

110TH CONGRESS  
1ST SESSION

# H. R. 1539

To allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2007

Mr. HOEKSTRA (for himself, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. BLUNT, Mr. CANNON, Mr. CULBERSON, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOODE, Mr. HENSARLING, Mr. ISSA, Mr. KINGSTON, Mr. LINDER, Mr. MCHENRY, Mrs. MUSGRAVE, Mr. PENCE, Mr. PRICE of Georgia, Mr. RENZI, Mr. ROHRABACHER, Mr. SENSENBRENNER, Mr. TANCREDO, Mr. TIAHRT, Mr. WELDON of Florida, Mr. WILSON of South Carolina, Mrs. BACHMANN, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. CAMPBELL of California, Mr. CANTOR, Mr. DOOLITTLE, Ms. FOXX, Mr. FLAKE, Mr. GILCHREST, Mr. GOHMERT, Mr. GOODLATTE, Mr. INGLIS of South Carolina, Mr. JONES of North Carolina, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. MORAN of Kansas, Mr. PAUL, Mr. PITTS, Mr. RAMSTAD, Mr. ROGERS of Michigan, Mr. SALL, Mr. SHADEGG, Mr. THORNBERRY, Mr. WALBERG, and Mr. WESTMORELAND) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; PURPOSE;**  
2 **DEFINITIONS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the  
4 “Academic Partnerships Lead Us to Success Act” or the  
5 “A PLUS Act”.

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

- Sec. 1. Short title; table of contents; purpose; definitions.
- Sec. 2. Declaration of intent.
- Sec. 3. Transparency for results of public education.
- Sec. 4. Maintenance of funding levels spent by States on education.
- Sec. 5. Administrative expenses.
- Sec. 6. Equitable participation of private schools.

8 (c) **PURPOSE.**—The purposes of this Act are as fol-  
9 lows:

10 (1) To give States and local communities max-  
11 imum flexibility to determine how to improve aca-  
12 demic achievement and implement education re-  
13 forms.

14 (2) To reduce the administrative costs and com-  
15 pliance burden of Federal education programs in  
16 order to focus Federal resources on improving aca-  
17 demic achievement.

18 (3) To ensure that States and communities are  
19 accountable to the public for advancing the academic  
20 achievement of all students, especially disadvantaged  
21 children.

22 (d) **DEFINITIONS.**—

1           (1) IN GENERAL.—Except as otherwise pro-  
2           vided, the terms used in this Act have the meanings  
3           given the terms in section 9101 of the Elementary  
4           and Secondary Education Act of 1965 (20 U.S.C.  
5           7801 et seq.).

6           (2) OTHER TERMS.—In this Act:

7                   (A) DECLARATION OF INTENT.—The term  
8                   “declaration of intent” means a decision by a  
9                   State made by State Authorizing Officials or by  
10                  referendum to assume full management respon-  
11                  sibility for the expenditure of Federal funds for  
12                  certain eligible programs for the purpose of ad-  
13                  vancing on a more comprehensive and effective  
14                  basis the educational policy of such State.

15                  (B) STATE.—The term “State” has the  
16                  meaning given such term in section 1122(e) of  
17                  the Elementary and Secondary Education Act  
18                  of 1965 (20 U.S.C. 6332(e)).

19                  (C) STATE AUTHORIZING OFFICIALS.—The  
20                  term “State Authorizing Officials” means the  
21                  State officials who shall authorize the submis-  
22                  sion of a declaration of intent, and any amend-  
23                  ments thereto, on behalf of the State. Such offi-  
24                  cials shall include not less than 2 of the fol-  
25                  lowing:

- 1 (i) The governor of the State.
- 2 (ii) The highest elected education offi-  
3 cials of the State, if any.
- 4 (iii) The legislature of the State.

5 (D) STATE DESIGNATED OFFICER.—The  
6 term “State Designated Officer” means the  
7 person designated by the State Authorizing Of-  
8 ficials to submit to the Secretary on behalf of  
9 the State a declaration of intent, and any  
10 amendments thereto, and to function as the  
11 point-of-contact for the State for the Secretary  
12 and others relating to any responsibilities aris-  
13 ing under this Act.

14 (E) ACCOUNTABILITY.—The term “ac-  
15 countability” means that public schools are an-  
16 swerable to parents and other taxpayers for the  
17 use of public funds and shall report student  
18 progress to them regularly.

19 **SEC. 2. DECLARATION OF INTENT.**

20 (a) IN GENERAL.—Each State is authorized to sub-  
21 mit to the Secretary a declaration of intent permitting the  
22 State to receive Federal funds on a consolidated basis to  
23 manage the expenditure of such funds to advance the edu-  
24 cational policy of the State.

1 (b) PROGRAMS ELIGIBLE FOR CONSOLIDATION AND  
2 PERMISSIBLE USE OF FUNDS.—

3 (1) SCOPE.—A State may choose to include  
4 within the scope of its declaration of intent any pro-  
5 gram for which Congress makes funds available to  
6 the State if the program is for a purpose described  
7 in section 1001 of the Elementary and Education  
8 Secondary Act of 1965 (20 U.S.C. 6301). A State  
9 may not include any program funded pursuant to  
10 the Individuals with Disabilities Education Act (20  
11 U.S.C. 1400 et seq.).

12 (2) USES OF FUNDS.—Funds made available to  
13 a State pursuant to a declaration of intent under  
14 this Act shall be used for any educational purpose  
15 permitted by State law of the State submitting a  
16 declaration of intent.

17 (c) CONTENTS OF DECLARATION.—Each such dec-  
18 laration shall contain—

19 (1) a list of eligible programs that are subject  
20 to the declaration of intent;

21 (2) an assurance that the submission of the  
22 declaration of intent has been authorized by the  
23 State Authorizing Officials, specifying the identity of  
24 the State Designated Officer;

1           (3) the duration of the declaration of intent  
2 shall not exceed 5 years;

3           (4) an assurance that the State will use fiscal  
4 control and fund accounting procedures;

5           (5) an assurance that the State will meet the  
6 requirements of applicable Federal civil rights laws  
7 in carrying out the declaration of intent and in con-  
8 solidating and using the funds under the declaration  
9 of intent;

10          (6) an assurance that in implementing the dec-  
11 laration of intent the State will seek to advance edu-  
12 cational opportunities for the disadvantaged; and

13          (7) a description of the plan for maintaining di-  
14 rect accountability to parents and other citizens of  
15 the State.

16          (d) REVIEW AND RECOGNITION BY THE SEC-  
17 RETARY.—

18           (1) IN GENERAL.—The Secretary shall review  
19 the declaration of intent received from the State  
20 Designated Officer within 60 days of the date of re-  
21 ceipt, and shall recognize such declaration of intent  
22 unless it fails to meet the requirements of subsection  
23 (c).

24           (2) RECOGNITION BY OPERATION OF LAW.—If  
25 the Secretary fails to take action within the time

1 specified in paragraph (1), the declaration of intent,  
2 as submitted, shall be deemed to be approved.

3 (e) AMENDMENT TO DECLARATION OF INTENT.—

4 (1) IN GENERAL.—The State Authorizing Offi-  
5 cials may direct the State Designated Officer to sub-  
6 mit amendments to the declaration of intent which  
7 is in effect. Such amendments shall be submitted to  
8 the Secretary and considered by such officer pursu-  
9 ant to subsection (d).

10 (2) AMENDMENTS AUTHORIZED.—A declaration  
11 of intent in effect may be amended to—

12 (A) expand the scope of such declaration of  
13 intent to encompass additional eligible pro-  
14 grams;

15 (B) reduce the scope of such declaration of  
16 intent by excluding coverage of a Federal pro-  
17 gram included in the original declaration of in-  
18 tent;

19 (C) modifying the duration of such dec-  
20 laration of intent; or

21 (D) such other modifications that the  
22 State Authorizing Officials deem appropriate.

23 (3) EFFECTIVE DATE.—The amendment shall  
24 specify an effective date. Such effective date shall  
25 provide adequate time to assure full compliance with

1 Federal program requirements relating to an eligible  
2 program that has been removed from the coverage of  
3 the declaration of intent by the proposed amend-  
4 ment.

5 (4) TREATMENT OF PROGRAM FUNDS WITH-  
6 DRAWN FROM DECLARATION OF INTENT.—Begin-  
7 ning on the effective date of an amendment executed  
8 under paragraph (2)(B), each program requirement  
9 of each program removed from the declaration of in-  
10 tent shall apply to the State’s use of funds made  
11 available under the program.

12 **SEC. 3. TRANSPARENCY FOR RESULTS OF PUBLIC EDU-**  
13 **CATION.**

14 (a) IN GENERAL.—Each State operating under a  
15 declaration of intent pursuant to under this Act shall in-  
16 form parents and the general public regarding the student  
17 achievement assessment system, demonstrating student  
18 progress relative to the State’s determination of student  
19 proficiency, for the purpose of public accountability to par-  
20 ents and taxpayers.

21 (b) ACCOUNTABILITY SYSTEM.—The accountability  
22 system shall be determined by the State.

23 (c) REPORT ON STUDENT PROGRESS.—Not later  
24 than 1 year after the effective date of the declaration of  
25 intent, and annually thereafter, a State shall disseminate



1 widely to parents and the general public a report that de-  
2 scribes student progress. The report shall include—

3 (1) student performance data disaggregated in  
4 the same manner as data are disaggregated under  
5 section 1111(b)(3)(C)(xiii) of the Elementary and  
6 Secondary Education Act of 1965 (20 U.S.C.  
7 6311(b)(3)(C)(xiii)); and

8 (2) a description of how the State has used  
9 Federal funds to improve academic achievement, re-  
10 duce achievement disparities between various stu-  
11 dent groups, and improve educational opportunities  
12 for the disadvantaged.

13 **SEC. 4. MAINTENANCE OF FUNDING LEVELS SPENT BY**  
14 **STATES ON EDUCATION.**

15 (a) IN GENERAL.—For each State consolidating and  
16 using funds pursuant to a declaration of intent under this  
17 Act, for each school year of the declaration of intent, the  
18 aggregate amount of funds spent by the State on elemen-  
19 tary and secondary education shall be not less than 90  
20 percent of the aggregate amount of funds spent by the  
21 State on elementary and secondary education for the  
22 school year that coincides with the date of enactment of  
23 this Act.

24 (b) EXCEPTION.—The requirement of subsection (a)  
25 may be waived by the State Authorizing Officials if the

1 State having a declaration of intent in effect makes a de-  
2 termination, supported by specific findings, that uncon-  
3 trollable or exceptional circumstances, such as a natural  
4 disaster or extreme contraction of economic activity, pre-  
5 clude compliance for a specified period, which may be ex-  
6 tended. Such determination shall be presented to the Sec-  
7 retary by the State Designated Officer and action shall  
8 be taken in the manner prescribed by section 2(d).

9 **SEC. 5. ADMINISTRATIVE EXPENSES.**

10 (a) IN GENERAL.—Except as provided in subsection  
11 (b), the amount that a State with a declaration of intent  
12 may expend for administrative expenses shall be limited  
13 to 1 percent of the aggregate amount of Federal funds  
14 made available to the State through the eligible programs  
15 included within the scope of such declaration of intent.

16 (b) STATES NOT CONSOLIDATING FUNDS UNDER  
17 PART A OF TITLE I.—If the declaration of intent does  
18 not include within its scope Part A of title I of the Ele-  
19 mentary and Secondary Education Act of 1965 (20 U.S.C.  
20 6311 et seq.), the amount spent on administrative ex-  
21 penses shall be limited to 3 percent of the aggregate  
22 amount of Federal funds made available to the State pur-  
23 suant to such declaration of intent.

1 **SEC. 6. EQUITABLE PARTICIPATION OF PRIVATE SCHOOLS.**

2 Funds made available by a State pursuant to a dec-  
3 laration of intent under this Act shall be distributed in  
4 a manner that provides for the equitable, as determined  
5 by the State, participation of private schools, and the stu-  
6 dents and professional staff of such schools.

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