4) education reform is in the best interests of the American people in order to secure a more prosperous and perfect union;

(5) the best education decisions are made by those who know the students best and who are responsible for implementing the decisions, and, therefore, educators and parents should retain the right and responsibility to educate their pupils and children free of regulation by the Federal Government; and

(6) States should be commended for their efforts and results and encouraged to sustain and improve upon them.

GOALS 2000: EDUCATE AMERICA ACT

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TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

[PART A—NATIONAL EDUCATION GOALS PANEL

[SEC. 201. PURPOSE.

[It is the purpose of this part to establish a bipartisan mechanism for—

[(1) building a national consensus for education improvement;

[(2) reporting on progress toward achieving the National Education Goals; and

[(3) reviewing the voluntary national content standards and voluntary national student performance standards.

[SEC. 202. NATIONAL EDUCATION GOALS PANEL.

[(a) ESTABLISHMENT.—There is established in the executive branch a National Education Goals Panel (hereafter in this title referred to as the "Goals Panel") to advise the President, the Secretary, and the Congress.

[(b) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter in this part referred to as "members"), including—

[(1) 2 members appointed by the President;

[(2) 8 members who are Governors, 3 of whom shall be from the same political party as the President and 5 of whom shall be from the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with the Chairperson and Vice Chairperson each appointing representatives of such Chairperson's or Vice Chairperson's respective political party, in consultation with each other;

[(3) 4 Members of the Congress, of whom—

[(A) 1 member shall be appointed by the Majority Leader of the Senate from among the Members of the Senate;

[(B) 1 member shall be appointed by the Minority Leader of the Senate from among the Members of the Senate;

[(C) 1 member shall be appointed by the Majority Leader of the House of Representatives from among the Members of the House of Representatives; and

[(D) 1 member shall be appointed by the Minority Leader of the House of Representatives from among the Members of the House of Representatives; and

[(4) 4 members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom 2 shall be of the same political party as the President of the United States.

[(c) SPECIAL APPOINTMENT RULES.—

[(1) IN GENERAL.—The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

[(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson of such association shall appoint 5 individuals.

[(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson of such association shall appoint 3 individuals.

[(2) SPECIAL RULE.—If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of paragraph (4) of subsection (b), prior to the date of enactment of this Act, then the members serving on such panel shall be deemed to be in compliance with the provisions of such subsections and shall not be required to be reappointed pursuant to such subsections.

[(3) REPRESENTATION.—To the extent feasible, the membership of the Goals Panel shall be geographically representative and reflect the racial, ethnic, and gender diversity of the United States.

[(d) TERMS.—The terms of service of members shall be as follows:

[(1) PRESIDENTIAL APPOINTEES.—Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

[(2) GOVERNORS.—Members appointed under paragraph (2) of subsection (b) shall serve for 2-year terms, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every 2 years.

[(3) CONGRESSIONAL APPOINTEES AND STATE LEGISLATORS.—Members appointed under paragraphs (3) and (4) of subsection (b) shall serve for 2-year terms.

[(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

[(f) INITIATION.—The Goals Panel may begin to carry out its duties under this part when 10 members of the Goals Panel have been appointed.

[(g) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

[(h) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Goals Panel away from the home or regular place of business of the member.

[(i) CHAIRPERSON.—

[(1) IN GENERAL.—The members shall select a Chairperson from among the members.

[(2) TERM AND POLITICAL AFFILIATION.—The Chairperson of the Goals Panel shall serve a 1-year term and shall alternate between political parties.

[(j) CONFLICT OF INTEREST.—A member of the Goals Panel who is an elected official of a State which has developed content or student performance standards may not participate in Goals Panel consideration of such standards.

[(k) EX OFFICIO MEMBER.—If the President has not appointed the Secretary as 1 of the 2 members the President appoints pursuant to subsection (b)(1), then the Secretary shall serve as a nonvoting ex officio member of the Goals Panel.

[SEC. 203. DUTIES.

[(a) IN GENERAL.—The Goals Panel shall—

[(1) report to the President, the Secretary, and the Congress regarding the progress the Nation and the States are making toward achieving the National Education Goals established under title I of this Act, including issuing an annual report;

[(2) review voluntary national content standards and voluntary national student performance standards;

[(3) report on promising or effective actions being taken at the national, State, and local levels, and in the public and private sectors, to achieve the National Education Goals; and

[(4) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

[(b) REPORT.—

[(1) IN GENERAL.—The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a report that shall—

[(A) report on the progress of the United States toward achieving the National Education Goals; and

[(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals and to provide all students with a fair opportunity-to-learn.

[(2) FORM; DATA.—Reports shall be presented in a form, and include data, that is understandable to parents and the general public.

[SEC. 204. POWERS OF THE GOALS PANEL.

[(a) HEARINGS.—

[(1) IN GENERAL.—The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at

such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

[(2) REPRESENTATION.—In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content standards, voluntary national student performance standards, and State assessments.

[(b) INFORMATION.—The Goals Panel may secure directly from any department or agency of the United States information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of a department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

[(c) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

[(d) USE OF FACILITIES.—The Goals Panel may, with consent of any agency or instrumentality of the United States, or of any State or political subdivision thereof, use the research, equipment, services, and facilities of such agency, instrumentality, State, or subdivision, respectively.

[(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—

[(1) IN GENERAL.—The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

[(2) CONTRACTS AND OTHER ARRANGEMENTS.—The Secretary, to the extent appropriate, and on a reimbursable basis, shall make contracts and other arrangements that are requested by the Goals Panel to help the Goals Panel compile and analyze data or carry out other functions necessary to the performance of such responsibilities.

[(f) GIFTS.—The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

[SEC. 205. ADMINISTRATIVE PROVISIONS.

[(a) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of its members.

[(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

[(c) VOTING AND FINAL DECISION.—

[(1) VOTING.—No individual may vote, or exercise any of the powers of a member, by proxy.

[(2) FINAL DECISIONS.—

[(A) In making final decisions of the Goals Panel with respect to the exercise of its duties and powers the Goals Panel shall operate on the principle of consensus among the members of the Goals Panel.

[(B) Except as otherwise provided in this part, if a vote of the membership of the Goals Panel is required to reach a final decision with respect to the exercise of its duties and powers, then such final decision shall be made by a

three-fourths vote of the members of the Goals Panel who are present and voting.

[(d) PUBLIC ACCESS.—The Goals Panel shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

[SEC. 206. DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.

[(a) DIRECTOR.—The Chairperson of the Goals Panel, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, shall appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

[(b) APPOINTMENT AND PAY OF EMPLOYEES.—

[(1) IN GENERAL.—(A) The Director may appoint not more than 4 additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

[(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

[(2) ADDITIONAL EMPLOYEES.—The Director may appoint additional employees to serve as staff to the Goals Panel in accordance with title 5, United States Code.

[(c) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

[(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of such agency to the Goals Panel to assist the Goals Panel in its duties under this part.

[SEC. 207. EARLY CHILDHOOD ASSESSMENT.

[(a) IN GENERAL.—The Goals Panel shall support the work of its Resource and Technical Planning Groups on School Readiness (hereafter in this section referred to as the "Groups") to improve the methods of assessing the readiness of children for school that would lead to alternatives to currently used early childhood assessments.

[(b) ACTIVITIES.—The Groups shall—

[(1) develop a model of elements of school readiness that address a broad range of early childhood developmental needs, including the needs of children with disabilities;

[(2) create clear guidelines regarding the nature, functions, and uses of early childhood assessments, including assessment formats that are appropriate for use in culturally and linguistically diverse communities, based on model elements of school readiness;

[(3) monitor and evaluate early childhood assessments, including the ability of existing assessments to provide valid information on the readiness of children for school; and

[(4) monitor and report on the long-term collection of data on the status of young children to improve policy and practice, including the need for new sources of data necessary to assess the broad range of early childhood developmental needs.

[(c) ADVICE.—The Groups shall advise and assist the Congress, the Secretary, the Goals Panel, and others regarding how to improve the assessment of young children and how such assessments can improve services to children.

[(d) REPORT.—The Goals Panel shall provide reports on the work of the Groups to the appropriate committees of the Congress, the Secretary, and the public.]

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[PART C—AUTHORIZATION OF APPROPRIATIONS

[SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the four succeeding fiscal years, to carry out part A of this title.]

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[TITLE VI—INTERNATIONAL EDUCATION PROGRAM

[SEC. 601. INTERNATIONAL EDUCATION PROGRAM.

[(a) PROGRAM ESTABLISHED.—The Secretary, with the concurrence of the Director of the United States Information Agency and with the foreign policy guidance of the Secretary of State, shall carry out an International Education Program in accordance with this section that shall provide for—

[(1) the study of international education programs and delivery systems; and

[(2) an international education exchange program.

[(c) INTERNATIONAL EDUCATION EXCHANGE.—

[(1) REQUIREMENT.—

[(A) IN GENERAL.—The Secretary, in consultation with the Director of the United States Information Agency, shall carry out a program to be known as the International Education Exchange Program. Under such program the Secretary shall award grants to or enter into contracts with organizations with demonstrated effectiveness or expertise in international achievement comparisons, in order to—

[(i) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education and economic education developed in the United States;

[(ii) assist eligible countries in the adaptation and implementation of such programs or joint research concerning such programs;

[(iii) create and implement educational programs for United States students which draw upon the experiences of emerging constitutional democracies;

[(iv) provide a means for the exchange of ideas and experiences in civics and government education and economic education among political, educational, and private sector leaders of participating eligible countries; and

[(v) provide support for—

[(I) research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

[(II) effective participation in and the preservation and improvement of an efficient market economy.

[(B) PROGRAM ADMINISTRATION.—The Secretary and the Director of the United States Information Agency, or their designees, shall be jointly responsible for the design of the program described in subparagraph (A). The Secretary and the Director of the United States Information Agency shall name to an oversight committee an equal number of representatives. Such committee shall determine the specifications for requests for proposals, the eligibility and review criteria for proposals, and the review process for proposals, for grants or contracts under this section. The Director of the United States Information Agency shall have particular responsibility for ensuring that programs assisted under this section are not duplicative of other efforts in the target countries and that foreign partner institutions are creditable.

[(C) RESERVATIONS.—In carrying out the program described in subparagraph (A), there shall be reserved in each fiscal year—

[(i) 50 percent of the amount available to carry out this subsection for civics and government education activities; and

[(ii) 50 percent of such amount available to carry out this subsection for economic education activities.

[(2) CONTRACT AUTHORIZED.—

[(A) IN GENERAL.—The Secretary, in consultation with the Director of the United States Information Agency, is authorized to contract with independent nonprofit educational organizations to carry out the provisions of this subsection.

[(B) NUMBER.—The Secretary, in consultation with the Director of the United States Information Agency, shall award at least 1 but not more than 3 contracts described in subparagraph (A) in each of the areas described in clauses (i) and (ii) of paragraph (1)(B).

[(C) AVOIDANCE OF DUPLICATION.—The Secretary, in consultation with the Director of the United States Information Agency, shall award contracts described in subparagraph (A) so as to avoid duplication of activities in such contracts.

[(D) REQUIREMENTS.—Each organization with which the Secretary enters into a contract pursuant to subparagraph (A) shall—

[(i) be experienced in—

[(I) the development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities, and private sector organizations;

[(II) the development and implementation of cooperative university and school-based inservice training programs for teachers of grades kindergarten through grade 12 using scholars from such relevant disciplines as political science, political philosophy, history, law and economics;

[(III) the development of model curricular frameworks in civics and government education and economic education;

[(IV) the administration of international seminars on the goals and objectives of civics and government education or economic education in constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers; and

[(V) the evaluation of civics and government education or economic education programs; and

[(ii) have the authority to subcontract with other organizations to carry out the provisions of this subsection.

[(3) ACTIVITIES.—The international education program described in this subsection shall—

[(A) provide eligible countries with—

[(i) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

[(ii) visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

[(iii) home stays in United States communities;

[(iv) translations and adaptations regarding United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

[(v) translation of basic documents of United States constitutional government for use in eligible countries, such as The Federalist Papers, selected writings of Presidents Adams and Jefferson and the Anti-Federalists, and more recent works on political theory, constitutional law and economics; and

[(vi) research and evaluation assistance to determine—

[(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

[(II) effective participation in and the preservation and improvement of an efficient market economy;

[(B) provide United States participants with—

[(i) seminars on the histories, economics, and governments of eligible countries;

[(ii) visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries;

[(iii) home stays in eligible countries;

[(iv) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government and economics of such countries that are useful in United States classrooms;

[(v) opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

[(vi) research and evaluation assistance to determine—

[(I) the effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

[(II) effective participation in and improvement of an efficient market economy; and

[(C) assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

[(4) PARTICIPANTS.—The primary participants in the international education program assisted under this subsection shall be leading educators in the areas of civics and government education and economic education, including curriculum

and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries.

[(5) PERSONNEL AND TECHNICAL EXPERTS.—The Secretary is authorized to provide Department of Education personnel and technical experts to assist eligible countries to establish and implement a database or other effective methods to improve educational delivery systems, structure and organization.

[(6) DEFINITIONS.—For the purpose of this subsection the term "eligible country" means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

[(d) AUTHORIZATION OF APPROPRIATIONS.—

[(2) INTERNATIONAL EDUCATION EXCHANGE.—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 through 1999, to carry out subsection (c).]

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DISSENTING VIEWS

I. INTRODUCTION

Congress should reject the so-called Opportunity to Protect and Invest in Our Nation's Schools (OPTIONS) Act (HR 4141), which reauthorizes several programs under the Elementary and Secondary Education Act (ESEA), including the Safe and Drug Free Schools Act, the Gun Free Schools act, and the Technology for Success Act. While this bill does take some steps toward restoring local control of education, the majority of this bill gives Congress more options to exceed it's constitutional authority by micro-managing education. Furthermore, this bill, and much of the debate surrounding it, promotes the myth that federal programs can somehow resolve social and cultural problems.

The major portion of this Act is the Drug and Violence Prevention and Education for Students and Communities Act, which provides funds to local schools for education programs aimed at reducing drug use among young people. As an Ob–GYN, who has helped deliver more than four thousand babies, I share my colleagues' commitment to keeping young children away from drugs and preventing youth violence. However, I believe that the federal government is neither constitutionally authorized nor institutionally capable of reducing drug use among any segment of the American people. Drug use is primarily a cultural problem and federal programs are a poor means of solving cultural problems. Instead, the key to keeping children free from drugs lies with local communities, churches, and, most of all, parents.

II. HR 4140 USURPS THE LEGITIMATE AUTHORITY OF LOCAL COMMUNITIES AND PARENTS

Instead of allowing local communities to find the best means of discouraging drug use among young people, this bill imposes a uniform drug prevention curriculum on every school in the nation. It is especially disturbing to once again witnesses those who are usually supporters of limited, constitutional government lead the fight to discard the constitutional limitations on federal power in the name of the "drug war." Just last month, many members of the House who were skeptical of military intervention in Haiti and Kosovo enthusiastically voted to intervene in the internal affairs of Columbia in order to defeat the drug lords. Now, many members who usually vote to reduce federal control over education will vote to increase federal interference in the classroom in the name of the war on drugs. Contrary to what many of my colleagues seem to think, there is no "drug war" exemption to the Tenth Amendment. My colleagues should remember that it took the passage of the 18th amendment to give the federal government the power to regulation alcohol.

The drug-free education model promoted in this act reinforces the modern notion that government officials should have virtually unfettered power to violate individual liberty if the violation can somehow be justified in the name of the drug war. For example, among the provisions in this bill is one allowing states to use federal funds for drug tests and locker searches, thus undermining student privacy. I note that there is nothing in the bill requiring even parental consent before a school official can invade a student's personal property. While teaching students there should meekly submit to any and all violations of their rights in the name of the drug war is not an effective way to battle drugs, its is an effective way to stamp out liberty.

By increasing federal micro-management, Congress decreases the ability of local school officials to offer innovative programs designed to help children who are "at-risk" of turning to drugs or crime. For example, my office has been contacted by organizations concerned that under this bill local schools districts will feel compelled to replace programs designed to help boost student interest in science and math with "anti-drug" programs. The decision of whether children will benefit more from programs aimed at increasing their interest in science and math than programs stressing the dangers of drug use is one that should only be made by parents and local school officials.

Furthermore, many of the programs funded under this act, particularly those funded under the rubit of "social service", undermine parental values. It is hard to find a more outrageous example of a misuse of government power than to use monies unjustly taken from American parents to indoctrinate their children with values and beliefs diametrically opposed to those of the parents.

III. THE SOLUTION TO SOCIAL PROBLEMS LIES IN PROMOTING INDIVIDUAL RESPONSIBILITY, NOT EXPANDING GOVERNMENT POWER

At least most of my colleagues who wish to trample the Constitution in the name of the drug war recognize that human beings are moral actors who must ultimately be held accountable for their actions. In contrast, there are many members in Congress who seem to believe that criminal activity stems not from any individual moral failing but because people have access to guns. These members are shamelessly exploiting recent gun tragedies, such as those in Colorado and Michigan, to restrict the liberty of lawful gun-owning Americans. I would remind my colleagues that the federal government has no constitutional authority to insert itself into matters of colleagues that the federal government has not constitutional authority to insert itself into matters of crime control and, in fact, the Second Amendment forbids Congress from diminishing the people's right to bear arms. Furthermore, any new gun control legislation will likely only effect innocent citizens since criminals are unlikely to follow such laws. In fact, by reducing the opportunity for the law abiding to defend themselves, new gun control laws could lead to an increased loss of innocent life.

Instead of blaming guns, drugs, or excessive exposure to violent programing we need to return to the old tradition of holding individuals accountable for their actions. A culture that fails to hold individuals responsible for the consequences of their actions endan-

gers liberty, because if individuals do not control themselves the state will control them. I would also remind my colleagues that crime, and other social pathologies, were much lower in the days when Americans had much greater access to guns; people where held responsible for their actions; families and churches took the lead in instilling moral values; and the federal government respected it's constitutional limitations.

IV. THE BEST WAY TO IMPROVE EDUCATION IS TO GIVE PARENTS CONTROL OVER THEIR EDUCATIONAL DOLLAR

In addition to the philosophic and constitutional objections stated above, I also find HR 4141 offensive because of the education resources wasted when taxpayers are forced to send money to Washington, which then distributes a smaller portion of this money to the states and the local school districts, with detailed instructions on how it is to be spent.

Instead of this convoluted process, I have proposed a much more direct, effective, and constitutional means of financing American education: give control over the education dollar back to America's parents. My Family Education Freedom Act (HR 935) does this by providing all parents with a $3,000 per child tax credit to spend on K–12 education expenses. This credit allows parents to devote more of their own resources to education to ensure their children get educations that meet the children's needs instead of an education that fits the priorities of DC-based bureaucrats and politicians in Washington. By placing control of the education dollar in the hands of parents, my bill also helps ensure that education funds will be spent on children, not wasted in bureaucracy. I have also introduced the Education Improvement Tax Cut Act (HR 936), which provides a tax credit of up to $3,000 tax credit for contributions to K–12 elementary or secondary scholarships as well as for cash or in-kind donations to elementary and secondary public or private schools.

Under my legislation, families could work with school officials and local communities to develop the type of drug and firearms safety education program that best suits the needs of children in those local communities. By reducing the tax burden on American families, my legislation will also give parents the ability to spend more time with their children, instead of having to spend the majority of their time working to pay the inordinate tax burden the federal government has placed on the American family.

My education package will also help meet some of the other goals of this legislation, such as ensuring that children have the familiarity with modern technology necessary to succeed in today's economy. HR 4141 reauthorizes the "Tech for Success" program, which provides taxpayer monies to local communities in order to use them to fulfill certain federally-defined goals involving technology. This program is filled with the same bureaucratic requirements contained in every program in this legislation, which do nothing but strip local communities of control over education and divert resources away from the classroom. In contrast, under my education program, when parents and communities leaders decide that children in a community need technology education, or that educators need enhance technology training, they can spend money directly

on technology training without having to get the permission of federal bureaucrats!

I would be remiss if I did not mention that this bill takes some steps toward restoring true local control of education resources through the transferability provision. Under this program, local officials will be able to transfer unneeded program funds into another federal program. Thus, a school that does not need to devote all of its Safe and Drug Free schools money to that program can spend more helping undeserved children under the Title One program. Meanwhile, a school that could use more funds to devote to a quality drug education program, but does not need to spend more on technology training, can devote more resources to drug prevention programs. This represents a good first step toward restoring true local control over education.

Supporters of a constitutional education policy should also be pleased that this bill deletes all references to the GOALS 2000 program. GOALS 2000 was one of the most outrageous power grabs over local education in recent memory and all supporters of constitutional government and quality education should be pleased to see its demise.

V. CONCLUSION

While the misnamed-OPTIONS bill does take a step forward to restore local control over education, it also inflicts new mandates on local schools, undermines parental rights, and violates the second and tenth amendments to the United States Constitution in the name of fighting drugs and violence. Much of this bill is a wrongheaded, unconstitutional, and dangerous attempt to resolve cultural problems by expanding the size of government, while other parts of the bill "merely" continue to force states and localities to abide by education priorities set by DC-based politicians and bureaucrats. Rather than advance centralized control over education, Congress should return control over education to the nation's families by returning control over the education dollar to the American people. Empowering individuals, parents and communities is also the best way to deal with the cultural problems that lie at the root of youth violence and youth drug abuse. Therefore, I call on my colleagues to defeat this bill and join my efforts to return control of the education dollar to the American people embracing my Family Education Freedom Act (HR 935) and the Education Improvement Tax Cut (HR 936).

RON PAUL.

ADDITIONAL VIEWS

REPUBLICAN CESSATION OF EDUCATION SERVICES IRRESPONSIBLY WILL LEAD TO UNSAFE COMMUNITIES AND SCHOOLS

We opposed the Committee's adoption of the Norwood and Talent amendments to H.R. 4141. These amendments would gut the historic bipartisan 1997 agreement on the Individuals with Disabilities Education Act (IDEA) and put our communities and families at greater danger of violence and crime.

Both amendments would permit schools to cease educational services under certain conditions to students with disabilities who have been expelled or suspended from schools. Specifically, the Norwood amendment would allow cessation of educational services for children with disabilities who bring a weapon to school. The Talent amendment would permit cessation of educational services for children with disabilities who possess, use or sell illegal drugs at school or commit an aggravated assault or battery as defined under State law. Both amendments would also eliminate IDEA's due process protections for disabled children accused of discipline violations, replacing them with a weakened "defense of innocence provision," that would provide zero safeguards. Even more disturbing, both amendments would allow cessation of educational services to students where they behavior is directly related to their disability. This is a considerable departure from longstanding policy in existence from the inception of this Act.

Before the passage of Education for All Handicapped Children Act in 1975 (IDEA's predecessor statute), young people with disabilities were often shut way and condemned to a life away from their families and communities. At that time, 4 million disabled children did not receive the assistance they needed to succeed in school—either because their disabilities were undetected or because schools refused or were unable to offer the services they needed. Additionally, more than one million school-aged children with disabilities were excluded from public school all together. At the time, one of the primary reasons for excluding these children from school was due to the perception by schools that these students were too disruptive to serve. In short, they were discipline problems.

It is against this backdrop that Congress passed the Education for All Handicapped Children Act in 1975 to guarantee the availability of special education to disabled students and to insure the appropriateness of instruction and services to these students. Recognizing the special status of this landmark civil rights legislation, the Congress gave the Act permanent authorization status—one of a very few education programs to have this status.

Over the course of the 104th and 105th Congress, the Committee carefully weighted the issue of how to discipline disabled students. The Committee held numerous hearings and entertained several

proposals on how to ensure a safe, orderly educational environment for students of disabilities and the schools that they attend. When the issue of ceasing educational services was considered after months of deliberation, it was rejected by a majority of witnesses at legislative hearings and most importantly rejected by a near unanimous vote in Congress.

Despite the bipartisan history behind the current statutory provisions pertaining to discipline, the Republican majority has now sought to irresponsibly end educational opportunity and increase violence and crime. It is difficult for any student who is suspended or expelled to ever catch up and graduate from school. Research shows that children with disabilities who are put out of school without educational services are much less likely than other children to ever catch up, much less likely to graduate from high school, less likely to be employed, and substantially more likely to be involved in crime.

Some support cessation of services because they think it will act as a deterrent. But those who put any thought into that issue know that threatening a child with a 1-year vacation from school will not serve as a deterrent from misconduct. In fact, the Committee heard from several law enforcement organizations that opposes the policy embodied in these amendments because they recognize that it will not make our communities safer.

During the Juvenile Justice debate on a similar amendment a national coalition of police chiefs, prosecutors and crime victims wrote us a letter which said, in part, "giving a guntoting kid an extended vacation from school and from all responsibility is soft on offenders and dangerous for everyone else. Please don't give those kids who need adult supervision the unsupervised time to rob, become addicted to drugs and get their hands on other guns to threaten students when the school bell rings." (May 17, 1999 Letter from Fight Crime and Invest In Kids to Senators considering similar IDEA Amendment on Juvenile Justice legislation.)

Alternative education services are certainly cheaper than jail or prison and the phenomenal success of some States in preventing serious disciplines problems from developing in the first place suggests that there are much better approaches to school safety and discipline than expulsion without educational services. Yet despite these successes and overwhelming evidence that interventions can reduce disciplinary problems, these amendments strip away some of the very provisions in IDEA that most experts would agree are the prudent things to do in order to prevent future disciplinary problems, provisions such as implementing an intervention plan in order to address the behavior that got the student in trouble in the first place.

We regret that the Committee has taken the opportunity to undermine this important education program with ill-conceived, partisan and opportunistic attacks. The Republican party, which has made its mark this Congress by rejecting common-sense gun control and juvenile crime legislation is once again irresponsibly increasing the violence in our communities with the passage of these amendments.

DALE E. KILDEE.
BOBBY SCOTT.

ADDITIONAL VIEWS BY ROBERT C. "BOBBY" SCOTT

CHARITABLE CHOICE

I continue to have grave concerns about the constitutional and policy implications of the Charitable Choice provision contained in the Safe and Drug-Free Schools and Communities Act, Title II of H.R. 4141, the OPTIONS Act. The provision seeks to allow religious organizations to receive grants under Title II of the bill to implement drug and violence prevention programs in conjunction with local schools. While this provision seeks to ensure that "religious organizations be considered on the same basis as other nongovernmental organizations" receiving grants to reduce drug use and prevalence of violence in our schools—it has many troubling implications.

Specifically, Title II of the bill would allow publicly funded employment discrimination on the basis of religion. Charitable Choice provides that religious organizations may retain their exemption from the prohibition against religious discrimination in Title VII of the 1964 Civil Rights Act, regardless of the receipt of federal funds, and therefore are permitted to discriminate with those funds on the basis of religion.

The idea that religious bigotry may take place with federal funds is not speculative. During several debates on this issue and reaffirmed during the consideration in committee, it has been established that a religious organization using federal funds under Charitable Choice could fire or refuse to hire a perfectly qualified employee because of that person's religion. ("* * * [A] Jewish organization can fire a Protestant if they choose," 145 Cong. Rec. H4687 (daily ed. June 22, 1999)). Unfortunately, the Committee failed to adopt my amendment which would have ensured that the exemption under Title VII should not apply to any employment position funded by a Safe and Drug-Free Schools and Communities grant.

The current exemption provided under Title VII is a common sense provision which allows religious organizations to discriminate based on religion when, for example, a Catholic church hires a priest. They can, of course, require that the job applicant be Catholic. This exemption was intended to apply to the use of private funds for the religious organization and it was never expected to be applied to the use of federal funds.

It is an incorrect assertion that the extension of the Title VII exemption is consistent with current law. I specifically disagree with the Committee that "[t]he provision would: * * * (3) clarify that religious organizations are exempt from employment nondiscrimination requirements of Title VII of the Civil Rights Act as is true under the current Title VII civil rights law." In fact, the Supreme Court has never addressed the issue with respect to the Title VII exemptions for Religious organizations in which public funds were

involved. Past court cases have only dealt with the Title VII exemption for religious organizations in which private funds were at stake.

Furthermore, the only court to consider this issue, a Federal District Court in Mississippi, held (in an unpublished case) that the funds "constituted direct financial support in the form of a substantial subsidy, and therefore, to allow the Salvation Army to discriminate on the basis of religion, * * * would violate the Establishment Clause of the First Amendment." *Dodge* v. *Salvation Army*, 1989 WL 53857 (S.D. Miss.) Recently, a complaint was filed against Kentucky Baptist Homes For Children, Inc. in the United States District Court Western District of Kentucky concerning whether state aid can be used by religious organizations to discriminate in their employment. At issue is whether or not Kentucky Baptist Homes for Children, receiving most of their operating funds from the State, can fire an exemplary employee because that employee's homosexuality was contrary to the center's Christian values. This case will likely have implications for the employment discrimination provisions contained in Charitable Choice.

As the Kentucky case suggests, there are broader implications for extending the Title VII exemption than merely the hiring or firing of an individual on the sole basis of that person's religion. An excerpt from a Congressional Research Service memorandum best illuminates the potential consequences of including such a provision. "If a religious provider's faith mandates or ordains observance of precepts based on race or gender or sexual orientation or martial status or behavior, the * * * provision allows the provider to discriminate against employees and potential employees on that basis." While the Supreme Court would, I hope, find racial discrimination constitutionally suspect even if it were to be motivated by a religious belief, there should, nonetheless, be cause for concern that there are questions about the interplay between Charitable Choice and other nondiscrimination provisions.

It is a result of these very questions that made it necessary to offer an amendment to make it clear that any receipt of Safe and Drug-Free Schools and Communities Act funds constituted receipt of federal financial assistance. For the purposes of establishing legislative history, my intent with this amendment is that religious organizations operating with federal funds must abide by anti-discrimination laws and that the funding agency should have the power to enforce these laws. I agree with the Committee that this amendment does not extend "civil rights protections beyond current law" but I would note that these laws should be enforced is a religious organization is found to have violated any anti-discrimination laws. One of the traditional enforcement mechanisms includes the withholding of federal funds from entities found in violation of federal law. This option would be available to any agency in its oversight over religious organizations' participation in the Safe and Drug-Free Schools and Communities program. Without the power to withhold funds, the funding agency would have to find an individual complainant against. In practical terms this could be difficult if no minorities wanted to go there because of the discrimination. This amendment had previously been adopted on H.R. 3222, a bill to reauthorize the Even Start family literacy program.

The second of my amendments that was adopted improves the likelihood that religious organizations operating with Safe and Drug-Free Schools and Communities Act funds would do so without being in violation of the Constitution. Without my amendment, the Charitable Choice provision prohibited only the public funds from being used for "sectarian worship, instruction, or proselytization". This would not, of course, cover the privately paid employee or volunteer from engaging in such activity. The concern here is that you have school-age children attending a federally funded drug and violence prevention program. In essence, they are a captive audience. Without my amendment, the provision takes on the meaning of a federally funded school prayer program. For purposes of establishing legislative history, the amendment I offered which was accepted provided that a "charitable, religious or private organization" could not subject a participant in a Safe and Drug-Free Schools and Communities program to sectarian worship or instruction or proselytization, through any means regardless of whether it is paid for with federal funds, provided through a volunteer, or in any other way. Again, my amendment improves the Charitable Choice provision and increases the possibility that it could be implemented consistent with the Constitution. This amendment had also been adopted during consideration of H.R. 3222, a bill to reauthorize the Even Start family literacy program.

It is important to note that Charitable Choice has not been enacted without its controversies or without questions about its constitutionality. When signing charitable choice into law as part of S. 2206, the Community Services Block Grant reauthorization, President Clinton included the following statement:

> The Department of Justice advises, however, that the provision that allows religiously affiliated organizations to be providers under CSBG would be unconstitutional if and to the extent it were construed to permit government funding of "pervasively sectarian" organizations, as that term has been defined by the courts. Accordingly, I construe the Act as forbidding the funding of pervasively sectarian organizations and as permitting Federal, State, and local governments involved in disbursing CSBG funds to take into account the structure and operations of a religious organization in determining whether such an organization is pervasively sectarian.

In various cases, the Supreme Court lists several criteria to be used to determine if an institution is "pervasively sectarian:" (1) location near a house of worship; (2) an abundance of religious symbols on the premises; (3) religious discrimination in the institution's hiring practices; (4) the presence of religious activities; and (5) the purposeful articulation of a religious mission.

Yet, the legislative history of Charitable Choice is very clear—its purpose is to provide government funding to "pervasively sectarian" religious organizations. During the debate on an amendment offered by Rep. Chet Edwards to H.R. 3073, "The Fathers Count Act of 1999", proponents of Charitable Choice argued that to not allow funding of pervasively sectarian organizations would "gut" the bill. Unfortunately, Rep. Edwards' amendment to prohibit federal fund-

ing of "pervasively sectarian" organizations was defeated on a vote of 184 to 238.

In a Congressional Research Service report entitled "Charitable Choice: Background and Selected Legal Issues" (RL30388), it contemplates the difficulty of implementing all of the seemingly contradictory elements of Charitable Choice in a manner consistent with the Constitution.

> As noted above, one of the issues that has been raised about charitable choice measures is whether it is possible to implement all of their provisions or whether some necessarily have to be ignored, i.e., whether the various provisions of charitable choice are internally contradictory. But that issue of the administrative feasibility of implementing charitable choice is, in fact, a question of its constitutionality. All of the charitable choice provisions enacted or approved to date require that they be implemented "consisted with the Establishment Clause of the United States Constitution." But they also allow the religious organizations that receive grants or administer contracts under the pertinent programs to hire only adherents of their own faith, to display religious symbols and scripture on the premises where services are provided, to practice and express their religious beliefs "independent" of any government restrictions, and apparently, to invite the participants in the publicly funded programs to take part in religious activities funded with the organizations' own funds. Such organizations also need not, although they may, be incorporated separately from a sponsoring religious entity. Administratively, the question is whether the programs can be implemented in full compliance with all of these provisions. But more fundamentally, the question is whether it is "consistent with the Establishment Clause" for the government to fund religious organizations with these characteristics. * * * That means for purposes of direct public aid a religious organization's secular functions and activities must be able to be separated from its religious functions and activities. If they are separable, government can directly subsidize those functions. However, if the entity is so permeated by a religious purpose and character that its secular functions and religious functions are "inextricably intertwined," i.e., if the entity is "pervasively sectarian," the Court has held the establishment clause generally to forbid direct assistance.

The premise of Charitable Choice seems to suggest that religious organizations participating in Safe and Drug-Free Schools and Communities program may operate without regard to providing a religiously neutral atmosphere. Their constitutional requirement to provide services in a neutral environment which is not "pervasively sectarian" is not lessened by the provisions in Charitable Choice. It is unfortunate that the language in Charitable Choice, specifically subsection (b), may lead some religious organizations to operate in a manner that violates the Constitution and subject them to unwanted lawsuits.

It is also unfortunate that proponents of Charitable Choice have failed to contemplate the harm that this provision may cause to religious organizations and their religious mission when these organizations receive funds under Charitable Choice. In a March 17, 2000 Capitol Hill briefing on Charitable Choice sponsored by the Working Group for Religious Freedom, several speakers representing a broad political spectrum voiced their concerns about the false promise that this provision offers to faith based organizations.

At that briefing, Rev. Wanda Henry of the American Baptist Churches, USA offered her eloquent thoughts on what Charitable Choice means for faith-based organizations:

> Charitable Choice's proponents argue that the way in which faith-based organizations operate and function as an entity will not change as a result of Charitable Choice. But, competition fosters change.
>
> The change surfaces when meeting the needs of the people become secondary and the "money chase"—the quest for government-funded contracts and/or grants—becomes primary.
>
> There will be a change when the decisions affecting who receives assistance and how the assistance is implemented are removed from the mission of the faith-based organizations and becomes bogged down in, with, and through government controls and bureaucracy.
>
> Charitable Choice does an injustice to the organizations receiving funds by not clearly delineating the chain of events which occur when government monies enter into the doors and settle into the coffers of the treasuries of our churches and ministries.
>
> For example, Charitable Choice suggests that the audit is a limited event if there is a separate reporting and accountability of government funds. While that may be true, as a former Contracting Officer, I know that the limit of the audit is not so much determined by separations as it is by thresholds and dollar amounts. * * * You and I know that contracts—government and otherwise—are written from the vantage point of the one with the dollars. In this instance, it is the government. Equality does not exist here due to the pressures created from government contracts and grants as a result of time-consuming administration and monitoring functions.
>
> The prophetic voice of the church will be silenced or threatened with silence due to their inability to criticize the main source of their funding for meeting social needs. Certainly Charitable Choice does not intend this—or does it? Dr. James M. Dunn once stated: "You can't fool all the people all the time, but there is good money in trying." In the same manner, Dr. Martin Luther King, Jr., said "The Church is not the master of the state, nor the servant of the state but the conscience of the state." Charitable Choice places faith-based institutions in the position of losing their consciences.
>
> Charitable Choice will force church and other faith based institutions to become so dependent on government

> monies that they will lose their place in the spiritual realm and become mere facades for government buildings.

Another speaker at this briefing also spoke of the dangers of government funding of religious organizations as proposed under Charitable Choice. Melissa Rogers is the General Counsel for the Baptist Joint Committee. The spirit of her comments are best illustrated in an Op-Ed article she authored appearing in the The Washington Post on June 23, 1999. Excerpts follows:

> Put simply, charitable choice is the wrong way to do right. For one thing, religious ministries would be regulated by the government, which would mean audits and, probably, tedious reporting, intrusive compliance reviews and even the subordination of religious principles to government policies and objectives.
>
> Gore and Bush have emphasized that the charitable choice law attempts to protect the religious character and autonomy of providers, but whether these protections would survive judicial scrutiny is questionable. For example, is it constitutional to allow a religious ministry to insist that no Jews or Muslims need apply for jobs that are tax-funded? One federal district court has already refused to allow the Salvation Army to fire an employee whose salary was paid substantially with tax money simply because the employee was a Wiccan.
>
> Second, under charitable choice, religious ministries could become administrative centers of government benefits and services and gain associated duties such as terminating benefits, reporting on beneficiaries and otherwise policing the system. Instead of being known as sanctuaries, churches could come to be viewed essentially as arms of the state. If tax subsidies flow to churches and other religious ministries, the role of religion as prophetic critic of government also will be diminished.

Another speaker at the March briefing gave a conservative perspective of the dangers of Charitable Choice. Timothy Lamer is the Deputy Managing Editor of World Magazine, a conservative evangelical publication. In 1996, he wrote an article appearing in The Weekly Standard entitled "I Gave At Church" outlining his concerns as a conservative evangelical about the inclusion of Charitable Choice in the Welfare Reform law. These concerns also apply to Charitable Choice contained in the Safe and Drug-Free Schools and Communities program in H.R. 4141. An excerpt of his article follows:

> Tax dollars given for "secular" use at Christian charities will free up church funds for proselytization. But that should concern all those, including evangelicals, who value religious liberty, a basic tenet of which is that citizens should not be taxed to support religions with which they disagree. Evangelicals in particular should remember that under the Ashcroft (Charitable Choice) proposal, state governments will decide which charities get federal dollars. Whichever sects have the most influence in each State will

> get the coveted funds. Imagine the backlash when evangelicals realize their money is going to support the Mormon Church in Utah and the Roman Catholic Church in Massachusetts. Or when the Mormons and Catholics realize that their tax dollars are supporting the Southern Baptists in Tennessee.
>
> If money is really fungible, then government support of Mormon charities means the Mormon Church can send more missionaries to, say, the South. And the Southern Baptists can do more evangelism in, say, Utah. There's no better way to start a real religious war in America than to coerce the faithful of any church into subsidizing what they view as a false religion.

Charitable Choice presents a myriad of constitutional and policy implications. Unfortunately, we have failed to fully investigate these issues because it is not a serious attempt by its proponents to set appropriate, responsible policy for religious organizations' participation in federally funded grant programs. Rather, it is nothing but political window dressing for those who have continually sought in this Congress and the previous one to intrude upon the religious liberties and protections afforded by the First Amendment of our Constitution.

A copy of the Congressional Research Service Memorandum entitled 'Questions Concerning Possible Charitable Choice Amendment to the Even Start Program,' is submitted for the record as part of my Additional Views.

HATE CRIMES

The Majority's elimination of hate crime prevention programs in Title II of H.R. 4141, the OPTIONS Act, represents their latest and most egregious attempt to roll back school and community based efforts to reduce the incidence of hate crimes committed by youth. Most disappointing is that this effort comes cloaked in language of religious tolerance when in fact it condones and encourages intolerance.

Hate crimes are defined in law as offenses that "manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity." (P.L. 101–275) The Department of Justice reports that the incidence of hate crimes based on race, religion, sexual orientation, disability and gender, has been on the rise since 1991 when data was first collected. Based on the most recent data available, in 1996 there were over 8,000 reported incidents of hate crimes. Crimes motivated by prejudice and intolerance based on race represented the majority of these hate crimes. In fact, in the week before the Committee considered H.R. 4141, the Associated Press reported on an alleged race-based hate crime in Alabama committed by a 14 year old and a 15 year old. During committee consideration, I introduced for the record, other incidents of school and youth based hate crimes as collected by the Human Rights Campaign Fund, giving 8 other examples from the past year. Because the data collected by the Department of Justice is provided voluntarily by law enforcement agencies, most social science researchers believe that the incidence of hate crimes is underreported.

While the perception is that hate crimes are committed by organized hate group such as "skinheads", the research reveals that it is more common that young people, ages 15–25, are the perpetrators. In order to reduce the incidence of hate crimes committed by youth, the Sate Drug Free Schools Act and the Juvenile Justice and Delinquency Prevention Act authorize funding for school and community based hate crime prevention programs. These programs focus on educating youth, who are school age, in ways that challenge concepts of prejudice and intolerance that are present in various social institutions.

The Safe and Drug Free School Act provides for the development of teaching materials on hate crime prevention. The publication most often referenced by the Majority, Healing the Hate, is used by teachers as a guide on how to protect students from harassment and hate crimes. The manual includes examples of hate-crimes based on sexual orientation. In their committee views, the Majority states, "Current national programs authority to create a sample curriculum regarding hate crime prevention has been abused. A publication created by the Department of Education, Healing the Hate, which targets middle school age students, teaches that certain Christian beliefs are intolerant." Correspondence, dated April 9, 1999, sent to the former Administrator of the Office of Juvenile Justice and Delinquency Prevention from members of the Majority further expands on their views:

> 29. Do any of the programs funded under violence/hate crimes prevention involve family counseling or other attempts to deal with attitudes children may learn from their parents that could make them more likely to commit hate crimes?
>
> * * * * * * *
>
> 32. Is there any requirement that parents be notified when information about the homosexual lifestyle is taught at school with the use of OJJDP funds?
>
> 33. How is hate speech defined for purposes of OJJDP programs?
>
> 34. If minor or adult speaks about the morality of homosexuality, is this considered intolerant? Is it considered a hate crime?
>
> 35. If person says homosexual behavior is an abomination, is that hate speech?
>
> 36. If person or a parent says homosexuals cannot inherit the kingdom of God, is that hate speech?
>
> Is it a belief or attitude that could lead to the commission of hate crimes as far as OJJDP programs are concerned?
>
> 39. Are there any requirements prohibiting OJJDP funded materials, training, and documents from stereotyping or denigrating individuals or families who hold Judeo—Christian or other religious beliefs?
>
> 40. What is the legal and/or statutory authority for DOJ including sexual orientation as a class identifier which affords individuals heightened legal protection as part of official DOJ documents and publications?

The Majority's claim that hate crime prevention programs are anti-Christian should serve as an example of the intolerance these programs seek to abate. This is further evidenced by the Provision in Section 4143 of Title II of H.R. 4141 which prohibits uses of funds for "activities or programs that discriminate against or denigrate the religious or moral beliefs of students who participate in such activities or programs." This language is clearly impractical in its administration. Moreover, it would prevent Safe and Drug Free School hate crime prevention programs from teaching, for example, that the tenets of the Church of the Creator which condone white supremacy, are wrong. Unfortunately, in their zeal to counter the alleged anti-Christian message in hate crime prevention program, the language offered by the Majority would endorse the practices of organizations who teach or encourage prejudice and intolerance that lead to hate crimes.

BOBBY SCOTT.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, February 15, 2000.

MEMORANDUM

To: Honorable Robert C. Scott, Attention: Theresa Thompson.
From: David M. Ackerman, Legislative Attorney, American Law Division.
Subject: Questions Concerning Possible Charitable Choice Amendment to the Even Start Program.

This is in response to your request for a brief analysis of the possible legal implications of the employment discrimination provision of a charitable choice amendment that may be proposed to the Even Start program and for information on the constitutional standards governing direct public assistance to religious organizations. This memorandum responds to these inquiries in order.

EMPLOYMENT DISCRIMINATION

The text of the charitable choice amendment has not been made available to us. But previous charitable choice proposals have included one or both of the following provisions regarding employment discrimination:

> (1) TITLE VII EXEMPTION.—The exemption of a religious organization provided under section 702(a) of the civil Rights Act of 1964 (42 U.S.C. 2000e–1) regarding employment practices shall not be affected by the religious organization's provision of services under, or receipt of funds from, [name of program].
>
> (2) TENETS AND TEACHINGS.—A religious organization that provides services under [name of program] may require that its employees providing services under such program adhere to the religious tenets and teachings of such organization, and such organization may require that

> those employees adhere to rules forbidding the use of drugs or alcohol.

Time limitations prevent a thorough analysis of these provisions, but several observations might be made.

First, with the exception of the part concerning the use of drugs and alcohol in the second provision, it appears doubtful that there is any significant difference in the scope of the two provisions. Both provisions appear to allow religious organizations receiving funds under the pertinent program to discriminate on religious grounds in their employment practices. Title VII of the Civil Rights Act of 1964 generally prohibits public and private employers from discriminating in their employment practices on the bases of race, color, religion, sex, or national origin. But § 702(a) of that statute exempts religious organizations from the ban on religious discrimination, as follows:

> Section 702(a): This subchapter shall not apply to * * * a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

That exemption, it might be noted, applies not only to the religious activities of a religious organization but also to its secular activities.[1]

Title VII, of course, applies without regard to whether an organization receives public funds. The provision in the first charitable choice amendment noted above, thus, would extend the Title VII exemption for religious organizations to situations in which the organizations receive public funds under the pertinent program and allow them to discriminate on religious grounds in their employment practices to the same extent as is currently allowed by Title VII.

The language in the second provision allowing a religious organization that receives funds under the pertinent program to require its employees "to adhere to the religious tenets and teachings of such organization" appears congruent with the Title VII exemption. Under both provisions a religious organization can restrict its hiring not only to members of its own faith but to those who abide by its precepts and otherwise give preference to such persons in their other employment practices.

Second, the scope of each exemption appears to be quite broad. The Title VII exemption, for instance, has been held to protect employment discrimination by religious organizations in a variety of circumstances:

- the Church of Jesus Christ of Latter-Day Saints when it fired several employees because they failed to qualify for a "temple recommend," i.e., a certificate that they were Mormons who abided by the Church's standards in such matters as regular church attendance, tithing, and abstinence from coffee, tea, alcohol, and tobacco (*Corporation of the Presiding Bishop*

[1] *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints* v. *Amos,* 483 U.S. 327 (1987).

of the Church of Jesus Christ of Latter Day Saints v. *Amos,* 483 U.S. 327 (1987));

• a Christian school that fired a teacher for having an affair with the father of three children at the school and breaking up his marriage (*Gosche* v. *Calvert High School,* 997 F.Supp. 867 (N.D. Ohio 1998), aff'd mem, 181 F.3d 101 (6th Cir. 1999));

• a Baptist university that barred a professor from teaching at its divinity school because his theological views differed from those of the dean (*Killinger* v. *Samford University*), 113 F.3d 196 (11th Cir. 1997));

• number of Christian schools that fired female teachers for having extramarital sex or committing adultery (*Boyd* v. *Harding Academy of Memphis, Inc.,* 88 F.3d 410 (6th Cir. 1996) and *Dolter* v. *Wahlert High School,* 483 F.Supp 266 (N.D. Iowa 1980);

• a Christian college that refused to hire a Jewish professor (*Siegel* v. *Truett-McConnell College, Inc.,* 13 F.Supp.2d 1335 (N.D. Ga. 1994), *aff'd mem.,* 73 F.3d 1108 (11th Cir. 1995));

• a Catholic school for firing a teacher who remarried without seeking an annulment of her first marriage in accord with Catholic doctrine (*Little* v. *Wuerl,* 929 F.2d 944 (3d Cir. 1991));

• a Catholic university that refused to hire a female professor because her views on abortion were not in accord with Catholic teaching (*Maguire* v. *Marquette University,* 814 F.2d 1213 (7th Cir. 1987));

• a Baptist nursing school that fired a student services specialist after she was ordained a minister in a gay and lesbian church that advocated views on homosexuality "which were inconsistent with the [school's] perception of its purpose and mission" (*Hall* v. *Baptist Memorial Health Care Corporation,* 27 F.Supp.2d 1029, 1038–39 (W.D. Tenn. 1998));

• a Presbyterian college for dismissing a Catholic professor (*Wirth* v. *College of the Ozarks,* 26 F.Supp.2d 1185 (W.D. Mo. 1998));

• a Christian retirement home that fired a Muslim receptionist after she insisted on wearing a head covering as required by her faith (*EEOC* v. *Presbyterian Ministries, Inc.,* 788 F.Supp. 1154 (W.D. Wash. 1992));

• the Christian Science Monitor when it refused to hire a non-Christian Scientist (*Feldstein* v. *Christian Science Monitor,* 555 F.Supp. 974 (D. Mass. 1983)); and

• a Catholic school when it fired a teacher for marrying a divorced man (*Bishop Leonard Regional Catholic School* v. *Unemployment Compensation Board of Review,* 140 Pa.Cmwlth. 428, 593 A.2d 28 (1991));

Third, the language in the second provision allowing religious providers to "require that * * * employees adhere to rules forbidding the use drugs or alcohol" potentially has an application broader than the discrimination permitted by the Title VII provision. Rules forbidding the use of drugs and alcohol are an integral part of some religious faiths and in those cases would be legitimate grounds for discrimination under both the tenets and teachings language and the exemption based on Title VII. But not all faiths forbid the use of drugs or alcohol, and in some religions such use

is even part of the rituals of the faith. For those faiths the discrimination authorized by the foregoing language would not duplicate either the tenets and teachings language or the exemption based on Title VII. Such organizations could discriminate not only on the basis of the religious character of their employees or applicants for employment but also on the basis of their use of drugs or alcohol. To that extent, then, the second employment discrimination provision is slightly broader than the first.

Finally, under both provisions there may be some question about their interplay with other nondiscrimination provisions. Title VII, for instance, allows religious organizations to discriminate on religious grounds but not on grounds of race, color, sex, or national origin. What happens, then, when religious doctrine mandates discrimination that may also implicate the other prohibited bases for discrimination? A number of cases, for example, have involved the legality of Christian schools firing unmarried female teachers after they became pregnant. At least two courts have said that the Title VII exemption would allow the schools to dismiss a female teacher for adultery under these circumstances but that a dismissal simply for pregnancy would raise a possibility of prohibited sex discrimination.[2] Similarly, Title VII's ban on sex discrimination was held to apply to a Christian school's policy of extending health insurance benefits to men and single persons that were not available to married women in its employ, notwithstanding the school's contention that its religious beliefs regarded husbands as the head of the household in any marriage and as the primary provider for that household.[3]

Although there does not appear to be any dispositive case law, some question may also exist if an organization whose religious tenets mandate racial separation or differential treatment on the basis of race discriminates on racial grounds in its employment practices. One case involving a charge of racial discrimination by a religious institution violative of Title VII, at least, held that "if a religious institution * * * presents convincing evidence that the challenged employment practice resulted from discrimination on the basis of religion, § 702 deprives the EEOC of jurisdiction to investigate further to determine whether the religious discrimination was a pretext for some other form of discrimination."[4] In the context of a program that receives public funds, of course, racial discrimination is constitutionally dubious even if it is motivated by religious belief.[5]

Similar questions would seem to be raised by either of the employment discrimination provisions.

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[2] See *Vigars* v. *Valley Christian Center of Dublin, California,* 805 F. Supp. 802 (N.D. Cal. 1992) and *Ganzy* v. *Allen Christian School,* 995 F.Supp. 340 (E.D. N.Y. 1998).

[3] *EEOC* v. *Fremont Christian School,* 781 F.2d 1362 (9th Cir. 1986).

[4] *EEOC* v. *Mississippi College,* 626 F.2d 477 (1980), *cert denied,* 453 U.S. 912 (1981).

[5] Cf. *Bob Jones University* v. *United States,* 461 U.S. 574 (1983) (holding in part that the federal government has an interest in eliminating racial segregation sufficiently compelling to override the university's claim that its policies of racial discrimination are protected by the free exercise of religion clause).

CONSTITUTIONAL STANDARDS GOVERNING PUBLIC AID TO RELIGIOUS ORGANIZATIONS

With respect to public aid provided directly to a religious organization if the form of a grant or contract, a basic tenet of the Supreme Court's interpretation of the establishment of religion clause of the First Amendment[6] is that the clause "absolutely prohibit[s] government-financed or government-sponsored indoctrination into the beliefs of a particular religious faith."[7] Thus, the Court has held that such public assistance must be limited to aid that is "secular, neutral, and nonideological. * * *"[8] That is, under the establishment clause government can provide direct support to secular programs and services sponsored or provided by religious entities but it cannot directly subsidize such organizations' religious activities or proselytizing.[9] Direct assistance must be limited to secular use.

Thus, religious organizations are not automatically disqualified from participating in publicly funded programs, and numerous religious organizations do so. But they must carry out the programs in a secular manner. That means that for purposes of direct public aid a religious organization's secular functions and activities must be able to be separated from its religious functions and activities. If they are separable, government can directly subsidize those functions. However, if the entity is so permeated by a religious purpose and character that its secular functions and religious functions are "inextricably intertwined," i.e., if the entity is "pervasively sectarian," the Court has held the establishment clause generally to forbid direct public assistance.[10]

The Court has not articulated precise rules for determining what makes a religious organization "pervasively sectarian." It has looked at such factors as the proximity of the organization in question to a sponsoring church; the presence of religious symbols and paintings on the premises; formal church or denominational control over the organization; whether a religious criterion is applied in

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[6] The clause provides in pertinent part that "Congress shall make no law respecting an establishment of religion * * *."

[7] *Grand Rapids School District* v. *Ball,* 473 U.S. 373, 385 (1985).

[8] *Committee for Public Education* v. *Nyquist,* 413 U.S. 756, 780 (1973).

[9] In most of the cases involving aid to religious institutions, the Court has used what is known as the *Lemon* test to determine whether a particular aid program violates the establishment clause: "First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion * * *; finally, the statute must not foster "an excessive entanglement with religion." *Lemon* v. *Kurtzman*, 403 U.S. 602, 612–13 (1971).

The secular purpose prong of this test has rarely posed an obstacle to public aid programs benefiting sectarian entities, but the primary effect and entanglement prongs have operated, in Chief Justice Rehnquist's term, as a "Catch-22" for such programs. That is, under the primary effect test a direct aid program benefiting religious organizations but not limited to secular use has generally been held unconstitutional because the aid can be used for the organizations' religious activities and proselytizing. But if a program is limited to secular use, it has often still foundered on the entanglement test because the government's monitoring of the secular use restriction has intruded it too much into the affairs of the religious organizations. See *Lemon* v. *Kurtzman, supra.* The Court has for some time been sharply divided on the utility and applicability of the tripartite test and particularly of the entanglement prong. Nonetheless, the Court still uses the *Lemon* test, although it is no longer the exclusive test for establishment clause cases. Moreover, in *Agostini* v. *Felton*, 521 U.S. 203 (1997) the Court eliminated excessive entanglement as a separate element of the tripartite Lemon test and held it to be part of the inquiry into primary effect. As reformulated, the entanglement inquiry now asks whether government monitoring of a program would have the effect of inhibiting religion.

[10] *Commitee for Public Education* v. *Nyquist, supra; Lemon* v. *Kurtzman, supra; Bowen* v. *Kendrick, supra.*

the hiring of employees or in the selection of trustees or, in the case of a school, to the admission of students; statements in the organization's charter or other publications that its purpose is the propagation and promotion of religious faith; whether the organization engages in religious services or other religious activities; its devotion, in the case of schools, to academic freedom; etc.[11] But the Court has also made clear that "it is not enough to show that the recipient of a * * * grant is affiliated with a religious institution or that it is 'religiously inspired.'"[12] Indeed, none of these factors, by itself, has been held sufficient to make an institution pervasively sectarian and therefore ineligible for direct aid.[13] Such a finding has always rested on a combination of factors.

As a practical matter the Court has generally found religious elementary and secondary schools to be pervasively sectarian. In contrast, it has generally held religiously affiliated hospitals, social welfare agencies, and colleges not to be pervasively sectarian. But in its most recent decision involving public aid to religious social welfare agencies, the Court held open the possibility that some agencies might be pervasively sectarian.[14]

Thus, the secular use limitation on direct public aid under the establishment clause has two dimensions. The aid cannot be used for religious purposes, nor can it flow to institutions that are pervasively sectarian. As the Court summarized in *Hunt* v. *McNair*:[15]

> Aid normally may be thought to have a primary effect of advancing religion when it flows to an institution in which religion is so pervasive that a substantial portion of its functions are subsumed in the religious mission or when it funds a specifically religious activity in an otherwise substantially secular setting.

I hope the foregoing is responsive to your request. If we may be of additional assistance, please call on us.

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[11] See, e.g., *Bradfield* v. *Roberts,* 175 U.S. 291 (1899); *Lemon* v. *Kurtzman, supra*; *Tilton* v. *Richardson,* 403 U.S. 672 (1971); *Committee for Public Education* v. *Nyquist, supra; Meek* v. *Pittenger,* 421 U.S. 349 (1975); *Roemer* v. *Maryland Board of Public Works,* 426 U.S. 736 (1976); and *Bown* v. *Kendrick,* 487 U.S. 589 (1988).

[12] *Bowen* v. *Kendrick, supra,* at 621.

[13] For helpful lower federal court discussions of the criteria bearing on whether an institution is pervasively sectarian or not, see *Minnesota Federation of Teachers* v. *Nelson,* 740 F.Supp. 694 (D. Minn. 1990) and *Columbia Union College* v. *Clark,* 159 F.3d 151 (4th Cir. 1998), cert. denied, 119 S.Ct. 2357 (1999).

[14] Id.

[15] 413 U.S. 734, 743 (1973).

MINORITY VIEWS

INTRODUCTION

H.R. 4141 is a highly partisan piece of legislation, designed to please the most extreme elements of the Majority party. Rather than working to pass legislation to enhance public education, it is clear that the Majority has decided to play politics with American's school children. The Majority refused to include any Democratic members while drafting H.R. 4141, despite our repeated requests to work in a bipartisan manner. During consideration of the bill, the Majority defeated 52 of 54 of our amendments voted on, further confirming that they're not serious about passing a bipartisan education bill.

H.R. 4141 ignores virtually every education priority supported by the public, including reducing class sizes, modernizing our public schools, improving teacher quality, improving technology in the classroom, and protecting our children from violence in the classroom. The Clinton Class Size Program, which will shortly begin its second year of funding, is helping thousands of communities reduce class sizes, especially in the early grades. H.R. 4141 repeals the class size program by creating a large block grant, that pits one program against another, without any accountability.

In addition to undermining effective programs that help reduce class sizes in the early grades. H.R. 4141 torpedoes critical after-school and summer extended learning programs that boost test scores and reduce crime. It repeals efforts to keep drugs out of the schools. It repeals programs that work to prevent hate crimes, and repeals the protections of civil rights laws that prohibit discrimination in hiring when federal funds are involved. The Republican bill also fails to address the growing digital divide in our classrooms, leaving millions of minority children and their teachers without access to computer technology.

We will work to defeat this deeply flawed bill, and continue the fight for legislation that will address crumbling and overcrowded schools, reduce class sizes, invest in after-school and summer programs, prevent school drug use and violence, close the digital divide, and recruit and retain highly qualified teachers.

H.R. 4141 REPEALS CRITICAL AFTER-SCHOOL AND SUMMER EXTENDED LEARNING PROGRAMS

H.R. 4141 eliminates the 21st Century Community Learning Centers program. Throughout our nation's communities, parents and teachers are advocating additional educational, social and recreational opportunities for our school children. Such calls come as neighborhoods try to reduce crime, enrich the lives of their citizens, and most importantly provide meaningful extended learning time opportunities for their children.

The current 21st Century program has acted as a blueprint for many communities to meet these needs, especially in the area of extended learning time programs, before-and-after-school, and on weekends. Programs are presently in place in 49 States, the District of Columbia, and the U.S. Virgin Islands serving approximately 500,000 children and 250,000 adults.

A recent hearing by the Committee provides an example of local opposition to the block granting of this program. On April 20, 2000, the Committee held a hearing in Lexington, Kentucky, to example the impact that Federal education programs have on academic achievement. The Minority was denied an opportunity to select a witness to provide testimony at this hearing. Even with this unbalanced panel, the witness invited by the Majority to speak on the 21st Century Community Learning Centers program, Ms. Patrice Jones, Community Education Coordinator, Jessamie County Schools, expressly opposed the block granting of the 21st Century program with the Safe and Drug Free Schools program. Ms. Jones said "I am concerned that the program goals and legislative intent will be lost or diluted if the 21st CCLC program is combined with another program * * *"[1]

The Clinton Administration adamantly opposes the repeal of the 21st Century Community Learning Centers program, a position expressed in a letter by Secretary Riley to Chairman Goodling on the bill:

> I strongly object to H.R. 4141's elimination of the current after-school program by block-granting the 21st Century Community Learning Centers Program with the Safe and Drug-Free Schools State Grant Program. The ESEA should, like current law, continue to provide a dedicated funding stream for before-and after-school programs that focus on providing extended learning opportunities for children in a safe environment, as well as providing additional services that address the needs of the community at large. * * * The Congress should expand this effective program, not eliminate it.[2]

The 21st Century Community Learning Centers was first enacted as a demonstration program in the 1994 reauthorization of ESEA with strong bipartisan support. It has experienced sizable increases in annual appropriations from $750,000 in fiscal year 1995, to $454 million in fiscal year 2000. In addition, President Clinton has proposed $1 billion for this program in fiscal year 2001. Despite these increases, applications to Department for assistance continue to outpace funding levels. In fiscal year 2000 alone, the Department of Education has received 2,100 requests for funding, yet only anticipates being able to fund 350 to 400 new grants—or less than 20%

Further magnifying the demand for these services, a recent survey by the Charles Stewart Mott Foundation and JCPenny found that 92 percent of voters say there should be some type of orga-

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[1] Hearing on "Academic Achievement for All", Committee on Education and the Workforce, April 20, 2000, Lexington, Kentucky. The proposal to block grant the 21st Century program is also opposed by a number of education groups, including the National PTA.

[2] April 5, 2000 letter to Chairman William F. Goodling from Secretary of Education, Richard Riley.

nized activity or place for children and teens to go after-school each day.[3] Eighty-six percent of voters also said that after-school programs are a necessity.[4] Agreement on the importance of after-school programs even crosses partisan line with 94 percent of Democrats, 93 percent of Independents, and 89 percent of Republicans supporting organized after-school activities.[5]

Representatives McCarthy and Kildee offered an amendment during committee markup to maintain and enhance this vital program. This amendment would build upon the existing 21st Century Community Learning Centers program by maintaining its separate identity, strengthening the program's focus on quality after-school programs that used qualified staff and research-based approaches to teaching and learning, and demanding measurable outcomes for families and children. Unfortunately, the amendment was defeated by a 21 to 25 vote.

The repeal of the 21st Century Community Learning Centers ignores the pressing need for these programs and would destroy a program that has overwhelming support among parents, teachers and community leaders. We believe that this block grant approach of combining this program with others will rob the program of its focus, accountability, and future funding.

THE NEW REPUBLICAN SPIN ON BLOCK GRANTS—TRANSFERABILITY

H.R. 4141 contains an open-ended "transferability" authority, which in practice would operate like other Republican proposals to block grant federal funds to the states. Programs to which "transferability" is applicable include:

- Class Size Reduction
- Comprehensive School Reform
- Eisenhower Professional Development (Title II of ESEA)
- Technology programs (Title III of ESEA)
- Safe and Drug Free Schools (Title IV of ESEA and 21st Century Community Learning Centers—the Republican bill assumes a block granting of SDFS and 21st Century making both funding streams available.)
- Innovative Educational Strategies program (Title VI of ESEA)
- Emergency Immigrant Education (Title 7, Part C of ESEA)

Ostensibly, this provision would allow school districts more flexibility by allowing them to transfer up to 35 percent of funds appropriated by Congress for one purpose, for an entirely different purpose. In practice, this provision would grant Governors unprecedented new authority to control and direct billions in federal funds, with little accountability or oversight. Nothing in H.R. 4141 prevents states from dictating to local school districts how federal funds should be allocated among the different use of funds. In fact, the legislation expressly gives states final authority on all local transfers above 35%.

The bill establishes a sham "state approval" process for transferability. State approval is not required to be documented in writing and there is no meaningful criteria upon which a State would judge

[3] 1999 Mott Foundation/JCPenny Nationwide Survey on After-School Programs.
[4] Ibid.
[5] Ibid.

whether to approve a transfer of funds. School districts are not even required to provide a rationale for their desire to transfer funds.

The lack of focus and accountability of this open-ended block grant would destabilize programs and make it impossible to evaluate their effectiveness. In addition, transferability would leave Federal funds for children with special needs at risk; parents of such students frequently lack local political clout to convince local leaders to fund their needs. We should ensure federal funds go to those most in need, and avoid strategies that simply pit one group of parents against another.

The Clinton Administration expressed strong opposition to transferability in the letter Secretary Riley sent to Chairman Goodling on the bill:

> I strongly object to the bill's inclusion of proposed section 14206 of ESEA, which embodies the block-grant approach to Federal education programs that the President and I have repeatedly opposed * * *. I find the lack of accountability for results and the disregard for national priorities under the transferability provisions particularly disturbing. States and districts would have free rein to shift funds between programs that serve important national goals, without any attention to whether such reprogramming would be in the interest of students of schools affected. It is unconscionable to allow a school district to gut the programs that strengthen teacher quality, reduce class size, increase access to technology, and ensure that schools are safe and drug-free, in favor of unfocused block grants * * * this proposal goes will beyond what is appropriate or acceptable, by providing unchecked flexibility in return for no accountability.[6]

Our concerns on this issue are further reinforced by 30 education organizations who signed a letter in opposition to transferability. In this letter, they said:

> * * * we believe transferability lacks any real accountability for use of funds, fails to ensure that funds will be used to improve student achievement for all students, dilutes targeting of funds to schools with the greatest needs, undermines critical teacher quality standards, fails to require any input from parents, teachers, and the public, and undermines the federal role in setting national priorities. We urge you to drop this unnecessary and harmful provision from the bill.[7]

At a time when schools are struggling to recruit and retain high quality teachers, we should not allow funds to be drained out of critical teacher quality programs. At a time when we have a national school safety problem, we should not allow for the transfer of funds out of our school safety programs. At a time when the

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[6] April 5, 2000 letter to Chairman William F. Goodling from Secretary of Education, Richard Riley.

[7] April 4, 2000 letter from 30 education organizations to Education and the Workforce Committee Members (see attached).

"digital divide" separates the technology have's from the technology have not's, we should not allow for the transfer of funds out of our technology programs. This proposal seeks to blur the lines between program authority, changing ESEA into one fungible pot of block granted Federal dollars, with no emphasis on educational quality and accountably.

FAILURE TO ADDRESS MUCH-NEEDED MODERNIZATION OF OUR PUBLIC SCHOOLS

The Republican legislation completely ignores the overwhelming need to renovate and rebuild our nation's public schools. President Clinton, as a part of his State of the Union address in January 2000, proposed a supplemental school modernization proposal, in addition to the existing measures introduced by Representative Rangel (H.R. 1660), and Representatives Rangel and Johnson (H.R. 4904). While H.R. 1660 and H.R. 4904 provide a tax-based approach to school construction, Representative William L. Clay's Public School Repair and Renovation Act of 2000 (H.R. 3705), authorizes $1.3 billion in loans and grants to schools. It is designed to leverage up to $7 billion in funding for 8,300 emergency school renovation and repair projects.

In 1995, the GAO found that were $112 billion in unmet school construction needs. A recent survey by the National Education Association, report over $300 billion in unmet renovation needs.[8] Clearly, this is a national problem that will greatly impact upon our nation as a whole. Students can not reach their potential in overcrowded, unsafe, or crumbling schools.

To address this important issue, Ranking Member Clay offered an amendment identical to H.R. 3705, which is based upon the President's $1.3 billion emergency school renovation proposal. Unfortunately, Republican Members voted against this proposal by a 19 to 23 vote.

EXACERBATION OF THE DIGITAL DIVIDE AND IGNORING THE EDUCATIONAL NEEDS OF GIRLS

H.R. 4141 undermines efforts to close the "digital divide." The Republican "Tech for Success" proposal block grants nearly all technology programs, reduces targeting of technology resources to needy areas, places a mandate on local school districts regarding Internet filtering, and ignores the need to provide girls with access to high-tech educational and employment opportunities.

First H.R. 4141 block grants nearly all technology programs authorized under Title III of ESEA into one loosely defined and unfocused fungible technology program. In addition, the bill eliminates all authority for a State Educational Agency to operate these programs, ensuring that the Governor of a State will have complete control over educational technology funding.

Instead of infusing accountability for results and identifying important separate needs, such as preservice teacher technology preparation and innovative national technology initiatives, the Republican proposal abandons any effort to ensure technology programs integrate technology into the curriculum of schools. Our nation's

[8] "Modernizing Our Schools: What Will It Cost"? May 3, 2000.

teachers should have the knowledge and training to properly and successfully use technology in the classroom.

The Republican proposal also exacerbates the "digital divide" by reducing the targeting of Federal technology funds to disadvantaged areas. Rather than targeting limited technology dollars to State and school districts with pressing needs, the bill reduces the focus on poverty in the State formula. The bill's definition of "high-need local educational agency" would allow practically any school district to be eligible for funding. Under the legislation a "high need local educational agency" is defined as a school district which must meet only one of four different characteristics, such as high poverty or limited access to advanced telecommunications services. At a time when computer hardware and software acquisition, coupled with access to the Internet, teacher knowledge and training in technology, continue to separate and divide some school districts from the technology revolution which has defined our county, the Republican proposal inexcusably worsens this growing problem.

H.R. 4141 also ignores existing successful local efforts to keep children safe during their Internet usage by instituting a new and confusing Federal mandate for filtering and blocking software. All of us are concerned about children, especially young children, accessing harmful material on the Internet. However, we also recognize that schools, principals, and teachers have been dealing with the issue of access to objectionable content since the Internet became widely accessible—many years before Congress' attempt to pass legislation on this issue. Since this time, schools have developed various local use policies that are designed to prevent children from accessing harmful Internet-based material based on local needs with local input.

Unfortunately, the Republican proposal would require school districts to adopt costly and ineffective filtering and blocking technology, or lose the ability to purchase computers or pay the costs of Internet access the Federal Title III funds. While some schools utilize filtering and blocking software and techniques, these methods are far from infallible and often can be overcome by the very children they are designed to protect. Also, Internet sites without any objectionable material can be blocked merely for mentioning a word or phrase that may identify harmful material, preventing access to important research tools. Lastly, and most importantly for our schools, filtering or blocking technology can often be costly and place a significant strain on a school's technology budget.

We should not bust school budgets by requiring them to implement what may or may not be effective means of protecting our children from harmful materials on the Internet. Instead, we should be assisting our schools to implement reasonable policies based on local needs that effectively protect our children while sustaining their ability to use the Internet for educational and enriching experiences.

Representatives Kind, Fattah, Owens, Hinojosa, and Wu offered various amendments to correct the deficiencies in the technology title. Representative Kind offered an amendment to reauthorize the Technology Literacy Challenge Fund, the largest technology-only program currently in ESEA. Representative Fattah offered an amendment to authorize a program to restructure teacher-training

programs to include a technology focus. This proposal was similar to the Preparing Tomorrow's Teachers to use Technology Program initiative that was included in the Administration's ESEA reauthorization proposal. Representative Owens offered an amendment to increase the technology resources of school libraries. Representative Hinojosa offered an amendment to statutorily authorize the existing Community Technology Centers, a program which provides technology access and resources to disadvantaged communities. Representative Wu offered an amendment to authorize the Next Generation Innovation Grants, a national technology grant program designed to develop innovative educational applications of technology. The Next Generation program replaces and builds upon the success of both the Star Schools and Technology Innovation Challenge Grants in current law by focusing assistance to partnerships of high-need school districts and institutions of higher education to better integrate technology into the curriculum and everyday instructional practices of teachers. These amendments were defeated on party line votes.

Lastly, the Republican proposal ignores another pressing need in our country—the access and exposure of girls to education and career oppotunties in the fields of technology, mathematics, science and engineering. The facts surrounding this situation speak for themselves. Women compromise slightly over 50 percent of America's population, but earn only 37 percent of math degrees, only 8 percent of doctorates in physics, and only 7 percent of degrees awarded in the field of engineering. Also, only 2 percent of female students report they have taken a computer application course. Clearly, we are not doing the best we can to expose our girls to high-tech opportunities.

Unfortunately, the Republican bill ignores this issue. Representative Woolsey offered an amendment to address this issue during Committee markup. The amendment was modeled after Ms. Woolsey's bill, H.R. 2387, which has bipartisan cosponsorship, and the support of high-tech, Fortune 500 companies such as Apple Computer, Compaq, Hewlett-Packard, Intel, Microsoft, and Motorola. In a letter to Ranking Member Clay, these corporations said:

> * * * we are writing to express our strong support for H.R. 2387 * * * We support proposals that encourage young girls to be exposed to role models and develop an interest and self-confidence in mathematics and science as numerous empirical studies have suggested that girls tend to develop negative attitudes towards the "hard sciences" in middle school.[9]

Similar to H.R. 2387, the amendment would establish the "Getting Our Girls Ready for the 21st Century Act (Go-Girl)." This program would assist school districts and schools in exposing girls to educational and employment opportunities in the fields of mathematics, science, technology, and engineering. Majority Committee Members rejected a bipartisan solution to this shortcoming by defeating an amendment by a 21 to 22 vote.

[9] September 24, 1999 letter from High-tech firms to Ranking Member William L. Clay.

HARMING EFFORTS TO MAKE SCHOOLS SAFE AND DRUG-FREE

The Republican bill would also severely damage efforts by schools, teachers and parents to keep their schools and communities safe and drug-free. Republicans, in their efforts to reauthorize the Safe and Drug-Free Schools Program, have reduced funding to school districts with the highest need for drug and violence prevention funding and maintained ineffective funding levels; giving the Governor greater control over school safety programs rather than focusing on proven, research-based solutions; and focused more on punishment rather than prevention of drug abuse and school violence.

Presently, funding provided through the Safe and Drug-Free Schools Program is allocated to school districts based on two formulas. First, 70 percent of funds reserved for school districts under the program are allocated based on the number of students enrolled in each school district. Second, 30 percent of funds reserved for school districts under the program are allocated on an incidence of "high-need" and may only be allocated among 10 percent or 5 school districts in a State, whichever is greater. The statute lists several categories of high-need, such as high poverty, large numbers of suspensions and expulsions, and significant school violence. States select an indicator of high-need upon which to target funding. While the portion of the 70 percent allocation that each school district receives provides a base amount for each school district, those school districts which receive funding under the 30 percent allocation ensure that, overall, program funds are targeted based on need. Unfortunately, the Republican bill repeals the 30 percent allocation under current law and distributes all funding based on student enrollment—drastically reducing the funding to those school districts which need it the most.

Coupled with the requirement in current law to target funding to needy school districts is the lack of any minimum grant requirements. There has been much criticism that the small amount which some school districts receive under the Safe and Drug-Free Schools Program, some as little as $6 to $8 per year, is not enough to successfully operate a quality, results-oriented school safety program. While the Democratic Amendment in Nature of a Substitute offered by Representative Kildee required school districts to meet a $5,000 minimum grant to receive funding under this program, or form a consortium, the Republican legislation does not address this important issue, leaving many school districts to continue to receive ineffective amounts of resources. This results in low-quality, poor performing programs that do not produce the results our schools and communities need.

As with the Technology portion of this legislation, the Republican bill eliminates the requirement for the State Educational Agency to administer the program funds not reserved for the Governor. Under current law, a Governor receives 20 percent of a State's allocation, while a State Educational Agency and its school districts receive the remaining 80 percent. This legislation eliminates all references to "State Educational Agency" and assumes complete control of this funding by the Governors—individuals who do not have the educational expertise or knowledge to properly administer pro-

grams combating drug use and violence in our schools. This is yet another example of the startling lack of concern that the Republican bill displays for accountability and results for this important program.

The Republican bill focuses strongly on punishment of children, rather than preventing harmful situations and abuse before it happens. Study after study confirms what most educators have known for a long time—resources should be targeted on prevention of violence and drug abuse, not efforts after such incidences have occurred. It takes far less resources to prevent children from engaging in harmful behavior or acting violently than to deal with the aftermath of a serious situation. The Republican bill fails in this area.

Several amendments were offered by Democratic Members to address these issues and others related to school safety. Representative Andrews offered an amendment which was approved, to ban cigarette vending machines from school buildings, school grounds, or at school-sponsored events. Representative Mink offered amendments that would establish a program to train and hire 100,000 school counselors and reinstate and enhance the provisions in the Safe and Drug-Free Schools Program dealing with sexual harassment. Representative Tierney offered an amendment that would create a program encouraging the use of research based programs under the Safe and Drug-Free Schools Program. With the exception of the Andrews Amendment, which was approved unanimously by the Committee, these amendments were defeated on party-line votes.

STUDENT PRIVACY

Representative Miller successfully offered an important amendment that will enhance and protect the privacy of information on children from commercial use and exploitation. Specifically, this amendment, which was approved by the Committee on a 26–20 vote, would require that parents give their written consent before schools allow companies into classrooms to collect information on their children, essentially putting research done for commercial purposes on par with that done for academic purposes. This will help safeguard student privacy and protect the parent-child relationship.

The amendment, supported by a broad spectrum of groups including the National PTA, Consumers Union and Eagle Forum, was offered in response to a rising number of commercial contracts with public schools which involved divulging information about students. For example, companies have used students to taste breakfast cereals and answer a survey about the products, and fill out a personal journal on what television shows they watch. Another company provides schools with free computers but then monitors students' web browsing habits, breaking the data down by age, sex and zip code. This company has the potential to break the data down by individual as well.

The amendment is narrowly targeted and would not impact college recruiting, testing or other educational activities. It allows students to give out information necessary to buy, for example, books and magazines, so long as the information is not used to advertise,

sell, or develop another product. The amendment does not seek to make a value judgement about commercial activities in schools and deny resources to the many schools that are strapped for cash. Rather, the goal of the amendment is to protect parents and students and encourage an informed decision regarding the costs and benefits of these arrangements.

We are confident that there is broad public support for retaining the amendment and hope that no action is taken to undermine the majority position during House Floor consideration and Conference Committee action on this legislation.

ELIMINATION OF EFFORTS TO REDUCE HATRED AND INTOLERANCE IN OUR SCHOOLS

H.R. 4141 repeals provisions of ESEA that help prevent hate crimes. Congress recognized the national importance of helping local schools deal with hate and bias crime in their communities when it reauthorized ESEA in 1994. This repeal demonstrates a shameful ignorance of race relations;[10] and it aids and abets those who live to preach hatred and violence. During the markup, Congressman Robert Scott offered an amendment to restore current law authorizes the Department of Education to give grants to localities affected by hate crime to develop educational and training programs designed to reduce hate crimes in schools. Current law also provides professional training and development for teachers and administrators on the causes, effects and resolution of hate crimes. The Scott Amendment was defeated by a strict party line vote of 24 to 23.

We find it appalling that the Majority would put hate crime prevention and tolerance on its hit list. It is a dishonor to the memories of the victims and families of hate crimes to repeal hate crime prevention programs.

REJECTION OF COMMON-SENSE GUN SAFETY PROVISIONS

Nearly one year after bloody Columbine,[11] the most shocking example ever of schoolyard violence, the Republican Majority steadfastly refuses to enact meaningful gun legislation to protect school children. The Columbine event capped a 27-month cluster of random schoolyard shootings in which 32 children died and 82 were

[10] Following are just a few examples, gathered mostly from news reports of recent hate crimes perpetrated by-and mostly against—youth:

October 31, 1999 Iverness, Florida.—After shouting anti gay epithets, a teenager allegedly drove into a group of young people dressed in drag on Halloween night, killing a 17-year-old female and injuring another person. The 17-year-old driver and his 16-year-old friend, drove past the cross-dressed group several times shouting "faggots" at the boys in the group before steering the car into the group of teens. The perpetrators fled the scene but were apprehended 50 miles north of the incident. On November 19, the teenager driver was indicted on six counts, including first degree murder.

November 23, 1999, Elkhart, Indiana.—Two white teenagers were charged with murder in what prosecutors say was the racially motivated random shooting of a black teenager. One of the whites allegedly told friends that he hoped the killing would win a membership for him in the Aryan Brotherhood, a white supremacist prison gang, and the right to wear its spider-web tattoo. The tattoo symbolizes that a member has killed a person of a minority race had is considered by some skinheads to be a badge of honor.

[11] On April 20, 1999, two heavily armed teenagers walked into Columbine High School in Littleton, Colorado, and shot to death 12 students and a teacher, wounded 23 others and killed themselves.

wounded. Moreover several days before the ESEA markup a 6 year old Michigan boy shot and killed his classmate.

We can no longer hide behind the rhetoric that schools are safe havens. It is true that gun-related violence in schools is statistically a rare event. However, a recent Department of Justice survey indicated that 12.7% of students age 12 to 19 reported knowing a student who brought a firearm to school.

Unlike the Republican Majority, we are willing to accept the challenge and protect our children against preventable gun-related violence. The Republican leadership continues to block action on a juvenile crime bill.[12] During the markup, Representatives McCarthy and Wu offered an amendment to eliminate the gun show loophole[13] and require all new guns to be sold with child safety locks. The amendment offered parents, teachers and the administrators an additional opportunity to make our schools safer.

Unfortunately, Committee Republicans used a parliamentary maneuver to avoid a direct vote on the McCarthy amendment. It is not surprising that the Republican Majority would scuttle efforts to have a real debate on gun violence, not to mention real action. What is surprising, however, is that despite the escalating gun violence in our schools, and the strong show of public support,[14] the Republican Majority has remained remarkably inactive on this issue. We continue to hope that the Republican Majority will negotiate with us sensible gun legislation that protects children in schools and communities.

REJECTION OF INCREASED FUNDING FOR RESEARCH-BASED LITERACY PROGRAM

In furthering the bipartisan effort to eliminate illiteracy and ensure that every child can read by the end of 3rd grade. Representative Kildee offered an amendment to increase the authorization for the Reading Excellence Act of $5 billion over the next five years. Unfortunately, Committee Republicans defeated this amendment on a party-line vote.

Several weeks ago, Republican Presidential Candidate George W. Bush proposed $5 billion dollars in funding for the Reading Excellence Act—the bipartisan program enacted into law last Congress which had its genesis in the America Reads legislation proposed by President Clinton. This adoption of a Democratic priority, and large additions in funding for a top flight reading program is a much welcome addition to Governor Bush's traditional Republican message of vouchers and block grants.

Our efforts to enact the Reading Excellence Act started with President Clinton's America Reads Proposal in 1997. The introduc-

[12] During the 1st Session of the 106th Congress, the Senate passed the Violent and Repeat Juvenile Offender Accountability Act of 1999 (S. 254). Proposals in the Senate bill would require background checks at gun shows; require handgun safety locks, and increase controls on assault weapons. The Senate amended the House-passed Juvenile Reform Act (H.R. 1501) with the text of S. 254. However, it remains an open question whether conferees will resume consideration of H.R. 1501 in the 2nd Session of the 106th Congress.

[13] Under current law, instant background checks are only required for firearm transfers made by federal firearm licensees. Non-licensed vendors, that is, private citizens who are not "engaged in the business," are not required to initiate an instant background check. Consequently, persons prohibited from possessing a firearm could bypass the instant background check system by buying a firearm from a private citizen at a gun show.

[14] Public policy poll show that 70 percent of adults nationwide (57 percent among gun owners) favor stricter gun controls laws. Source: Taylor H. The Harris Poll, #25, May 1998.

tion of this important initiative spurred this Committee to action. The result of nearly a year of debate and hard work by this Committee culminated with the enactment of the Reading Excellence Act as part of the FY 1999 Appropriations legislation. This program has been warmly received throughout our nation and is a hallmark of Democratic priorities and Republican cooperation.

While Governor Bush, when announcing this program, called his proposal a new initiative, we need to set the record straight. This Committee and this Congress have already enacted the proposal he describes through the Reading Excellence Act. In addition, his call for aggressive increases in funding is exactly what is needed to tackle the pressing problem of illiteracy in our nation. Surprisingly, every Republican Member of the Committee voted against this proposal, despite the support for this type of proposal from Republican Presidential candidate George W. Bush, ensuring the defeat of this amendment.

H.R. 4141 CONTAINS A NUMBER OF DIVISIVE SOCIAL ISSUES

Lastly, the bill contains a number of divisive social issues that do nothing to enhance student achievement or safety, also unnecessarily adds further political and policy complications by the addition of several provisions dealing with divisive social issues. First, the Republican bill would place the Department of Education in the middle of constitutional debates on permissible school prayer. Presently school districts that violate a court order dealing with school prayer lose their ESEA funds. The Republican bill would restructure this provision so that State Educational Agencies and school districts would receive no funds under ESEA if they have in place a policy that bars or effectively bars Constitutionally permissible school prayer. This modification would effectively make the Secretary of Education judge and jury on what is and what is not constitutionally allowable prayer in schools in determining whether a school district should lose ESEA funding. This is an extremely unwise position in which to place the Secretary of Education. Furthermore, this provision is likely to increase litigation and confusion surrounding the issue of school prayer.

The bill also permits a school district or school to use up to 20 percent of its administrative funding provided under ESEA for the payment of attorney's fees and related legal services when a legal action is brought against a school district or school for violating the constitutional prohibition against the establishment of religion for permitting a student's religious expression or activities related to a religious memorial. This provision is a one-way street. You can use ESEA funding for attorney's fees when being sued for allowing religious expression, but not when you are being sued due to barring religious expression. Whether ESEA funds should be used for this purpose is a question which deserves further thought.

ADDITIONAL ISSUES

The Republican bill also repeals Title XI of ESEA, the Coordinated Services Program. This authority allows school districts or schools to consolidate up to 5 percent of the funding they receive under ESEA to operate comprehensive social, health, and educational programs for children and their families. Study after study

continues to show that children who are malnourished, in poor health, having family problems, or other difficulties are not prepared to learn when they come to school. The Coordinated Services Program, while not widely utilized, has provided some school districts with the ability to provide these additional, and much needed, services to their children.

Representatives Woolsey and Kind offered an amendment to address the repeal of Title XI during Committee markup. The amendment would build upon the existing Coordinated Services program in Title XI and allow public schools and their communities to either reserve a portion of ESEA funds or apply for a grant to operate Child opportunity Zone Family Centers or COZs. COZs would provide children and their families with the support, services and activities they need to improve their education, health, safety and economic well-being. Unfortunately, this amendment was defeated on a party-line vote.

Additionally, the Republican bill is silent on the reauthorization of the Comprehensive Regional Assistance Centers in Title XIII of ESEA. These Centers, which were created in the 1994 reauthorization of ESEA, are designed to provide intensive technical assistance to school districts in the implementation of ESEA programs and efforts to improve academic achievement generally. The Centers are statutorily required to specifically target technical assistance and resources to disadvantaged school districts and those school districts which large numbers of at-risk children.

Republican Members have claimed that the Committee will consider reauthorization of the Title XIII Centers (the Centers) and the Office of Educational Research and Improvement (OERI) later this Congress. Unfortunately, the 106th Congress has a very limited number of viable legislative days left this session. Our concern is that Congress does not address reauthorization of the Centers prior to adjournment. With increasing demands being placed on our schools to increase academic achievement, it is critical that we ensure that our technical assistance resources are on solid footing.

To express our concern over the uncertain status of the Centers and the OERI reauthorization, Representative Kind offered an amendment to reauthorize the Centers and the Eisenhower Regional Mathematics and Science Education Consortia. Both of these programs are authorized and presently funded under Title XIII. After receiving repeated reassurance by Early Childhood, Youth and Families Subcommittee Chairman Castle that the Committee will consider reauthorization of the Centers in a separate OERI bill later this Congress, Representative Kind withdrew his amendment.

Representative Hinojosa offered an amendment that would have increased coordination and coherence of existing dropout prevention activities by targeting minority and youths at risk for dropping out of school. Although it was offered and accepted in the Senate Health, Education, Labor and Pensions Committee, Republicans rejected it out-of-hand, reinforcing our belief that there is no true commitment on their part to strengthen minority programs.

DEMOCRATIC SUBSTITUTE—MAKING NEW INVESTMENTS IN EDUCATION

Since the Majority refused to negotiate in a bipartisan fashion on this legislation, we had no choice but to develop a complete amend-

ment in nature of a substitute. Representative Kildee offered the amendment in a nature of a substitute which represents our collective view points on reauthorization of the programs covered by the Republican bill. The highlights of Democratic Substitute follows:

Helping communities repair and modernize unsafe schoolhouses

Communities across the country are struggling to address critical needs to build new schools and renovate existing ones. One third of all public schools—about 25,000 schools—need extensive repair or replacement. A recent survey documented over $250 billion dollars of unmet school modernization funding need.

The Safe and Successful Schools Act of 2000 authorizes $1.3 billion annually to help communities make emergency school renovations such as repairing roofs, fixing dangerous electrical wiring and plumbing, bringing schools into compliance with fire safety codes, undertaking asbestos removal or abatement, and removing lead-based paint. The Act will support up to 8,300 renovation projects in high-poverty, high-need school districts that have little or no capacity to fund urgent repairs over the next five years.

REDUCING CLASS SIZES/SMALLER SCHOOLS

Research shows that class size reduction in the early grades is one of the most direct and effective ways to boost student academic achievement, especially among populations of disadvantaged children. Smaller class sizes ensure that every child receives personal attention, gets a solid foundation for further learning, and learns to read independently by the end of the third grade. The Safe and Successful Schools Act of 2000 continues the Clinton/Clay class size reduction program that is helping communities hire and pay for 100,000 new, fully qualified teachers.

The Act also reauthorizes the Small, Safe and Successful High Schools program, which helps high schools to create smaller, safer learning environments. Research has shown that the size of a school and the number of its students greatly impact children's ability to learn and the likelihood that violence may occur.

Accountablilty for results

The bill requires schools reducing class sizes to hire only fully qualified teachers. The bill strengthens ESEA technology programs by focusing on the achievement of performance indicators and the correlation between technology and improved student achievement. The Act requires school safety and drug abuse prevention programs to be based on sound research, and strengthens reporting and eligibility criteria for the Title VI program, increasing program accountability.

Providing safe after-school learning opportunities for students

Extended learning programs reduce juvenile crime by providing a wide range of education, social, mentoring, and counseling services to help improve student behavior, including services relating to violence prevention and conflict resolution. Recent research has demonstrated that extended learning programs help improves student achievement in reading and math, and reduce truancy and dropout rates.

The Safe and Successful Schools Act more than doubles our investment to $1 billion, in the 21st Century Community Learning Centers program. This program enables schools to stay open longer, providing safer and educational after-school opportunities for some 700,000 school age children in rural and urban communities each year, and vital social health, and educational services for their families.

Providing safe and drug free schools/keeping guns out of our schools

America's students cannot be expected to learn to high standards if they are threatened by drugs and violence. There is a high level of concern by parents and students about school safety and violence caused in a part by the tragic shootings at Columbine High School and other schools in the past two years.

The legislation will increase funding for the Safe and Drug Free Schools Act, and enhance its accountability and performance through the adoption of research-based programs. It also authorizes the Secretary of Education to set aside $5 million annually to fund strong, community-based hate crime prevention activities.

The bill requires school districts, with a history of suspensions and expulsions for gun violence or possession, to work with law enforcement agencies to promote the use of child safety locks.

Lastly, the bill provides new, additional support for school-based alternative education programs to address the educational needs of students who are suspended or expelled from school. This authority will increase the safety of both our schools and communities by ensuring that discipline and violence problems leading to suspensions and expulsions do not spill over into the community.

Recruiting and maintaining high quality teachers

The Safe and Successful Schools Act of 2000 requires all teachers to become certified or fully licensed, and have knowledge of the subjects they teach. The bill creates a "Parent Right to Know" requirement to ensure that parents are made aware of the professional qualifications and expertise of their children's teacher. It also includes a provision requiring that parents be notified when their child is being taught by an underqualified or substitute teacher for more than two consecutive weeks.

It also authorizes $50 million to help high-poverty school districts attract and retain teachers and principals through better pay. To become eligible, schools would have to undertake rigorous peer review of every teacher, improve systems to remove low-performing teachers, and provide intensive support to give the opportunity for all teachers to succeed.

Expanding access to education technology/closing the digital divide

Technology in the schools can substantially improve student learning, classroom management, the professional development of teachers, and assessment of student progress. Most importantly, strong school technology programs report significant impact on gains in student achievement in reading, writing, and mathematics. Technology has its greatest impact with low-income and rural students as well as with expanding opportunities for girls.

Unfortunately, the "digital divide" still separates the technology haves and the technology have-nots—leaving our most disadvantaged children without vital knowledge and tools to compete with their more advantaged peers.

The Safe and Successful Schools Act of 2000 increases the Federal commitment to technology and closing the digital divide. The Act provides $500 million for the *Technology Literacy Challenge Fund* program, to help the most disadvantaged school districts to provide educators with sustained, high quality training to integrate technology in their classrooms and provide students with the latest access to advanced technology resources. The Act creates a $50 million *Go Girls* program to help encourage the ongoing interest of girls in science, mathematics and technology, and prepare girls to purse undergraduate and graduate degrees and careers in science, mathematics, or technology. The bill will provide new support for restructuring teacher education programs so that new teachers are proficient in the use of educational technologies and can integrate technology throughout their instructional practices. Lastly, it also creates new initiatives to develop and expand cutting edge technologies to improve teaching and learning, and to establish community technology centers in the neediest communities.

CONCLUSION

Our hope when we began the process of ESEA reauthorization this Congress was that the Committee would complete work on ESEA in a bipartisan fashion. The current state of this bill, and the unlikely adoption of Democratic priorities, makes it difficult for us to see how Congress will be able to send a complete ESEA reauthorization bill to the President that he can sign. With the passage of H.R. 4141, the majority seriously jeopardizes passage of the ESEA reauthorization this Congress.

WILLIAM L. CLAY.
DALE E. KILDEE.
MAJOR R. OWENS.
PATSY T. MINK.
TIM ROEMER.
LYNN WOOLSEY.
CHAKA FATTAH.
CAROLYN MCCARTHY.
RON KIND.
HAROLD E. FORD, JR.
DAVID WU.
GEORGE MILLER.
DONALD M. PAYNE.
ROBERT E. ANDREWS.
BOBBY SCOTT.
CARLOS ROMERO-BARCELO.
RUBEN HINOJOSA.
JOHN F. TIERNEY.
LORETTA SANCHEZ.
DENNIS J. KUCINICH.
RUSH HOLT.

ATTACHMENT

THE SECRETARY OF EDUCATION
Washington, DC, April 5, 2000.

Hon. WILLIAM L. CLAY,
House of Representative,
Washington, DC.

DEAR CONGRESSMAN CLAY: I am writing to express my strong objections to H.R. 4141, the "Education Opportunities To Protect and Invest Our Nation's Students (Education OPTIONS) Act," which I understand your committee will soon mark up. This bill would reauthorize and amend the various remaining titles of the Elementary and Secondary Education Act of 1965 (ESEA) for which your committee has not approved reauthorizing legislation during the 106th Congress. Unfortunately, as with the Teacher Empowerment Act and Straight-A's legislation already approved by the House, H.R. 4141 would take us in a very different direction than the President laid out in his ESEA proposal, the Educational Excellence for All Children Act of 1999. As the President has stated, he would support an ESEA reauthorization that helps all students achieve to high standards through effective programs of national significance, such as class size reduction and after-school programs, in modernized and safe schools. In addition, he places a high priority on holding the entire education system accountable for results, and opposes squandering Federal resources on unfocused block grants. This bill, and the House ESEA package as a whole, fails to meet these principles. Accordingly, if this bill were presented to the President in its current form, I would recommend that he veto it. My detailed views on the bill are set out below.

Elimination of after-school programs and services

I strongly object to H.R. 4141's elimination of the current after-school program by block-granting the 21st Century Community Learning Centers Program (ESEA, Title X. Part I) with the Safe and Drug-Free Schools State Grant Program. The ESEA should, like current law, continue to provide a dedicated funding stream for before- and after-school programs that focus on providing extended learning opportunities for children in a safe environment, as well as providing additional services that address the needs of the community at large. The President has proposed to more than double the budget for this vital program in order to provide for additional high-quality extended learning opportunities for children and to help ensure that those schools that lack the resources to establish effective after-school programs have the ability to do so. The Congress should expand this effective program, not eliminate it.

"Transferability" of program funds (proposed § 14206)

I strongly object to the bill's inclusion of proposed section 14206 of the ESEA, which embodies the block-grant approach to Federal education programs that the President and I have repeatedly opposed. Under this provision, States could move any or all of the funds retained at the State level among most ESEA programs (the main exception being the Title I program for disadvantaged children), while local school districts could transfer up to 30 percent of

these funds on their own and up to 100 percent of these funds with the State's approval.

I find the lack of accountability for results and the disregard for national priorities under the transferability provisions particularly disturbing. States and districts would have free rein to shift funds between programs that serve important national goals, without any attention to whether such reprogramming would be in the best interest of the students or schools affected. It is unconscionable to allow a school district to gut programs that strengthen teacher quality, reduce class size, increase access to technology, and ensure that schools are safe and drug-free, in favor of unfocused block grants such as the Title VI program that lack any meaningful spending safeguards or accountability for turning around failing schools or otherwise improving achievement outcomes. The President and I are strong supporters of increased flexibility in return for greater accountability, having championed Ed-flex, waiver authorities, and other flexibility provisions to encourage innovation throughout the ESEA. However, this proposal goes well beyond what is appropriate or acceptable, by providing unchecked flexibility in return for no accountability.

Furthermore, any complete ESEA proposal must include the following programs:

Class size reduction

A major defect of H.R. 4141, as of the ESEA bills that have preceded it in the House during the 106th Congress, is that it would undermine the Federal effort to help local communities reduce class size in the early grades to an average of 18, because it fails to provide a separate, dedicated funding stream, targeted to high-poverty communities, consistent with the bipartisan agreement enacted in the Department of Education's appropriations acts for each of the past two years. This is not the time to abandon that effort.

School modernization

Similarly, H.R. 4141 fails to provide any assistance to communities facing the enormous burden of renovating aging schools. The President's Budget for FY 2001 proposes a $1.3 billion initiative to provide grants and loans for high-need districts to support the renovation of up to 5,000 schools. The Federal Government should help address the critical needs in these areas.

Accountability

I am very disappointed that H.R. 4141 fails to include the President's proposed "Education Accountability Act of 1999." This important component of the President's ESEA reauthorization package would make States accountable for the performance of students in their school districts and schools; help ensure that students progress through school on a timely basis while mastering challenging material; end social promotion; prompt States to make sure that there are qualified teachers in every classroom; require school districts to adopt and carry out sound discipline policies; and make sure that parents and the public receive annual report cards on their States, school districts, and schools. These proposals should be added to H.R. 4141.

Other concerns with the bill include the following:

ESEA, Title III—the "Tech for Success Act of 2000"

I have major concerns regarding the targeting of the State and Local Technology for Success Grants and the inadequacies of the funding for, and authorities under, the National Technology Initiatives provisions in H.R. 4141.

H.R. 4141 represents a missed opportunity to narrow the digital divide and support the academic achievement of all students. Though access to computers and the Internet has exploded over the last decade, the digital divide between those individuals and communities that have access to these Information Age tools and those who don't is continuing to widen. A July 1999 report from the Department of Commerce revealed that the gap between those at the highest and lowest income levels with this access to technology grew by 29 percent in one year alone. By targeting funds on high-poverty, low-performing schools and LEAs, and fostering innovations in technology, we can narrow the digital divide and reach those students in dangers of being left permanently behind in an increasingly technological world.

There are major problems with the funding arrangements for the State and Local Tech for Success Grants in H.R. 4141 which contribute to the bill's lack of targeting program funds on high-poverty, low-performing schools and LEAs. First, in order to ensure that program funds are directed to those States serving children with the greatest need, the State allotment should be based entirely on the State's relative share of Title I, Part A funds. Also, all of the amounts awarded at the local level should be awarded competitively.

I am also disappointed that H.R. 4141 fails to provide adequate support for the development of advanced technology applications, and lacks sufficient focus on critical national activities supporting innovation. The bill fails to provide separate authorizations for three programs that are included in the Administration's proposal and currently receive funding—Preparing Tomorrow's Teachers to Use Technology, Community Technology Centers, and Regional Technology in Education Consortia. Instead, the bill would compress the numerous national activities currently funded, including these three programs, into an abbreviated list of possible activities to be funded from a very limited amount of funds, diminishing the ability of the Federal Government to act as a catalyst in spurring truly innovative applications of technology to education. I believe that these three programs should be separately authorized and funded.

ESEA, Title IV—Safe and drug-free schools and communities

In order to ensure safe, disciplined, and drug-free learning environments for students and teachers nationwide, it is necessary to concentrate funds where they will do the most good. Unfortunately, H.R. 4141 largely retains current formula allocation mechanisms that spread scarce prevention funds too thinly across too many LEAs and fail to provide adequate accountability controls. The Administration's proposal to compete funds from the State level to a limited number of LEAs would help ensure that grants are of a suf-

ficient size and scope to support effective, research-based drug and violence prevention activities.

H.R. 4141 is also deficient with respect to national-level drug and violence prevention activities. The proposed annual authorization level of $20 million for National Programs is more than $140 million below currently enacted levels. This would seriously undermine several popular and promising programs, including the interagency Safe Schools/Healthy Students initiative and the middle school Coordinator Initiative. At the same time, H.R. 4141 contemplates funding over $400 million in outstanding continuation awards under the current 21st Century Community Learning Centers program out of this same underfunded authority. H.R. 4141 also fails to authorize Project SERV (School Emergency Response to Violence), which would provide emergency assistance to school districts that experience a violent or traumatic crisis, and to extend or expand the existing Pro-Children Act requirements—to include alcohol and illegal drugs—in addition to retaining the current Federal ban on the possession or use of tobacco on school grounds. Moreover, H.R. 4141 fails to provide an explicit authorization for the Secretary of Education to fund projects or activities to prevent hate crimes.

School prayer (amendment to current ESEA § 14510)

I strongly object to the bill's proposal to revise section 14510 of the ESEA so that the Department of Education, rather than a Federal court, determines whether a school district receiving funds from the Department has a policy or practice that prohibits individuals from engaging in constitutionally protected voluntary prayer at school. It would appropriately force the Department into the middle of numerous local disputes involving prayer during classes, at graduation exercises, and at sporting and other public events, and permit no remedies for violations other than the draconian sanction of the termination of all funds. Current law, which properly leaves difficult questions of constitutional law (and of appropriate remedies) to the courts, should be retained.

Other issues

I object to H.R. 4141's prohibition on federally sponsored testing that would likely bring a halt to the President's efforts to help States and parents raise academic standards through a voluntary national test. H.R. 4141 would prohibit the development, pilot testing, field testing, implementation, administration, and distribution of voluntary national tests under the Fund for the Improvement of Education unless explicitly authorized. While the Administration has proposed to fund continued national test development activities as a new program under its reauthorization proposal for education research and statistics programs, I am concerned that the latter reauthorization may not occur in time to ensure continuity of current efforts into FY 2001. The prohibition should be deleted. Congress should be promoting high standards for all students, not undermining them.

In both the technology program and in the program for safe and drug-free schools, the bill would require the Secretary to approve a State's plan or application, respectively, so long as it includes the

information required by the bill. There is no requirement that the plans or applications be of high quality or demonstrate substantial promise of actually carrying out projects that achieve the programs' purposes, nor is the Secretary given authority to review them on that basis. Given the magnitude of the Federal investment and the importance of these programs, the bill should give the Secretary authority to review State plans and applications to ensure their quality before committing taxpayer funds to implementing them.

The bill should also extend the authority, currently in Part G of Title XIV of the ESEA, for evaluations of ESEA programs. This is an important source for information for the Congress, the Administration, and the public on how these programs are working.

In addition, this bill fails to include the Administration's proposal for an Early Childhood Professional Development initiative. The training and education of early childhood educators and caregivers are directly related to the quality of early childhood education they can provide and, in turn, directly related to children's readiness for school. The Administration is committed to ensuring that all children enter school ready to learn and this initiative is a critical step in meeting this goal.

Representative Kildee's substitute for H.R. 4141

I strongly urge the Committee to approve the amendment to H.R. 4141 in the nature of a substitute for the entire bill, which I understand Representative Kildee will offer. The Kildee substitute would be a major step in the right direction because it reflects important national priorities. Among other improvements over the bill as introduced, the substitute would retain the separate funding streams for the after-school program and the program for safe and drug-free schools; preserve the program to help reduce class size; address deficiencies in H.R. 4141 relating to technology education; adopt the ESEA portion of the President's school-construction initiative; and better target Federal assistance to those communities and children with the greatest needs.

The Office of Management and Budget advises that there is no objection to the submission of this report, and that enactment of H.R. 4141, as introduced, would not be in accord with the President's program.

Yours sincerely,

RICHARD W. RILEY.

THE EDUCATION TRUST,
Washington, DC, April 4, 2000.

MEMBERS OF THE COMMITTEE ON EDUCATION AND WORKFORCE,
U.S. House of Representative,
Washington, DC.

DEAR REPRESENTATIVE: I write to urge you to reject H.R. 4141, the Republican OPTIONS bill. The legislation's transferability provisions are anti-accountability and run counter to efforts to provide teachers with the professional development that they need to help their students meet high academic standards.

The transferability provisions would allow funds to be transferred between ESEA programs, perhaps even into non-education

related activities, based solely on the whims of adults rather than on the needs of students. The bill requires no data analysis, no needs assessment, and no public comment process before such a transfer could take place. Further, the bill requires no evaluation of the effects of the transfers on student achievement, or anything else for that matter. Where's the accountability in that? With this legislation the Republicans abandon not only the reasonable approaches to accountability contained in H.R. 2 and H.R. 2300, they even cast aside the cosmetic accountability charade contained in Straight A's.

Republicans on the committee have consistently maintained their concern about teacher quality. In both H.R. 2 and H.R. 2300 Republicans supported provisions that we believe would make important contributions to the national effort to ratchet up the quality of instruction in American classrooms. This legislation, however, turns away from and could even reverse, efforts to provide teachers with high-quality professional development.

This legislation would allow school districts to virtually pillage Title II professional development funds. The only limitation on the plunder of Title II would be a demonstration that funding for professional development in mathematics and science stay at levels equal to the previous year's funding. Funding levels? What about student achievement levels in mathematics and science? What about student achievement in reading? Last week Gov. George W. Bush rang the alarm about the reading skills of American students and announced his plan to provide additional investment in professional development for reading teachers. This legislation not only discounts concerns of Governor Bush; it ignores data that indicates that most teachers have too little training in the teaching of reading. And, more importantly, it ignores the fact that too few of our children have strong reading skills.

The transferability provisions appear to have been designed by individuals who more are committed to financial flexibility for adults than they are to success for students. We urge members of the committee to put student achievement first and to reject H.R. 4141.

Sincerely,

KATI HAYCOCK, *Director.*

COUNCIL OF CHIEF STATE SCHOOL OFFICERS,
Washington, DC, April 4, 2000.

MEMBER, COMMITTEE ON EDUCATION AND THE WORKFORCE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: I write on behalf of the state commissioners and superintendents of education regarding H.R. 4141, the Education OPTIONS Act. The House Education and Workforce Committee will soon mark up this bill to reauthorize the major titles of the Elementary and Secondary Act not yet acted upon by the House of Representatives. These titles include Title III, Technology; Title IV, Safe and Drug-Free Schools and Communities; Title VI, Innovative Strategies; the 21st Century Community Schools program; and Title XIV, General Provisions. They include extraor-

dinarily important resources to help states and localities improve achievement of all students.

We regret that our Council we must oppose H.R. 4141 as it comes before the Committee and can support it only with substantial changes on the following points:

(1) Provide a specific authorization for 21st Century Community Learning Centers with a poverty-based formula program to enable state and local education agencies to support academically-related extended learning and enrichment programs;

(2) Continue the federal-state-local partnership under Title VI to bring innovation and quality to the classroom with adequate funds for state education agencies to provide statewide and multi-district services, and with authority for states and localities to support continued development of standards and aligned assessments;

(3) Continue designation of the state education agencies which are responsible for elementary and secondary education in each state to plan and administer federal programs together with state reforms, programs, and funds; and

(4) Eliminate provisions for "transferability" which would allow 30% to 100% of federal ESEA funds targeted for particular national education priorities and special needs students to be spent for other purposes.

We regret we must oppose the bill as introduced. We urge that you vote in favor of the Minority substitute and specific amendments to address the issues stated in this letter.

21st century community learning centers

Authorize 21st Century Community schools as a separate, poverty-based formula program administered by state education agencies and focused on before and afterschool extended learning opportunities for students in high poverty schools.

The 21st Century Schools Program should be reauthorized as a separate title or component of ESEA, rather than block granting it with the Safe and Drug Free Schools program for these reasons:

- The Program has a very different purpose and addresses a substantially different need than the Safe and Drug Free Schools (SDFSCA) program. While some SDFSCA funds can and do support afterschool care, that it is not the primary purpose of the program, nor are the afterschool services provided under SDFSCA focused on extended learning time and enrichment activities related to the regular academic program. The academically-related before and afterschool and summer programs supported under 21st Century Schools may help to reduce youth crime and drug abuse during non-school hours. However, these programs are not the same as those supported with Safe and Drug Free Schools funds. Each of these two programs addresses a distinct national priority. Each requires a separate authorization with purposes, uses of funds, and accountability provisions aligned to each priority.
- The program fills an urgent unmet need for extended learning opportunities for disadvantaged students before and after school and during the summer. Students who do not meet academic standards in the regular school day need extra time for activities that reinforce their academic study. Although some Title I and

Title VI funds are spent on this purpose, the shortage of high quality enrichment and extended learning programs at schools during non-school hours is critical, as evidenced by more than $900 million in applications were advanced for the $40 million appropriated for 21st Century Schools in its second year. This program is essential to reinforce what students learn in the regular academic program, particularly those students in high poverty schools whose families cannot afford and do not have access to high quality enrichment and recreational activities.

21st Century After-School funds should be allocated to states on a formula targeted to poverty and administered through the state education agencies to local districts on behalf of local school partnerships. As this program grows to $500 million, it is most effectively and efficiently shifted from administration by the U.S. Education Department to state education agencies. Federal programs of direct grants to local areas do not connect with state resources used for similar purposes and seldom are sustained and expanded within the states. The Elementary and Secondary Education Act provides for the efficient and effective administration of federal K–12 programs by state educational agencies. This system increases accountability for fund use and program results.

Title VI set-asides for SEA administration and leadership and continued use of funds for the development of standards and assessments

Remove the cap on the state set-aside in Title VI to assure resources for state education agency (SEA) administration and leadership grow proportionately with the program. Authorize SEAs and local districts to use Title VI funds to upgrade and expand standards and assessments aligned with professional development and the curriculum.

The cap on the state-level reserve of funds at FY 2000 levels for administering Title VI and strengthening statewide and multi-district capacity to reform classrooms must be removed. Adequate SEA set-asides are essential to enable increased technical assistance to local districts and schools and to effectively administer federal programs.

- ESEA programs assign substantial responsibility and accountability for federal funds to the states. Congress expects states to establish standards, performance indicators and benchmarks, and accountability systems to ensure improvement in student achievement. Congress expects increased service by the states to assist local communities improve the quality of programs, especially where they are below standard. A permanent ceiling on the state set-aside stymies expansion of SEA assistance in administering more local funds and responding to increased demand. The expectation of improved effectiveness and efficiency in the use of federal funds by the states will not be realized with the caps.
- SEAs must have a continuing source of federal Title VI funds to upgrade standards and provide them in all core subject areas; develop new aligned assessments; and, to help local districts move standards into all classrooms. By using federal support, the states have become the major driving forces for setting standards, providing for effective quality review, monitoring progress and ac-

countability, and particularly, providing increased service to districts and schools with the lowest performance. These leadership initiatives require greater levels of personnel and state capacity than was the case for earlier responsibilities limited to regulation and report monitoring. Basing school reform strategies on standards is a continual process. Penetration of the strategy into all classrooms is still a major challenge for states and multi-district coalitions. Title VI funds must be available to help them.

• SEAs use economies of scale and regional service delivery systems to provide critical quality services and build capacity of local districts and schools beyond what LEAs and schools can secure on their own, particularly those with the highest poverty and lowest performing students. Districts and schools rely on these supports and in general, request far greater services than the state or intermediate agencies can provide. A sufficient state-level set-aside is essential in each ESEA formula program to assure quality and effectiveness through the federal-state-local partnership.

Governance of Federal aid to elementary and secondary education through State education agencies

Retain provisions for state educational agencies to plan and implement programs under the Elementary and Secondary Education Act to assure state sovereignty for decisions to administer federal programs as each state has decided for education and to connect these funding streams and initiatives to the 93% of K–12 funding which is provided through states and localities.

The recognition of state authority to assign various responsibilities for education to the state board of education, chief state school officer, the governor and state legislature through state constitution and law must not be overridden in federal statute because:

• In order be effective in increasing school improvements, efforts to restructure federal support for elementary and secondary education must respect state sovereignty. Each state has established constitutional or statutory responsibility for education with roles for the state board of education, chief state school officer, governor, state legislature, and perhaps, other officials. Federal legislation recognizes state sovereignty to establish the structure for operation of education programs by providing for education programs to be administered by the SEA, defined as the agency "primarily responsible" for education under state constitution or law. If the Congress were to assign education responsibility to the "state" (which is defined in legislation as the governor), it would supersede state constitutions and statutes established by their citizenry through state legislatures, which make other assignments of state authority for education. For example, in virtually every state, the elected or appointed chief state school officer and/or elected or appointed state boards of education have the responsibility for education programs. Congress must not violate state sovereignty for determining administrative responsibility for education.

• Respect for state sovereignty is essential to ensure effective linking and coordination of federal resources with state and local goals, programs, and resources. State education agencies plan for an administer both federal and state education programs. Local education agencies receive most federal and state education funds

through the SEA, which is not only responsible for the use of federal and state funds, but also for accreditation, teacher certification, graduation and course requirements, and other areas of education policy and operation in the state.

• To decouple the administration of federal education funds from state and local education funding streams and authority seriously undermines the leverage and effectiveness of the federal dollar. In fact, a key goal of the reauthorization, particularly the new flexibility mechanisms, is to enhance the effective linkage among federal, state and local funds and programs. This coordination will occur only if the agency designated under state law and constitution as responsible for state and local levels of education also administers the federal programs.

• Assignment of federal education funds to authorities other than the SEA has important negative consequences for local school districts and schools. Those institutions are then be forced to work with two or more state agencies on the same service—one responsible for state funds and the other for federal funds. For them, the promise of streamlining and flexibility would become in reality the problem of two state administering agencies *and* most likely an additional intermediate county or regional government agency. These institutions are much more effectively served through a sole state education agency.

Eliminate proposed provisions for "transferability"

Eliminate provisions to authorize transfer of federal funds among the various federal programs which are targeted to strategies for classroom quality and the most critical student needs in education.

The proposal for "transferability" is another form of block granting federal funds across programs with dissimilar purposes and converting federal programs to revenue sharing. No matter what the label, these proposals fundamentally undermine targeting of limited federal funds for strategies to improve classroom quality for direct services to students with the most critical needs. Block granting has been tried before and Congress has subsequently abandoned it, because compromising targeted strategies does not work. The Committee should avoid repeating past mistakes and eliminate "transferability".

• Provisions to block grant through transferability eliminates the guarantee that the purposes for which Congress appropriates money—teacher quality, technology, or improvement in mathematics and science, for example—will actually be served. The Committee bill now authorizes localities and States to ignore those purposes.

• Provisions to block grant through transferability eliminates the guarantee that students with the most critical needs for supplemental help are served.

• Transferability stymies increases for specific classroom improvements. If transferability is enacted, the future response by its advocates when presented evidence of the need to increase funding for education priorities, will be to advise states and localities to simply transfer existing federal funds from other priorities. Transferability makes education funding a "zero sum" competition. It would be a gross policy mistake at a time when the public is advo-

cating substantial increases in federal funding for targeted classroom improvement.

• Transferability reduces accountability and deceives federal taxpayers who expect targeted federal funds to be used for the purposes for which they were appropriated. They will not be deceived long. With no reports on the use of funds and student results related to investment, taxpayers and members of Congress will give up support. They will lose evidence of how funds are used and the results from the expenditures. Accountability for the funds disappears because there is no way to report expenditures and results across schools, districts and states. To the federal taxpayer, the reason for federal involvement disappears, and so does funding.

The Committee and the Congress now provides extensive options to states and localities for flexibility, waivers, consolidated plans and reports, and schoolwide programs under Title V. These options enable effective and efficient choices in the use of funds. They build on continued identification and targeting of resources to national purposes and student populations served. We urge you continued use of these strategies rather than jeopardizing continued commitment of federal funds for classrooms quality by bringing back failed block granting.

Concluding concerns

In addition to the major issued detailed above, we have other concerns about the bill.

• One is that the Title VII Technology block grant fails to assure the "use of funds" to purchase new technologies is accompanied by authority for adequate training of teachers to use the equipment and to integrate learning technologies into the curriculum.

• A second is that the state share of funds for leadership and administration under the Title IV Safe and Drug-Free block grant is cut from the current level of 9% to only 4%, with a 2% cap on administration and 2% on leadership activities.

• Moreover, under Title VII Technology, only 10% of the 5% state share can be used for program administration—that is less than $3.2 million to implement and evaluate a $656 million program of grants to school districts nationwide. Statewide and multi-district services under these titles cannot be effectively provided at these levels, whether or not the total funds increase.

• H.R. 4141 also raised serious First Amendment concerns. "Charitable Choice" provisions extend to religious institutions the opportunity to be direct providers of educational services which have previously been limited to religiously affiliated organizations. Included in the bill are provisions for prayer in school, which were explicitly rejected by Congress in 1994, and fail to uphold constitutional requirements for separation of church and state. Additionally, local schools are required to purchase filtering or blocking software as a condition of receiving federal technology funds. Imposing this inappropriate, ineffectual and costly mandate violates local and state acceptable use policies. We will address our concerns about "Charitable Choice" further in another letter.

The provisions of H.R. 4141 and the other parts of the ESEA reauthorization together form the most important action your Committee and Congress can take this year to help all students achieve at high levels in this new century. We regret we must object to many provisions of the Committee bill. Our students need the services of this Act now. For any reauthorization of ESEA to be enacted will require a bipartisan approach between Congress and the Administration.

We would be pleased to work with the Committee to address our concerns and improve this bill. We urge your support of the Minority substitute amendment and any specific amendments offered to address the issues we have raised. Without these changes, we must urge you to oppose it. If we can be of any assistance to you or answer any questions, please call me or Carnie Hayes, our Director of Federal-State Relations, at (202) 336–7009. As always, thank you for considering our recommendations.

Sincerely,

GORDON, M. AMBACH,
Executive Director.

NEA, GOVERNMENT RELATIONS,
Washington, DC, April 4, 2000.

COMMITTEE ON EDUCATION AND THE WORKFORCE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Education Association's (NEA) 2.5 million members, we would like to express our strong opposition to H.R. 4141, the Education Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act. NEA has concerns regarding a number of provisions that we believe will undermine positive reform efforts. Specifically, the bill:

• Undermines the setting of national education priorities and weakens accountability for federal funds by allowing the transfer of funds among key, targeted programs.

• Eliminates essential after school programs by folding the 21st Century Community Learning Centers program into the Safe and Drug-Free Schools program.

• Fails to provide the training necessary to integrate technology into the classroom.

• Undermines efforts to maximize student achievement by failing to authorize the successful class size reduction program.

• Fails to provide assistance to help schools make urgent infrastructure repairs.

• Threatens to undermine the separation of church and state by allowing the funneling of federal dollars to religious institutions.

• Eliminates funds to help schools address violence associated with intolerance and prejudice.

• In contrast, the substitute to be offered by Representative Kildee (D–MI) would provide schools the necessary resources to improve student achievement by reducing class size, modernizing facilities, training teachers in use of technology, and offering learning-focused after-school programs. In addition, the Kildee substitute would help attract and retain high-quality teachers by in-

creasing student loan forgiveness for teachers working in low-income schools. Representative Clay (D–MO) will also offer an amendment to authorize a school modernization emergency repair grant and loan program.

We urge you to support positive education reform by opposing H.R. 4141 and supporting the Kildee substitute and Clay school modernization amendment.

Sincerely,

MARY ELIZABETH TEASLEY,
Director.

HUMAN RIGHTS CAMPAIGN,
Washington, DC, April 4, 2000.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: Rep. Robert Scott, D–Va., is expected to offer an amendment to H.R. 4141, the "Educational Opportunities To Protect and Invest In Our Nation's Students (Education OPTIONS) Act," when the House Committee on Education and the Workforce begins consideration Wednesday, April 5. The Scott Amendment restores valuable hate-crime prevention and prejudice reduction initiatives while addressing the threat from an unnecessary and dangerous provision that could threaten effective violence prevention programs. I hope you will support this important amendment.

Violence based on prejudice and hate continues to remain one of the most compelling public health and safety issues for young Americans. It is generally recognized that most hate-crime offenders and victims are young people. Hate and prejudice is learned, however, and the violence associated with it is not unavoidable or inevitable.

Congress recognized the national importance of helping local schools deal with hate and bias crime in their communities when it reauthorized the Elementary and Secondary Education Act in 1994. The Senate Health and Education Committee last month also soundly defeated an attempt to remove hate crime programs during mark up of ESEA. H.R. 4141, however, was introduced without any mention of programs designed to reduce hate-related violence.

The Scott Amendment restores current law that authorizes the Department of Education to give grants to localities affected by hate crime to develop educational and training programs designed to reduce hate crimes in schools; develop curricula to improve conflict or dispute resolution skills of students, teachers and administrators; develop and acquire equipment or instructional materials to be used in hate crimes prevention programs; and provide professional training and development for teachers and administrators on the causes, effects and resolutions of hate crimes.

In addition to restoring current law, the Scott Amendment also addresses a threat from a provision that could interfere with effective public safety and violence prevention education. Included in H.R. 4141 is a provision that would prohibit the Department of Education from using funds for activities and programs that "dis-

criminate against or denigrate the religious or moral beliefs of students who participate in such activities or programs."

Gay and lesbian youth often are victimized in school because of their sexual orientation. In one survey of school counselors, 54 percent agreed that students often "degrade fellow students whom they discover are homosexual." Effective curriculum and guidebooks, like Healing the Hate: A National Bias Crime Prevention Curriculum for Middle Schools, have been developed that address this type of behavior and attempt to educate students about individual differences while affirming their own self and group identity. This proposal could water down these effective programs and guides and prevent local school districts from including historically targeted members of their school communities like lesbian and gay students in their comprehensive bias and prejudice reduction curriculum.

In addition, many groups supporting this provision strongly oppose inclusion of sexual orientation in any teaching about hate-based violence what-so-ever. This opposition is drive by a belief that inclusion of sexual orientation in comprehensive hate-crime prevention curricula undermines or denigrates their underlying religious beliefs on homosexuality. Some have even suggested that inclusion of sexual orientation is an "attack on Biblical Christianity" and will be used to "indoctrinate the young" and "impose a homosexual agenda on school children." Nothing is further from the truth.

Healing the Hate is a curriculum that does not call for special protection of any group or person. It is not anti-family or anti-Christian. One of the curriculum's goals is to uphold the basic rights of all members of our society, with equal protection under the law. Indeed, the entire underpinning of the curriculum is respect for and appreciation of differences in race, religion, ethnicity, etc. while helping students affirm their own self and group identity.

The Scott amendment restores authority to the Department of Education to develop important resources needed in helping young people understand differences among their classmates and allow the federal government to assist local school districts that ask for help in dealing with hate violence. It would also address a dangerous and unnecessary provision that threatens excluding unpopular groups of students from being addressed in curriculum that is designed to prevent youth-based hate violence.

I hope you will vote to accept this important amendment. If you have questions or need further information, please contact Chad Lord.

Sincerely,

WINNIE STACHELBERG,
Political Director.

NATIONAL PTA,
April 4, 2000.

COMMITTEE ON EDUCATION AND THE WORKFORCE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES: On behalf of the nearly 6.5 million parents, teachers, students, and other child advocates who are members of the National PTA, I am writing to express our views on H.R. 4141, the Education OPTIONS bill, which the Committee on Education and the Workforce is expected to begin considering tomorrow.

From the beginning of this process to reauthorize the Elementary and Secondary Education Act (ESEA), the National PTA has made parent involvement its top priority issue and we are hopeful still that, as this process continues, important provisions from the PARENT Act will be included in a final bill to strengthen parent involvement and lead to improved student achievement.

National PTA is also extremely committed to improving ESEA where changes are needed, and reinforcing the importance of the federal role in education through leadership; technical assistance; research, data collection, and information dissemination; and financial support for targeted purposes that have been identified as national priorities. The education policies of recent years have led states and schools to make significant progress toward meeting our nation's educational goals and we must stay on course until all states and schools are providing all children with equitable opportunities for quality educational achievement.

Following is a brief outline of our primary concerns with provisions in H.R. 4141, and our recommendations for how we would like the bill changed:

Parent involvement

Education Committee Chairman, William Goodling (R–PA), states that H.R. 4141 emphasizes "local and parental empowerment." However, the provisions included in this bill, such as encouraging character education programs, protecting voluntary school prayer, and requiring blocking and filtering software, are not what National PTA considers to be meaningful parent involvement in children's education. Research shows that regardless of the economic, ethnic, or cultural background of the family, parent involvement is a major factor in determining a child's academic success. Therefore, National PTA urges the Committee to add provisions from the PARENT Act, H.R. 2801, in the appropriate places to H.R. 4141.

For instance, National PTA suggests amending the bill's Title III to use technology to strengthen parent involvement by enabling parents and teachers to increase their communication about curriculum, assignments and assessments; train parents to use technology that their children are using; and use mentoring relationships to enhance professional development of educators.

To help ensure drug- and violence-free communities, National PTA believes that the bill's Title II should be amended to involve parents by including them in state and local efforts to develop and implement violence and drug prevention efforts. Parents should be

informed about what steps are being taken to reduce violence and drug use in schools.

Amend H.R. 4141's Title IV, the innovative education program strategies section, to foster parent involvement by allowing federal funds to promote parental involvement at the local level and requiring local education agencies to describe their parent involvement activities in their applications for state funds.

National PTA also supports inclusion of language in Title XIV that would apply the parent involvement provisions of Title I to all appropriate programs within the ESEA.

Transferability

The National PTA strongly opposes the transferability provisions included in Title I of H.R. 4141. The bill would allow states and schools districts to transfer funds among selected education programs, without regard to the purpose of the original programs, or without accountability for how the transferred federal dollars would be spent.

National PTA opposes transferability in part because all of the applicable funds could be transferred into Title VI, Innovative Education Strategies. Title VI provides funds for schools and school districts for important needs, and in many areas it funds parent involvement activities. However, H.R. 4141 would allow the transfer of funds from professional development (including the class size reduction funds), comprehensive school reform, safe and drug-free schools (now including 21st Century Community Learning Centers), education technology grants, and other important, targeted ESEA programs into Title VI. This would eliminate the targeted purpose of the original programs, any targeting based on need, and accountability for how these dollars would be spent.

The National PTA believes federal programs should remain targeted to the specific needs of national concern that Congress has identified. By allowing transfer of federal funds from one program to another, Congress would be giving up this important responsibility. Like with traditional block grants, because over time the intended purpose of the program would be lost, the funding would likely diminish as well. More importantly, we know from experience that when there is not a requirement for specific purposes to be addressed they often are not addressed. State and local dollars are used for the general education of school children and federal dollars are historically targeted to specific needs that are not being met at the state and local level. This is an important role of the federal government that must be maintained.

Transferability also dilutes the public involvement in education. There is no requirement that school districts seek input from parents, teachers, or others in the school community about how the funds should be transferred or targeted. There is actually not even a requirement that parents be notified that transfers are even being proposed.

21st century community learning centers

National PTA also opposes the move to consolidate the popular 21st Century Community Learning Centers program with the Safe and Drug Free Schools program. National PTA believes combining

the two programs will have the effect of eliminating this federally supported school-based after school program. We believe it is critical to retain these two complimentary and distinct programs in order to achieve the important purposes they are designed to achieve. While we agree that after-school programs help reduce juvenile violence and drug use, National PTA believes that after-school programs offer much more. The 21st Century Community Learning Centers program funds school-based after-school programs that help students reach challenging state academic standards, provide opportunities for artistic, cultural, recreational enrichment activities, and promote lifelong learning for students as well as other members of the community.

In addition to these three priority areas, we ask you to consider our comments on the following provisions of the bill:

• National PTA opposes the elimination of the provisions currently in Title IV, Safe and Drug-Free Schools, which develop and support anti-bias and hate crimes prevention programs. At this time of increasing public awareness about school violence and hate crimes, Congress should not remove these hate crime prevention protections.

• National PTA is concerned that Title III eliminates the targeted purpose of some of the educational technology programs that have been successful, including the Challenge Grant, Star Schools, and Preparing Tomorrow's Teachers to Use Technology programs.

• National PTA believes the use of the term"scientifically based research" throughout the bill may create unintended consequences in attempts to improve student learning. In technology, especially, where changes occur frequently, "scientifically based" may hinder innovation and progress that may be extremely successful. Instead, National PTA would support the use of "research-based" to assure program quality and accountability.

Finally, in keeping with out long-standing position in support of public funds for public schools, the National PTA will oppose any amendments during this week's mark up that would allow public funds to go to private schools through funding mechanisms such as vouchers.

During the Committee mark-up this week, National PTA will support changes to H.R. 4141 to strengthen ESEA. In particular, we would support amendments to:

• Continue the current class size reduction initiative

• Authorize funds for school construction and modernization loans and grants

• Increase the investment in after-school programs through the 21st Century Community Learning Centers

• Enhance the Safe and Drug-Free Schools program by increasing the authorization of funds for safe schools

• Provide support for school-based, alternative education programs to address the needs of students who are expelled or suspended from school

• Restore the existing authority for anti-bias and hate crimes prevention programs

• Strengthen the small schools provision in the bill

National PTA also supports the amendment that Representative Miller plans to offer with respect to disclosure and gathering of

data and information, which is aimed at curbing commercial activity and protecting the privacy of students in the classroom. National PTA recognizes that technology in schools is a valuable educational tool, but opposes surveys, research, and data gathering targeted at children for the purpose of collecting information that is otherwise personal and confidential.

We recognize that Congress faces a tough task in reauthorizing ESEA in a way that will help states and schools address the many challenges they face in providing all students with equitable access to a high quality education, and we want to support congressional efforts that strengthen the national commitment to public schools and build upon the existing programs that are working well. However, we cannot support H.R. 4141 in its current form and hope that the bill will be amended to address the problems we have identified.

Sincerely,

VICKI RAFEL,
Vice President for Legislation.

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