

106TH CONGRESS
1ST SESSION

H. R. 2

AN ACT

To send more dollars to the classroom and for
certain other purposes.

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To send more dollars to the classroom and for certain other purposes.

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.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Student Results Act of 1999”.

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

Sec. 1. Short title; table of contents.

Sec. 2. References.

TITLE I—STUDENT RESULTS

PART A—BASIC PROGRAM

Sec. 101. Low-achieving children meet high standards.

Sec. 102. Purposes and intent.

Sec. 103. Authorization of appropriations.

Sec. 104. Reservation and allocation.

Sec. 105. State plans.

Sec. 106. Local educational agency plans.

Sec. 107. Eligible school attendance areas.

Sec. 108. Schoolwide programs.

Sec. 109. Targeted assistance schools.

Sec. 110. School choice.

Sec. 111. Pupil safety and family school choice.

Sec. 112. Assessment and local educational agency and school improvement.

Sec. 113. State assistance for school support and improvement.

Sec. 114. Academic achievement awards program.

Sec. 115. Parental involvement changes.

Sec. 116. Qualifications for teachers and paraprofessionals.

Sec. 117. Professional development.

Sec. 118. Participation of children enrolled in private schools.

Sec. 119. Coordination requirements.

Sec. 120. Grants for the outlying areas and the Secretary of the Interior.

Sec. 121. Amounts for grants.

Sec. 122. Basic grants to local educational agencies.

Sec. 123. Concentration grants.

Sec. 124. Targeted grants.

Sec. 125. Special allocation procedures.

Sec. 126. Secular, neutral, and nonideological.

PART B—EDUCATION OF MIGRATORY CHILDREN

Sec. 131. State allocations.

Sec. 132. State applications; services.

Sec. 133. Authorized activities.

Sec. 134. Coordination of migrant education activities.

PART C—NEGLECTED OR DELINQUENT YOUTH

Sec. 141. Neglected or delinquent youth.

Sec. 142. Findings.

Sec. 143. Allocation of funds.

- Sec. 144. State plan and State agency applications.
- Sec. 145. Use of funds.
- Sec. 146. Purpose.
- Sec. 147. Transition services.
- Sec. 148. Programs operated by local educational agencies.
- Sec. 149. Local educational agency applications.
- Sec. 150. Uses of funds.
- Sec. 151. Program requirements.
- Sec. 152. Program evaluations.

PART D—GENERAL PROVISIONS

- Sec. 161. General provisions.

PART E—COMPREHENSIVE SCHOOL REFORM

- Sec. 171. Comprehensive school reform.

TITLE II—MAGNET SCHOOLS ASSISTANCE AND PUBLIC SCHOOL CHOICE

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

TITLE III—TEACHER LIABILITY PROTECTION

- Sec. 301. Teacher liability protection.

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

Subtitle A—Elementary and Secondary Education Act of 1965

- Sec. 401. Amendments.

PART B—NATIVE HAWAIIAN EDUCATION

- Sec. 402. Native Hawaiian education.

PART C—ALASKA NATIVE EDUCATION

- Sec. 403. Alaska Native education.

Subtitle B—Amendments to the Education Amendments of 1978

- Sec. 410. Amendments to the Education Amendments of 1978.

Subtitle C—Tribally Controlled Schools Act of 1988

- Sec. 420. Tribally controlled schools.

TITLE V—GIFTED AND TALENTED CHILDREN

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

TITLE VI—RURAL EDUCATION ASSISTANCE

- Sec. 601. Rural education.

TITLE VII—MCKINNEY HOMELESS EDUCATION IMPROVEMENTS ACT OF 1999

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

TITLE VIII—SCHOOLWIDE PROGRAM ADJUSTMENT

- Sec. 801. Schoolwide funds.

TITLE IX—EDUCATION OF LIMITED ENGLISH PROFICIENT
 CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

- Sec. 901. Programs authorized.
 Sec. 902. Conforming amendment to Department of Education Organization
 Act.

1 **SEC. 2. REFERENCES.**

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

10 **TITLE I—STUDENT RESULTS**

11 **PART A—BASIC PROGRAM**

12 **SEC. 101. LOW-ACHIEVING CHILDREN MEET HIGH STAND-**
 13 **ARDS.**

14 The heading for title I is amended by striking “**DIS-**
 15 **ADVANTAGED**” and inserting “**LOW-ACHIEV-**
 16 **ING**”.

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

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

1 **“SEC. 1001. FINDINGS; STATEMENT OF PURPOSE; AND REC-**
2 **OGNITION OF NEED.**

3 “(a) FINDINGS.—Congress finds the following:

4 “(1) Schools that enroll high concentrations of
5 children living in poverty face the greatest challenges
6 but effective educational strategies based on scientif-
7 ically based research can succeed in educating chil-
8 dren to high standards.

9 “(2) High-poverty schools are much more likely
10 to be identified as failing to meet State standards
11 for satisfactory progress. As a result, these schools
12 are generally the most in need of additional re-
13 sources and technical assistance to build the capac-
14 ity of these schools to address the many needs of
15 their students.

16 “(3) The educational progress of children par-
17 ticipating in programs under this title is closely as-
18 sociated with their being taught by a highly qualified
19 staff, particularly in schools with the highest con-
20 centrations of poverty, where paraprofessionals,
21 uncertified teachers, and teachers teaching out of
22 field frequently provide instructional services.

23 “(4) Congress and the public would benefit
24 from additional data in order to evaluate the efficacy
25 of the changes made to this title in the Improving
26 America’s Schools Act of 1994.

1 “(5) States, local educational agencies, and
2 schools should be given as much flexibility as pos-
3 sible in exchange for greater accountability for im-
4 proving student achievement.

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

9 “(b) PURPOSE AND INTENT.—The purpose and in-
10 tent of this title are to ensure that all children have a
11 fair and equal opportunity to obtain a high quality edu-
12 cation.

13 “(c) RECOGNITION OF NEED.—The Congress recog-
14 nizes the following:

15 “(1) Educational needs are particularly great
16 for low-achieving children in our Nation’s highest-
17 poverty schools, children with limited English pro-
18 ficiency, children of migrant workers, children with
19 disabilities, Indian children, children who are ne-
20 glected or delinquent and young children and their
21 parents who are in need of family literacy services.

22 “(2) Despite more than 3 decades of Federal
23 assistance, a sizable achievement gap remains be-
24 tween minority and nonminority students, and be-

1 tween disadvantaged students and their more advan-
2 taged peers.

3 “(3) Too many students must attend local
4 schools that fail to provide them with a quality edu-
5 cation, and are given no alternatives to enable them
6 to receive a quality education.

7 “(4) States, local educational agencies and
8 schools should be held accountable for improving the
9 academic achievement of all students, and for identi-
10 fying and turning around low-performing schools.

11 “(5) Federal education assistance is intended
12 not only to increase pupil achievement overall, but
13 also more specifically and importantly, to help en-
14 sure that all pupils, especially the disadvantaged,
15 meet challenging standards for curriculum content
16 and pupil performance. It can only be determined if
17 schools, local educational agencies, and States, are
18 reaching this goal if pupil achievement results are
19 reported specifically by disadvantaged and minority
20 status.”.

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

22 (a) LOCAL EDUCATIONAL AGENCY GRANTS.—Sub-
23 section (a) of section 1002 (20 U.S.C. 6302(a)) is amend-
24 ed by striking “\$7,400,000,000 for fiscal year 1995” and
25 inserting “\$9,850,000,000 for fiscal year 2000”.

1 (b) EDUCATION OF MIGRATORY CHILDREN.—Sub-
2 section (c) of section 1002 (20 U.S.C. 6302(c)) is amend-
3 ed by striking “\$310,000,000 for fiscal year 1995” and
4 inserting “\$400,000,000 for fiscal year 2000”.

5 (c) PREVENTION AND INTERVENTION PROGRAMS
6 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT
7 RISK OF DROPPING OUT.—Subsection (d) of section 1002
8 (20 U.S.C. 6302(d)) is amended by striking “\$40,000,000
9 for fiscal year 1995” and inserting “\$50,000,000 for fiscal
10 year 2000”.

11 (d) CAPITAL EXPENSES.—Subsection (e) of section
12 1002 (20 U.S.C. 6302(e)) is amended to read as follows:

13 “(e) CAPITAL EXPENSES.—For the purpose of car-
14 rying out section 1120(e), there are authorized to be ap-
15 propriated \$15,000,000 for fiscal year 2000, \$15,000,000
16 for fiscal year 2001, and \$5,000,000 for fiscal year
17 2002.”.

18 (e) ADDITIONAL ASSISTANCE.—Subsection (f) of sec-
19 tion 1002 is amended to read as follows:

20 “(f) SCHOOL IMPROVEMENT.—Each State may re-
21 serve for the purpose of carrying out its duties under sec-
22 tion 1116 and 1117, the greater of one half of 1 percent
23 of the amount allocated under this part, or \$200,000.”.

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

1 “(h) STATE ADMINISTRATION.—

2 “(1) STATE RESERVATION.—Each State may
3 reserve, from the grants it receives under parts A,
4 C, and D, of this title, an amount equal to the
5 greater of 1 percent of the amount it received under
6 parts A, C, and D, for fiscal year 1999, or \$400,000
7 (\$50,000 for each outlying area), to carry out ad-
8 ministrative duties assigned under parts A, C, and
9 D.

10 “(2) AUTHORIZATION OF APPROPRIATIONS.—
11 There are authorized to be appropriated
12 \$10,000,000 for fiscal year 2000 and such sums as
13 may be necessary for each of the four succeeding fis-
14 cal years for additional State administration grants.
15 Any such additional grants shall be allocated among
16 the States in proportion to the grants received by
17 each State for that fiscal year under parts A, C, and
18 D of this title.

19 “(3) SPECIAL RULE.—The amount allocated to
20 each State under this subsection may not exceed the
21 amount of State funds expended by the State edu-
22 cational agency to administer elementary and sec-
23 ondary education programs in such State.”.

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

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

1 **SEC. 105. STATE PLANS.**

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

4 **“SEC. 1111. STATE PLANS.**

5 “(a) PLANS REQUIRED.—

6 “(1) IN GENERAL.—Any State desiring to re-
7 ceive a grant under this part shall submit to the
8 Secretary a plan, developed in consultation with local
9 educational agencies, teachers, pupil services per-
10 sonnel, administrators (including administrators of
11 programs described in other parts of this title),
12 other staff, and parents, that satisfies the require-
13 ments of this section and that is coordinated with
14 other programs under this Act, the Individuals with
15 Disabilities Education Act, the Carl D. Perkins Vo-
16 cational and Technical Education Act of 1998, and
17 the Head Start Act.

18 “(2) CONSOLIDATED PLAN.—A State plan sub-
19 mitted under paragraph (1) may be submitted as
20 part of a consolidated plan under section 14302.

21 “(b) STANDARDS, ASSESSMENTS, AND ACCOUNT-
22 ABILITY.—

23 “(1) CHALLENGING STANDARDS.—(A) Each
24 State plan shall demonstrate that the State has
25 adopted challenging content standards and chal-
26 lenging student performance standards that will be

1 used by the State, its local educational agencies, and
2 its schools to carry out this part, except that a State
3 shall not be required to submit such standards to
4 the Secretary.

5 “(B) The standards required by subparagraph
6 (A) shall be the same standards that the State ap-
7 plies to all schools and children in the State.

8 “(C) The State shall have such standards for
9 elementary and secondary school children served
10 under this part in subjects determined by the State,
11 but including at least mathematics, reading or lan-
12 guage arts, and science, which shall include the
13 same knowledge, skills, and levels of performance ex-
14 pected of all children.

15 “(D) Standards under this paragraph shall
16 include—

17 “(i) challenging content standards in aca-
18 demic subjects that—

19 “(I) specify what children are ex-
20 pected to know and be able to do;

21 “(II) contain coherent and rigorous
22 content; and

23 “(III) encourage the teaching of ad-
24 vanced skills;

1 “(ii) challenging student performance
2 standards that—

3 “(I) are aligned with the State’s con-
4 tent standards;

5 “(II) describe two levels of high per-
6 formance, proficient and advanced, that
7 determine how well children are mastering
8 the material in the State content stand-
9 ards; and

10 “(III) describe a third level of per-
11 formance, basic, to provide complete infor-
12 mation about the progress of the lower
13 performing children toward achieving to
14 the proficient and advanced levels of per-
15 formance.

16 “(E) For the subjects in which students will be
17 served under this part, but for which a State is not
18 required by subparagraphs (A), (B), and (C) to de-
19 velop, and has not otherwise developed such stand-
20 ards, the State plan shall describe a strategy for en-
21 suring that such students are taught the same
22 knowledge and skills and held to the same expecta-
23 tions as are all children.

24 “(2) ADEQUATE YEARLY PROGRESS.—

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

5 “(i) any school served under this part
6 toward enabling all children to meet the
7 State’s challenging student performance
8 standards;

9 “(ii) any local educational agency that
10 received funds under this part toward ena-
11 bling all children in schools receiving as-
12 sistance under this part to meet the
13 State’s challenging student performance
14 standards; and

15 “(iii) the State in enabling all children
16 in schools receiving assistance under this
17 part to meet the State’s challenging stu-
18 dent performance standards.

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

21 “(i) applies the same high standards
22 of academic performance to all students in
23 the State;

24 “(ii) takes into account the progress
25 of all students in the State and in each

1 local educational agency and school served
2 under section 1114 or 1115;

3 “(iii) uses the State challenging con-
4 tent and challenging student performance
5 standards and assessments described in
6 paragraphs (1) and (4);

7 “(iv) compares separately, within each
8 State, local educational agency, and school,
9 the performance and progress of students
10 by gender, each major ethnic and racial
11 group, by English proficiency status, by
12 migrant status, by students with disabil-
13 ities as compared to nondisabled students,
14 and by economically disadvantaged stu-
15 dents as compared to students who are not
16 economically disadvantaged (except that
17 such disaggregation shall not be required
18 in a case in which the number of students
19 in a category is insufficient to yield statis-
20 tically reliable information or the results
21 would reveal individually identifiable infor-
22 mation about an individual student);

23 “(v) compares the proportions of stu-
24 dents at the ‘basic’, ‘proficient’, and ‘ad-
25 vanced’ levels of performance with the pro-

1 portions of students at each of the 3 levels
2 in the same grade in the previous school
3 year;

4 “(vi) at the State’s discretion, may
5 also include other academic measures such
6 as promotion, completion of college pre-
7 paratory courses, and high school comple-
8 tion, except that inclusion of such other
9 measures may not change which schools or
10 local educational agencies would otherwise
11 be subject to improvement or corrective ac-
12 tion under section 1116 if the discretionary
13 indicators were not included;

14 “(vii) includes annual numerical goals
15 for improving the performance of all
16 groups specified in clause (iv) and nar-
17 rowing gaps in performance between these
18 groups; and

19 “(viii) includes a timeline for ensuring
20 that each group of students described in
21 clause (iv) meets or exceeds the State’s
22 proficient level of performance on each
23 State assessment used for the purposes of
24 section 1111 and section 1116 within 10

1 years from the date of the enactment of
2 the Student Results Act of 1999.

3 “(C) ANNUAL IMPROVEMENT FOR
4 STATES.—For a State to make adequate yearly
5 progress under subparagraph (A)(iii), not less
6 than 90 percent of the local educational agen-
7 cies within its jurisdiction shall meet the State’s
8 criteria for adequate yearly progress.

9 “(D) ANNUAL IMPROVEMENT FOR LOCAL
10 EDUCATIONAL AGENCIES.—For a local edu-
11 cational agency to make adequate yearly
12 progress under subparagraph (A)(ii), not less
13 than 90 percent of the schools within its juris-
14 diction must meet the State’s criteria for ade-
15 quate yearly progress.

16 “(E) ANNUAL IMPROVEMENT FOR
17 SCHOOLS.—For a school to make adequate
18 yearly progress under subparagraph (A)(i), not
19 less than 90 percent of each group of students
20 described in subparagraph (A)(iv) who are en-
21 rolled in such school are required to take the
22 assessments consistent with section
23 612(a)(17)(A) of the Individuals with Disabil-
24 ities Education Act and paragraph (4)(F)(iv)
25 on which adequate yearly progress is based.

1 “(F) PUBLIC NOTICE AND COMMENT.—
2 Each State shall ensure that in developing its
3 plan for adequate yearly progress, it diligently
4 seeks public comment from a range of institu-
5 tions and individuals in the State with an inter-
6 est in improved student achievement and that
7 the State makes and will continue to make a
8 substantial effort to ensure that information
9 under this part is widely known and understood
10 by the public, parents, teachers, and school ad-
11 ministrators throughout the State. Such efforts
12 shall include, at a minimum, publication of such
13 information and explanatory text, broadly to the
14 public through such means as the Internet, the
15 media, and public agencies.

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

22 “(3) STATE AUTHORITY.—If a State edu-
23 cational agency provides evidence, which is satisfac-
24 tory to the Secretary, that neither the State edu-
25 cational agency nor any other State government offi-

1 cial, agency, or entity has sufficient authority, under
2 State law, to adopt curriculum content and student
3 performance standards, and assessments aligned
4 with such standards, which will be applicable to all
5 students enrolled in the State’s public schools, then
6 the State educational agency may meet the require-
7 ments of this subsection by—

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

12 “(B) adopting and implementing policies
13 that ensure that each local educational agency
14 in the State which receives grants under this
15 part will adopt curriculum content and student
16 performance standards, and assessments
17 aligned with such standards, which meet all of
18 the criteria in this subsection and any regula-
19 tions regarding such standards and assessments
20 which the Secretary may publish, and which are
21 applicable to all students served by each such
22 local educational agency.

23 “(4) ASSESSMENTS.—Each State plan shall
24 demonstrate that the State has implemented a set of
25 high-quality, yearly student assessments that in-

1 clude, at a minimum, assessments in mathematics,
2 reading or language arts, and science, that will be
3 used, starting not later than the 2000–2001 school
4 year, as the primary means of determining the year-
5 ly performance of each local educational agency and
6 school served under this title in enabling all children
7 served under this part to meet the State’s chal-
8 lenging student performance standards. Such assess-
9 ments shall—

10 “(A) be the same assessments used to
11 measure the performance of all children, if the
12 State measures the performance of all children;

13 “(B) be aligned with the State’s chal-
14 lenging content and student performance stand-
15 ards and provide coherent information about
16 student attainment of such standards;

17 “(C) be used for purposes for which such
18 assessments are valid and reliable, and be con-
19 sistent with relevant, nationally recognized pro-
20 fessional and technical standards for such as-
21 sessments;

22 “(D) measure the proficiency of students
23 in the academic subjects in which a State has
24 adopted challenging content and student per-

1 formance standards and be administered not
2 less than one or more times during—

3 “(i) grades 3 through 5;

4 “(ii) grades 6 through 9; and

5 “(iii) grades 10 through 12;

6 “(E) involve multiple up-to-date measures
7 of student performance, including measures
8 that assess higher order thinking skills and un-
9 derstanding;

10 “(F) provide for—

11 “(i) the participation in such assess-
12 ments of all students;

13 “(ii) the reasonable adaptations and
14 accommodations for students with disabil-
15 ities defined under 602(3) of the Individ-
16 uals with Disabilities Education Act nec-
17 essary to measure the achievement of such
18 students relative to State content and
19 State student performance standards;

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

1 “(iv) notwithstanding clause (iii), the
2 assessment (using tests written in English)
3 of reading or language arts of any student
4 who has attended school in the United
5 States (not including Puerto Rico) for
6 three or more consecutive school years, ex-
7 cept if the local educational agency deter-
8 mines, on a case-by-case individual basis,
9 that assessments in another language and
10 form would likely yield more accurate and
11 reliable information on what such students
12 know and can do, the local educational
13 agency may assess such students in the ap-
14 propriate language other than English for
15 one additional year; and

16 “(G) include students who have attended
17 schools in a local educational agency for a full
18 academic year but have not attended a single
19 school for a full academic year, except that the
20 performance of students who have attended
21 more than one school in the local educational
22 agency in any academic year shall be used only
23 in determining the progress of the local edu-
24 cational agency;

1 “(H) provide individual student reports,
2 which include assessment scores, or other infor-
3 mation on the attainment of student perform-
4 ance standards; and

5 “(I) enable results to be disaggregated
6 within each State, local educational agency, and
7 school by gender, by each major racial and eth-
8 nic group, by English proficiency status, by mi-
9 grant status, by students with disabilities as
10 compared to nondisabled students, and by eco-
11 nomically disadvantaged students as compared
12 to students who are not economically disadvan-
13 taged.

14 “(5) SPECIAL RULE.—

15 “(A) IN GENERAL.—Assessment measures
16 that do not meet the requirements of paragraph
17 (4)(C) may be included as one of the multiple
18 measures, if a State includes in the State plan
19 information regarding the State’s efforts to
20 validate such measures.

21 “(B) STUDENT PROFICIENCY IN GRADES
22 K–2.—States may measure the proficiency of
23 students in the academic subjects in which a
24 State has adopted challenging content and stu-

1 dent performance standards one or more times
2 during grades K–2.

3 “(6) LANGUAGE ASSESSMENTS.—Each State
4 plan shall identify the languages other than English
5 that are present in the participating student popu-
6 lation and indicate the languages for which yearly
7 student assessments are not available and are need-
8 ed. The State shall make every effort to develop
9 such assessments and may request assistance from
10 the Secretary if linguistically accessible assessment
11 measures are needed. Upon request, the Secretary
12 shall assist with the identification of appropriate as-
13 sessment measures in the needed languages, but
14 shall not mandate a specific assessment or mode of
15 instruction.

16 “(7) ASSESSMENT DEVELOPMENT.—A State
17 shall develop, and implement State assessments that
18 are aligned to challenging State content standards
19 that include, at a minimum, mathematics and read-
20 ing or language arts by the 2000–2001 school year.

21 “(8) REQUIREMENT.—Each State plan shall
22 describe—

23 “(A) how the State educational agency will
24 assist each local educational agency and school
25 affected by the State plan to develop the capac-

1 ity to comply with each of the requirements of
2 sections 1112(c)(1)(D), 1114(c), and 1115(c)
3 that is applicable to such agency or school; and

4 “(B) such other factors the State considers
5 appropriate to provide students an opportunity
6 to achieve the knowledge and skills described in
7 the challenging content standards adopted by
8 the State.

9 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
10 AND LEARNING.—Each State plan shall contain assur-
11 ances that—

12 “(1) the State educational agency will work
13 with other agencies, including educational service
14 agencies or other local consortia, and institutions to
15 provide technical assistance to local educational
16 agencies and schools to carry out the State edu-
17 cational agency’s responsibilities under this part, in-
18 cluding technical assistance in providing professional
19 development under section 1119 and technical as-
20 sistance under section 1117; and

21 “(2)(A) where educational service agencies
22 exist, the State educational agency will consider pro-
23 viding professional development and technical assist-
24 ance through such agencies; and

1 “(B) where educational service agencies do not
2 exist, the State educational agency will consider pro-
3 viding professional development and technical assist-
4 ance through other cooperative agreements such as
5 through a consortium of local educational agencies;

6 “(3) the State educational agency will notify
7 local educational agencies and the public of the con-
8 tent and student performance standards and assess-
9 ments developed under this section, and of the au-
10 thority to operate schoolwide programs, and will ful-
11 fill the State educational agency’s responsibilities re-
12 garding local educational agency improvement and
13 school improvement under section 1116, including
14 such corrective actions as are necessary;

15 “(4) the State educational agency will provide
16 the least restrictive and burdensome regulations for
17 local educational agencies and individual schools par-
18 ticipating in a program assisted under this part;

19 “(5) the State educational agency will inform
20 the Secretary and the public of how Federal laws, if
21 at all, hinder the ability of States to hold local edu-
22 cational agencies and schools accountable for stu-
23 dent academic performance;

24 “(6) the State educational agency will encour-
25 age schools to consolidate funds from other Federal,

1 State, and local sources for schoolwide reform in
2 schoolwide programs under section 1114;

3 “(7) the State educational agency will modify or
4 eliminate State fiscal and accounting barriers so
5 that schools can easily consolidate funds from other
6 Federal, State, and local sources for schoolwide pro-
7 grams under section 1114;

8 “(8) the State educational agency has involved
9 the committee of practitioners established under sec-
10 tion 1603(b) in developing the plan and monitoring
11 its implementation; and

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

18 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

19 “(1) SECRETARIAL DUTIES.—The Secretary
20 shall—

21 “(A) establish a peer review process to as-
22 sist in the review of State plans;

23 “(B) approve a State plan after its submis-
24 sion unless the Secretary determines that the

1 plan does not meet the requirements of this sec-
2 tion;

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

8 “(D) not decline to approve a State’s plan
9 before—

10 “(i) offering the State an opportunity
11 to revise its plan;

12 “(ii) providing technical assistance in
13 order to assist the State to meet the re-
14 quirements under subsections (a), (b), and
15 (c); and

16 “(iii) providing a hearing;

17 “(E) have the authority to disapprove a
18 State plan for not meeting the requirements of
19 this part, but shall not have the authority to re-
20 quire a State, as a condition of approval of the
21 State plan, to include in, or delete from, such
22 plan one or more specific elements of the
23 State’s content standards or to use specific as-
24 sessment instruments or items; and

1 “(2) STATE REVISIONS.—States shall revise
2 their plans if necessary to satisfy the requirements
3 of this section. Revised plans shall be submitted to
4 the Secretary for approval not later than 1 year
5 after the date of the enactment of the Student Re-
6 sults Act of 1999.

7 “(e) DURATION OF THE PLAN.—

8 “(1) IN GENERAL.—Each State plan shall—

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

12 “(B) remain in effect for the duration of
13 the State’s participation under this part; and

14 “(C) be periodically reviewed and revised
15 by the State, as necessary, to reflect changes in
16 the State’s strategies and programs under this
17 part.

18 “(2) ADDITIONAL INFORMATION.—If the State
19 makes significant changes in its plan, such as the
20 adoption of new State content standards and State
21 student performance standards, new assessments, or
22 a new definition of adequate yearly progress, the
23 State shall submit such information to the Sec-
24 retary.

1 “(f) LIMITATION ON CONDITIONS.—Nothing in this
2 part shall be construed to authorize an officer or employee
3 of the Federal Government to mandate, direct, or control
4 a State, local educational agency, or school’s specific in-
5 structional content or student performance standards and
6 assessments, curriculum, or program of instruction, as a
7 condition of eligibility to receive funds under this part.

8 “(g) PENALTIES.—

9 “(1) IN GENERAL.—If a State fails to meet the
10 statutory deadlines for demonstrating that it has in
11 place challenging content standards and student per-
12 formance standards and assessments, and a system
13 for measuring and monitoring adequate yearly
14 progress, the State shall be ineligible to receive any
15 administrative funds under section 1002(h) that ex-
16 ceed the amount received by the State for such pur-
17 pose in the previous year.

18 “(2) ADDITIONAL FUNDS.—Based on the extent
19 to which such content standards, performance stand-
20 ards, assessments, and monitoring of adequate year-
21 ly progress, are not in place, additional administra-
22 tive funds shall be withheld in such amount as the
23 Secretary determines appropriate, except that for
24 each additional year that the State fails to comply
25 with such requirements, the Secretary shall withhold

1 not less than one-fifth of the amount the State re-
2 ceives for administrative expenses under section
3 1002(h).

4 “(3) WAIVER.—Notwithstanding title XIV of
5 this Act and the Education Flexibility Partnership
6 Act or any other provision of law, a waiver shall not
7 be granted except that a State may request a 1-time,
8 1-year waiver to meet the requirements of this sec-
9 tion.”.

10 “(h) SCHOOL REPORTS.—

11 “(1) IN GENERAL.—

12 “(A) ANNUAL REPORT.—Except as pro-
13 vided in subparagraph (C), not later than the
14 beginning of the 2001–2002 school year, a
15 State that receives assistance under this Act
16 shall prepare and disseminate an annual report
17 on all schools that receive funds under this
18 part. States and local educational agencies may
19 issue report cards under this section only for
20 local educational agencies and schools receiving
21 funds under this part, except that if a State or
22 local educational agency issues a report card for
23 all students, the State or local educational
24 agency may include the information under this
25 section as part of such report card.

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

4 “(i) concise; and

5 “(ii) presented in a format and man-
6 ner that parents can understand, and
7 which, to the extent practicable, shall be in
8 a language the parents can understand.

9 “(C) PUBLIC DISSEMINATION.—In the
10 event the State does not include such informa-
11 tion through a report card, the State shall, not
12 later than the beginning of the 2001–2002
13 school year, publicly report the information de-
14 scribed in paragraph (2) through other public
15 means, such as posting on the Internet, dis-
16 tribution to the media, and distribution through
17 public agencies, for all schools that receive
18 funds under this part.

19 “(2) CONTENT OF ANNUAL STATE REPORTS.—

20 “(A) REQUIRED INFORMATION.—The
21 State shall, at a minimum, include in the an-
22 nual State reports information for the State on
23 each local educational agency and school receiv-
24 ing funds under this part regarding—

1 “(i) student performance on statewide
2 assessments for the current and preceding
3 years in at least mathematics, reading or
4 language arts, and science, including—

5 “(I) a comparison of the propor-
6 tions of students who performed at
7 ‘basic’, ‘proficient’, and ‘advanced’
8 levels in each subject area, for each
9 grade level at which assessments are
10 required under this part, with propor-
11 tions in each of the same three cat-
12 egories at the same grade levels in the
13 previous school year; and

14 “(II) a statement of the percent-
15 age of students not tested and a list-
16 ing of categories of the reasons why
17 they were not tested;

18 “(ii) retention in grade, completion of
19 advanced placement courses, and 4-year
20 graduation rates;

21 “(iii) the professional qualifications of
22 teachers in the aggregate, including the
23 percentage of teachers teaching with emer-
24 gency or provisional credentials, and the

1 percentage of class sections not taught by
2 fully qualified teachers; and

3 “(iv) the professional qualifications of
4 paraprofessionals, the number of para-
5 professionals in the aggregate and the
6 ratio of paraprofessionals to teachers in
7 the classroom.

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

11 “(i) gender;

12 “(ii) racial and ethnic group;

13 “(iii) migrant status;

14 “(iv) students with disabilities, as
15 compared to students who are not disabled;

16 “(v) economically disadvantaged stu-
17 dents, as compared to students who are
18 not economically disadvantaged; and

19 “(vi) students with limited English
20 proficiency, as compared to students who
21 are proficient in English.

22 “(C) OPTIONAL INFORMATION.—A State
23 may include in its report any other information
24 it determines appropriate to reflect school qual-
25 ity and school achievement, including informa-

1 tion on average class size by grade level, and in-
2 formation on school safety, such as the inci-
3 dence of school violence and drug and alcohol
4 abuse, and the incidence of student suspensions
5 and expulsions.

6 “(3) CONTENT OF LOCAL EDUCATIONAL AGEN-
7 CIES REPORTS.—

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

13 “(i) the information described in para-
14 graphs (2)(A) and (2)(B) for each local
15 educational agency and school—

16 “(I) in the case of a local edu-
17 cational agency—

18 “(aa) the number and per-
19 centage of schools identified for
20 school improvement, including
21 schools identified under section
22 1116(c) of this Act;

23 “(bb) information that
24 shows how students in its schools
25 perform on the statewide assess-

1 ment compared to students in the
2 State as a whole;

3 “(II) in the case of a school—

4 “(aa) whether it has been
5 identified for school improve-
6 ment; and

7 “(bb) information that
8 shows how its students performed
9 on the statewide assessment com-
10 pared to students in the local
11 educational agency and the State
12 as a whole.

13 “(B) OTHER INFORMATION.—A local edu-
14 cational agency may include in its annual re-
15 ports any other appropriate information wheth-
16 er or not such information is included in the
17 annual State report.

18 “(C) PUBLIC DISSEMINATION.—In the
19 event the local educational agency does not in-
20 clude such information through a report card,
21 the local educational agency shall, not later
22 than the beginning of the 2001-2002 school
23 year, publicly report the information described
24 in paragraph (3) through other public means,
25 such as posting on the Internet, distribution to

1 the media, and distribution through public
2 agencies, only for schools that receive funds
3 under this part, except that if a local edu-
4 cational agency issues a report card for all stu-
5 dents, the local educational agency may include
6 the information under this section as part of
7 such report.

8 “(4) DISSEMINATION AND ACCESSIBILITY OF
9 REPORTS.—

10 “(A) STATE REPORTS.—State annual re-
11 ports under paragraph (2) shall be, dissemi-
12 nated to all schools and local educational agen-
13 cies in the State, and made broadly available to
14 the public through means such as posting on
15 the Internet, distribution to the media, and dis-
16 tribution through public agencies.

17 “(B) LOCAL EDUCATIONAL AGENCY RE-
18 PORTS.—Local educational agency reports
19 under paragraph (3) shall be disseminated to
20 all schools receiving funds under this part, in
21 the school district and to all parents of students
22 attending these schools and made broadly avail-
23 able to the public through means such as post-
24 ing on the Internet, distribution to the media,
25 and distribution through public agencies.

1 “(5) PARENTS RIGHT-TO-KNOW.—

2 “(A) QUALIFICATIONS.—A local edu-
3 cational agency that receives funds under this
4 part shall provide, upon request, in an under-
5 standable and uniform format, to any parent of
6 a student attending any school receiving funds
7 under this part, information regarding the pro-
8 fessional qualifications of the student’s class-
9 room teachers, including, at a minimum, the
10 following:

11 “(i) Whether the teacher has met
12 State qualification and licensing criteria
13 for the grade levels and subject areas in
14 which the teacher provides instruction.

15 “(ii) Whether the teacher is teaching
16 under emergency or other provisional sta-
17 tus through which State qualification or li-
18 censing criteria have been waived.

19 “(iii) The baccalaureate degree major
20 of the teacher and any other graduate cer-
21 tification or degree held by the teacher,
22 and the field of discipline of the certifi-
23 cation or degree.

1 “(iv) Whether the child is provided
2 services by paraprofessionals and the quali-
3 fications of such paraprofessional.

4 “(B) ADDITIONAL INFORMATION.—In ad-
5 dition to the information which parents may re-
6 quest under subparagraph (A), and the infor-
7 mation provided in subsection (c), a school
8 which receives funds under this part shall pro-
9 vide to each individual parent or guardian—

10 “(i) information on the level of per-
11 formance of the individual student for
12 whom they are the parent or guardian in
13 each of the State assessments as required
14 under this part; and

15 “(ii) timely notice that the student for
16 whom they are the parent or guardian has
17 been assigned or has been taught for two
18 or more consecutive weeks by a substitute
19 teacher or by a teacher not fully qualified.

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

1 “(i) PRIVACY.—Information collected under this sec-
2 tion shall be collected and disseminated in a manner that
3 protects the privacy of individuals.

4 “(j) SPECIAL RULE ON SCIENCE STANDARDS AND
5 ASSESSMENTS.—Notwithstanding subsections (b) and (h),
6 no State shall be required to meet the requirements under
7 this title relating to science standards or assessments until
8 the beginning of the 2005–2006 school year.”.

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

10 (a) SUBGRANTS.—Paragraph (1) of section 1112(a)
11 (20 U.S.C. 6312(a)(1)) is amended by striking “the Goals
12 2000: Educate America Act” and all that follows and in-
13 serting the following: “the Individuals with Disabilities
14 Education Act, the Carl D. Perkins Vocational and Tech-
15 nical Education Act of 1998, the Head Start Act, and
16 other Acts, as appropriate.”.

17 (b) PLAN PROVISIONS.—Subsection (b) of section
18 1112 (20 U.S.C. 6312(b)) is amended—

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

22 (2) in paragraph (1)—

23 (A) by striking “part” each place it ap-
24 pears and inserting “title”;

1 (B) in subparagraph (B), by inserting
2 “low-achieving” before “children”;

3 (C) by striking “and” at the end of sub-
4 paragraph (B);

5 (D) by inserting “and” at the end of sub-
6 paragraph (C); and

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

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

13 “(i) are developmentally appropriate;
14 and

15 “(ii) use multiple measures to provide
16 information about the variety of skills that
17 scientifically based research has identified
18 as leading to early acquisition of reading
19 skills.”;

20 (3) in paragraph (4)—

21 (A) in subparagraph (A), by striking “,
22 and school-to-work transition programs”; and

23 (B) in subparagraph (B), by striking
24 “under part C or who were formerly eligible for
25 services under part C in the 2-year period pre-

1 ceding the date of the enactment of the Improv-
2 ing America’s School Act of 1994, neglected or
3 delinquent youth and youth at risk of dropping
4 out” and inserting “under part C, neglected or
5 delinquent youth, Indian children served under
6 title IX,”;

7 (4) in paragraph (7), by striking “eligible
8 homeless children” and inserting “homeless chil-
9 dren”;

10 (5) by striking the period at the end of para-
11 graph (9) and inserting “; and”; and

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

14 “(10) a description of the actions the local edu-
15 cational agency will take to assist its low-performing
16 schools, including schools identified under section
17 1116 as in need of improvement;

18 “(11) a description of how the agency will pro-
19 mote the use of extended learning time, such as an
20 extended school year and before and after school and
21 summer programs; and

22 “(12) a description of the criteria established by
23 the local educational agency pursuant to section
24 1119(b)(1).”.

1 (c) ASSURANCES.—Subsection (c) of section 1112
2 (20 U.S.C. 6312(c)) is amended to read as follows:

3 “(c) ASSURANCES.—

4 “(1) IN GENERAL.—Each local educational
5 agency plan shall provide assurances that the local
6 educational agency will—

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

11 “(B) provide technical assistance and sup-
12 port to schoolwide programs;

13 “(C) work in consultation with schools as
14 the schools develop the schools’ plans pursuant
15 to section 1114 and assist schools as the
16 schools implement such plans or undertake ac-
17 tivities pursuant to section 1115 so that each
18 school can make adequate yearly progress to-
19 ward meeting the State student performance
20 standards;

21 “(D) fulfill such agency’s school improve-
22 ment responsibilities under section 1116, in-
23 cluding taking corrective actions under section
24 1116(b)(9);

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

6 “(F) take into account the experience of
7 model programs for the educationally disadvan-
8 taged, and the findings of relevant scientifically
9 based research indicating that services may be
10 most effective if focused on students in the ear-
11 liest grades at schools that receive funds under
12 this part;

13 “(G) in the case of a local educational
14 agency that chooses to use funds under this
15 part to provide early childhood development
16 services to low-income children below the age of
17 compulsory school attendance, ensure that such
18 services comply with the performance standards
19 established under section 641A(a) of the Head
20 Start Act;

21 “(H) comply with the requirements of sec-
22 tion 1119 regarding the qualifications of teach-
23 ers and paraprofessionals;

24 “(I) inform eligible schools of the local
25 educational agency’s authority to obtain waivers

1 on the school’s behalf under title XIV of this
2 Act, and if the State is an Ed-Flex Partnership
3 State, waivers under the Education Flexibility
4 Partnership Act of 1999; and

5 “(J) coordinate and collaborate, to the ex-
6 tent feasible and necessary as determined by
7 the local educational agency, with other agen-
8 cies providing services to children, youth, and
9 families.

10 “(2) SPECIAL RULE.—In carrying out subpara-
11 graph (G) of paragraph (1) the Secretary—

12 “(A) shall consult with the Secretary of
13 Health and Human Services on the implemen-
14 tation of such subparagraph and shall establish
15 procedures (taking into consideration existing
16 State and local laws, and local teacher con-
17 tracts) to assist local educational agencies to
18 comply with such subparagraph; and

19 “(B) upon publication, shall disseminate to
20 local educational agencies the Head Start per-
21 formance standards as in effect under section
22 641A(a) of the Head Start Act, and such agen-
23 cies affected by such subparagraph shall plan
24 for the implementation of such subparagraph
25 (taking into consideration existing State and

1 local laws, and local teacher contracts), includ-
2 ing pursuing the availability of other Federal,
3 State, and local funding sources to assist in
4 compliance with such subparagraph.

5 “(3) INAPPLICABILITY.—The provisions of this
6 subsection shall not apply to preschool programs
7 using the Even Start model or to Even Start pro-
8 grams which are expanded through the use of funds
9 under this part.”.

10 (d) PLAN DEVELOPMENT AND DURATION.—Section
11 1112 is amended by striking subsection (d) and inserting
12 the following:

13 “(d) PLAN DEVELOPMENT AND DURATION.—

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

20 “(2) DURATION.—Each such plan shall be sub-
21 mitted for the first year for which this part is in ef-
22 fect following the date of the enactment of the Stu-
23 dent Results Act of 1999 and shall remain in effect
24 for the duration of the agency’s participation under
25 this part.

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

4 (e) STATE APPROVAL.—Section 1112 (20 U.S.C.
5 6312(e)) is amended by striking subsection (e) and insert-
6 ing the following:

7 “(e) STATE APPROVAL.—

8 “(1) IN GENERAL.—Each local educational
9 agency plan shall be filed according to a schedule es-
10 tablished by the State educational agency.

11 “(2) APPROVAL.—The State educational agency
12 shall approve a local educational agency’s plan only
13 if the State educational agency determines that the
14 local educational agency’s plan—

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

19 “(B) will meet the requirements of this
20 section.”.

21 (f) PARENTAL NOTIFICATION AND CONSENT FOR
22 ENGLISH LANGUAGE INSTRUCTION.—Section 1112 (20
23 U.S.C. 6312) is amended by adding at the end the fol-
24 lowing:

1 “(g) PARENTAL NOTIFICATION AND CONSENT FOR
2 ENGLISH LANGUAGE INSTRUCTION.—

3 “(1) NOTIFICATION.—If a local educational
4 agency uses funds under this part to provide English
5 language instruction to limited English proficient
6 children, the agency shall inform a parent or the
7 parents of a child participating in an English lan-
8 guage instruction program for limited English pro-
9 ficient children assisted under this part of—

10 “(A) the reasons for the identification of
11 the child as being in need of English language
12 instruction;

13 “(B) the child’s level of English pro-
14 ficiency, how such level was assessed, and the
15 status of the child’s academic achievement; and

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

20 “(D) what the specific exit requirements
21 are for the program;

22 “(E) the expected rate of graduation from
23 the program into mainstream classes; and

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

4 “(2) CONSENT.—

5 “(A) AGENCY REQUIREMENTS.—

6 “(i) INFORMED CONSENT.—For a
7 child who has been identified as limited
8 English proficient prior to the beginning of
9 the school year, each local educational
10 agency that receives funds under this part
11 shall obtain informed parental consent
12 prior to the placement of a child in an
13 English language instruction program for
14 limited English proficient children funded
15 under this part, if—

16 “(I) the program does not in-
17 clude classes which exclusively or al-
18 most exclusively use the English lan-
19 guage in instruction; or

20 “(II) instruction is tailored for
21 limited English proficient children.

22 “(ii) WRITTEN CONSENT NOT OB-
23 TAINED.—If written consent is not ob-
24 tained, the local educational agency shall
25 maintain a written record that includes the

1 date and the manner in which such in-
2 formed consent was obtained.

3 “(iii) RESPONSE NOT OBTAINED.—

4 “(I) IN GENERAL.—If a response
5 cannot be obtained after a reasonable
6 and substantial effort has been made
7 to obtain such consent, the local edu-
8 cational agency shall document that it
9 has given such notice and its specific
10 efforts made to obtain such consent.

11 “(II) DELIVERY OF PROOF OF
12 DOCUMENTATION.—The proof of doc-
13 umentation shall be mailed or deliv-
14 ered in writing to the parents or
15 guardian of the child prior to placing
16 the child in a program described
17 under in clause (i), and shall include
18 a final notice requesting parental con-
19 sent for such services. After such doc-
20 umentation has been mailed or deliv-
21 ered in writing, the local educational
22 agency shall provide appropriate edu-
23 cational services.

24 “(III) SPECIAL RULE APPLICA-
25 BLE DURING SCHOOL YEAR.—A local

1 educational agency may obtain paren-
2 tal consent under this subclause only
3 for children who have not been identi-
4 fied as limited English proficient prior
5 to the beginning of a school year. For
6 such children the agency shall docu-
7 ment, in writing, its specific efforts
8 made to obtain such consent prior to
9 placing the child in a program de-
10 scribed in clause (i). After such docu-
11 mentation has been made, the local
12 educational agency shall provide ap-
13 propriate educational services to such
14 child. The proof of documentation
15 shall be mailed or delivered in writing
16 to the parents or guardian of the child
17 in a timely manner and shall include
18 information on how to have their child
19 immediately removed from the pro-
20 gram upon their request. This sub-
21 clause shall not be construed as ex-
22 emption a local educational agency
23 from complying with the requirements
24 of this subparagraph.

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

6 “(i) select among methods of instruc-
7 tion, if more than one method is offered in
8 the program; and

9 “(ii) have the right to have their child
10 immediately removed from the program
11 upon their request.

12 “(3) RECEIPT OF INFORMATION.—A parent or
13 the parents of a child identified for participation in
14 an English language instruction program for limited
15 English proficient children assisted under this part
16 shall receive, in a manner and form understandable
17 to the parent or parents, the information required by
18 this subsection. At a minimum, the parent or par-
19 ents shall receive—

20 “(A) timely information about English lan-
21 guage instruction programs for limited English
22 proficient children assisted under this Act; and

23 “(B) if a parent of a participating child so
24 desires, notice of opportunities for regular
25 meetings for the purpose of formulating and re-

1 sponding to recommendations from such par-
2 ents.

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

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

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

10 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

11 “(a) DETERMINATION.—

12 “(1) IN GENERAL.—A local educational agency
13 shall use funds received under this part only in eligi-
14 ble school attendance areas.

15 “(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—

16 For the purposes of this part—

17 “(A) the term ‘school attendance area’
18 means, in relation to a particular school, the
19 geographical area in which the children who are
20 normally served by that school reside; and

21 “(B) the term ‘eligible school attendance
22 area’ means a school attendance area in which
23 the percentage of children from low-income
24 families is at least as high as the percentage of

1 children from low-income families in the local
2 educational agency as a whole.

3 “(3) LOCAL EDUCATIONAL AGENCY DISCRE-
4 TION.—

5 “(A) IN GENERAL.—Notwithstanding para-
6 graph (2), a local educational agency may—

7 “(i) designate as eligible any school
8 attendance area or school in which at least
9 35 percent of the children are from low-in-
10 come families;

11 “(ii) use funds received under this
12 part in a school that is not in an eligible
13 school attendance area, if the percentage
14 of children from low-income families en-
15 rolled in the school is equal to or greater
16 than the percentage of such children in a
17 participating school attendance area of
18 such agency;

19 “(iii) designate and serve a school at-
20 tendance area or school that is not eligible
21 under subsection (b), but that was eligible
22 and that was served in the preceding fiscal
23 year, but only for one additional fiscal
24 year; and

1 “(iv) elect not to serve an eligible
2 school attendance area or eligible school
3 that has a higher percentage of children
4 from low-income families if—

5 “(I) the school meets the com-
6 parability requirements of section
7 1120A(c);

8 “(II) the school is receiving sup-
9 plemental funds from other State or
10 local sources that are spent according
11 to the requirements of section 1114 or
12 1115; and

13 “(III) the funds expended from
14 such other sources equal or exceed the
15 amount that would be provided under
16 this part.

17 “(B) SPECIAL RULE.—Notwithstanding
18 subparagraph (A)(iv), the number of children
19 attending private elementary and secondary
20 schools who are to receive services, and the as-
21 sistance such children are to receive under this
22 part, shall be determined without regard to
23 whether the public school attendance area in
24 which such children reside is assisted under
25 subparagraph (A).

1 “(b) RANKING ORDER.—If funds allocated in accord-
2 ance with subsection (f) are insufficient to serve all eligible
3 school attendance areas, a local educational agency—

4 “(1) shall annually rank from highest to lowest
5 according to the percentage of children from low-in-
6 come families in each agency’s eligible school attend-
7 ance areas in the following order—

8 “(A) eligible school attendance areas in
9 which the concentration of children from low-in-
10 come families exceeds 75 percent; and

11 “(B) all remaining eligible school attend-
12 ance areas in which the concentration of chil-
13 dren from low-income families is 75 percent or
14 lower either by grade span or for the entire
15 local educational agency;

16 “(2) shall, within each category listed in para-
17 graph (1), serve schools in rank order from highest
18 to lowest according to the ranking assigned under
19 paragraph (1);

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

1 “(4) not serve a school described in paragraph
2 (1)(B) before serving a school described in para-
3 graph (1)(A).

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

9 “(1) ALLOCATION TO PUBLIC SCHOOL ATTEND-
10 ANCE AREAS.—The local educational agency shall
11 use the same measure of poverty, which measure
12 shall be the number of children ages 5 through 17
13 in poverty counted in the most recent census data
14 approved by the Secretary, the number of children
15 eligible for free and reduced priced lunches under
16 the National School Lunch Act, the number of chil-
17 dren in families receiving assistance under the State
18 program funded under part A of title IV of the So-
19 cial Security Act, or the number of children eligible
20 to receive medical assistance under the Medicaid
21 program, or a composite of such indicators, with re-
22 spect to all school attendance areas in the local edu-
23 cational agency—

24 “(A) to identify eligible school attendance
25 areas;

1 “(B) to determine the ranking of each
2 area; and

3 “(C) to determine allocations under sub-
4 section (f).

5 “(2) ALLOCATION FOR EQUITABLE SERVICE TO
6 PRIVATE SCHOOL STUDENTS.—

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

12 “(i) using the same measure of low-in-
13 come used to count public school children;

14 “(ii) using the results of a survey
15 that, to the extent possible, protects the
16 identity of families of private school stu-
17 dents and allowing such survey results to
18 be extrapolated if complete actual data are
19 not available; or

20 “(iii) applying the low-income percent-
21 age of each participating public school at-
22 tendance area, determined pursuant to this
23 section, to the number of private school
24 children who reside in that attendance
25 area.

1 “(B) COMPLAINT PROCESS.—Any dispute
2 regarding low-income data on private school
3 students shall be subject to the complaint proc-
4 ess authorized in section 14505.

5 “(d) EXCEPTION.—This section (other than sub-
6 sections (a)(3) and (f)) shall not apply to a local edu-
7 cational agency with a total enrollment of less than 1,500
8 children.

9 “(e) WAIVER FOR DESEGREGATION PLANS.—The
10 Secretary may approve a local educational agency’s writ-
11 ten request for a waiver of the requirements of subsections
12 (a) and (f), and permit such agency to treat as eligible,
13 and serve, any school that children attend under a deseg-
14 regation plan ordered by a State or court or approved by
15 the Secretary, or such a plan that the agency continues
16 to implement after it has expired, if—

17 “(1) the number of economically disadvantaged
18 children enrolled in the school is not less than 25
19 percent of the school’s total enrollment; and

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

25 “(f) ALLOCATIONS.—

1 “(1) IN GENERAL.—A local educational agency shall
2 allocate funds received under this part to eligible school
3 attendance areas or eligible schools, identified under sub-
4 section (b) in rank order on the basis of the total number
5 of children from low-income families in each area or
6 school.

7 “(2) SPECIAL RULE.—(A) Except as provided
8 in subparagraph (B), the per pupil amount of funds
9 allocated to each school attendance area or school
10 under paragraph (1) shall be at least 125 percent of
11 the per pupil amount of funds a local educational
12 agency received for that year under the poverty cri-
13 teria described by the local educational agency in the
14 plan submitted under section 1112, except that this
15 paragraph shall not apply to a local educational
16 agency that only serves schools in which the percent-
17 age of such children is 35 percent or greater.

18 “(B) A local educational agency may reduce the
19 amount of funds allocated under subparagraph (A)
20 for a school attendance area or school by the amount
21 of any supplemental State and local funds expended
22 in that school attendance area or school for pro-
23 grams that meet the requirements of section 1114 or
24 1115.

1 “(3) RESERVATION.—A local educational agen-
2 cy shall reserve such funds as are necessary under
3 this part to provide services comparable to those
4 provided to children in schools funded under this
5 part to serve—

6 “(A) homeless children who do not attend
7 participating schools, including providing educa-
8 tionally related support services to children in
9 shelters;

10 “(B) children in local institutions for ne-
11 glected or delinquent children; and

12 “(C) where appropriate, neglected and de-
13 linquent children in community day school pro-
14 grams.

15 “(4) SCHOOL IMPROVEMENT RESERVATION.—A
16 local educational agency shall reserve such funds as
17 are necessary under this part to meet such agency’s
18 school improvement responsibilities under section
19 1116, including taking corrective actions under sec-
20 tion 1116(b)(9).

21 “(5) FINANCIAL INCENTIVES AND REWARDS
22 RESERVATION.—A local educational agency may re-
23 serve such funds as are necessary under this part to
24 provide financial incentives and rewards to teachers
25 who serve in eligible schools under subsection

1 (b)(1)(A) and identified for improvement under sec-
2 tion 1116(b)(1) for the purpose of attracting and re-
3 taining qualified and effective teachers.”.

4 **SEC. 108. SCHOOLWIDE PROGRAMS.**

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

7 **“SEC. 1114. SCHOOLWIDE PROGRAMS.**

8 “(a) PURPOSE.—The purpose of a schoolwide pro-
9 gram under this section is—

10 “(1) to enable a local educational agency to
11 consolidate funds under this part with other Federal,
12 State, and local funds, to upgrade the entire edu-
13 cational program in a high poverty school; and

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

18 “(b) USE OF FUNDS FOR SCHOOLWIDE PRO-
19 GRAMS.—

20 “(1) IN GENERAL.—A local educational agency
21 may consolidate funds under this part, together with
22 other Federal, State, and local funds, in order to up-
23 grade the entire educational program of a school
24 that serves an eligible school attendance area in
25 which not less than 50 percent of the children are

1 from low-income families, or not less than 50 per-
2 cent of the children enrolled in the school are from
3 such families.

4 “(2) STATE ASSURANCES.—A local educational
5 agency may start new schoolwide programs under
6 this section only after the State educational agency
7 provides written information to each local edu-
8 cational agency in the State that demonstrates that
9 such State educational agency has established the
10 statewide system of support and improvement re-
11 quired by subsections (c)(1) and (e) of section 1117.

12 “(3) IDENTIFICATION OF STUDENTS NOT RE-
13 QUIRED.—(A) No school participating in a
14 schoolwide program shall be required to identify par-
15 ticular children under this part as eligible to partici-
16 pate in a schoolwide program or to provide supple-
17 mental services to such children.

18 “(B) A school participating in a schoolwide pro-
19 gram shall use funds available to carry out this sec-
20 tion only to supplement the amount of funds that
21 would, in the absence of funds under this part, be
22 made available from non-Federal sources for the
23 school, including funds needed to provide services
24 that are required by law for children with disabilities
25 and children with limited English proficiency.

1 “(4) EXEMPTION FROM STATUTORY AND REGU-
2 LATORY REQUIREMENTS.—(A) Except as provided in
3 subsection (c), the Secretary may, through publica-
4 tion of a notice in the Federal Register, exempt
5 schoolwide programs under this section from statu-
6 tory or regulatory provisions of any other non-
7 competitive formula grant program administered by
8 the Secretary (other than formula or discretionary
9 grant programs under the Individuals with Disabil-
10 ities Education Act, except as provided in section
11 613(a)(2)(D) of such Act), or any discretionary
12 grant program administered by the Secretary, to
13 support schoolwide programs if the intent and pur-
14 poses of such other programs are met.

15 “(B) A school that chooses to use funds from
16 such other programs shall not be relieved of the re-
17 quirements relating to health, safety, civil rights,
18 student and parental participation and involvement,
19 services to private school children, maintenance of
20 effort, uses of Federal funds to supplement, not sup-
21 plant non-Federal funds, or the distribution of funds
22 to State or local educational agencies that apply to
23 the receipt of funds from such programs.

24 “(C)(i) A school that consolidates funds from
25 different Federal programs under this section shall

1 not be required to maintain separate fiscal account-
2 ing records, by program, that identify the specific
3 activities supported by those particular funds as long
4 as it maintains records that demonstrate that the
5 schoolwide program, considered as a whole addresses
6 the intent and purposes of each of the Federal pro-
7 grams that were consolidated to support the
8 schoolwide program.

9 “(5) PROFESSIONAL DEVELOPMENT.—Each
10 school receiving funds under this part for any fiscal
11 year shall devote sufficient resources to effectively
12 carry out the activities described in subsection
13 (c)(1)(E) in accordance with section 1119A for such
14 fiscal year, except that a school may enter into a
15 consortium with another school to carry out such ac-
16 tivities.

17 “(c) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

18 “(1) IN GENERAL.—A schoolwide program shall
19 include the following components:

20 “(A) A comprehensive needs assessment of
21 the entire school (including taking into account
22 the needs of migratory children as defined in
23 section 1309(2)) that is based on information
24 which includes the performance of children in
25 relation to the State content standards and the

1 State student performance standards described
2 in section 1111(b)(1).

3 “(B) Schoolwide reform strategies that—

4 “(i) provide opportunities for all chil-
5 dren to meet the State’s proficient and ad-
6 vanced levels of student performance de-
7 scribed in section 1111(b)(1)(D);

8 “(ii) use effective methods and in-
9 structional strategies that are based upon
10 scientifically based research that—

11 “(I) strengthen the core aca-
12 demic program in the school;

13 “(II) increase the amount and
14 quality of learning time, such as pro-
15 viding an extended school year and
16 before- and after-school and summer
17 programs and opportunities, and help
18 provide an enriched and accelerated
19 curriculum; and

20 “(III) include strategies for meet-
21 ing the educational needs of histori-
22 cally underserved populations, includ-
23 ing girls and women;

24 “(iii)(I) address the needs of all chil-
25 dren in the school, but particularly the

1 needs of low-achieving children and those
2 at risk of not meeting the State student
3 performance standards who are members
4 of the target population of any program
5 that is included in the schoolwide program,
6 which may include incorporation of gender-
7 equitable methods and practices;

8 “(II) address how the school will de-
9 termine if such needs have been met; and

10 “(iv) are consistent with, and are de-
11 signed to implement, the State and local
12 improvement plans, if any.

13 “(D) Instruction by fully qualified (as de-
14 fined in section 1610) teachers.

15 “(E) In accordance with section 1119A,
16 high quality and ongoing professional develop-
17 ment for teachers and paraprofessionals, and,
18 where appropriate, pupil services personnel,
19 parents, principals, and other staff to enable all
20 children in the school to meet the State’s stu-
21 dent performance standards.

22 “(F) Strategies to increase parental in-
23 volvement in accordance with section 1118,
24 such as family literary services.

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

6 “(H) Measures to include teachers in the
7 decisions regarding the use of assessments de-
8 scribed in section 1111(b)(4) in order to pro-
9 vide information on, and to improve, the per-
10 formance of individual students and the overall
11 instructional program.

12 “(I) Activities to ensure that students who
13 experience difficulty mastering the proficient or
14 advanced levels of performance standards re-
15 quired by section 1111(b) shall be provided with
16 effective, timely additional assistance which
17 shall include measures to ensure that students’
18 difficulties are identified on a timely basis and
19 to provide sufficient information on which to
20 base effective assistance.

21 “(2) PLAN.—Any eligible school that desires to
22 operate a schoolwide program shall first develop (or
23 amend a plan for such a program that was in exist-
24 ence on the day before the date of the enactment of
25 the Student Results Act of 1999), a comprehensive

1 plan for reforming the total instructional program in
2 the school that—

3 “(A) incorporates the components de-
4 scribed in paragraph (1);

5 “(B) describes how the school will use re-
6 sources under this part and from other sources
7 to implement those components;

8 “(C) includes a list of State and local edu-
9 cational agency programs and other Federal
10 programs under subsection (b)(4) that will be
11 consolidated in the schoolwide program;

12 “(D) describes how the school will provide
13 individual student assessment results, including
14 an interpretation of those results, to the par-
15 ents of a child who participates in the assess-
16 ments required by section 1111(b)(4) and in a
17 format and, to the extent practicable, in a lan-
18 guage that they can understand; and

19 “(E) provides for the collection of data on
20 the achievement and assessment results of stu-
21 dents disaggregated by gender, major ethnic or
22 racial groups, limited English proficiency sta-
23 tus, migrant students, by children with disabil-
24 ities as compared to other students, and by eco-
25 nomically disadvantaged students as compared

1 to students who are not economically disadvan-
2 tagged, except that such disaggregation shall not
3 be required in a case in which the number of
4 students in a category is insufficient to yield
5 statistically reliable information or the results
6 would reveal individually identifiable informa-
7 tion about an individual student.

8 “(3) PLAN DEVELOPMENT.—The comprehen-
9 sive plan shall be—

10 “(A) developed during a 1-year period,
11 unless—

12 “(i) the local educational agency de-
13 termines that less time is needed to de-
14 velop and implement the schoolwide pro-
15 gram; or

16 “(ii) the school operated a schoolwide
17 program on the day preceding the date of
18 the enactment of the Student Results Act
19 of 1999, in which case such school may
20 continue to operate such program, but
21 shall develop amendments to its existing
22 plan during the first year of assistance
23 under such Act to reflect the provisions of
24 this section;

1 “(B) developed with the involvement of the
2 community to be served and individuals who
3 will carry out such plan, including teachers,
4 principals, administrators (including adminis-
5 trators of programs described in other parts of
6 this title), if appropriate pupil services per-
7 sonnel, school staff and parents, and, if the
8 plan relates to a secondary school, students
9 from such school;

10 “(C) in effect for the duration of the
11 school’s participation under this part and re-
12 viewed and revised, as necessary, by the school;

13 “(D) available to the local educational
14 agency, parents, and the public, and the infor-
15 mation contained in such plan shall be provided
16 in a format, and to the extent practicable, in a
17 language that they can understand; and

18 “(E) if appropriate, developed in coordina-
19 tion with programs under the Reading Excel-
20 lence Act, the Carl D. Perkins Vocational and
21 Technical Education Act of 1998, the Head
22 Start Act, and part B of this title.

23 “(d) ACCOUNTABILITY.—A schoolwide program
24 under this section shall be subject to the school improve-
25 ment provisions of section 1116.”.

1 “(e) PREKINDERGARTEN PROGRAM.—A school that
2 is eligible for a schoolwide program under this section may
3 use funds made available under this title to establish or
4 enhance prekindergarten programs for 3-, 4-, and 5-year
5 old children, such as Even Start programs.”.

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

7 (a) IN GENERAL.—Subsection (a) of section 1115
8 (20 U.S.C. 6315(a)) is amended by striking “section
9 1113(c)” and inserting “section 1113(f)”.

10 (b) ELIGIBLE CHILDREN.—Subsection (b) of section
11 1115 (20 U.S.C. 6315(b)) is amended to read as follows:

12 “(b) ELIGIBLE CHILDREN.—

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

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

18 “(ii) children who are not yet at a grade
19 level where the local educational agency pro-
20 vides a free public education.

21 “(B) From the population described in subpara-
22 graph (A), eligible children are children identified by
23 the school as failing, or most at risk of failing, to
24 meet the State’s challenging student performance
25 standards on the basis of assessments under this

1 part, and, as appropriate, on the basis of multiple,
2 educationally related, objective criteria established
3 by the local educational agency and supplemented by
4 the school, except that children from preschool
5 through grade 2 may be selected solely on the basis
6 of such criteria as teacher judgment, interviews with
7 parents, and developmentally appropriate measures.

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

12 “(ii) Funds received under this part may not be
13 used to provide services that are otherwise required
14 by law to be made available to such children but
15 may be used to coordinate or supplement such serv-
16 ices.

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

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

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

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

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

11 “(c) COMPONENTS OF A TARGETED ASSISTANCE
12 SCHOOL PROGRAM.—

13 “(1) IN GENERAL.—To assist targeted assist-
14 ance schools and local educational agencies to meet
15 their responsibility to provide for all their students
16 served under this title the opportunity to meet the
17 State’s challenging student performance standards
18 in subjects as determined by the State, each tar-
19 geted assistance program under this section shall—

20 “(A) use such program’s resources under
21 this part to help participating children meet
22 such State’s challenging student performance
23 standards expected for all children;

1 “(B) ensure that planning for students
2 served under this part is incorporated into ex-
3 isting school planning;

4 “(C) use effective methods and instruc-
5 tional strategies that are based upon scientif-
6 ically based research that strengthens the core
7 academic program of the school and that—

8 “(i) give primary consideration to pro-
9 viding extended learning time such as an
10 extended school year, before- and after-
11 school, and summer programs and oppor-
12 tunities;

13 “(ii) help provide an accelerated, high-
14 quality curriculum, including applied learn-
15 ing; and

16 “(iii) minimize removing children
17 from the regular classroom during regular
18 school hours for instruction provided under
19 this part;

20 “(D) coordinate with and support the reg-
21 ular education program, which may include
22 services to assist preschool children in the tran-
23 sition from early childhood programs to elemen-
24 tary school programs;

1 “(E) provide instruction by fully qualified
2 teacher as defined in section 1610;

3 “(F) in accordance with subsection (e)(3)
4 and section 1119A, provide opportunities for
5 professional development with resources pro-
6 vided under this part, and, to the extent prac-
7 ticable, from other sources, for teachers, prin-
8 cipals, and administrators and other school
9 staff, including, if appropriate, pupil services
10 personnel, who work with participating children
11 in programs under this section or in the regular
12 education program; and

13 “(G) provide strategies to increase paren-
14 tal involvement in accordance with section
15 1118, such as family literacy services.

16 “(2) REQUIREMENTS.—Each school conducting
17 a program under this section shall assist partici-
18 pating children selected in accordance with sub-
19 section (b) to meet the State’s proficient and ad-
20 vanced levels of performance by—

21 “(A) the coordination of resources provided
22 under this part with other resources; and

23 “(B) reviewing, on an ongoing basis, the
24 progress of participating children and revising
25 the targeted assistance program, if necessary,

1 to provide additional assistance to enable such
2 children to meet the State’s challenging student
3 performance standards, such as an extended
4 school year, before- and after-school, and sum-
5 mer, programs and opportunities, training for
6 teachers regarding how to identify students that
7 require additional assistance, and training for
8 teachers regarding how to implement student
9 performance standards in the classroom.”.

10 (d) INTEGRATION OF PROFESSIONAL DEVELOP-
11 MENT.—Subsection (d) of section 1115 (20 U.S.C.
12 6515(d) is amended to read as follows:

13 “(d) INTEGRATION OF PROFESSIONAL DEVELOP-
14 MENT.—To promote the integration of staff supported
15 with funds under this part, public school personnel who
16 are paid with funds received under this part may partici-
17 pate in general professional development and school plan-
18 ning activities.”.

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

21 (1) by inserting “and” at the end of subpara-
22 graph (A);

23 (2) by striking subparagraph (B); and

24 (3) by redesignating subparagraph (C) as sub-
25 paragraph (B).

1 **SEC. 110. SCHOOL CHOICE.**

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

4 **“SEC. 1115A. SCHOOL CHOICE.**

5 “(a) CHOICE PROGRAMS.—A local educational agen-
6 cy may use funds under this part, in combination with
7 State, local, and private funds, to develop and implement
8 public school choice programs, for children eligible for as-
9 sistance under this part, which permit parents to select
10 the public school that their child will attend.

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

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

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

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

22 “(4) the plan will be developed with the involve-
23 ment of parents and others in the community to be
24 served and individuals who will carry out the plan,
25 including administrators, teachers, principals, and
26 other staff;

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

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

11 “(7) transportation services or the costs of
12 transportation may be provided by the local edu-
13 cational agency with funds under this part; and

14 “(8) such local educational agency will comply
15 with the other requirements of this part.”.

16 **SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

17 Subpart 1 of part A of title I of the Elementary and
18 Secondary Education Act of 1965 (20 U.S.C. 6311 et
19 seq.) is amended by inserting after section 1115A of such
20 Act (20 U.S.C. 6316) the following:

21 **“SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.**

22 “(a) IN GENERAL.—If a student is eligible to be
23 served under section 1115(b), or attends a school eligible
24 for a schoolwide program under section 1114, and—

1 “(1) becomes a victim of a violent criminal of-
2 fense while in or on the grounds of a public elemen-
3 tary school or secondary school that the student at-
4 tends and that receives assistance under this part,
5 then the local educational agency shall allow such
6 student to attend another public school or public
7 charter school in the same State as the school where
8 the criminal offense occurred, that is selected by the
9 student’s parent; or

10 “(2) the public school that the student attends
11 and that receives assistance under this part has been
12 designated as an unsafe public school, then the local
13 educational agency may allow such student to attend
14 another public school or public charter school in the
15 same State as the school where the criminal offense
16 occurred, that is selected by the student’s parent.

17 “(b) STATE EDUCATIONAL AGENCY DETERMINA-
18 TIONS.—

19 “(1) The State educational agency shall deter-
20 mine, based upon State law, what actions constitute
21 a violent criminal offense for purposes of this sec-
22 tion.

23 “(2) The State educational agency shall deter-
24 mine which schools in the State are unsafe public
25 schools.

1 “(3) The term ‘unsafe public schools’ means a
2 public school that has serious crime, violence, illegal
3 drug, and discipline problems, as indicated by condi-
4 tions that may include high rates of—

5 (A) expulsions and suspensions of students
6 from school;

7 (B) referrals of students to alternative
8 schools for disciplinary reasons, to special pro-
9 grams or schools for delinquent youth, or to ju-
10 venile court;

11 (C) victimization of students or teachers by
12 criminal acts, including robbery, assault and
13 homicide;

14 (D) enrolled students who are under court
15 supervision for past criminal behavior;

16 (E) possession, use, sale or distribution of
17 illegal drugs;

18 (F) enrolled students who are attending
19 school while under the influence of illegal drugs
20 or alcohol;

21 (G) possession or use of guns or other
22 weapons;

23 (H) participation in youth gangs; or

24 (I) crimes against property, such as theft
25 or vandalism.

1 “(c) TRANSPORTATION COSTS.—The local edu-
2 cational agency that serves the public school in which the
3 violent criminal offense occurred or that serves the des-
4 ignated unsafe public school may use funds provided under
5 this part to provide transportation services or to pay the
6 reasonable costs of transportation for the student to at-
7 tend the school selected by the student’s parent.

8 “(d) SPECIAL RULE.—Any school receiving assist-
9 ance provided under this section shall comply with title
10 VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et
11 seq.) and not discriminate on the basis of race, color, or
12 national origin.

13 “(e) PART B OF THE INDIVIDUALS WITH DISABIL-
14 ITIES EDUCATION ACT.—Nothing in this section shall be
15 construed to affect the requirements of part B of the Indi-
16 viduals with Disabilities Education Act (20 U.S.C. 1411
17 et seq.).

18 “(f) MAXIMUM AMOUNT.—Notwithstanding any
19 other provision of this section, the amount of assistance
20 provided under this part for a student shall not exceed
21 the per pupil expenditure for elementary or secondary edu-
22 cation, as appropriate, by the local educational agency
23 that serves the school—

1 (b) SCHOOL IMPROVEMENT.—Section 1116 (20
2 U.S.C. 6317) is amended by striking subsection (b) and
3 by redesignating subsections (c) and (d) as subsections (b)
4 and (c), respectively, and amending them to read as fol-
5 lows:

6 “(b) SCHOOL IMPROVEMENT.—

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

10 “(A) for two consecutive years failed to
11 make adequate yearly progress as defined in the
12 State’s plan under section 1111(b)(2); or

13 “(B) was in school improvement status
14 under this section on the day preceding the
15 date of the enactment of the Student Results
16 Act of 1999.

17 “(2) TRANSITION.—The 2-year period described
18 in paragraph (1)(A) shall include any continuous pe-
19 riod of time immediately preceding the date of the
20 enactment of the Student Results Act of 1999 dur-
21 ing which a school did not make adequate yearly
22 progress as defined in the State’s plan, as such plan
23 was in effect on the day preceding the date of such
24 enactment.

1 “(3) TARGETED ASSISTANCE SCHOOLS.—To de-
2 termine if a school that is conducting a targeted as-
3 sistance program under section 1115 should be iden-
4 tified as in need of improvement under this sub-
5 section, a local educational agency may choose to re-
6 view the progress of only those students in such
7 school who are served under this part.

8 “(4) OPPORTUNITY TO REVIEW AND PRESENT
9 EVIDENCE.—

10 “(A) IN GENERAL.—Before identifying a
11 school for school improvement under paragraph
12 (1), the local educational agency shall provide
13 the school with an opportunity to review the
14 school-level data, including assessment data, on
15 which the proposed identification is based.

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

22 “(5) NOTIFICATION TO PARENTS.—A local edu-
23 cational agency shall, in an easily understandable
24 format, provide in writing to parents of each student
25 in a school identified for school improvement—

1 “(A) an explanation of what the school im-
2 provement identification means and how the
3 school compares in terms of academic perform-
4 ance to other schools in the local educational
5 agency and State;

6 “(B) the reasons for such identification;

7 “(C) the data on which such identification
8 is based;

9 “(D) an explanation of what the school is
10 doing to address the problem of low achieve-
11 ment;

12 “(E) an explanation of how parents can
13 become involved in upgrading the quality of the
14 school;

15 “(F) an explanation of the right of par-
16 ents, pursuant to paragraph (6), to transfer
17 their child to another public school, including a
18 public charter school, that is not in school im-
19 provement, and how such transfer shall operate;
20 and

21 “(G) notification to parents in a format
22 and, to the extent practicable, in a language
23 they can understand.

24 “(6) PUBLIC SCHOOL CHOICE OPTION.—

1 “(A) SCHOOLS IDENTIFIED FOR IMPROVE-
2 MENT.—

3 “(i) SCHOOLS IDENTIFIED ON OR BE-
4 FORE ENACTMENT.—Not later than 18
5 months after the date of the enactment of
6 the Student Results Act of 1999, a local
7 educational agency shall provide all stu-
8 dents enrolled in a school identified (on or
9 before such date of enactment) for school
10 improvement with an option to transfer to
11 any other public school within the local
12 educational agency or any public school
13 consistent with subparagraph (B), includ-
14 ing a public charter school that has not
15 been identified for school improvement, un-
16 less such option to transfer is prohibited
17 by State law, or local law, which includes
18 school board-approved local educational
19 agency policy.

20 “(ii) SCHOOLS IDENTIFIED AFTER EN-
21 ACTMENT.—Not later than 18 months
22 after the date on which a local educational
23 agency identifies a school for school im-
24 provement, the agency shall provide all

1 students enrolled in such school with an
2 option described in clause (i).

3 “(B) COOPERATIVE AGREEMENT.—If all public
4 schools in the local educational agency to which a
5 child may transfer to, are identified for school im-
6 provement, the agency shall, to the extent prac-
7 ticable, establish a cooperative agreement with other
8 local educational agencies in the area for the trans-
9 fer.

10 “(C) TRANSPORTATION.—The local educational
11 agency in which the schools have been identified for
12 improvement may use funds under this part to pro-
13 vide transportation to students whose parents choose
14 to transfer their child or children to a different
15 school.

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

21 “(7) SCHOOL PLAN.—

22 “(A) IN GENERAL.—Each school identified
23 under paragraph (1) for school improvement
24 shall, not later than 3 months after being so
25 identified, develop or revise a school plan, in

1 consultation with parents, school staff, the local
2 educational agency, and other outside experts
3 for approval by the local educational agency.
4 Such plan shall—

5 “(i) incorporate scientifically-based re-
6 search strategies that strengthen the core aca-
7 demic program in the school;

8 “(ii) adopt policies that have the greatest
9 likelihood of improving the performance of par-
10 ticipating children in meeting the State’s stu-
11 dent performance standards;

12 “(iii) address the professional development
13 needs of staff, particularly teachers and prin-
14 cipals;

15 “(iv) establish specific goals and objectives
16 the school will undertake for making adequate
17 yearly progress which include specific numerical
18 performance goals and targets for each of the
19 groups of students identified in the
20 disaggregated data pursuant to section
21 1111(b)(2);

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

1 “(vi) specify the responsibilities of the local
2 educational agency and the school under the
3 plan.

4 “(B) CONDITIONAL APPROVAL.—A local edu-
5 cational agency may condition approval of a school
6 plan on inclusion of one or more of the corrective ac-
7 tions specified in paragraph (9).

8 “(C) IMPLEMENTATION.—A school shall imple-
9 ment its plan or revised plan expeditiously, but not
10 later than the beginning of the school year after
11 which the school has been identified for improve-
12 ment.

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

17 “(8) TECHNICAL ASSISTANCE.—

18 “(A) IN GENERAL.—For each school iden-
19 tified for school improvement under paragraph
20 (1), the local educational agency shall provide
21 technical assistance as the school develops and
22 implements its plan.

23 “(B) SPECIFIC TECHNICAL ASSISTANCE.—Such
24 technical assistance—

1 “(i) shall include effective methods and in-
2 structional strategies that are based upon sci-
3 entifically based research that strengthens the
4 core academic program in the school and ad-
5 dresses the specific elements of student per-
6 formance problems in the school;

7 “(ii) may be provided directly by the local
8 educational agency, through mechanisms au-
9 thorized under section 1117, or with the local
10 educational agency’s approval, by an institution
11 of higher education, a private nonprofit organi-
12 zation, an educational service agency, a com-
13 prehensive regional assistance center under part
14 A of title XIII, or other entities with experience
15 in helping schools improve achievement.

16 “(C) TECHNICAL ASSISTANCE.—Technical as-
17 sistance provided under this section by the local edu-
18 cational agency or an entity authorized by such
19 agency shall be based upon scientifically based re-
20 search.

21 “(9) CORRECTIVE ACTION.—In order to help
22 students served under this part meet challenging
23 State standards, each local educational agency shall
24 implement a system of corrective action in accord-
25 ance with the following:

1 “(A) IN GENERAL.—After providing tech-
2 nical assistance under paragraph (8) and sub-
3 ject to subparagraph (F), the local educational
4 agency—

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

8 “(ii) shall take corrective action with
9 respect to any school that fails to make
10 adequate yearly progress, as defined by the
11 State, after the end of the second year fol-
12 lowing its identification under paragraph
13 (1); and

14 “(iii) shall continue to provide tech-
15 nical assistance while instituting any cor-
16 rective action under clause (i) or (ii).

17 “(B) DEFINITION.—As used in this para-
18 graph, the term ‘corrective action’ means ac-
19 tion, consistent with State and local law, that—

20 “(i) substantially and directly re-
21 sponds to the consistent academic failure
22 that caused the local educational agency to
23 take such action and to any underlying
24 staffing, curricular, or other problems in
25 the school; and

1 “(ii) is designed to substantially in-
2 crease the likelihood that students will per-
3 form at the proficient and advanced per-
4 formance levels.

5 “(C) CERTAIN SCHOOLS.—In the case of a
6 school described in subparagraph (A)(ii), the
7 local educational agency shall take not less than
8 one of the following corrective actions:

9 “(i) Withhold funds from the school.

10 “(ii) Decrease decisionmaking author-
11 ity at the school level.

12 “(iii) Make alternative governance ar-
13 rangements, including reopening the school
14 as a public charter school.

15 “(iv) Reconstitute the school by re-
16 quiring each person employed at the school
17 to reapply for future employment at the
18 same school or for any position in the local
19 educational agency.

20 “(v) Authorize students to transfer to
21 other higher performing public schools
22 served by the local educational agency, in-
23 cluding public charter schools, and provide
24 such students transportation (or the costs
25 of transportation) to such schools in con-

1 junction with not less than one additional
2 action described under this subparagraph.

3 “(vi) Institute and fully implement a
4 new curriculum, including appropriate pro-
5 fessional development for all relevant staff,
6 that is based upon scientifically based re-
7 search and offers substantial promise of
8 improving educational achievement for low-
9 performing students.

10 “(D) IMPLEMENTATION DELAY.—A local
11 educational agency may delay, for a period not
12 to exceed 1 year, implementation of corrective
13 action only if the failure to make adequate
14 yearly progress was justified due to exceptional
15 or uncontrollable circumstances such as a nat-
16 ural disaster or a precipitous and unforeseen
17 decline in the financial resources of the local
18 educational agency or school.

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

1 “(F) REVIEW.—(i) Before taking correc-
2 tive action with respect to any school under this
3 paragraph, a local educational agency shall pro-
4 vide the school an opportunity to review the
5 school level data, including assessment data, on
6 which the proposed determination is made.

7 “(ii) If the school believes that the pro-
8 posed determination is in error for statistical or
9 other substantive reasons, it may provide sup-
10 porting evidence to the local educational agency,
11 which shall consider such evidence before mak-
12 ing a final determination.

13 “(10) STATE EDUCATIONAL AGENCY RESPON-
14 SIBILITIES.—If a State educational agency deter-
15 mines that a local educational agency failed to carry
16 out its responsibilities under this section, it shall
17 take such action as it finds necessary, consistent
18 with this section, to improve the affected schools and
19 to ensure that the local educational agency carries
20 out its responsibilities under this section.

21 “(11) SPECIAL RULE.—Schools that, for at
22 least two of the 3 years following identification
23 under paragraph (1), make adequate yearly progress
24 toward meeting the State’s proficient and advanced

1 levels of performance shall no longer be identified
2 for school improvement.

3 “(c) STATE REVIEW AND LOCAL EDUCATIONAL
4 AGENCY IMPROVEMENT.—

5 “(1) IN GENERAL.—A State educational agency
6 shall—

7 “(A) annually review the progress of each
8 local educational agency receiving funds under
9 this part to determine whether schools receiving
10 assistance under this part are making adequate
11 yearly progress as defined in section 1111(b)(2)
12 toward meeting the State’s student performance
13 standards; and

14 “(B) publicize and disseminate to local
15 educational agencies, teachers and other staff,
16 parents, students, and the community the re-
17 sults of the State review consistent with section
18 1111, including statistically sound
19 disaggregated results, as required by section
20 1111(b)(2).

21 “(2) IDENTIFICATION OF LOCAL EDUCATIONAL
22 AGENCY FOR IMPROVEMENT.—A State educational
23 agency shall identify for improvement any local edu-
24 cational agency that—

1 “(A) for two consecutive years failed to
2 make adequate yearly progress as defined in the
3 State’s plan under section 1111(b)(2); or

4 “(B) was in improvement status under this
5 section as this section was in effect on the day
6 preceding the date of the enactment of the Stu-
7 dent Results Act of 1999.

8 “(3) TRANSITION.—The 2-year period described
9 in paragraph (2)(A) shall include any continuous pe-
10 riod of time immediately preceding the date of the
11 enactment of the Student Results Act of 1999, dur-
12 ing which a local educational agency did not make
13 adequate yearly progress as defined in the State’s
14 plan, as such plan was in effect on the day preceding
15 the date of such enactment.

16 “(4) TARGETED ASSISTANCE SCHOOLS.—For
17 purposes of targeted assistance schools in a local
18 educational agency, a State educational agency may
19 choose to review the progress of only the students in
20 such schools who are served under this part.

21 “(5) OPPORTUNITY TO REVIEW AND PRESENT
22 EVIDENCE.—

23 “(A) REVIEW.—Before identifying a local
24 educational agency for improvement under
25 paragraph (2), a State educational agency shall

1 provide the local educational agency with an op-
2 portunity to review the local educational agency
3 data, including assessment data, on which that
4 proposed identification is based.

5 “(B) SUPPORTING EVIDENCE.—If the local edu-
6 cational agency believes that the proposed identifica-
7 tion is in error for statistical or other substantive
8 reasons, it may provide supporting evidence to the
9 State educational agency, which such agency shall
10 consider before making a final determination.

11 “(6) NOTIFICATION TO PARENTS.—The State
12 educational agency shall promptly notify parents in
13 a format, and to the extent practicable in a language
14 they can understand, of each student enrolled in a
15 school in a local educational agency identified for
16 improvement, of the reasons for such agency’s iden-
17 tification and how parents can participate in upgrad-
18 ing the quality of the local educational agency.

19 “(7) LOCAL EDUCATIONAL AGENCY REVI-
20 SIONS.—

21 “(A) PLAN.—Each local educational agen-
22 cy identified under paragraph (2) shall, not
23 later than 3 months after being so identified,
24 develop or revise a local educational agency

1 plan, in consultation with parents, school staff,
2 and others. Such plan shall—

3 “(i) incorporate scientifically based re-
4 search strategies that strengthen the core aca-
5 demic program in the local educational agency;

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

9 “(I) have the greatest likelihood of
10 improving the performance of participating
11 children in meeting the State’s student
12 performance standards;

13 “(II) address the professional develop-
14 ment needs of staff; and

15 “(III) include specific numerical per-
16 formance goals and targets for each of the
17 groups of students identified in the
18 disaggregated data pursuant to section
19 1111(b)(2);

20 “(iii) identify how the local educational
21 agency will provide written notification to par-
22 ents in a format, and to the extent practicable
23 in a language, that they can understand, pursu-
24 ant to paragraph (6); and

1 “(iv) specify the responsibilities of the
2 State educational agency and the local edu-
3 cational agency under the plan.

4 “(B) IMPLEMENTATION.—The local educational
5 agency shall implement its plan or revised plan expe-
6 ditiously, but not later than the beginning of the
7 school year after which the school has been identi-
8 fied for improvement.

9 “(8) STATE EDUCATIONAL AGENCY RESPONSI-
10 BILITY.—

11 “(A) IN GENERAL.—For each local edu-
12 cational agency identified under paragraph (2),
13 the State educational agency shall provide tech-
14 nical or other assistance, if requested, as au-
15 thorized under section 1117, to better enable
16 the local educational agency—

17 “(i) to develop and implement its re-
18 vised plan as approved by the State edu-
19 cational agency consistent with the require-
20 ments of this section; and

21 “(ii) to work with schools needing im-
22 provement.

23 “(B) TECHNICAL ASSISTANCE.—Technical
24 assistance provided under this section by the
25 State educational agency or an entity author-

1 ized by such agency shall be based upon sci-
2 entifically based research.

3 “(9) CORRECTIVE ACTION.—In order to help
4 students served under this part meet challenging
5 State standards, each State educational agency shall
6 implement a system of corrective action in accord-
7 ance with the following:

8 “(A) IN GENERAL.—After providing tech-
9 nical assistance under paragraph (8) and sub-
10 ject to subparagraph (D), the State educational
11 agency—

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

16 “(ii) shall take corrective action with
17 respect to any local educational agency
18 that fails to make adequate yearly
19 progress, as defined by the State, after the
20 end of the second year following its identi-
21 fication under paragraph (2); and

22 “(iii) shall continue to provide tech-
23 nical assistance while instituting any cor-
24 rective action under clause (i) or (ii).

1 “(B) DEFINITION.—As used in this para-
2 graph, the term ‘corrective action’ means ac-
3 tion, consistent with State law, that—

4 “(i) substantially and directly re-
5 sponds to the consistent academic failure
6 that caused the State educational agency
7 to take such action and to any underlying
8 staffing, curricular, or other problems in
9 the school; and

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

14 “(C) CERTAIN LOCAL EDUCATIONAL AGEN-
15 CIES.—In the case of a local educational agency
16 described in this paragraph, the State edu-
17 cational agency shall take not less than one of
18 the following corrective actions:

19 “(i) Withhold funds from the local
20 educational agency.

21 “(ii) Reconstitute school district per-
22 sonnel.

23 “(iii) Remove particular schools from
24 the jurisdiction of the local educational
25 agency and establish alternative arrange-

1 ments for public governance and super-
2 vision of such schools.

3 “(iv) Appoint, through the State edu-
4 cational agency, a receiver or trustee to ad-
5 minister the affairs of the local educational
6 agency in place of the superintendent and
7 school board.

8 “(v) Abolish or restructure the local
9 educational agency.

10 “(vi) Authorize students to transfer
11 from a school operated by a local edu-
12 cational agency to a higher performing
13 public school operated by another local
14 educational agency, or to a public charter
15 school and provide such students transpor-
16 tation (or the costs of transportation to
17 such schools, in conjunction with not less
18 than one additional action described under
19 this paragraph.

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

1 “(E) PUBLICATION.—The State edu-
2 cational agency shall publish, and disseminate
3 to parents and the public any corrective action
4 it takes under this paragraph through such
5 means as the Internet, the media, and public
6 agencies.

7 “(F) DELAY.—A local educational agency
8 may delay, for a period not to exceed 1 year,
9 implementation of corrective action if the fail-
10 ure to make adequate yearly progress was justi-
11 fied due to exceptional or uncontrollable cir-
12 cumstances such as a natural disaster or a pre-
13 cipitous and unforeseen decline in the financial
14 resources of the local educational agency or
15 school.

16 “(10) SPECIAL RULE.—A local educational
17 agency, that, for at least two of the 3 years following
18 identification under paragraph (2), makes adequate
19 yearly progress toward meeting the State’s proficient
20 and advanced levels of performance shall no longer
21 be identified for school improvement.”.

22 **SEC. 113. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
23 **IMPROVEMENT.**

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

1 **“SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
2 **IMPROVEMENT.**

3 “(a) SYSTEM FOR SUPPORT.—Each State edu-
4 cational agency shall establish a statewide system of inten-
5 sive and sustained support and improvement for local edu-
6 cational agencies and schools receiving funds under this
7 part, in order to increase the opportunity for all students
8 in those agencies and schools to meet the State’s content
9 standards and student performance standards.

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

12 “(1) first, provide support and assistance to
13 local educational agencies subject to corrective action
14 under section 1116 and assist schools, in accordance
15 with section 1116(b)(10), for which a local edu-
16 cational agency has failed to carry out its respon-
17 sibilities under section 1116(b)(8) and (9);

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

21 “(3) third, provide support and assistance to
22 other local educational agencies and schools partici-
23 pating under this part that need that support and
24 assistance in order to achieve the purpose of this
25 part.

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

5 “(1) school support teams, composed of individ-
6 uals who are knowledgeable about scientifically
7 based research and practice on teaching and learn-
8 ing, particularly about strategies for improving edu-
9 cational results for low-achieving children; and

10 “(2) the designation and use of “Distinguished
11 Educators”, chosen from schools served under this
12 part that have been especially successful in improv-
13 ing academic achievement.

14 “(d) FUNDS.—Each State educational agency—

15 “(1) shall use funds reserved under section
16 1002(f); and

17 “(2) may use State administrative funds au-
18 thorized under section 1002(h) for such purpose.

19 “(e) ALTERNATIVES.—The State may devise addi-
20 tional approaches to providing the assistance described in
21 paragraphs (1) and (2) of subsection (c), such as pro-
22 viding assistance through institutions of higher education
23 and educational service agencies or other local consortia,
24 and the State may seek approval from the Secretary to

1 use funds made available under section 1002(h) for such
2 approaches as part of the State plan.”.

3 **SEC. 114. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.**

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

6 **“SEC. 1117A. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.**

7 “(a) ESTABLISHMENT OF ACADEMIC ACHIEVEMENT
8 AWARDS PROGRAM.—

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

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

17 “(B) exceeded their adequate yearly
18 progress goals, consistent with section
19 1111(b)(2), for two or more consecutive years.

20 “(2) AWARDS TO TEACHERS.—A State program
21 under paragraph (1) may also recognize and provide
22 financial awards to teachers teaching in a school de-
23 scribed in such paragraph whose students consist-
24 ently make significant gains in academic achieve-

1 ment in the areas in which the teacher provides in-
2 struction.

3 “(b) FUNDING.—

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

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

17 “(3) SPECIAL ALLOCATION RULE FOR SCHOOLS
18 IN HIGH-POVERTY AREAS.—

19 “(A) IN GENERAL.—Each State receiving
20 a grant under this part shall distribute at least
21 50 percent of the amount reserved under para-
22 graph (1) for each fiscal year to schools de-
23 scribed in subparagraph (B), or to teachers
24 teaching in such schools.

1 “(B) SCHOOLS DESCRIBED.—A school de-
2 scribed in subparagraph (A) is a school whose
3 student population is in the highest quartile of
4 schools statewide in terms of the percentage of
5 children eligible for free and reduced priced
6 lunches under the National School Lunch Act.”.

7 **SEC. 115. PARENTAL INVOLVEMENT CHANGES.**

8 (a) LOCAL EDUCATIONAL AGENCY POLICY.—Sub-
9 section (a) of section 1118 (20 U.S.C. 6319(a)) is
10 amended—

11 (1) in paragraph (1), by striking “programs,
12 activities, and procedures” and inserting “activities
13 and procedures”.

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

16 “(E) conduct, with the involvement of par-
17 ents, an annual evaluation of the content and
18 effectiveness of the parental involvement policy
19 in improving the academic quality of the schools
20 served under this part;

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

23 “(G) promote consumer friendly environ-
24 ments at the local educational agency and
25 schools served under this part.”;

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

3 “(C) Not less than 90 percent of the funds re-
4 served under subparagraph (A) shall be distributed
5 to schools served under this part.”.

6 (b) NOTICE.—Paragraph (1) of section 1118(b) (20
7 U.S.C. 6319(b)(1)) is amended by inserting after the first
8 sentence the following: “Parents shall be notified of the
9 policy in a format, and to the extent practicable, in a lan-
10 guage that they can understand.”.

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

13 (1) in subparagraph (B), by striking “perform-
14 ance profiles required under section 1116(a)(3)” and
15 inserting “school reports required under section
16 1111”;

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

19 (3) by inserting after subparagraph (C) the fol-
20 lowing new subparagraphs:

21 “(D) notice of the schools’ identification as
22 a school in school improvement under section
23 1116(b), if applicable, and a clear explanation
24 of what such identification means;

1 “(E) notice of the corrective action that
2 has been taken against the school under section
3 1116(b)(9) and 1116(c)(9), if applicable, and a
4 clear explanation of what such action means;”;
5 and

6 (4) in subparagraph (G) (as so redesignated),
7 by striking “subparagraph (D)” and inserting “sub-
8 paragraph (F)”.

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

12 “(e) BUILDING CAPACITY FOR INVOLVEMENT.—To
13 ensure effective involvement of parents and to support a
14 partnership among the school, parents, and the commu-
15 nity to improve student achievement, each school and local
16 educational agency—

17 “(1) shall provide assistance to participating
18 parents in such areas as understanding the State’s
19 content standards and State student performance
20 standards, the provisions of section 1111(b)(8),
21 State and local assessments, the requirements of this
22 part, and how to monitor a child’s progress and
23 work with educators to improve the performance of
24 their children as well as information on how parents

1 can participate in decisions relating to the education
2 of their children;

3 “(2) shall provide materials and training, such
4 as—

5 “(A) coordinating necessary literacy train-
6 ing from other sources to help parents work
7 with their children to improve their children’s
8 achievement; and

9 “(B) training to help parents to work with
10 their children to improve their children’s
11 achievement;

12 “(3) shall educate teachers, pupil services per-
13 sonnel, principals and other staff, with the assist-
14 ance of parents, in the value and utility of contribu-
15 tions of parents, and in how to reach out to, commu-
16 nicate with, and work with parents as equal part-
17 ners, implement and coordinate parent programs,
18 and build ties between home and school;

19 “(4) shall coordinate and integrate parent in-
20 volvement programs and activities with Head Start,
21 Even Start, the Home Instruction Programs for
22 Preschool Youngsters, the Parents as Teachers Pro-
23 gram, and public preschool programs and other pro-
24 grams, to the extent feasible and appropriate;

1 “(5) shall conduct other activities, as appro-
2 priate and feasible, such as parent resource centers
3 and opportunities for parents to learn how to be-
4 come full partners in the education of their children;

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

10 “(7) shall provide such other reasonable sup-
11 port for parental involvement activities under this
12 section as parents may request;

13 “(8) shall expand the use of electronic commu-
14 nications among teachers, students, and parents,
15 such as through the use of websites and e-mail com-
16 munications;

17 “(9) may involve parents in the development of
18 training for teachers, principals, and other educators
19 to improve the effectiveness of such training in im-
20 proving instruction and services to the children of
21 such parents in a format, and to the extent prac-
22 ticable, in a language the parent can understand;

23 “(10) may provide necessary literacy training
24 from funds received under this part if the local edu-

1 cational agency has exhausted all other reasonably
2 available sources of funding for such activities;

3 “(11) may pay reasonable and necessary ex-
4 penses associated with local parental involvement ac-
5 tivities, including transportation and child care
6 costs, to enable parents to participate in school-re-
7 lated meetings and training sessions;

8 “(12) may train and support parents to en-
9 hance the involvement of other parents;

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

14 “(14) may arrange for teachers or other edu-
15 cators, who work directly with participating children,
16 to conduct in-home conferences with parents who are
17 unable to attend such conferences at school;

18 “(15) may adopt and implement model ap-
19 proaches to improving parental involvement, such as
20 Even Start;

21 “(16) may establish a districtwide parent advi-
22 sory council to advise on all matters related to pa-
23 rental involvement in programs supported under this
24 part; and

1 **“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**
2 **PROFESSIONALS.**

3 “(a) TEACHERS.—

4 “(1) IN GENERAL.—Each local educational
5 agency receiving assistance under this part shall en-
6 sure that all teachers hired on or after the effective
7 date of the Student Results Act of 1999 and teach-
8 ing in a program supported with funds under this
9 part are fully qualified.

10 “(2) PLAN.—Each State receiving assistance
11 under this part shall develop and submit to the Sec-
12 retary a plan to ensure that all teachers teaching
13 within the State are fully qualified not later than
14 December 31, 2003. Such plan shall include an as-
15 surance that the State will require each local edu-
16 cational agency and school receiving funds under
17 this part publicly to report their annual progress on
18 the agency’s and the school’s performance in in-
19 creasing the percentage of classes in core academic
20 areas taught by fully qualified teachers.

21 “(b) NEW PARAPROFESSIONALS.—

22 “(1) IN GENERAL.—Each local educational
23 agency receiving assistance under this part shall en-
24 sure that all paraprofessionals hired 1 year or more
25 after the effective date of the Student Results Act

1 of 1999 and working in a program supported with
2 funds under this part shall—

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

5 “(B) have obtained an associate’s (or high-
6 er) degree; or

7 “(C) have met a rigorous standard of qual-
8 ity that demonstrates, through a formal
9 assessment—

10 “(i) knowledge of, and the ability to
11 assist in instructing reading, writing, and
12 math; or

13 “(ii) knowledge of, and the ability to
14 assist in instructing reading readiness,
15 writing readiness, and math readiness, as
16 appropriate.

17 “(2) CLARIFICATION.—For purposes of para-
18 graph (1)(C), the receipt of a high school diploma
19 (or its recognized equivalent) shall be necessary but
20 not by itself sufficient to satisfy the requirements of
21 such paragraph.

22 “(c) EXISTING PARAPROFESSIONALS.—Each local
23 educational agency receiving assistance under this part
24 shall ensure that all paraprofessionals hired before the
25 date that is 1 year after the effective date of the Student

1 Results Act of 1999 and working in a program supported
2 with funds under this part shall, not later than 3 years
3 after such effective date, satisfy the requirements of sub-
4 section (b).

5 “(d) EXCEPTIONS FOR TRANSLATION AND PAREN-
6 TAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c)
7 shall not apply to a paraprofessional—

8 “(A) who is proficient in English and a
9 language other than English and who provides
10 services primarily to enhance the participation
11 of children in programs under this part by act-
12 ing as a translator; or

13 “(B) whose duties consist solely of con-
14 ducting parental involvement activities con-
15 sistent with section 1118.

16 “(e) GENERAL REQUIREMENT FOR ALL PARA-
17 PROFESSIONALS.—Each local educational agency receiving
18 assistance under this part shall ensure that all paraprofes-
19 sionals working in a program supported with funds under
20 this part, regardless of the paraprofessional’s hiring date,
21 possess a high school diploma or its recognized equivalent.

22 “(f) DUTIES OF PARAPROFESSIONALS.—

23 “(1) IN GENERAL.—Each local educational
24 agency receiving assistance under this part shall en-
25 sure that a paraprofessional working in a program

1 supported with funds under this part is not assigned
2 a duty inconsistent with this subsection.

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

6 “(A) to provide one-on-one tutoring for eli-
7 gible students, if the tutoring is scheduled at a
8 time when a student would not otherwise re-
9 ceive instruction from a teacher;

10 “(B) to assist with classroom management,
11 such as organizing instructional and other ma-
12 terials;

13 “(C) to provide assistance in a computer
14 laboratory;

15 “(D) to conduct parental involvement ac-
16 tivities;

17 “(E) to provide support in a library or
18 media center;

19 “(F) to act as a translator; or

20 “(G) to provide instructional services to
21 students;

22 “(3) ADDITIONAL LIMITATIONS.—A paraprofes-
23 sional described in paragraph (1)—

24 “(A) may not provide any instructional
25 service to a student unless the paraprofessional

1 is working under the direct supervision of a
2 fully qualified teacher; and

3 “(B) may not provide instructional services
4 to students in the area of reading, writing, or
5 math unless the paraprofessional has dem-
6 onstrated, through a State or local assessment,
7 the ability effectively to carry out reading, writ-
8 ing, or math instruction.

9 “(g) USE OF FUNDS.—

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

16 “(2) LIMITATION ON USE OF FUNDS FOR PARA-
17 PROFESSIONALS.—

18 “(A) IN GENERAL.—Beginning on and
19 after the effective date of the Student Results
20 Act of 1999, a local educational agency may not
21 use funds received under this part to fund any
22 paraprofessional hired after such date unless
23 the hiring is to fill a vacancy created by the de-
24 parture of another paraprofessional funded
25 under this part and such new paraprofessional

1 satisfies the requirements of subsection (b) or
2 (c).

3 “(B) EXCEPTION.—Subparagraph (A)
4 shall not apply for a fiscal year to a local edu-
5 cational agency that can demonstrate to the
6 State that all teachers under the jurisdiction of
7 the agency are fully qualified.

8 “(h) VERIFICATION OF COMPLIANCE.—

9 “(1) IN GENERAL.—In verifying compliance
10 with this section, each local educational agency at a
11 minimum shall require that the principal of each
12 school operating a program under section 1114 or
13 1115 annually attest in writing as to whether such
14 school is in compliance with the requirements of this
15 section.

16 “(2) AVAILABILITY OF INFORMATION.—Copies
17 of attestations under paragraph (1)—

18 “(A) shall be maintained at each school op-
19 erating a program under section 1114 or 1115
20 and at the main office of the local educational
21 agency; and

22 “(B) shall be available to any member of
23 the general public upon request.”.

1 **SEC. 117. PROFESSIONAL DEVELOPMENT.**

2 Subpart 1 of part A of title I (20 U.S.C. 6311 et
3 seq.) is amended by inserting after section 1119 the fol-
4 lowing:

5 **“SEC. 1119A. PROFESSIONAL DEVELOPMENT.**

6 “(a) PURPOSE.—The purpose of this section is to as-
7 sist each local educational agency receiving assistance
8 under this part in increasing the academic achievement
9 of eligible children (as defined in section 1115(b)(1)(B))
10 through improved teacher quality.

11 “(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

12 “(1) REQUIRED ACTIVITIES.—Professional de-
13 velopment activities under this section shall—

14 “(A) support professional development ac-
15 tivities that give teachers, principals, and ad-
16 ministrators the knowledge and skills to provide
17 students with the opportunity to meet chal-
18 lenging State or local content standards and
19 student performance standards;

20 “(B) support the recruiting, hiring, and
21 training of fully qualified teachers, including
22 teachers fully qualified through State and local
23 alternative routes;

24 “(C) advance teacher understanding of ef-
25 fective instructional strategies based on scientif-
26 ically-based research for improving student

1 achievement, at a minimum, in reading or lan-
2 guage arts and mathematics;

3 “(D) be directly related to the curriculum
4 and content areas in which the teacher provides
5 instruction;

6 “(E) be designed to enhance the ability of
7 a teacher to understand and use the State’s
8 standards for the subject area in which the
9 teacher provides instruction;

10 “(F) be tied to scientifically based research
11 demonstrating the effectiveness of such profes-
12 sional development activities or programs in in-
13 creasing student achievement or substantially
14 increasing the knowledge and teaching skills of
15 teachers;

16 “(G) be of sufficient intensity and duration
17 (not to include 1-day or short-term workshops
18 and conferences) to have a positive and lasting
19 impact on the teacher’s performance in the
20 classroom, except that this paragraph shall not
21 apply to an activity if such activity is one com-
22 ponent of a long-term comprehensive profes-
23 sional development plan established by the
24 teacher and the teacher’s supervisor based upon
25 an assessment of their needs, their students’

1 needs, and the needs of the local educational
2 agency;

3 “(H) be developed with extensive participa-
4 tion of teachers, principals, parents, and admin-
5 istrators of schools to be served under this part;

6 “(I) to the extent appropriate, provide
7 training for teachers in the use of technology so
8 that technology and its applications are effec-
9 tively used in the classroom to improve teaching
10 and learning in the curriculum and academic
11 content areas in which the teachers provide in-
12 struction;

13 “(J) as a whole, be regularly evaluated for
14 their impact on increased teacher effectiveness
15 and improved student achievement, with the
16 findings of such evaluations used to improve the
17 quality of professional development; and

18 “(K) include strategies for identifying and
19 eliminating gender and racial bias in instruc-
20 tional materials, methods, and practices.

21 “(2) OPTIONAL ACTIVITIES.—Such professional
22 development activities may include—

23 “(A) instruction in the use of data and as-
24 sessments to inform and instruct classroom
25 practice;

1 “(B) instruction in ways that teachers,
2 principals, pupil services personnel, and school
3 administrators may work more effectively with
4 parents;

5 “(C) the forming of partnerships with in-
6 stitutions of higher education to establish
7 school-based teacher training programs that
8 provide prospective teachers and novice teachers
9 with an opportunity to work under the guidance
10 of experienced teachers and college faculty;

11 “(D) the creation of career ladder pro-
12 grams for paraprofessionals (assisting teachers
13 under this part) to obtain the education nec-
14 essary for such paraprofessionals to become li-
15 censed and certified teachers;

16 “(E) instruction in ways to teach special
17 needs children;

18 “(F) instruction in the ways that teachers,
19 principals, and guidance counselors can work
20 with parents and students from groups, such as
21 females and minorities which are under rep-
22 resented in careers in mathematics, science, en-
23 gineering, and technology, to encourage and
24 maintain the interest of such students in these
25 careers;

1 “(G) joint professional development activi-
2 ties involving programs under this part, Head
3 Start, Even Start, or State-run preschool pro-
4 gram personnel;

5 “(H) instruction in experiential-based
6 teaching methods such as service or applied
7 learning;

8 “(I) mentoring programs focusing on
9 changing teacher behaviors and practices to
10 help novice teachers, including teachers who are
11 members of a minority group, develop and gain
12 confidence in their skills, to increase the likeli-
13 hood that they will continue in the teaching
14 profession, and generally to improve the quality
15 of their teaching; and

16 “(J) instruction in gender-equitable meth-
17 ods, techniques, and practices.

18 “(c) PROGRAM PARTICIPATION.—Each local edu-
19 cational agency receiving assistance under this part may
20 design professional development programs so that—

21 “(1) all school staff in schools participating in
22 a schoolwide program under section 1114 can par-
23 ticipate in professional development activities; and

24 “(2) all school staff in targeted assistance
25 schools may participate in professional development

1 activities if such participation will result in better
2 addressing the needs of students served under this
3 part.

4 “(d) PARENTAL PARTICIPATION.—Parents may par-
5 ticipate in professional development activities under this
6 part if the school determines that parental participation
7 is appropriate.

8 “(e) CONSORTIA.—In carrying out such professional
9 development programs, local educational agencies may
10 provide services through consortia arrangements with
11 other local educational agencies, educational service agen-
12 cies or other local consortia, institutions of higher edu-
13 cation, or other public or private institutions or organiza-
14 tions.

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

19 “(g) DEFINITION.—The term ‘fully qualified’ has the
20 same meaning given such term in section 1610.

21 “(h) SPECIAL RULE.—No State educational agency
22 shall require a school or a local educational agency to ex-
23 pend a specific amount of funds for professional develop-
24 ment activities under this part, except that this paragraph

1 shall not apply with respect to requirements under section
2 1116(c)(9).”.

3 **SEC. 118. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
4 **VATE SCHOOLS.**

5 (a) GENERAL REQUIREMENT.—Subsection (a) of sec-
6 tion 1120 (20 U.S.C. 6321(a)) is amended to read as fol-
7 lows:

8 “(a) GENERAL REQUIREMENT.—

9 “(1) IN GENERAL.—To the extent consistent
10 with the number of eligible children identified under
11 section 1115(b) in a local educational agency who
12 are enrolled in private elementary and secondary
13 schools, a local educational agency shall, after timely
14 and meaningful consultation with appropriate pri-
15 vate school officials, provide such children, on an eq-
16 uitable basis, special educational services or other
17 benefits under this part (such as dual enrollment,
18 educational radio and television, computer equip-
19 ment and materials, other technology, and mobile
20 educational services and equipment) that address
21 their needs, and shall ensure that teachers and fami-
22 lies of these students participate, on an equitable
23 basis, in services and activities developed pursuant
24 to sections 1118 and 1119A.

1 “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—
2 Such educational services or other benefits, including
3 materials and equipment, shall be secular, neutral,
4 and nonideological.

5 “(3) EQUITY.—Educational services and other
6 benefits for such private school children shall be eq-
7 uitable in comparison to services and other benefits
8 for public school children participating under this
9 part, and shall be provided in a timely manner.

10 “(4) EXPENDITURES.—Expenditures for edu-
11 cational services and other benefits to eligible private
12 school children shall be equal to the proportion of
13 funds allocated to participating school attendance
14 areas based on the number of children from low-in-
15 come families who attend private schools, which the
16 local educational agency may determine each year or
17 every 2 years.

18 “(5) PROVISION OF SERVICES.—The local edu-
19 cational agency shall provide services under this sec-
20 tion directly or through contracts with public and
21 private agencies, organizations, and institutions.”.

22 (b) CONSULTATION.—Subsection (b) of section 1120
23 (20 U.S.C. 6321(b)) is amended to read as follows:

24 “(b) CONSULTATION.—

1 “(1) IN GENERAL.—To ensure timely and
2 meaningful consultation, a local educational agency
3 shall consult with appropriate private school officials
4 during the design and development of such agency’s
5 programs under this part, on issues such as—

6 “(A) how the children’s needs will be iden-
7 tified;

8 “(B) what services will be offered;

9 “(C) how, where, and by whom the services
10 will be provided;

11 “(D) how the services will be assessed and
12 how the results of that assessment will be used
13 to improve those services;

14 “(E) the size and scope of the equitable
15 services to be provided to the eligible private
16 school children, and the amount of funds gen-
17 erated by low-income private school children in
18 each participating attendance area;

19 “(F) the method or sources of data that
20 are used under subsection (a)(4) and section
21 1113(c)(2) to determine the number of children
22 from low-income families in participating school
23 attendance areas who attend private schools;
24 and

1 “(G) how and when the agency will make
2 decisions about the delivery of services to such
3 children, including a thorough consideration
4 and analysis of the views of the private school
5 officials on the provision of contract services
6 through potential third party providers. If the
7 local educational agency disagrees with the
8 views of the private school officials on the provi-
9 sion of services, through a contract, the local
10 educational agency shall provide in writing to
11 such private school officials, an analysis of the
12 reasons why the local educational agency has
13 chosen not to use a contractor.

14 “(2) TIMING.—Such consultation shall include
15 meetings of agency and private school officials and
16 shall occur before the local educational agency
17 makes any decision that affects the opportunities of
18 eligible private school children to participate in pro-
19 grams under this part. Such meetings shall continue
20 throughout implementation and assessment of serv-
21 ices provided under this section.

22 “(3) DISCUSSION.—Such consultation shall in-
23 clude a discussion of service delivery mechanisms a
24 local educational agency can use to provide equitable
25 services to eligible private school children.

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

7 “(5) COMPLIANCE.—Private school officials
8 shall have the right to appeal to the State as to
9 whether the consultation provided for in this section
10 was meaningful and timely, and that due consider-
11 ation was given to the views of private school offi-
12 cials. If the private school wishes to appeal, the basis
13 of the claim of noncompliance with this section by
14 the local educational agencies shall be provided to
15 the State, and the local educational agency shall for-
16 ward the documentation provided in subsection
17 (b)(3) to the State.”.

18 (c) STANDARDS FOR BYPASS.—Subsection (d) of sec-
19 tion 1120 (20 U.S.C. 6321(d)) is amended to read as fol-
20 lows:

21 “(d) STANDARDS FOR A BYPASS.—If a local edu-
22 cational agency is prohibited by law from providing for
23 the participation on an equitable basis of eligible children
24 enrolled in private elementary and secondary schools or
25 if the Secretary determines that a local educational agency

1 has substantially failed or is unwilling to provide for such
2 participation, as required by this section, the Secretary
3 shall—

4 “(1) waive the requirements of this section for
5 such local educational agency;

6 “(2) arrange for the provision of services to
7 such children through arrangements that shall be
8 subject to the requirements of this section and sec-
9 tions 14505 and 14506; and

10 “(3) in making the determination, consider one
11 or more factors, including the quality, size, scope,
12 and location of the program and the opportunity of
13 eligible children to participate.”.

14 (d) CAPITAL EXPENSES.—Effective September 30,
15 2002, subsection (e) of section 1120 (20 U.S.C. 6321(e))
16 is hereby repealed.

17 **SEC. 119. COORDINATION REQUIREMENTS.**

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

20 (1) in subsection (a), by striking “to the extent
21 feasible” and all that follows through the period and
22 inserting “with local Head Start agencies, and if
23 feasible, other early childhood development pro-
24 grams.”;

25 (2) in subsection (b)—

1 (A) in paragraph (3) by striking “and”
2 after the semicolon;

3 (B) in paragraph (4) by striking the period
4 and inserting “; and”; and

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

6 “(5) linking the educational services provided in
7 such local educational agency with the services pro-
8 vided in local Head Start agencies.”.

9 **SEC. 120. GRANTS FOR THE OUTLYING AREAS AND THE**
10 **SECRETARY OF THE INTERIOR.**

11 Section 1121 is amended to read as follows:

12 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**
13 **SECRETARY OF THE INTERIOR.**

14 “(a) RESERVATION OF FUNDS.—From the amount
15 appropriated for payments to States for any fiscal year
16 under section 1002(a), the Secretary shall reserve a total
17 of 1 percent to provide assistance to—

18 “(1) the outlying areas in the amount deter-
19 mined in accordance with subsection (b); and

20 “(2) the Secretary of the Interior in the amount
21 necessary to make payments pursuant to subsection
22 (d).

23 “(b) ASSISTANCE TO OUTLYING AREAS.—

24 “(1) FUNDS RESERVED.—From the amount
25 made available for any fiscal year under subsection

1 (a), the Secretary shall award grants to the outlying
2 areas.

3 “(2) COMPETITIVE GRANTS.—For fiscal years
4 2000 and 2001, the Secretary shall carry out the
5 competition described in paragraph (3), except that
6 the amount reserved to carry out such competition
7 shall not exceed the amount reserved under this sec-
8 tion for the freely associated states for fiscal year
9 1999.

10 “(3) LIMITATION FOR COMPETITIVE GRANTS.—

11 “(A) COMPETITIVE GRANTS.—The Sec-
12 retary shall use funds described in paragraph
13 (2) to award grants, on a competitive basis, to
14 the outlying areas and freely associated States
15 to carry out the purposes of this part.

16 “(B) AWARD BASIS.—The Secretary shall
17 award grants under subparagraph (A) on a
18 competitive basis, pursuant to the recommenda-
19 tions of the Pacific Region Educational Labora-
20 tory in Honolulu, Hawaii.

21 “(C) TERMINATION OF ELIGIBILITY.—Not-
22 withstanding any other provision of law, the
23 freely associated States shall not receive any
24 funds under this part after September 30,
25 2001.

1 “(D) ADMINISTRATIVE COSTS.—The Sec-
2 retary may provide not more than five percent
3 of the amount reserved for grants under this
4 paragraph to pay the administrative costs of
5 the Pacific Region Educational Laboratory
6 under subparagraph (B).

7 “(4) SPECIAL RULE.—The provisions of Public
8 Law 95–134, permitting the consolidation of grants
9 by the outlying areas, shall not apply to funds pro-
10 vided to the freely associated States under this sec-
11 tion.

12 “(c) DEFINITIONS.—For the purposes of subsection
13 (a) and (b)—

14 “(1) the term ‘freely associated States’ means
15 the Republic of the Marshall Islands, the Federated
16 States of Micronesia, and the Republic of Palau; and

17 “(2) the term ‘outlying area’ means the United
18 States Virgin Islands, Guam, American Samoa, and
19 the Commonwealth of the Northern Mariana Is-
20 lands.

21 “(d) ALLOTMENT TO THE SECRETARY OF THE INTE-
22 RIOR.—

23 “(1) IN GENERAL.—The amount allotted for
24 payments to the Secretary of the Interior under sub-
25 section (a)(2) for any fiscal year shall be, as deter-

1 mined pursuant to criteria established by the Sec-
2 retary, the amount necessary to meet the special
3 educational needs of—

4 “(A) Indian children on reservations served
5 by elementary and secondary schools for Indian
6 children operated or supported by the Depart-
7 ment of the Interior; and

8 “(B) out-of-State Indian children in ele-
9 mentary and secondary schools in local edu-
10 cational agencies under special contracts with
11 the Department of the Interior.

12 “(2) PAYMENTS.—From the amount allotted
13 for payments to the Secretary of the Interior under
14 subsection (a)(2), the Secretary of the Interior shall
15 make payments to local educational agencies, upon
16 such terms as the Secretary determines will best
17 carry out the purposes of this part, with respect to
18 out-of-State Indian children described in paragraph
19 (1). The amount of such payment may not exceed,
20 for each such child, the greater of—

21 “(A) 40 percent of the average per pupil
22 expenditure in the State in which the agency is
23 located; or

24 “(B) 48 percent of such expenditure in the
25 United States.”.

1 **SEC. 121. AMOUNTS FOR GRANTS.**

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

4 **“SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRA-**
5 **TION GRANTS, AND TARGETED GRANTS.**

6 “(a) ALLOCATION FORMULA.—Of the amount au-
7 thorized to be appropriated to carry out this part for each
8 of fiscal years 2000 through 2004 (referred to in this sub-
9 section as the current fiscal year)—

10 “(1) an amount equal to the amount appro-
11 priated to carry out section 1124 for fiscal year
12 1999 plus 42.5 percent of the amount, if any, by
13 which the amount appropriated under section
14 1002(a) for the current fiscal year exceeds the
15 amount appropriated under such section for fiscal
16 year 1999 shall be allocated in accordance with sec-
17 tion 1124;

18 “(2) an amount equal to the amount appro-
19 priated to carry out section 1124A for fiscal year
20 1999 plus 7.5 percent of the amount, if any, by
21 which the amount appropriated under section
22 1002(a) for the current fiscal year exceeds the
23 amount appropriated under such section for fiscal
24 year 1999 shall be allocated in accordance with sec-
25 tion 1124A; and

1 “(3) an amount equal to 50 percent of the
2 amount, if any, by which the amount appropriated
3 under section 1002(a) for the current fiscal year ex-
4 ceeds the amount appropriated under such section
5 for fiscal year 1999 shall be allocated in accordance
6 with section 1125.

7 “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-
8 PROPRIATIONS.—

9 “(1) IN GENERAL.—If the sums available under
10 this part for any fiscal year are insufficient to pay
11 the full amounts that all local educational agencies
12 in States are eligible to receive under sections 1124,
13 1124A, and 1125 for such year, the Secretary shall
14 ratably reduce the allocations to such local edu-
15 cational agencies, subject to subsections (c) and (d)
16 of this section.

17 “(2) ADDITIONAL FUNDS.—If additional funds
18 become available for making payments under sec-
19 tions 1124, 1124A, and 1125 for such fiscal year,
20 allocations that were reduced under paragraph (1)
21 shall be increased on the same basis as they were re-
22 duced.

23 “(c) HOLD-HARMLESS AMOUNTS.—

24 “(1) AMOUNTS FOR SECTIONS 1124 AND 1125.—
25 For each fiscal year, the amount made available to

1 each local educational agency under each of sections
2 1124 and 1125 shall be—

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

10 “(B) not less than 90 percent of the
11 amount made available in the preceding fiscal
12 year if the percentage described in subpara-
13 graph (A) is between 15 percent and 30 per-
14 cent; and

15 “(C) not less than 85 percent of the
16 amount made available in the preceding fiscal
17 year if the percentage described in subpara-
18 graph (A) is below 15 percent.

19 “(2) AMOUNT FOR SECTION 1124A.—The
20 amount made available to each local educational
21 agency under section 1124A shall be not less than
22 85 percent of the amount made available in the pre-
23 ceding fiscal year.

24 “(3) PAYMENTS.—If sufficient funds are appro-
25 priated, the amounts described in paragraph (2)

1 shall be paid to all local educational agencies that
2 received grants under section 1124A for the pre-
3 ceding fiscal year, regardless of whether the local
4 educational agency meets the minimum eligibility
5 criteria for that fiscal year provided in section
6 1124A(a)(1)(A) except that a local educational agen-
7 cy that does not meet such minimum eligibility cri-
8 teria for four consecutive years shall no longer be el-
9 igible to receive a hold harmless amount referred to
10 in paragraph (2).

11 “(4) POPULATION DATA.—In any fiscal year for
12 which the Secretary calculates grants on the basis of
13 population data for counties, the Secretary shall
14 apply the hold harmless percentages in paragraphs
15 (1) and (2) to counties, and if the Secretary’s alloca-
16 tion for a county is not sufficient to meet the hold-
17 harmless requirements of this subsection for every
18 local educational agency within that county, the
19 State educational agency shall reallocate funds pro-
20 portionately from all other local educational agencies
21 in the State that are receiving funds in excess of the
22 hold harmless amounts specified in this subsection.

23 “(d) RATABLE REDUCTIONS.—

24 “(1) IN GENERAL.—If the sums made available
25 under this part for any fiscal year are insufficient to

1 pay the full amounts that all States are eligible to
2 receive under subsection (e) for such year, the Sec-
3 retary shall ratably reduce such amounts for such
4 year.

5 “(2) ADDITIONAL FUNDS.—If additional funds
6 become available for making payments under sub-
7 section (e) for such fiscal year, amounts that were
8 reduced under paragraph (1) shall be increased on
9 the same basis as such amounts were reduced.

10 “(e) DEFINITION.—For the purpose of this section
11 and sections 1124, 1124A, and 1125, the term ‘State’
12 means each of the 50 States, the District of Columbia,
13 and the Commonwealth of Puerto Rico.”.

14 **SEC. 122. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
15 **CIES.**

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

18 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
19 **CIES.**

20 “(a) AMOUNT OF GRANTS.—

21 “(1) GRANTS FOR LOCAL EDUCATIONAL AGEN-
22 CIES AND PUERTO RICO.—Except as provided in
23 paragraph (4) and in section 1126, the grant that
24 a local educational agency is eligible to receive under

1 this section for a fiscal year is the amount deter-
2 mined by multiplying—

3 “(A) the number of children counted under
4 subsection (c); and

5 “(B) 40 percent of the average per-pupil
6 expenditure in the State, except that the
7 amount determined under this subparagraph
8 shall not be less than 32 percent or more than
9 48 percent, of the average per-pupil expenditure
10 in the United States.

11 “(2) CALCULATION OF GRANTS.—

12 “(A) ALLOCATIONS TO LOCAL EDU-
13 CATIONAL AGENCIES.—The Secretary shall cal-
14 culate grants under this section on the basis of
15 the number of children counted under sub-
16 section (c) for local educational agencies, unless
17 the Secretary and the Secretary of Commerce
18 determine that some or all of those data are un-
19 reliable or that their use would be otherwise in-
20 appropriate, in which case—

21 “(i) the two Secretaries shall publicly
22 disclose the reasons for their determination
23 in detail; and

24 “(ii) paragraph (3) shall apply.

1 “(B) ALLOCATIONS TO LARGE AND SMALL
2 LOCAL EDUCATIONAL AGENCIES.—(i) For any
3 fiscal year in which this paragraph applies, the
4 Secretary shall calculate grants under this sec-
5 tion for each local educational agency.

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

10 “(iii) For small local educational agencies,
11 the State educational agency may either—

12 “(I) distribute grants under this sec-
13 tion in amounts determined by the Sec-
14 retary under clause (i); or

15 “(II) use an alternative method ap-
16 proved by the Secretary to distribute the
17 portion of the State’s total grants under
18 this section that is based on those small
19 agencies.

20 “(iv) An alternative method under clause
21 (iii)(II) shall be based on population data that
22 the State educational agency determines best
23 reflect the current distribution of children in
24 poor families among the State’s small local edu-

1 educational agencies that meet the eligibility cri-
2 teria of subsection (b).

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

9 “(vi) As used in this subparagraph—

10 “(I) the term ‘large local educational
11 agency’ means a local educational agency
12 serving an area with a total population of
13 20,000 or more; and

14 “(II) the term ‘small local educational
15 agency’ means a local educational agency
16 serving an area with a total population of
17 less than 20,000.

18 “(3) ALLOCATIONS TO COUNTIES.—

19 “(A) CALCULATION.—For any fiscal year
20 to which this paragraph applies, the Secretary
21 shall calculate grants under this section on the
22 basis of the number of children counted under
23 section 1124(c) for counties, and State edu-
24 cational agencies shall suballocate county
25 amounts to local educational agencies, in ac-

1 cordance with regulations issued by the Sec-
2 retary.

3 “(B) DIRECT ALLOCATIONS.—In any State in
4 which a large number of local educational agencies
5 overlap county boundaries, or for which the State
6 believes it has data that would better target funds
7 than allocating them by county, the State edu-
8 cational agency may apply to the Secretary for au-
9 thority to make the allocations under this part for
10 a particular fiscal year directly to local educational
11 agencies without regard to counties.

12 “(C) ASSURANCES.—If the Secretary approves
13 the State educational agency’s application under
14 subparagraph (B), the State educational agency
15 shall provide the Secretary an assurance that such
16 allocations shall be made—

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

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

23 “(D) APPEAL.—The State educational agency
24 shall provide the Secretary an assurance that it shall
25 establish a procedure through which a local edu-

1 cational agency that is dissatisfied with its deter-
2 minations under subparagraph (B) may appeal di-
3 rectly to the Secretary for a final determination.

4 “(4) PUERTO RICO.—

5 “(A) IN GENERAL.—For each fiscal year,
6 the grant which the Commonwealth of Puerto
7 Rico shall be eligible to receive under this sec-
8 tion shall be the amount determined by multi-
9 plying the number of children counted under
10 subsection (c) for the Commonwealth of Puerto
11 Rico by the product of—

12 “(i) the percentage which the average per
13 pupil expenditure in the Commonwealth of
14 Puerto Rico is of the lowest average per pupil
15 expenditure of any of the 50 States; and

16 “(ii) 32 percent of the average per pupil
17 expenditure in the United States.

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

20 “(i) for fiscal year 2000, 75.0 percent;

21 “(ii) for fiscal year 2001, 77.5 percent;

22 “(iii) for fiscal year 2002, 80.0 percent;

23 “(iv) for fiscal year 2003, 82.5 percent;

24 and

1 “(v) for fiscal year 2004 and succeeding
2 fiscal years, 85.0 percent.

3 “(C) LIMITATION.—If the application of sub-
4 paragraph (B) would result in any of the 50 States
5 or the District of Columbia receiving less under this
6 part than it received under this part for the pre-
7 ceding fiscal year, the percentage in subparagraph
8 (A) shall be the greater of the percentage in sub-
9 paragraph (A)(i) or the percentage used for the pre-
10 ceding fiscal year.

11 “(5) DEFINITION.—For purposes of this sub-
12 section, the term ‘State’ does not include Guam,
13 American Samoa, the Virgin Islands, and the North-
14 ern Mariana Islands.

15 “(b) MINIMUM NUMBER OF CHILDREN TO QUAL-
16 IFY.—A local educational agency is eligible for a basic
17 grant under this section for any fiscal year only if the
18 number of children counted under subsection (c) for that
19 agency is both—

20 “(1) 10 or more; and

21 “(2) more than 2 percent of the total school-age
22 population in the agency’s jurisdiction.

23 “(c) CHILDREN TO BE COUNTED.—

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

4 “(A) the number of children aged 5 to 17,
5 inclusive, in the school district of the local edu-
6 cational agency from families below the poverty
7 level as determined under paragraph (2);

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

20 “(C) the number of children aged 5 to 17,
21 inclusive, in the school district of such agency
22 from families above the poverty level as deter-
23 mined under paragraph (4).

24 “(2) DETERMINATION OF NUMBER OF CHIL-
25 DREN.—For the purposes of this section, the Sec-

1 retary shall determine the number of children aged
2 5 to 17, inclusive, from families below the poverty
3 level on the basis of the most recent satisfactory
4 data, described in paragraph (3), available from the
5 Department of Commerce. The District of Columbia
6 and the Commonwealth of Puerto Rico shall be
7 treated as individual local educational agencies. If a
8 local educational agency contains two or more coun-
9 ties in their entirety, then each county will be treat-
10 ed as if such county were a separate local edu-
11 cational agency for purposes of calculating grants
12 under this part. The total of grants for such coun-
13 ties shall be allocated to such a local educational
14 agency, which local educational agency shall dis-
15 tribute to schools in each county within such agency
16 a share of the local educational agency's total grant
17 that is no less than the county's share of the popu-
18 lation counts used to calculate the local educational
19 agency's grant.

20 “(3) POPULATION UPDATES.—In fiscal year
21 2001 and every 2 years thereafter, the Secretary
22 shall use updated data on the number of children,
23 aged 5 to 17, inclusive, from families below the pov-
24 erty level for local educational agencies or counties,
25 published by the Department of Commerce, unless

1 the Secretary and the Secretary of Commerce deter-
2 mine that use of the updated population data would
3 be inappropriate or unreliable. If the Secretary and
4 the Secretary of Commerce determine that some or
5 all of the data referred to in this paragraph are in-
6 appropriate or unreliable, they shall publicly disclose
7 their reasons. In determining the families which are
8 below the poverty level, the Secretary shall utilize
9 the criteria of poverty used by the Bureau of the
10 Census in compiling the most recent decennial cen-
11 sus, in such form as those criteria have been up-
12 dated by increases in the Consumer Price Index for
13 all urban consumers, published by the Bureau of
14 Labor Statistics.

15 “(4) OTHER CHILDREN TO BE COUNTED.—For
16 the purposes of this section, the Secretary shall de-
17 termine the number of children aged 5 to 17, inclu-
18 sive, from families above the poverty level on the
19 basis of the number of such children from families
20 receiving an annual income, in excess of the current
21 criteria of poverty, from payments under a State
22 program funded under part A of title IV of the So-
23 cial Security Act; and in making such determina-
24 tions the Secretary shall utilize the criteria of pov-
25 erty used by the Bureau of the Census in compiling

1 the most recent decennial census for a family of four
2 in such form as those criteria have been updated by
3 increases in the Consumer Price Index for all urban
4 consumers, published by the Bureau of Labor Statis-
5 tics. The Secretary shall determine the number of
6 such children and the number of children aged 5
7 through 17 living in institutions for neglected or de-
8 linquent children, or being supported in foster homes
9 with public funds, on the basis of the caseload data
10 for the month of October of the preceding fiscal year
11 (using, in the case of children described in the pre-
12 ceding sentence, the criteria of poverty and the form
13 of such criteria required by such sentence which
14 were determined for the calendar year preceding
15 such month of October) or, to the extent that such
16 data are not available to the Secretary before Janu-
17 ary of the calendar year in which the Secretary's de-
18 termination is made, then on the basis of the most
19 recent reliable data available to the Secretary at the
20 time of such determination. The Secretary of Health
21 and Human Services shall collect and transmit the
22 information required by this subparagraph to the
23 Secretary not later than January 1 of each year.
24 For the purpose of this section, the Secretary shall
25 consider all children who are in correctional institu-

1 tions to be living in institutions for delinquent chil-
2 dren.

3 “(5) ESTIMATE.—When requested by the Sec-
4 retary, the Secretary of Commerce shall make a spe-
5 cial updated estimate of the number of children of
6 such ages who are from families below the poverty
7 level (as determined under subparagraph (A) of this
8 paragraph) in each school district, and the Secretary
9 is authorized to pay (either in advance or by way of
10 reimbursement) the Secretary of Commerce the cost
11 of making this special estimate. The Secretary of
12 Commerce shall give consideration to any request of
13 the chief executive of a State for the collection of ad-
14 ditional census information.

15 “(d) STATE MINIMUM.—Notwithstanding section
16 1122, the aggregate amount allotted for all local edu-
17 cational agencies within a State may not be less than the
18 lesser of—

19 “(1) 0.25 percent of total grants under this sec-
20 tion; or

21 “(2) the average of—

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

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

4 “(i) 0.25 percent of total grants; or

5 “(ii) the average of—

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

9 “(II) the greater of—

10 “(aa) \$340,000; or

11 “(bb) the number of children in
12 such State counted for purposes of
13 this section in that fiscal year multi-
14 plied by 150 percent of the national
15 average per pupil payment made with
16 funds available under this section for
17 that year.

18 “(2) SPECIAL RULE.—For each county or local
19 educational agency eligible to receive an additional
20 grant under this section for any fiscal year the Sec-
21 retary shall determine the product of—

22 “(A) the number of children counted under
23 section 1124(e) for that fiscal year; and

24 “(B) the quotient resulting from the divi-
25 sion of the amount determined for those agen-

1 cies under section 1124(a)(1) for the fiscal year
2 for which the determination is being made di-
3 vided by the total number of children counted
4 under section 1124(c) for that agency for that
5 fiscal year.

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

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

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

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

6 “(1) in accordance with paragraphs (2) and (4)
7 of subsection (a); or

8 “(2) based on their respective concentrations
9 and numbers of children counted under section
10 1124(c), except that only those local educational
11 agencies with concentrations or numbers of children
12 counted under section 1124(c) that exceed the state-
13 wide average percentage of such children or the
14 statewide average number of such children shall re-
15 ceive any funds on the basis of this paragraph.”.

16 **SEC. 124. TARGETED GRANTS.**

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

19 **“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL**
20 **AGENCIES.**

21 “(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGEN-
22 CIES.—A local educational agency in a State is eligible to
23 receive a targeted grant under this section for any fiscal
24 year if the number of children in the local educational
25 agency counted under subsection 1124(c), before applica-

1 tion of the weighting factor described in subsection (c),
 2 is at least 10, and if the number of children counted for
 3 grants under section 1124 is at least 5 percent of the total
 4 population aged 5 to 17 years, inclusive, in the local edu-
 5 cational agency. For each fiscal year for which the Sec-
 6 retary uses county population data to calculate grants,
 7 funds made available as a result of applying this sub-
 8 section shall be reallocated by the State educational agen-
 9 cy to other eligible local educational agencies in the State
 10 in proportion to the distribution of other funds under this
 11 section.

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

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

18 “(A) the weighted child count determined
 19 under subsection (c); and

20 “(B) the amount in paragraph
 21 1124(a)(1)(B).

22 “(2) PUERTO RICO.—For each fiscal year, the
 23 amount of the grant for which the Commonwealth of
 24 Puerto Rico is eligible under this section shall be
 25 equal to the number of children counted under sub-

1 section (c) for Puerto Rico, multiplied by the
2 amount determined in subparagraph 1124(a)(4).

3 “(c) WEIGHTED CHILD COUNT.—

4 “(1) WEIGHTS FOR ALLOCATIONS TO COUN-
5 TIES.—

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

13 “(i) BY PERCENTAGE OF CHIL-
14 DREN.—This amount is determined by
15 adding—

16 “(I) the number of children de-
17 termined under section 1124(c) for
18 that county constituting up to 12.20
19 percent, inclusive, of the county’s total
20 population aged 5 to 17, inclusive,
21 multiplied by 1.0;

22 “(II) the number of such children
23 constituting more than 12.20 percent,
24 but not more than 17.70 percent, of
25 such population, multiplied by 1.75;

1 “(III) the number of such chil-
2 dren constituting more than 17.70
3 percent, but not more than 22.80 per-
4 cent, of such population, multiplied by
5 2.5;

6 “(IV) the number of such chil-
7 dren constituting more than 22.80
8 percent, but not more than 29.70 per-
9 cent, of such population, multiplied by
10 3.25; and

11 “(V) the number of such children
12 constituting more than 29.70 percent
13 of such population, multiplied by 4.0.

14 “(ii) BY NUMBER OF CHILDREN.—
15 This amount is determined by adding—

16 “(I) the number of children de-
17 termined under section 1124(c) con-
18 stituting up to 1,917, inclusive, of the
19 county’s total population aged 5 to
20 17, inclusive, multiplied by 1.0;

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

24 “(III) the number of such chil-
25 dren between 5,939 and 20,199, inclu-

1 sive, in such population, multiplied by
2 2.0;

3 “(IV) the number of such chil-
4 dren between 20,200 and 77,999, in-
5 clusive, in such population, multiplied
6 by 2.5; and

7 “(V) the number of such children
8 in excess of 77,999 in such popu-
9 lation, multiplied by 3.0.

10 “(B) PUERTO RICO.—Notwithstanding
11 subparagraph (A), the weighted child count for
12 Puerto Rico under this paragraph shall not be
13 greater than the total number of children
14 counted under subsection 1124(c) multiplied by
15 1.72.

16 “(2) WEIGHTS FOR ALLOCATIONS TO LOCAL
17 EDUCATIONAL AGENCIES.—

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

1 “(i) BY PERCENTAGE OF CHIL-
2 DREN.—This amount is determined by
3 adding—

4 “(I) the number of children de-
5 termined under section 1124(c) for
6 that local educational agency consti-
7 tuting up to 14.265 percent, inclusive,
8 of the agency’s total population aged
9 5 to 17, inclusive, multiplied by 1.0;

10 “(II) the number of such children
11 constituting more than 14.265 per-
12 cent, but not more than 21.553 per-
13 cent, of such population, multiplied by
14 1.75;

15 “(III) the number of such chil-
16 dren constituting more than 21.553
17 percent, but not more than 29.223
18 percent, of such population, multiplied
19 by 2.5;

20 “(IV) the number of such chil-
21 dren constituting more than 29.223
22 percent, but not more than 36.538
23 percent, of such population, multiplied
24 by 3.25; and

1 “(V) the number of such children
2 constituting more than 36.538 percent
3 of such population, multiplied by 4.0.

4 “(ii) BY NUMBER OF CHILDREN.—

5 This amount is determined by adding—

6 “(I) the number of children de-
7 termined under section 1124(c) con-
8 stituting up to 575, inclusive, of the
9 agency’s total population aged 5 to
10 17, inclusive, multiplied by 1.0;

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

14 “(III) the number of such chil-
15 dren between 1,871 and 6,910, inclu-
16 sive, in such population, multiplied by
17 2.0;

18 “(IV) the number of such chil-
19 dren between 6,911 and 42,000, inclu-
20 sive, in such population, multiplied by
21 2.5; and

22 “(V) the number of such children
23 in excess of 42,000 in such popu-
24 lation, multiplied by 3.0.

1 “(B) PUERTO RICO.—Notwithstanding
2 subparagraph (A), the weighted child count for
3 Puerto Rico under this paragraph shall not be
4 greater than the total number of children
5 counted under section 1124(c) multiplied by
6 1.72.

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

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

14 “(1) 0.25 percent of total appropriations; or

15 “(2) the average of—

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

18 “(B) 150 percent of the national average
19 grant under this section per child described in
20 section 1124(c), without application of a
21 weighting factor, multiplied by the State’s total
22 number of children described in section
23 1124(c), without application of a weighting fac-
24 tor.”.

1 **SEC. 125. SPECIAL ALLOCATION PROCEDURES.**

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

4 **“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

5 “(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

6 “(1) IN GENERAL.—If a State educational
7 agency determines that a local educational agency in
8 the State is unable or unwilling to provide for the
9 special educational needs of children who are living
10 in institutions for neglected children as described in
11 subparagraph (B) of section 1124(c)(1), the State
12 educational agency shall, if such agency assumes re-
13 sponsibility for the special educational needs of such
14 children, receive the portion of such local educational
15 agency’s allocation under sections 1124, 1124A, and
16 1125 that is attributable to such children.

17 “(2) SPECIAL RULE.—If the State educational
18 agency does not assume such responsibility, any
19 other State or local public agency that does assume
20 such responsibility shall receive that portion of the
21 local educational agency’s allocation.

22 “(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL
23 AGENCIES.—The State educational agency may allocate
24 the amounts of grants under sections 1124, 1124A, and
25 1125 among the affected local educational agencies—

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

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

8 “(3) to reflect the merger, creation, or change
9 of boundaries of one or more local educational agen-
10 cies.

11 “(c) REALLOCATION.—If a State educational agency
12 determines that the amount of a grant a local educational
13 agency would receive under sections 1124, 1124A, and
14 1125 is more than such local agency will use, the State
15 educational agency shall make the excess amount available
16 to other local educational agencies in the State that need
17 additional funds in accordance with criteria established by
18 the State educational agency.”.

19 **SEC. 126. SECULAR, NEUTRAL, AND NONIDEOLOGICAL.**

20 Part A is amended by adding at the end the fol-
21 lowing:

22 **“SEC. 1128. SECULAR, NEUTRAL, AND NONIDEOLOGICAL.**

23 “Any school that receives funds under this part shall
24 ensure that educational services or other benefits provided

1 under this part, including materials and equipment, shall
2 be secular, neutral, and nonideological.”.

3 **PART B—EDUCATION OF MIGRATORY CHILDREN**

4 **SEC. 131. STATE ALLOCATIONS.**

5 Section 1303 of the Elementary and Secondary Edu-
6 cation Act of 1965 (20 U.S.C. 6393) is amended—

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

8 “(a) STATE ALLOCATIONS.—

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

13 “(A) the sum of the estimated number of
14 migratory children aged three through 21 who
15 reside in the State full time and the full-time
16 equivalent of the estimated number of migra-
17 tory children aged three through 21 who reside
18 in the State part time, as determined in accord-
19 ance with subsection (e); multiplied by

20 “(B) 40 percent of the average per-pupil
21 expenditure in the State, except that the
22 amount determined under this paragraph shall
23 not be less than 32 percent, nor more than 48
24 percent, of the average expenditure per pupil in
25 the United States.

1 “(2) SUBSEQUENT YEARS.—

2 “(A) BASE AMOUNT.—

3 “(i) IN GENERAL.—Except as pro-
4 vided in subsection (b) and clause (ii), each
5 State is entitled to receive under this part,
6 for fiscal year 2001 and succeeding fiscal
7 years, an amount equal to—

8 “(I) the amount that such State
9 received under this part for fiscal year
10 2000; plus

11 “(II) the amount allocated to the
12 State under subparagraph (B).

13 “(ii) NONPARTICIPATING STATES.—In
14 the case of a State (other than the Com-
15 monwealth of Puerto Rico) that did not re-
16 ceive any funds for fiscal year 2000 under
17 this part, the State shall receive, for fiscal
18 year 2001 and succeeding fiscal years, an
19 amount equal to—

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

1 “(II) the amount allocated to the
2 State under subparagraph (B).

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

11 “(i) the sum of—

12 “(I) the number of identified eli-
13 gible migratory children, aged 3
14 through 21, residing in the State dur-
15 ing the previous year; and

16 “(II) the number of identified eli-
17 gible migratory children, aged 3
18 through 21, who received services
19 under this part in summer or interses-
20 sion programs provided by the State
21 during such year; multiplied by

22 “(ii) 40 percent of the average per-
23 pupil expenditure in the State, except that
24 the amount determined under this clause
25 may not be less than 32 percent, or more

1 than 48 percent, of the average expendi-
2 ture per-pupil in the United States.”;

3 (2) by amending subsection (b) to read as fol-
4 lows:

5 “(b) ALLOCATION TO PUERTO RICO.—

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

13 “(A) the percentage which the average per
14 pupil expenditure in the Commonwealth of
15 Puerto Rico is of the lowest average per pupil
16 expenditure of any of the 50 States; and

17 “(B) 32 percent of the average per pupil
18 expenditure in the United States.

19 “(2) SUBSEQUENT FISCAL YEARS.—For each
20 fiscal year after fiscal year 2000, the grant which
21 the Commonwealth of Puerto Rico shall be eligible
22 to receive under this section shall be the amount de-
23 termined by multiplying the number of children
24 counted under subsection (a)(2)(B)(i)(I) and
25 (a)(2)(B)(i)(II) for the Commonwealth of Puerto

1 Rico during the previous fiscal year, by the product
2 of—

3 “(A) the percentage which the average per
4 pupil expenditure in the Commonwealth of
5 Puerto Rico is of the lowest average per pupil
6 expenditure of any of the 50 States; and

7 “(B) 32 percent of the average per pupil
8 expenditure in the United States.

9 “(3) MINIMUM ALLOCATION.—

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

13 “(B) SUBSEQUENT FISCAL YEARS.—The
14 percentage in paragraph (2)(A) shall not be less
15 than—

16 “(i) for fiscal year 2001, 77.5 percent;

17 “(ii) for fiscal year 2002, 80.0 per-
18 cent;

19 “(iii) for fiscal year 2003, 82.5 per-
20 cent; and

21 “(iv) for fiscal year 2004 and suc-
22 ceeding fiscal years, 85.0 percent.

23 “(4) SPECIAL RULE.—If the application of
24 paragraph (3) would result in any of the 50 States
25 or the District of Columbia receiving less under this

1 part than it received under this part for the pre-
2 ceding fiscal year, the percentage in paragraph (1)
3 or (2), respectively, shall be the greater of the per-
4 centage in paragraph (1)(A) or (2)(A) the percent-
5 age used for the preceding fiscal year.”; and

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

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

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

11 (1) in paragraph (1), by striking “addressed
12 through” and all that follows through the semicolon
13 at the end and inserting the following:

14 “addressed through—

15 “(A) the full range of services that are
16 available for migratory children from appro-
17 priate local, State, and Federal educational pro-
18 grams;

19 “(B) joint planning among local, State,
20 and Federal educational programs serving mi-
21 grant children, including programs under parts
22 A and C of title VII;

23 “(C) the integration of services available
24 under this part with services provided by those
25 other programs; and

1 “(D) measurable program goals and out-
2 comes;”;

3 (2) in paragraph (5), by striking “the require-
4 ments of paragraph (1); and” and inserting “the
5 numbers and needs of migratory children, the re-
6 quirements of subsection (d), and the availability of
7 funds from other Federal, State, and local pro-
8 grams;”;

9 (3) in paragraph (6), by striking the period at
10 the end and inserting “; and”; and

11 (4) by adding at the end the following:

12 “(7) a description of how the State will encour-
13 age programs and projects assisted under this part
14 to offer family literacy services if the program or
15 project serves a substantial number of migratory
16 children who have parents who do not have a high
17 school diploma or its recognized equivalent or who
18 have low levels of literacy.”.

19 (b) ASSURANCES.—Section 1304(c) of the Elemen-
20 tary and Secondary Education Act of 1965 (20 U.S.C.
21 6394(c)) is amended—

22 (1) in paragraph (1), by striking “1306(b)(1);”
23 and inserting “1306(a);”;

24 (2) in paragraph (3)—

25 (A) by striking “appropriate”;

1 (B) by striking “out, to the extent fea-
2 sible,” and inserting “out”; and

3 (C) by striking “1118;” and inserting
4 “1118, unless extraordinary circumstances
5 make implementation consistent with such sec-
6 tion impractical;”; and

7 (3) in paragraph (7), by striking “section
8 1303(e)” and inserting “paragraphs (1)(A) and
9 (2)(B)(i) of section 1303(a)”.

10 **SEC. 133. AUTHORIZED ACTIVITIES.**

11 Section 1306 of the Elementary and Secondary Edu-
12 cation Act of 1965 (20 U.S.C. 6396) is amended to read
13 as follows:

14 **“SEC. 1306. AUTHORIZED ACTIVITIES.**

15 “(a) IN GENERAL.—

16 “(1) FLEXIBILITY.—Each State educational
17 agency, through its local educational agencies, shall
18 have the flexibility to determine the activities to be
19 provided with funds made available under this part,
20 except that such funds shall first be used to meet
21 the identified needs of migratory children that result
22 from their migratory lifestyle, and to permit these
23 children to participate effectively in school.

24 “(2) UNADDRESSED NEEDS.—Funds provided
25 under this part shall be used to address the needs

1 of migratory children that are not addressed by serv-
2 ices available from other Federal or non-Federal
3 programs, except that migratory children who are el-
4 igitible to receive services under part A of this title
5 may receive those services through funds provided
6 under that part, or through funds under this part
7 that remain after the agency addresses the needs de-
8 scribed in paragraph (1).

9 “(b) CONSTRUCTION.—Nothing in this part shall be
10 construed to prohibit a local educational agency from serv-
11 ing migratory children simultaneously with students with
12 similar educational needs in the same educational settings,
13 where appropriate.

14 “(c) SPECIAL RULE.—Notwithstanding section 1114,
15 a school that receives funds under this part shall continue
16 to address the identified needs described in subsection
17 (a)(1).”.

18 **SEC. 134. COORDINATION OF MIGRANT EDUCATION ACTIVI-**
19 **TIES.**

20 (a) DURATION.—Section 1308(a)(2) of the Elemen-
21 tary and Secondary Education Act of 1965 (20 U.S.C.
22 6398(a)(2)) is amended by striking “subpart” and insert-
23 ing “subsection”.

1 (b) STUDENT RECORDS.—Section 1308(b) of the El-
2 ementary and Secondary Education Act of 1965 (20
3 U.S.C. 6398(b)) is amended to read as follows:

4 “(b) STUDENT RECORDS.—

5 “(1) ASSISTANCE.—The Secretary shall assist
6 States in developing effective methods for the trans-
7 fer of student records and in determining the num-
8 ber of migratory children in each State. The Sec-
9 retary, in consultation with the States, shall deter-
10 mine the minimum data elements for records to be
11 maintained and transferred when funds under this
12 part are used for such purpose. The Secretary may
13 assist States to implement a system of electronic
14 records maintenance and transfer for migrant stu-
15 dents.

16 “(2) NO COST FOR CERTAIN TRANSFERS.—A
17 State educational agency or local educational agency
18 receiving assistance under this part shall make stu-
19 dent records available to another local educational
20 agency that requests the records at no cost to the
21 requesting agency, if the request is made in order to
22 meet the needs of a migratory child.”.

23 (c) AVAILABILITY OF FUNDS.—Section 1308(c) of
24 the Elementary and Secondary Education Act of 1965 (20

1 U.S.C. 6398(c) is amended by striking “\$6,000,000” and
2 inserting “\$10,000,000”.

3 (d) INCENTIVE GRANTS.—Section 1308(d) of the El-
4 ementary and Secondary Education Act of 1965 (20
5 U.S.C. 6398(d)) is amended to read as follows:

6 “(d) INCENTIVE GRANTS.—From the amounts made
7 available to carry out this section for any fiscal year, the
8 Secretary may reserve not more than \$3,000,000 to award
9 grants of not more than \$250,000 on a competitive basis
10 to State educational agencies that propose a consortium
11 arrangement with another State or other appropriate enti-
12 ty that the Secretary determines, pursuant to criteria that
13 the Secretary shall establish, will improve the delivery of
14 services to migratory children whose education is inter-
15 rupted.”.

16 **PART C—NEGLECTED OR DELINQUENT YOUTH**

17 **SEC. 141. NEGLECTED OR DELINQUENT YOUTH.**

18 The heading for part D of title I is amended to read
19 as follows:

20 **“PART D—PREVENTION AND INTERVENTION**
21 **PROGRAMS FOR NEGLECTED OR DELIN-**
22 **QUENT CHILDREN AND YOUTH”.**

23 **SEC. 142. FINDINGS.**

24 Section 1401(a) is amended by striking paragraphs
25 (6) through (9) and adding the following:

1 “(6) Youth returning from correctional facilities
2 need to be involved in programs that provide them
3 with high level skills and other support to help them
4 stay in school and complete their education.

5 “(7) Pregnant and parenting teenagers are a
6 high at-risk group for dropping out of school and
7 should be targeted by dropout prevention pro-
8 grams.”.

9 **SEC. 143. ALLOCATION OF FUNDS.**

10 Section 1412(b) is amended to read as follows:

11 “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO
12 RICO.—

13 “(1) IN GENERAL.—For each fiscal year, the
14 amount of the subgrant for which a State agency in
15 the Commonwealth of Puerto Rico shall be eligible
16 to receive under this part shall be the amount deter-
17 mined by multiplying the number of children count-
18 ed under subparagraph (a)(1)(A) for the Common-
19 wealth of Puerto Rico by the product of—

20 “(A) the percentage which the average per
21 pupil expenditure in the Commonwealth of
22 Puerto Rico is of the lowest average per pupil
23 expenditure of any of the 50 States; and

24 “(B) 32 percent of the average per pupil
25 expenditure in the United States.

1 “(2) MINIMUM ALLOCATION.—The percentage
2 in paragraph (1)(A) shall not be less than—

3 “(A) for fiscal year 2000, 75.0 percent;

4 “(B) for fiscal year 2001, 77.5 percent;

5 “(C) for fiscal year 2002, 80.0 percent;

6 “(D) for fiscal year 2003, 82.5 percent;

7 and

8 “(E) for fiscal year 2004 and succeeding
9 fiscal years, 85.0 percent.

10 “(3) SPECIAL RULE.—If the application of
11 paragraph (2) would result in any of the 50 States
12 or the District of Columbia receiving less under this
13 part than it received under this part for the pre-
14 ceding fiscal year, the percentage in paragraph (1)
15 shall be the greater of the percentage in paragraph
16 (1)(A) or the percentage used for the preceding fis-
17 cal year.”.

18 **SEC. 144. STATE PLAN AND STATE AGENCY APPLICATIONS.**

19 Section 1414 is amended to read as follows:

20 **“SEC. 1414. STATE PLAN AND STATE AGENCY APPLICA-**
21 **TIONS.**

22 “(a) STATE PLAN.—

23 “(1) IN GENERAL.—Each State educational
24 agency that desires to receive a grant under this
25 part shall submit, for approval by the Secretary, a

1 plan for meeting the educational needs of neglected
2 and delinquent youth, for assisting in their transi-
3 tion from institutions to locally operated programs,
4 and which is integrated with other programs under
5 this Act or other Acts, as appropriate, consistent
6 with section 14306.

7 “(2) CONTENTS.—Each such State plan shall—

8 “(A) describe the program goals, objec-
9 tives, and performance measures established by
10 the State that will be used to assess the effec-
11 tiveness of the program in improving academic
12 and vocational and technical skills of children in
13 the program;

14 “(B) provide that, to the extent feasible,
15 such children will have the same opportunities
16 to learn as such children would have if such
17 children were in the schools of local educational
18 agencies in the State; and

19 “(C) contain assurances that the State
20 educational agency will—

21 “(i) ensure that programs assisted
22 under this part will be carried out in ac-
23 cordance with the State plan described in
24 this subsection;

1 “(ii) carry out the evaluation require-
2 ments of section 1416;

3 “(iii) ensure that the State agencies
4 receiving subgrants under this subpart
5 comply with all applicable statutory and
6 regulatory requirements; and

7 “(iv) provide such other information
8 as the Secretary may reasonably require.

9 “(3) DURATION OF THE PLAN.—Each such
10 State plan shall—

11 “(A) remain in effect for the duration of
12 the State’s participation under this part; and

13 “(B) be periodically reviewed and revised
14 by the State, as necessary, to reflect changes in
15 the State’s strategies and programs under this
16 part.

17 “(b) SECRETARIAL APPROVAL; PEER REVIEW.—

18 “(1) IN GENERAL.—The Secretary shall ap-
19 prove each State plan that meets the requirements
20 of this part.

21 “(2) PEER REVIEW.—The Secretary may review
22 any State plan with the assistance and advice of in-
23 dividuals with relevant expertise.

24 “(c) STATE AGENCY APPLICATIONS.—Any State
25 agency that desires to receive funds to carry out a pro-

1 gram under this part shall submit an application to the
2 State educational agency that—

3 “(1) describes the procedures to be used, con-
4 sistent with the State plan under section 1111, to
5 assess the educational needs of the children to be
6 served;

7 “(2) provides assurances that in making serv-
8 ices available to youth in adult correctional facilities,
9 priority will be given to such youth who are likely to
10 complete incarceration within a 2-year period;

11 “(3) describes the program, including a budget
12 for the first year of the program, with annual up-
13 dates to be provided to the State educational agency;

14 “(4) describes how the program will meet the
15 goals and objectives of the State plan under this
16 subpart;

17 “(5) describes how the State agency will consult
18 with experts and provide the necessary training for
19 appropriate staff, to ensure that the planning and
20 operation of institution-wide projects under section
21 1416 are of high quality;

22 “(6) describes how the agency will carry out the
23 evaluation requirements of section 14701 and how
24 the results of the most recent evaluation are used to
25 plan and improve the program;

1 “(7) includes data showing that the agency has
2 maintained fiscal effort required of a local edu-
3 cational agency, in accordance with section 14501 of
4 this title;

5 “(8) describes how the programs will be coordi-
6 nated with other appropriate State and Federal pro-
7 grams, such as programs under the Job Training
8 Partnership Act or title I of the Workforce Invest-
9 ment Act of 1998, vocational and technical edu-
10 cation programs, State and local dropout prevention
11 programs, and special education programs;

12 “(9) describes how States will encourage correc-
13 tional facilities receiving funds under this subpart to
14 coordinate with local educational agencies or alter-
15 native education programs attended by incarcerated
16 youth prior to their incarceration to ensure that stu-
17 dent assessments and appropriate academic records
18 are shared jointly between the correctional facility
19 and the local educational agency or alternative edu-
20 cation program;

21 “(10) describes how appropriate professional
22 development will be provided to teachers and other
23 staff;

24 “(11) designates an individual in each affected
25 institution to be responsible for issues relating to the

1 transition of children and youth from the institution
2 to locally operated programs;

3 “(12) describes how the agency will, endeavor
4 to coordinate with businesses for training and men-
5 toring for participating youth;

6 “(13) provides assurances that the agency will
7 assist in locating alternative programs through
8 which students can continue their education if stu-
9 dents are not returning to school after leaving the
10 correctional facility;

11 “(14) provides assurances that the agency will
12 work with parents to secure parents’ assistance in
13 improving the educational achievement of their chil-
14 dren and preventing their children’s further involve-
15 ment in delinquent activities;

16 “(15) provides assurances that the agency
17 works with special education youth in order to meet
18 an existing individualized education program and an
19 assurance that the agency will notify the youth’s
20 local school if such youth—

21 “(A) is identified as in need of special edu-
22 cation services while the youth is in the facility;
23 and

24 “(B) intends to return to the local school;

1 “(16) provides assurances that the agency will
2 work with youth who dropped out of school before
3 entering the facility to encourage the youth to reen-
4 ter school once the term of the youth has been com-
5 pleted or provide the youth with the skills necessary
6 to gain employment, continue the education of the
7 youth, or achieve a secondary school diploma or the
8 recognized equivalent if the youth does not intend to
9 return to school;

10 “(17) provides assurances that teachers and
11 other qualified staff are also trained to work with
12 children with disabilities and other students with
13 special needs taking into consideration the unique
14 needs of such students;

15 “(18) describes any additional services provided
16 to youth, such as career counseling, distance learn-
17 ing, and assistance in securing student loans and
18 grants; and

19 “(19) provides assurances that the program
20 under this subpart will be coordinated with any pro-
21 grams operated under the Juvenile Justice and De-
22 linquency Prevention Act of 1974 or other com-
23 parable programs, if applicable.”.

24 **SEC. 145. USE OF FUNDS.**

25 Section 1415(a) is amended—

1 (1) in paragraph (1)(B), by inserting “and vo-
2 cational and technical training” after “secondary
3 school completion”; and

4 (2) in paragraph (2)(B)—

5 (A) in clause (i), by inserting “and” after
6 the semicolon;

7 (B) in clause (ii), by striking “; and” and
8 inserting a period; and

9 (C) by striking clause (iii).

10 **SEC. 146. PURPOSE.**

11 Section 1421 is amended by striking paragraph (3)
12 and inserting the following:

13 “(3) operate programs for youth returning from
14 correctional facilities in local schools which may also
15 serve youth at risk of dropping out of school.”.

16 **SEC. 147. TRANSITION SERVICES.**

17 Section 1418(a) is amended by striking “10 percent”
18 and inserting “15 percent”.

19 **SEC. 148. PROGRAMS OPERATED BY LOCAL EDUCATIONAL**
20 **AGENCIES.**

21 Section 1422 is amended—

22 (1) in subsection (a), by striking “retained”;

23 (2) by amending subsection (b) to read as fol-
24 lows:

1 “(b) SPECIAL RULE.—A local educational agency
2 which includes a correctional facility that operates a school
3 is not required to operate a program of support for chil-
4 dren returning from such school to a school not operated
5 by a correctional agency but served by such local edu-
6 cational agency if more than 30 percent of the youth at-
7 tending the school operated by the correctional facility will
8 reside outside the boundaries of the local educational
9 agency after leaving such facility.”; and

10 (3) by adding at the end of section 1422 the
11 following:

12 “(d) TRANSITIONAL AND ACADEMIC SERVICES.—
13 Transitional and supportive programs operated in local
14 educational agencies under this subpart shall be designed
15 primarily to meet the transitional and academic needs of
16 students returning to local educational agencies or alter-
17 native education programs from correctional facilities.
18 Services to students at risk of dropping out of school shall
19 not have a negative impact on meeting the transitional and
20 academic needs of the students returning from correc-
21 tional facilities.”.

22 **SEC. 149. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

23 Section 1423 is amended by striking paragraphs (4)
24 through (9) and inserting the following:

1 “(4) a description of the program operated by
2 participating schools for children returning from cor-
3 rectional facilities and the types of services that such
4 schools will provide such youth and other at-risk
5 youth;

6 “(5) a description of the youth returning from
7 correctional facilities and, as appropriate, other at-
8 risk youth expected to be served by the program and
9 how the school will coordinate existing educational
10 programs to meet the unique educational needs of
11 such youth;

12 “(6) as appropriate, a description of how
13 schools will coordinate with existing social, health
14 and other services to meet the needs of students re-
15 turning from correctional facilities, students at risk
16 of dropping out of school, and other participating
17 students, including prenatal health care and nutri-
18 tion services related to the health of the parent and
19 child, parenting and child development classes, child
20 care, targeted re-entry and outreach programs, re-
21 ferrals to community resources, and scheduling flexi-
22 bility;

23 “(7) as appropriate, a description of any part-
24 nerships with local businesses to develop training,

1 curriculum-based youth entrepreneurship education
2 and mentoring services for participating students;

3 “(8) as appropriate, a description of how pro-
4 grams will involve parents in efforts to improve the
5 educational achievement of their children, prevent
6 the involvement of their children in delinquent activi-
7 ties, and encourage their children to remain in
8 school and complete their education;

9 “(9) a description of how the program under
10 this subpart will be coordinated with other Federal,
11 State, and local programs, such as programs under
12 the Job Training Partnership Act or title I of the
13 Workforce Investment Act of 1998 and vocational
14 and technical education programs serving this at-
15 risk population of youth.”.

16 **SEC. 150. USES OF FUNDS.**

17 Section 1424 is amended by striking paragraphs (1)
18 through (3) and inserting the following:

19 “(1) programs that serve youth returning from
20 correctional facilities to local schools to assist in the
21 transition of such youth to the school environment
22 and help them remain in school in order to complete
23 their education;

1 “(2) providing assistance to other youth at risk
2 of dropping out of school, including pregnant and
3 parenting teenagers;

4 “(3) the coordination of social, health, and
5 other services, including day care, for participating
6 youth if the provision of such services will improve
7 the likelihood that such youth will complete their
8 education;

9 “(4) special programs to meet the unique aca-
10 demic needs of participating youth, including voca-
11 tional and technical education, special education, ca-
12 reer counseling, curriculum-based youth entrepre-
13 neurship education, and assistance in securing stu-
14 dent loans or grants for postsecondary education;
15 and

16 “(5) programs providing mentoring and peer
17 mediation.”.

18 **SEC. 151. PROGRAM REQUIREMENTS.**

19 Section 1425 is amended—

20 (1) in paragraph (1), by striking “where fea-
21 sible, ensure educational programs” and inserting
22 the following: “to the extent practicable, ensure that
23 educational programs”;

1 (2) in paragraph (3), by striking “where fea-
2 sible,” and inserting the following: “to the extent
3 practicable,”;

4 (3) in paragraph (8), by striking “where fea-
5 sible,” and inserting the following: “to the extent
6 practicable,”;

7 (4) in paragraph (9), by inserting “and tech-
8 nical” after “vocational”; and

9 (5) by amending paragraph (11) to read as fol-
10 lows:

11 “(11) if appropriate, work with local businesses
12 to develop training, curriculum-based youth entre-
13 preneurship education, and mentoring programs for
14 youth.”.

15 **SEC. 152. PROGRAM EVALUATIONS.**

16 Section 1431(a) is amended by striking “sex, and if
17 feasible,” and inserting “gender,”.

18 **PART D—GENERAL PROVISIONS**

19 **SEC. 161. GENERAL PROVISIONS.**

20 Part F of title I is amended to read as follows:

21 **“PART F—GENERAL PROVISIONS**

22 **“SEC. 1601. FEDERAL REGULATIONS.**

23 “(a) IN GENERAL.—The Secretary is authorized to
24 issue such regulations as are necessary to reasonably en-
25 sure that there is compliance with this title.

1 “(b) NEGOTIATED RULEMAKING PROCESS.—

2 “(1) IN GENERAL.—Prior to publishing in the
3 Federal Register proposed regulations to carry out
4 this title, the Secretary shall obtain the advice and
5 recommendations of representatives of Federal,
6 State, and local administrators, parents, teachers,
7 paraprofessionals, and members of local boards of
8 education involved with the implementation and op-
9 eration of programs under this title.

10 “(2) MEETINGS AND ELECTRONIC EX-
11 CHANGE.—Such advice and recommendation may be
12 obtained through such mechanisms as regional meet-
13 ings and electronic exchanges of information.

14 “(3) PROPOSED REGULATIONS.—After obtain-
15 ing such advice and recommendations, and prior to
16 publishing proposed regulations, the Secretary
17 shall—

18 “(A) establish a negotiated rulemaking
19 process on a minimum of three key issues,
20 including—

21 “(i) accountability;

22 “(ii) implementation of assessments;

23 and

24 “(iii) use of paraprofessionals;

1 “(B) select individuals to participate in
2 such process from among individuals or groups
3 which provided advice and recommendations, in-
4 cluding representation from all geographic re-
5 gions of the United States; and

6 “(C) prepare a draft of proposed regula-
7 tions that shall be provided to the individuals
8 selected by the Secretary under subparagraph
9 (B) not less than 15 days prior to the first
10 meeting under such process.

11 “(4) PROCESS.—Such process—

12 “(A) shall be conducted in a timely manner
13 to ensure that final regulations are issued by
14 the Secretary not later than 1 year after the
15 date of the enactment of the Student Results
16 Act of 1999; and

17 “(B) shall not be subject to the Federal
18 Advisory Committee Act but shall otherwise fol-
19 low the provisions of the Negotiated Rule-
20 making Act of 1990 (5 U.S.C. 561 et seq.).

21 “(5) EMERGENCY SITUATION.—In an emer-
22 gency situation in which regulations to carry out this
23 title must be issued within a very limited time to as-
24 sist State and local educational agencies with the op-
25 eration of a program under this title, the Secretary

1 may issue proposed regulations without following
2 such process but shall, immediately thereafter and
3 prior to issuing final regulations, conduct regional
4 meetings to review such proposed regulations.

5 “(c) LIMITATION.—Regulations to carry out this part
6 may not require local programs to follow a particular in-
7 structional model, such as the provision of services outside
8 the regular classroom or school program.

9 **“SEC. 1602. AGREEMENTS AND RECORDS.**

10 “(a) AGREEMENTS.—All published proposed regula-
11 tions shall conform to agreements that result from nego-
12 tiated rulemaking described in section 1601 unless the
13 Secretary reopens the negotiated rulemaking process or
14 provides a written explanation to the participants involved
15 in the process explaining why the Secretary decided to de-
16 part from and not adhere to such agreements.

17 “(b) RECORDS.—The Secretary shall ensure that an
18 accurate and reliable record of agreements reached during
19 the negotiations process is maintained.

20 **“SEC. 1603. STATE ADMINISTRATION.**

21 “(a) RULEMAKING.—

22 “(1) IN GENERAL.—Each State that receives
23 funds under this title shall—

24 “(A) ensure that any State rules, regula-
25 tions, and policies relating to this title conform

1 to the purposes of this title and provide any
2 such proposed rules, regulations, and policies to
3 the committee of practitioners under subsection
4 (b) for their review and comment;

5 “(B) minimize such rules, regulations, and
6 policies to which their local educational agencies
7 and schools are subject;

8 “(C) eliminate or modify State and local
9 fiscal accounting requirements in order to facili-
10 tate the ability of schools to consolidate funds
11 under schoolwide programs; and

12 (D) identify any such rule, regulation, or
13 policy as a State-imposed requirement.

14 “(2) SUPPORT AND FACILITATION.—State
15 rules, regulations, and policies under this title shall
16 support and facilitate local educational agency and
17 school-level systemic reform designed to enable all
18 children to meet the challenging State student per-
19 formance standards.

20 “(b) COMMITTEE OF PRACTITIONERS.—

21 “(1) IN GENERAL.—Each State educational
22 agency shall create a State committee of practi-
23 tioners to advise the State in carrying out its re-
24 sponsibilities under this title.

1 “(2) MEMBERSHIP.—Each such committee
2 shall include—

3 “(A) as a majority of its members, rep-
4 resentatives from local educational agencies;

5 “(B) administrators, including the admin-
6 istrators of programs described in other parts
7 of this title;

8 “(C) teachers, including vocational edu-
9 cators;

10 “(D) parents;

11 “(E) members of local boards of education;

12 “(F) representatives of private school chil-
13 dren; and

14 “(G) pupil services personnel.

15 “(3) DUTIES.—The duties of such committee
16 shall include a review, prior to publication, of any
17 proposed or final State rule or regulation pursuant
18 to this title. In an emergency situation where such
19 rule or regulation must be issued within a very lim-
20 ited time to assist local educational agencies with
21 the operation of the program under this title, the
22 State educational agency may issue a regulation
23 without prior consultation, but shall immediately
24 thereafter convene the State committee of practi-

1 tioners to review the emergency regulation prior to
2 issuance in final form.

3 **“SEC. 1604. CONSTRUCTION.**

4 “(a) PROHIBITION OF FEDERAL MANDATES, DIREC-
5 TION, OR CONTROL.—Nothing in this title shall be con-
6 strued to authorize an officer or employee of the Federal
7 Government to mandate, direct, or control a State, local
8 educational agency, or school’s specific instructional con-
9 tent or pupil performance standards and assessments, cur-
10 riculum, or program of instruction as a condition of eligi-
11 bility to receive funds under this title.

12 “(b) EQUALIZED SPENDING.—Nothing in this title
13 shall be construed to mandate equalized spending per
14 pupil for a State, local educational agency, or school.

15 “(c) BUILDING STANDARDS.—Nothing in this title
16 shall be construed to mandate national school building
17 standards for a State, local educational agency, or school.

18 **“SEC. 1605. APPLICABILITY TO HOME SCHOOLS.**

19 “Nothing in this Act shall be construed to affect
20 home schools.

21 **“SEC. 1606. GENERAL PROVISION REGARDING NON-**
22 **RECIPIENT NONPUBLIC SCHOOLS.**

23 “Nothing in this Act shall be construed to permit,
24 allow, encourage, or authorize any Federal control over
25 any aspect of any private, religious, or home school,

1 whether or not a home school is treated as a private school
2 or home school under State law. This section shall not be
3 construed to bar private, religious, or home schools from
4 participation in programs or services under this Act.

5 **“SEC. 1607. LOCAL ADMINISTRATIVE COST LIMITATION.**

6 “(a) LOCAL ADMINISTRATIVE COST LIMITATION.—
7 Each local educational agency may use not more than 4
8 percent of funds received under part A for administrative
9 expenses.

10 “(b) REGULATIONS.—The Secretary, after consulting
11 with State and local officials and other experts in school
12 finance, shall develop and issue regulations that define the
13 term administrative cost for purposes of this title. Such
14 definition shall be consistent with generally accepted ac-
15 counting principles. The Secretary shall publish final regu-
16 lations on this section not later than 1 year after the date
17 of the enactment of the Student Results Act of 1999.

18 **“SEC. 1608. PROHIBITION ON MANDATORY NATIONAL CER-**
19 **TIFICATION OF TEACHERS AND PARA-**
20 **PROFESSIONALS.**

21 “(a) PROHIBITION ON MANDATORY TESTING OR
22 CERTIFICATION.—Notwithstanding any other provision of
23 law, the Secretary is prohibited from using Federal funds
24 to plan, develop, implement, or administer any mandatory
25 national teacher or paraprofessional test or certification.

1 “(b) PROHIBITION ON WITHHOLDING FUNDS.—The
2 Secretary is prohibited from withholding funds from any
3 State or local educational agency if such State or local
4 educational agency fails to adopt a specific method of
5 teacher or paraprofessional certification.

6 **“SEC. 1609. GAO STUDIES.**

7 “(a) STUDY ON PARAPROFESSIONALS.—The General
8 Accounting Office shall conduct a study of paraprofes-
9 sionals under part A of title I.

10 “(b) STUDY ON PORTABILITY.—The General Ac-
11 counting Office shall conduct a study regarding how funds
12 made available under this title could follow a child from
13 school to school.

14 “(c) STUDY ON ELECTRONIC TRANSFER OF MI-
15 GRANT STUDENT RECORDS.—The General Accounting
16 Office shall conduct a study on the feasibility of electroni-
17 cally transferring and maintaining migrant student
18 records.

19 “(d) EVALUATION BY GENERAL ACCOUNTING OF-
20 FICE.—Not later than October 1, 2001, the Comptroller
21 General shall conduct a comprehensive analysis and eval-
22 uation regarding the impact on this title of individual
23 waivers for schools, local educational agency waivers, and
24 statewide waivers granted pursuant to the Education
25 Flexibility Partnership Act of 1999 (20 U.S.C. 589a et

1 seq.). The Comptroller General shall submit a report to
2 the Committee on Education and the Workforce of the
3 House of Representatives. In conducting such analysis and
4 evaluation, the Comptroller General shall consider the fol-
5 lowing factors:

6 “(1) CONSISTENCY.—The extent to which the
7 State’s educational flexibility plan is consistent with
8 ensuring high standards for all children and aligning
9 the efforts of States, local educational agencies, and
10 schools to help children served under this title to
11 reach such standards.

12 “(2) STATE WAIVERS.—Evaluate the effect that
13 waivers of State law have on addressing the needs
14 and the performance of students in schools subject
15 to this title.

16 “(3) ALLOCATION OF FUNDS.—The extent to
17 which waivers have affected the allocation of funds
18 to schools, including schools with the highest con-
19 centrations of poverty, and schools with the highest
20 educational needs, that are eligible to receive funds
21 under this title.

22 **“SEC. 1610. DEFINITIONS.**

23 “For purposes of this title—

24 “(1) The term ‘Secretary’ means the Secretary
25 of Education.

1 “(2) FULLY QUALIFIED.—The term ‘fully
2 qualified’—

3 “(A) when used with respect to a public el-
4 elementary or secondary school teacher (other
5 than a teacher teaching in a public charter
6 school), means that the teacher has obtained
7 State certification as a teacher (including cer-
8 tification obtained through alternative routes to
9 certification) or passed the State teacher licens-
10 ing exam and holds a license to teach in such
11 State; and

12 “(B) when used with respect to —

13 “(i) an elementary school teacher,
14 means that the teacher holds a bachelor’s
15 degree and demonstrates knowledge and
16 teaching skills in reading, writing, mathe-
17 matics, science, and other areas of the ele-
18 mentary school curriculum; or

19 “(ii) a middle or secondary school
20 teacher, means that the teacher holds a
21 bachelor’s degree and demonstrates a high
22 level of competency in all subject areas in
23 which he or she teaches through—

1 “(I) a high level of performance
2 on a rigorous State or local academic
3 subject areas test; or

4 “(II) completion of an academic
5 major in each of the subject areas in
6 which he or she provides instruction.

7 “(3) The term ‘scientifically-based research’—

8 “(A) means the application of rigorous,
9 systematic, and objective procedures; and

10 “(B) shall include research that—

11 “(i) employs systematic, empirical
12 methods that draw on observation or ex-
13 periment;

14 “(ii) involves rigorous data analyses
15 that are adequate to test the stated
16 hypotheses and justify the general conclu-
17 sions drawn;

18 “(iii) relies on measurements or obser-
19 vational methods that provide valid data
20 across evaluators and observers and across
21 multiple measurements and observations;
22 and

23 “(iv) has been accepted by a peer-re-
24 viewed journal or approved by a panel of

1 independent experts through a comparably
2 rigorous, objective, and scientific review.

3 **“SEC. 1611. PAPERWORK REDUCTION.**

4 “(a) FINDINGS.—The Congress finds that—

5 “(1) instruction and other classroom activities
6 provide the greatest opportunity for students, espe-
7 cially at-risk and disadvantaged students, to attain
8 high standards and achieve academic success;

9 “(2) one of the greatest obstacles to estab-
10 lishing an effective, classroom-centered education
11 system is the cost of paperwork compliance;

12 “(3) paperwork places a burden on teachers
13 and administrators who must complete Federal and
14 State forms to apply for Federal funds and absorbs
15 time and money which otherwise would be spent on
16 students;

17 “(4) the Education at a Crossroads Report re-
18 leased in 1998 by the Education Subcommittee on
19 Oversight and Investigations states that require-
20 ments by the Department of Education result in
21 more than 48.6 million hours of paperwork per year;
22 and

23 “(5) paperwork distracts from the mission of
24 schools, encumbers teachers and administrators with
25 nonacademic responsibilities, and competes with

1 teaching and classroom activities which promote
2 learning and achievement.

3 “(b) SENSE OF THE CONGRESS.—It is the sense of
4 the Congress that Federal and State educational agencies
5 should reduce the paperwork requirements placed on
6 schools, teachers, principals, and other administrators.”.

7 **PART E—COMPREHENSIVE SCHOOL REFORM**

8 **SEC. 171. COMPREHENSIVE SCHOOL REFORM.**

9 Title I is amended by adding at the end the following:

10 **“PART G—COMPREHENSIVE SCHOOL REFORM**

11 **“SEC. 1701. COMPREHENSIVE SCHOOL REFORM.**

12 “(a) FINDINGS AND PURPOSE.—

13 “(1) FINDINGS.—Congress finds the following:

14 “(A) A number of schools across the coun-
15 try have shown impressive gains in student per-
16 formance through the use of comprehensive
17 models for schoolwide change that incorporate
18 virtually all aspects of school operations.

19 “(B) No single comprehensive school re-
20 form model may be suitable for every school,
21 however, schools should be encouraged to exam-
22 ine successful, externally developed comprehen-
23 sive school reform approaches as they under-
24 take comprehensive school reform.

1 “(C) Comprehensive school reform is an
2 important means by which children are assisted
3 in meeting challenging State student perform-
4 ance standards.

5 “(2) PURPOSE.—The purpose of this section is
6 to provide financial incentives for schools to develop
7 comprehensive school reforms, based upon scientif-
8 ically-based research and effective practices that in-
9 clude an emphasis on basic academics and parental
10 involvement so that all children can meet challenging
11 State content and performance standards.

12 “(b) PROGRAM AUTHORIZED.—

13 “(1) IN GENERAL.—The Secretary is authorized
14 to provide grants to State educational agencies to
15 provide subgrants to local educational agencies to
16 carry out the purpose described in subsection (a)(2).

17 “(2) ALLOCATION.—

18 “(A) RESERVATION.—Of the amount ap-
19 propriated under this section, the Secretary
20 may reserve—

21 “(i) not more than 1 percent for
22 schools supported by the Bureau of Indian
23 Affairs and in the United States Virgin Is-
24 lands, Guam, American Samoa, and the

1 Commonwealth of the Northern Mariana
2 Islands; and

3 “(ii) not more than 1 percent to con-
4 duct national evaluation activities de-
5 scribed under subsection (e).

6 “(B) IN GENERAL.—Of the amount of
7 funds remaining after the reservation under
8 subparagraph (A), the Secretary shall allocate
9 to each State for a fiscal year, an amount that
10 bears the same ratio to the amount appro-
11 priated for that fiscal year as the amount made
12 available under section 1124 to the State for
13 the preceding fiscal year bears to the total
14 amount allocated under section 1124 to all
15 States for that year.

16 “(C) REALLOCATION.—If a State does not
17 apply for funds under this section, the Sec-
18 retary shall reallocate such funds to other
19 States that do apply in proportion to the
20 amount allocated to such States under subpara-
21 graph (B).

22 “(c) STATE AWARDS.—

23 “(1) STATE APPLICATION.—

24 “(A) IN GENERAL.—Each State edu-
25 cational agency that desires to receive a grant

1 under this section shall submit an application to
2 the Secretary at such time, in such manner and
3 containing such other information as the Sec-
4 retary may reasonably require.

5 “(B) CONTENTS.—Each State application
6 shall also describe—

7 “(i) the process and selection criteria
8 by which the State educational agency,
9 using expert review, will select local edu-
10 cational agencies to receive subgrants
11 under this section;

12 “(ii) how the agency will ensure that
13 only comprehensive school reforms that are
14 based on scientifically-based research re-
15 ceive funds under this section;

16 “(iii) how the agency will disseminate
17 materials regarding information on com-
18 prehensive school reforms that are based
19 on scientifically-based research;

20 “(iv) how the agency will evaluate the
21 implementation of such reforms and meas-
22 ure the extent to which the reforms re-
23 sulted in increased student academic per-
24 formance; and

1 “(v) how the agency will provide, upon
2 request, technical assistance to the local
3 educational agency in evaluating, devel-
4 oping, and implementing comprehensive
5 school reform.

6 “(2) USES OF FUNDS.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (E), a State educational agency
9 that receives an award under this section shall
10 use such funds to provide competitive grants to
11 local educational agencies receiving funds under
12 part A.

13 “(B) GRANT REQUIREMENTS.—A grant to
14 a local educational agency shall be—

15 “(i) of sufficient size and scope to
16 support the initial costs for the particular
17 comprehensive school reform plan selected
18 or designed by each school identified in the
19 application of the local educational agency;

20 “(ii) in an amount not less than
21 \$50,000 to each participating school; and

22 “(iii) renewable for two additional 1-
23 year periods after the initial 1-year grant
24 is made if schools are making substantial

1 progress in the implementation of their re-
2 forms.

3 “(C) PRIORITY.—The State, in awarding
4 grants under this paragraph, shall give priority
5 to local educational agencies that—

6 “(i) plan to use the funds in schools
7 identified as being in need of improvement
8 or corrective action under section 1116(c);
9 and

10 “(ii) demonstrate a commitment to
11 assist schools with budget allocation, pro-
12 fessional development, and other strategies
13 necessary to ensure the comprehensive
14 school reforms are properly implemented
15 and are sustained in the future.

16 “(D) GRANT CONSIDERATION.—In making
17 subgrant awards under this part, the State edu-
18 cational agency shall take into account the equi-
19 table distribution of awards to different geo-
20 graphic regions within the State, including
21 urban and rural areas, and to schools serving
22 elementary and secondary students.

23 “(E) ADMINISTRATIVE COSTS.—A State
24 educational agency that receives a grant award
25 under this section may reserve not more than 5

1 percent of such award for administrative, eval-
2 uation, and technical assistance expenses.

3 “(F) SUPPLEMENT.—Funds made avail-
4 able under this section shall be used to supple-
5 ment, not supplant, any other Federal, State,
6 or local funds that would otherwise be available
7 to carry out this section.

8 “(3) REPORTING.—Each State educational
9 agency that receives an award under this section
10 shall provide to the Secretary such information as
11 the Secretary may require, including the names of
12 local educational agencies and schools selected to re-
13 ceive subgrant awards under this section, the
14 amount of such award, and a description of the com-
15 prehensive school reform model selected and in use.

16 “(d) LOCAL AWARDS.—

17 “(1) IN GENERAL.—Each local educational
18 agency that applies for a subgrant under this section
19 shall—

20 “(A) identify which schools eligible for
21 funds under part A plan to implement a com-
22 prehensive school reform program, including the
23 projected costs of such a program;

1 “(B) describe the scientifically-based com-
2 prehensive school reforms that such schools will
3 implement;

4 “(C) describe how the agency will provide
5 technical assistance and support for the effec-
6 tive implementation of the scientifically-based
7 school reforms selected by such schools; and

8 “(D) describe how the agency will evaluate
9 the implementation of such reforms and meas-
10 ure the results achieved in improving student
11 academic performance.

12 “(2) COMPONENTS OF THE PROGRAM.—A local
13 educational agency that receives a subgrant award
14 under this section shall provide such funds to
15 schools that implement a comprehensive school re-
16 form program that—

17 “(A) employs innovative strategies and
18 proven methods for student learning, teaching,
19 and school management that are based on sci-
20 entifically-based research and effective practices
21 and have been replicated successfully in schools
22 with diverse characteristics;

23 “(B) integrates a comprehensive design for
24 effective school functioning, including instruc-
25 tion, assessment, classroom management, pro-

1 professional development, parental involvement,
2 and school management, that aligns the school's
3 curriculum, technology, professional develop-
4 ment into a comprehensive reform plan for
5 schoolwide change designed to enable all stu-
6 dents to meet challenging State content and
7 challenging student performance standards and
8 addresses needs identified through a school
9 needs assessment;

10 “(C) provides high-quality and continuous
11 teacher and staff professional development;

12 “(D) includes measurable goals for student
13 performance and benchmarks for meeting such
14 goals;

15 “(E) is supported by teachers, principals,
16 administrators, and other professional staff;

17 “(F) provides for the meaningful involve-
18 ment of parents and the local community in
19 planning and implementing school improvement
20 activities;

21 “(G) uses high quality external technical
22 support and assistance from an entity, which
23 may be an institution of higher education, with
24 experience and expertise in schoolwide reform
25 and improvement;

1 “(H) includes a plan for the evaluation of
2 the implementation of school reforms and the
3 student results achieved; and

4 “(I) identifies how other resources, includ-
5 ing Federal, State, local, and private resources,
6 available to the school will be used to coordinate
7 services to support and sustain the school re-
8 form effort.

9 “(3) SPECIAL RULE.—A school that receives
10 funds to develop a comprehensive school reform pro-
11 gram shall not be limited to using the approaches
12 identified or developed by the Department of Edu-
13 cation, but may develop its own comprehensive
14 school reform programs for schoolwide change that
15 comply with paragraph (2).

16 “(e) EVALUATION AND REPORT.—

17 “(1) IN GENERAL.—The Secretary shall develop
18 a plan for a national evaluation of the programs de-
19 veloped pursuant to this section.

20 “(2) EVALUATION.—This national evaluation
21 shall evaluate the implementation and results
22 achieved by schools after 3 years of implementing
23 comprehensive school reforms, and assess the effec-
24 tiveness of comprehensive school reforms in schools
25 with diverse characteristics.

1 “(3) REPORTS.—Prior to the completion of a
2 national evaluation, the Secretary shall submit an
3 interim report outlining first year implementation
4 activities to the Committees on Education and the
5 Workforce and Appropriations of the House of Rep-
6 resentatives and the Committees on Health, Edu-
7 cation, Labor, and Pensions and Appropriations of
8 the Senate.

9 “(f) DEFINITION.—The term ‘scientifically-based
10 research’—

11 “(1) means the application of rigorous, system-
12 atic, and objective procedures in the development of
13 comprehensive school reform models; and

14 “(2) shall include research that—

15 “(A) employs systematic, empirical meth-
16 ods that draw on observation or experiment;

17 “(B) involves rigorous data analyses that
18 are adequate to test the stated hypotheses and
19 justify the general conclusions drawn;

20 “(C) relies on measurements or observa-
21 tional methods that provide valid data across
22 evaluators and observers and across multiple
23 measurements and observations; and

24 “(D) has been accepted by a peer-reviewed
25 journal or approved by a panel of independent

1 experts through a comparably rigorous, objec-
2 tive, and scientific review.

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to carry out this section \$175,000,000 for
5 fiscal year 2000 and such sums as may be necessary for
6 each of the four succeeding fiscal years.”.

7 **TITLE II—MAGNET SCHOOLS AS-**
8 **SISTANCE AND PUBLIC**
9 **SCHOOL CHOICE**

10 **SEC. 201. MAGNET SCHOOLS ASSISTANCE.**

11 Title V of the Elementary and Secondary Education
12 Act of 1965 (20 U.S.C. 7201 et seq.) is amended to read
13 a follows:

14 **“TITLE V—MAGNET SCHOOLS AS-**
15 **SISTANCE AND PUBLIC**
16 **SCHOOL CHOICE**

17 **“PART A—MAGNET SCHOOL ASSISTANCE**

18 **“SEC. 5101. FINDINGS.**

19 “The Congress finds that—

20 “(1) magnet schools are a significant part of
21 our Nation’s effort to achieve voluntary desegrega-
22 tion in our Nation’s schools;

23 “(2) the use of magnet schools has increased
24 dramatically since the date of the enactment of the
25 Magnet Schools Assistance program, with approxi-

1 mately 2,000,000 students nationwide now attending
2 such schools, of which more than 65 percent of the
3 students are nonwhite;

4 “(3) magnet schools offer a wide range of dis-
5 tinctive programs that have served as models for
6 school improvement efforts;

7 “(4) in administering the Magnet Schools As-
8 sistance program, the Federal Government has
9 learned that—

10 “(A) where magnet programs are imple-
11 mented for only a portion of a school’s student
12 body, special efforts must be made to discour-
13 age the isolation of—

14 “(i) magnet school students from
15 other students in the school; and

16 “(ii) students by racial characteristics;

17 “(B) local educational agencies can maxi-
18 mize their effectiveness in achieving the pur-
19 poses of the Magnet Schools Assistance pro-
20 gram if such agencies have more flexibility in
21 the administration of such program in order to
22 serve students attending a school who are not
23 enrolled in the magnet school program;

24 “(C) local educational agencies must be
25 creative in designing magnet schools for stu-

1 dents at all academic levels, so that school dis-
2 tricts do not select only the highest achieving
3 students to attend the magnet schools;

4 “(D) consistent with desegregation guide-
5 lines, local educational agencies must seek to
6 enable participation in magnet school programs
7 by students who reside in the neighborhoods
8 where the programs operate; and

9 “(E) in order to ensure that magnet
10 schools are sustained after Federal funding
11 ends, the Federal Government must assist
12 school districts to improve their capacity to con-
13 tinue to operate magnet schools at a high level
14 of performance; and

15 “(5) it is in the best interest of the Federal
16 Government to—

17 “(A) continue the Federal Government’s
18 support of school districts implementing court-
19 ordered desegregation plans and school districts
20 voluntarily seeking to foster meaningful inter-
21 action among students of different racial and
22 ethnic backgrounds, beginning at the earliest
23 stage of such students’ education;

24 “(B) ensure that all students have equi-
25 table access to quality education that will pre-

1 pare such students to function well in a techno-
2 logically oriented society and a highly competi-
3 tive economy;

4 “(C) maximize the ability of local edu-
5 cational agencies to plan, develop, implement
6 and continue effective and innovative magnet
7 schools that contribute to State and local sys-
8 temic reform; and

9 “(D) ensure that grant recipients provide
10 adequate data which demonstrates an ability to
11 improve student achievement.

12 **“SEC. 5102. STATEMENT OF PURPOSE.**

13 “The purpose of this part is to assist in the desegre-
14 gation of schools served by local educational agencies by
15 providing financial assistance to eligible local educational
16 agencies for—

17 “(1) the elimination, reduction, or prevention of
18 minority group isolation in elementary and sec-
19 ondary schools with substantial proportions of mi-
20 nority students;

21 “(2) the development and implementation of
22 magnet school projects that will assist local edu-
23 cational agencies in achieving systemic reforms and
24 providing all students the opportunity to meet chal-

1 lenging State content standards and challenging
2 State student performance standards;

3 “(3) the development and design of innovative
4 educational methods and practices that promote di-
5 versity and increase choices in public elementary and
6 secondary schools and educational programs; and

7 “(4) courses of instruction within magnet
8 schools that will substantially strengthen the knowl-
9 edge of academic subjects and the grasp of tangible
10 and marketable vocational and technical skills of
11 students attending such schools.

12 **“SEC. 5103. PROGRAM AUTHORIZED.**

13 “The Secretary, in accordance with this part, is au-
14 thorized to make grants to eligible local educational agen-
15 cies, and consortia of such agencies where appropriate, to
16 carry out the purpose of this part for magnet schools that
17 are—

18 “(1) part of an approved desegregation plan;
19 and

20 “(2) designed to bring students from different
21 social, economic, ethnic, and racial backgrounds to-
22 gether.

23 **“SEC. 5104. DEFINITION.**

24 “For the purpose of this part, the term ‘magnet
25 school’ means a public elementary or secondary school or

1 public elementary or secondary education center that of-
2 fers a special curriculum capable of attracting substantial
3 numbers of students of different racial backgrounds.

4 **“SEC. 5105. ELIGIBILITY.**

5 “A local educational agency, or consortium of such
6 agencies where appropriate, is eligible to receive assistance
7 under this part to carry out the purposes of this part if
8 such agency or consortium—

9 “(1) is implementing a plan undertaken pursu-
10 ant to a final order issued by a court of the United
11 States, or a court of any State, or any other State
12 agency or official of competent jurisdiction, that re-
13 quires the desegregation of minority-group-seg-
14 regated children or faculty in the elementary and
15 secondary schools of such agency; or

16 “(2) without having been required to do so, has
17 adopted and is implementing, or will, if assistance is
18 made available to such local educational agency or
19 consortium of such agencies under this part, adopt
20 and implement a plan that has been approved by the
21 Secretary as adequate under title VI of the Civil
22 Rights Act of 1964 for the desegregation of minor-
23 ity-group-segregated children or faculty in such
24 schools.

1 **“SEC. 5106. APPLICATIONS AND REQUIREMENTS.**

2 “(a) APPLICATIONS.—An eligible local educational
3 agency or consortium of such agencies desiring to receive
4 assistance under this part shall submit an application to
5 the Secretary at such time, in such manner, and con-
6 taining such information and assurances as the Secretary
7 may reasonably require.

8 “(b) INFORMATION AND ASSURANCES.—Each such
9 application shall include—

10 “(1) a description of—

11 “(A) how assistance made available under
12 this part will be used to promote desegregation,
13 including how the proposed magnet school
14 project will increase interaction among students
15 of different social, economic, ethnic, and racial
16 backgrounds;

17 “(B) the manner and extent to which the
18 magnet school project will increase student
19 achievement in the instructional area or areas
20 offered by the school;

21 “(C) how an applicant will continue the
22 magnet school project after assistance under
23 this part is no longer available, including, if ap-
24 plicable, an explanation of why magnet schools
25 established or supported by the applicant with

1 funds under this part cannot be continued with-
2 out the use of funds under this part;

3 “(D) how funds under this part will be
4 used to improve student academic performance
5 for all students attending the magnet schools;
6 and

7 “(E) the criteria to be used in selecting
8 students to attend the proposed magnet school
9 projects; and

10 “(2) assurances that the applicant will—

11 “(A) use funds under this part for the pur-
12 poses specified in section 5102;

13 “(B) employ fully qualified teachers (as de-
14 fined in section 1119) in the courses of instruc-
15 tion assisted under this part;

16 “(C) not engage in discrimination based on
17 race, religion, color, national origin, sex, or dis-
18 ability in—

19 “(i) the hiring, promotion, or assign-
20 ment of employees of the agency or other
21 personnel for whom the agency has any ad-
22 ministrative responsibility;

23 “(ii) the assignment of students to
24 schools, or to courses of instruction within

1 the school, of such agency, except to carry
2 out the approved plan; and

3 “(iii) designing or operating extra-
4 curricular activities for students;

5 “(D) carry out a high-quality education
6 program that will encourage greater parental
7 decisionmaking and involvement; and

8 “(E) give students residing in the local at-
9 tendance area of the proposed magnet school
10 projects equitable consideration for placement
11 in those projects.

12 **“SEC. 5107. PRIORITY.**

13 “In approving applications under this part, the Sec-
14 retary shall give priority to applicants that—

15 “(1) demonstrate the greatest need for assist-
16 ance, based on the expense or difficulty of effectively
17 carrying out an approved desegregation plan and the
18 projects for which assistance is sought;

19 “(2) propose to carry out new magnet school
20 projects, or significantly revise existing magnet
21 school projects; and

22 “(3) propose to select students to attend mag-
23 net school projects by methods such as lottery, rath-
24 er than through academic examination.

1 **“SEC. 5108. USE OF FUNDS.**

2 “(a) IN GENERAL.—Grant funds made available
3 under this part may be used by an eligible local edu-
4 cational agency or consortium of such agencies—

5 “(1) for planning and promotional activities di-
6 rectly related to the development, expansion, con-
7 tinuation, or enhancement of academic programs
8 and services offered at magnet schools;

9 “(2) for the acquisition of books, materials, and
10 equipment, including computers and the mainte-
11 nance and operation thereof, necessary for the con-
12 duct of programs in magnet schools;

13 “(3) for the payment, or subsidization of the
14 compensation, of elementary and secondary school
15 teachers who are fully qualified (as defined in sec-
16 tion 1119), and instructional staff where applicable,
17 who are necessary for the conduct of programs in
18 magnet schools;

19 “(4) with respect to a magnet school program
20 offered to less than the entire student population of
21 a school, for instructional activities that—

22 “(A) are designed to make available the
23 special curriculum that is offered by the magnet
24 school project to students who are enrolled in
25 the school but who are not enrolled in the mag-
26 net school program; and

1 “(B) further the purposes of this part; and
2 “(5) for activities, which may include profes-
3 sional development, that will build the recipient’s ca-
4 pacity to operate magnet school programs once the
5 grant period has ended.

6 “(b) SPECIAL RULE.—Grant funds under this part
7 may be used in accordance with paragraphs (2) and (3)
8 of subsection (a) only if the activities described in such
9 paragraphs are directly related to improving the students’
10 academic performance based on the State’s challenging
11 content standards and challenging student performance
12 standards or directly related to improving the students’
13 reading skills or knowledge of mathematics, science, his-
14 tory, geography, English, foreign languages, art, or music,
15 or to improving vocational and technical skills.

16 **“SEC. 5109. PROHIBITIONS.**

17 “(a) TRANSPORTATION.—Grants under this part may
18 not be used for transportation or any activity that does
19 not augment academic improvement.

20 “(b) PLANNING.—A local educational agency shall
21 not expend funds under this part after the third year that
22 such agency receives funds under this part for such
23 project.

1 **“SEC. 5110. LIMITATIONS.**

2 “(a) DURATION OF AWARDS.—A grant under this
3 part shall be awarded for a period that shall not exceed
4 three fiscal years.

5 “(b) LIMITATION ON PLANNING FUNDS.—A local
6 educational agency may expend for planning not more
7 than 50 percent of the funds received under this part for
8 the first year of the project, 15 percent of such funds for
9 the second such year, and 10 percent of such funds for
10 the third such year.

11 “(c) AMOUNT.—No local educational agency or con-
12 sortium awarded a grant under this part shall receive
13 more than \$4,000,000 under this part in any one fiscal
14 year.

15 “(d) TIMING.—To the extent practicable, the Sec-
16 retary shall award grants for any fiscal year under this
17 part not later than July 1 of the applicable fiscal year.

18 **“SEC. 5111. EVALUATIONS.**

19 “(a) RESERVATION.—The Secretary may reserve not
20 more than 2 percent of the funds appropriated under sec-
21 tion 5112(a) for any fiscal year to carry out evaluations,
22 technical assistance, and dissemination projects with re-
23 spect to magnet school projects and programs assisted
24 under this part.

25 “(b) CONTENTS.—Each evaluation described in sub-
26 section (a), at a minimum, shall address—

1 “(1) how and the extent to which magnet school
2 programs lead to educational quality and improve-
3 ment;

4 “(2) the extent to which magnet school pro-
5 grams enhance student access to quality education;

6 “(3) the extent to which magnet school pro-
7 grams lead to the elimination, reduction, or preven-
8 tion of minority group isolation in elementary and
9 secondary schools with substantial proportions of mi-
10 nority students; and

11 “(4) the extent to which magnet school pro-
12 grams differ from other school programs in terms of
13 the organizational characteristics and resource allo-
14 cations of such magnet school programs.

15 **“SEC. 5112. AUTHORIZATION OF APPROPRIATIONS; RES-**
16 **ERVATION.**

17 “(a) AUTHORIZATION.—For the purpose of carrying
18 out this part, there are authorized to be appropriated
19 \$120,000,000 for fiscal year 2000 and such sums as may
20 be necessary for each of fiscal years 2001 through 2004.

21 “(b) AVAILABILITY OF FUNDS FOR GRANTS TO
22 AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal
23 year for which the amount appropriated pursuant to sub-
24 section (a) exceeds \$75,000,000, the Secretary shall give
25 priority to using such amounts in excess of \$75,000,000

1 to award grants to local educational agencies or consortia
2 of such agencies that did not receive a grant under this
3 part in the preceding fiscal year.

4 **“PART B—PUBLIC SCHOOL CHOICE**

5 **“SEC. 5201. SHORT TITLE.**

6 “This part may be cited as the ‘Public School Choice
7 Act of 1999’.

8 **“SEC. 5202. FINDINGS AND PURPOSE.**

9 “(a) FINDINGS.—The Congress finds that—

10 “(1) a wide variety of educational opportunities,
11 options, and choices in the public school system is
12 needed to help all children achieve to high stand-
13 ards;

14 “(2) high-quality public school choice programs
15 that are genuinely open and accessible to all stu-
16 dents (including poor, minority, limited English pro-
17 ficient, and disabled students) broaden educational
18 opportunities and promote excellence in education;

19 “(3) current research shows that—

20 “(A) students learn in different ways, ben-
21 efitting from different teaching methods and in-
22 structional settings; and

23 “(B) family involvement in a child’s edu-
24 cation is a key factor supporting student
25 achievement;

1 “(4) public school systems have begun to de-
2 velop a variety of innovative programs that offer ex-
3 panded choices to parents and students; and

4 “(5) the Federal Government should support
5 and expand efforts to give students and parents the
6 high-quality public school choices they seek, to help
7 eliminate barriers to effective public school choice,
8 and to disseminate the lessons learned from high-
9 quality choice programs so that all public schools
10 can benefit from these efforts.

11 “(b) PURPOSE.—It is the purpose of this part to
12 identify and support innovative approaches to high-quality
13 public school choice by providing financial assistance for
14 the demonstration, development, implementation, and
15 evaluation of, and dissemination of information about,
16 public school choice projects that stimulate educational in-
17 novation for all public schools and contribute to standards-
18 based school reform efforts.

19 **“SEC. 5203. GRANTS.**

20 “(a) IN GENERAL.—From funds appropriated under
21 section 5206(a) and not reserved under section 5206(b),
22 the Secretary is authorized to make grants to State and
23 local educational agencies to support programs that pro-
24 mote innovative approaches to high-quality public school
25 choice.

1 “(b) DURATION.—Grants under this part shall not
2 exceed 3 years.

3 **“SEC. 5204. USES OF FUNDS.**

4 “(a) IN GENERAL—

5 “(1) PUBLIC SCHOOL CHOICE.—Funds under
6 this part may be used to demonstrate, develop, im-
7 plement, evaluate, and disseminate information on
8 innovative approaches to promote public school
9 choice, including the design and development of new
10 public school choice options, the development of new
11 strategies for overcoming barriers to effective public
12 school choice, the design and development of new
13 strategies for overcoming transportation barriers,
14 and the design and development of public school
15 choice systems that promote high standards for all
16 students and the continuous improvement of all pub-
17 lic schools.

18 “(2) INNOVATIVE APPROACHES.—Such ap-
19 proaches at the school, local educational agency, and
20 State levels may include—

21 “(A) inter-district or intra-district ap-
22 proaches to public school choice, including ap-
23 proaches that increase equal access to high-
24 quality educational programs and diversity in
25 schools;

1 “(B) public elementary and secondary pro-
2 grams that involve partnerships with institu-
3 tions of higher education and that are located
4 on the campuses of those institutions;

5 “(C) programs that allow students in pub-
6 lic secondary schools to enroll in postsecondary
7 courses and to receive both secondary and post-
8 secondary academic credit;

9 “(D) worksite satellite schools, in which
10 State or local educational agencies form part-
11 nerships with public or private employers, to
12 create public schools at parents’ places of em-
13 ployment; and

14 “(E) public school choice programs that
15 augment the existing transportation services
16 necessary to meet the needs of children partici-
17 pating in such programs.

18 “(b) LIMITATIONS.—Funds under this part—

19 “(1) shall supplement, and not supplant, non-
20 Federal funds expended for existing programs; and

21 “(2) may not be used to fund projects that are
22 specifically authorized under part A of title V, or
23 part C of title X.

1 **“SEC. 5205. GRANT APPLICATION; PRIORITIES.**

2 “(a) **APPLICATION REQUIRED.**—A State or local edu-
3 cational agency desiring to receive a grant under this part
4 shall submit an application to the Secretary.

5 “(b) **APPLICATION CONTENTS.**—Each application
6 shall include—

7 “(1) a description of the program for which
8 funds are sought and the goals for such program;

9 “(2) a description of how the program funded
10 under this part will be coordinated with, and will
11 complement and enhance, programs under other re-
12 lated Federal and non-Federal projects;

13 “(3) if the program includes partners, the name
14 of each partner and a description of the partner’s
15 responsibilities;

16 “(4) a description of the policies and procedures
17 the applicant will use to ensure—

18 “(A) its accountability for results, includ-
19 ing its goals and performance indicators; and

20 “(B) that the program is open and acces-
21 sible to, and will promote high academic stand-
22 ards for, all students; and

23 “(5) such other information as the Secretary
24 may require.

25 “(c) **PRIORITIES.**—

1 “(1) HIGH-POVERTY AGENCIES.—The Secretary
2 shall give a priority to applications for projects that
3 would serve high-poverty local educational agencies.

4 “(2) PARTNERSHIPS.—The Secretary may give
5 a priority to applications demonstrating that the ap-
6 plicant will carry out its project in partnership with
7 one or more public and private agencies, organiza-
8 tions, and institutions, including institutions of high-
9 er education and public and private employers.

10 **“SEC. 5206. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) IN GENERAL.—For the purpose of carrying out
12 this part, there are authorized to be appropriated
13 \$20,000,000 for fiscal year 2000 and such sums as may
14 be necessary for each of the four succeeding fiscal years.

15 “(b) RESERVATION FOR EVALUATION, TECHNICAL
16 ASSISTANCE, AND DISSEMINATION.—From the amount
17 appropriated under subsection (a) for any fiscal year, the
18 Secretary may reserve not more than 5 percent to carry
19 out evaluations under subsection (c), to provide technical
20 assistance, and to disseminate information.

21 “(c) EVALUATIONS.—The Secretary may use funds
22 reserved under subsection (b) to carry out one or more
23 evaluations of programs assisted under this part, which
24 shall, at a minimum, address—

1 “(1) how, and the extent to which, the pro-
2 grams supported with funds under this part promote
3 educational equity and excellence; and

4 “(2) the extent to which public schools of choice
5 supported with funds under this part are—

6 “(A) held accountable to the public;

7 “(B) effective in improving public edu-
8 cation; and

9 “(C) open and accessible to all students.

10 **“SEC. 5207. DEFINITIONS.**

11 “For purposes of this part:

12 “(1) **HIGH-POVERTY LOCAL EDUCATIONAL**
13 **AGENCY.**—The term ‘high-poverty local educational
14 agency’ means a local educational agency in which—

15 “(A) the percentage of children, ages 5 to
16 17, from families with incomes below the pov-
17 erty line (as defined by the Office of Manage-
18 ment and Budget and revised annually in ac-
19 cordance with section 673(2) of the Community
20 Services Block Grant Act (42 U.S.C. 9902(2)))
21 applicable to a family of the size involved for
22 the most recent fiscal year for which satisfac-
23 tory data are available is 20 percent or greater;
24 or

1 “(B) the number of such children exceeds
2 10,000.

3 “(2) OTHER TERMS.—Other terms used in this
4 part shall have the meaning given such terms in sec-
5 tion 14101 (20 U.S.C. 8801).

6 **“PART C—WOMEN’S EDUCATIONAL EQUITY**

7 **“SEC. 5301. SHORT TITLE; FINDINGS.**

8 “(a) SHORT TITLE.—This part may be cited as the
9 ‘Women’s Educational Equity Act of 1994’.

10 “(b) FINDINGS.—The Congress finds that—

11 “(1) since the enactment of title IX of the Edu-
12 cation Amendments of 1972, women and girls have
13 made strides in educational achievement and in their
14 ability to avail themselves of educational opportuni-
15 ties;

16 “(2) because of funding provided under the
17 Women’s Educational Equity Act, more curricula,
18 training, and other educational materials concerning
19 educational equity for women and girls are available
20 for national dissemination;

21 “(3) teaching and learning practices in the
22 United States are frequently inequitable as such
23 practices relate to women and girls, for example—

24 “(A) sexual harassment, particularly that
25 experienced by girls, undermines the ability of

1 schools to provide a safe and equitable learning
2 or workplace environment;

3 “(B) classroom textbooks and other edu-
4 cational materials do not sufficiently reflect the
5 experiences, achievements, or concerns of
6 women and, in most cases, are not written by
7 women or persons of color;

8 “(C) girls do not take as many mathe-
9 matics and science courses as boys, girls lose
10 confidence in their mathematics and science
11 ability as girls move through adolescence, and
12 there are few women role models in the
13 sciences;

14 “(D) the low number of girls taking higher
15 level computer science courses leading to tech-
16 nical careers, and the low degree of participa-
17 tion of women in the development of education
18 technology, will perpetuate a cycle of disadvan-
19 tage for girls in elementary schools and sec-
20 ondary schools as technology is increasingly in-
21 tegrated into the classroom; and

22 “(E) pregnant and parenting teenagers are
23 at high risk for dropping out of school and ex-
24 isting dropout prevention programs do not ade-
25 quately address the needs of such teenagers;

1 “(4) efforts to improve the quality of public
2 education also must include efforts to ensure equal
3 access to quality education programs for all women
4 and girls;

5 “(5) Federal support should address not only
6 research and development of innovative model cur-
7 ricula and teaching and learning strategies to pro-
8 mote gender equity, but should also assist schools
9 and local communities implement gender equitable
10 practices;

11 “(6) Federal assistance for gender equity must
12 be tied to systemic reform, involve collaborative ef-
13 forts to implement effective gender practices at the
14 local level, and encourage parental participation; and

15 “(7) excellence in education, high educational
16 achievements and standards, and the full participa-
17 tion of women and girls in American society, cannot
18 be achieved without educational equity for women
19 and girls.

20 **“SEC. 5302. STATEMENT OF PURPOSES.**

21 “‘It is the purpose of this part—

22 “(1) to promote gender equity in education in
23 the United States;

24 “(2) to provide financial assistance to enable
25 educational agencies and institutions to meet the re-

1 requirements of title IX of the Educational Amend-
2 ments of 1972; and

3 “(3) to promote equity in education for women
4 and girls who suffer from multiple forms of discrimi-
5 nation based on sex, race, ethnic origin, limited-
6 English proficiency, disability, or age.

7 **“SEC. 5303. PROGRAMS AUTHORIZED.**

8 “(a) IN GENERAL.—The Secretary is authorized—

9 “(1) to promote, coordinate, and evaluate gen-
10 der equity policies, programs, activities and initia-
11 tives in all Federal education programs and offices;

12 “(2) to develop, maintain, and disseminate ma-
13 terials, resources, analyses, and research relating to
14 education equity for women and girls;

15 “(3) to provide information and technical as-
16 sistance to assure the effective implementation of
17 gender equity programs;

18 “(4) to coordinate gender equity programs and
19 activities with other Federal agencies with jurisdic-
20 tion over education and related programs;

21 “(5) to assist the Assistant Secretary of the Of-
22 fice of Educational Research and Improvement in
23 identifying research priorities related to education
24 equity for women and girls; and

1 “(6) to perform any other activities consistent
2 with achieving the purposes of this part.

3 “(b) GRANTS AUTHORIZED.—

4 “(1) IN GENERAL.—The Secretary is authorized
5 to make grants to, and enter into contracts and co-
6 operative agreements with, public agencies, private
7 nonprofit agencies, organizations, institutions, stu-
8 dent groups, community groups, and individuals, for
9 a period not to exceed four years, to—

10 “(A) provide grants to develop model eq-
11 uity programs;

12 “(B) provide funds for the implementation
13 of equity programs in schools throughout the
14 Nation; and

15 “(C) provide grants to local educational
16 agencies in communities with an historic tie to
17 a major leader in the women’s suffrage move-
18 ment to educate its students about the signifi-
19 cance of the community’s significant former
20 resident.

21 “(2) SUPPORT AND TECHNICAL ASSISTANCE.—

22 To achieve the purposes of this part, the Secretary
23 is authorized to provide support and technical
24 assistance—

1 “(A) to implement effective gender-equity
2 policies and programs at all educational levels,
3 including—

4 “(i) assisting educational agencies and
5 institutions to implement policies and prac-
6 tices to comply with title IX of the Edu-
7 cation Amendments of 1972;

8 “(ii) training for teachers, counselors,
9 administrators, and other school personnel,
10 especially preschool and elementary school
11 personnel, in gender equitable teaching and
12 learning practices;

13 “(iii) leadership training for women
14 and girls to develop professional and mar-
15 ketable skills to compete in the global mar-
16 ketplace, improve self-esteem, and benefit
17 from exposure to positive role models;

18 “(iv) school-to-work transition pro-
19 grams, guidance and counseling activities,
20 and other programs to increase opportuni-
21 ties for women and girls to enter a techno-
22 logically demanding workplace and, in par-
23 ticular, to enter highly skilled, high paying
24 careers in which women and girls have
25 been underrepresented;

1 “(v) enhancing educational and career
2 opportunities for those women and girls
3 who suffer multiple forms of discrimina-
4 tion, based on sex and on race, ethnic ori-
5 gin, limited-English proficiency, disability,
6 socioeconomic status, or age;

7 “(vi) assisting pregnant students and
8 students rearing children to remain in or
9 to return to secondary school, graduate,
10 and prepare their preschool children to
11 start school;

12 “(vii) evaluating exemplary model pro-
13 grams to assess the ability of such pro-
14 grams to advance educational equity for
15 women and girls;

16 “(viii) introduction into the classroom
17 of textbooks, curricula, and other materials
18 designed to achieve equity for women and
19 girls;

20 “(ix) programs and policies to address
21 sexual harassment and violence against
22 women and girls and to ensure that edu-
23 cational institutions are free from threats
24 to the safety of students and personnel;

1 “(x) nondiscriminatory tests of apti-
2 tude and achievement and of alternative
3 assessments that eliminate biased assess-
4 ment instruments from use;

5 “(xi) programs to increase educational
6 opportunities, including higher education,
7 vocational training, and other educational
8 programs for low-income women, including
9 underemployed and unemployed women,
10 and women receiving assistance under a
11 State program funded under part A of title
12 IV of the Social Security Act;

13 “(xii) programs to improve represen-
14 tation of women in educational administra-
15 tion at all levels; and

16 “(xiii) planning, development and ini-
17 tial implementation of—

18 “(I) comprehensive institution- or
19 districtwide evaluation to assess the
20 presence or absence of gender equity
21 in educational settings;

22 “(II) comprehensive plans for im-
23 plementation of equity programs in
24 State and local educational agencies

1 and institutions of higher education;
2 including community colleges; and

3 “(III) innovative approaches to
4 school-community partnerships for
5 educational equity;

6 “(B) for research and development, which
7 shall be coordinated with each of the research
8 institutes of the Office of Educational Research
9 and Improvement to avoid duplication of re-
10 search efforts, designed to advance gender eq-
11 uity nationwide and to help make policies and
12 practices in educational agencies and institu-
13 tions, and local communities, gender equitable,
14 including—

15 “(i) research and development of inno-
16 vative strategies and model training pro-
17 grams for teachers and other education
18 personnel;

19 “(ii) the development of high quality
20 and challenging assessment instruments
21 that are nondiscriminatory;

22 “(iii) the development and evaluation
23 of model curricula, textbooks, software,
24 and other educational materials to ensure

1 the absence of gender stereotyping and
2 bias;

3 “(iv) the development of instruments
4 and procedures that employ new and inno-
5 vative strategies to assess whether diverse
6 educational settings are gender equitable;

7 “(v) the development of instruments
8 and strategies for evaluation, dissemina-
9 tion, and replication of promising or exem-
10 plary programs designed to assist local
11 educational agencies in integrating gender
12 equity in their educational policies and
13 practices;

14 “(vi) updating high quality edu-
15 cational materials previously developed
16 through awards made under this part;

17 “(vii) the development of policies and
18 programs to address and prevent sexual
19 harassment and violence to ensure that
20 educational institutions are free from
21 threats to safety of students and per-
22 sonnel;

23 “(viii) the development and improve-
24 ment of programs and activities to increase
25 opportunity for women, including con-

1 continuing educational activities, vocational
2 education, and programs for low-income
3 women, including underemployed and un-
4 employed women, and women receiving as-
5 sistance under the State program funded
6 under part A of title IV of the Social Secu-
7 rity Act; and

8 “(ix) the development of guidance and
9 counseling activities, including career edu-
10 cation programs, designed to ensure gen-
11 der equity.

12 **“SEC. 5304. APPLICATIONS.**

13 “An application under this part shall—

14 “(1) set forth policies and procedures that will
15 ensure a comprehensive evaluation of the activities
16 assisted under this part, including an evaluation of
17 the practices, policies, and materials used by the ap-
18 plicant and an evaluation or estimate of the contin-
19 ued significance of the work of the project following
20 completion of the award period;

21 “(2) where appropriate, demonstrate how funds
22 received under this part will be used to promote the
23 attainment of one or more of the National Edu-
24 cation Goals;

1 “(3) demonstrate how the applicant will address
2 perceptions of gender roles based on cultural dif-
3 ferences or stereotypes;

4 “(4) where appropriate, describe how funds
5 under this part will be used in a manner that is con-
6 sistent with programs under the School-to-Work Op-
7 portunities Act of 1994;

8 “(5) for applications for assistance under sec-
9 tion 5303(b)(1), demonstrate how the applicant will
10 foster partnerships and, where applicable, share re-
11 sources with State educational agencies, local edu-
12 cational agencies, institutions of higher education,
13 community-based organizations (including organiza-
14 tions serving women), parent, teacher, and student
15 groups, businesses or other recipients of Federal
16 educational funding which may include State literacy
17 resource centers;

18 “(6) for applications for assistance under sec-
19 tion 5303(b)(1), demonstrate how parental involve-
20 ment in the project will be encouraged; and

21 “(7) for applications for assistance under sec-
22 tion 5303(b)(1), describe plans for continuation of
23 the activities assisted under this part with local sup-
24 port following completion of the grant period and
25 termination of Federal support under this part.

1 **“SEC. 5305. CRITERIA AND PRIORITIES.**

2 “(a) CRITERIA AND PRIORITIES.—

3 “(1) IN GENERAL.—The Secretary shall estab-
4 lish separate criteria and priorities for awards under
5 paragraphs (1) and (2) of section 5303(b) to ensure
6 that funds under this part are used for programs
7 that most effectively will achieve the purposes of this
8 part.

9 “(2) CRITERIA.—The criteria described in sub-
10 section (a) may include the extent to which the ac-
11 tivities assisted under this part—

12 “(A) address the needs of women and girls
13 of color and women and girls with disabilities;

14 “(B) meet locally defined and documented
15 educational equity needs and priorities, includ-
16 ing compliance with title IX of the Education
17 Amendments of 1972;

18 “(C) are a significant component of a com-
19 prehensive plan for educational equity and com-
20 pliance with title IX of the Education Amend-
21 ments of 1972 in the particular school district,
22 institution of higher education, vocational-tech-
23 nical institution, or other educational agency or
24 institution; and

25 “(D) implement an institutional change
26 strategy with long-term impact that will con-

1 tinue as a central activity of the applicant after
2 the grant under this part has terminated.

3 “(b) PRIORITIES.—In approving applications under
4 this part, the Secretary may give special consideration to
5 applications—

6 “(1) submitted by applicants that have not re-
7 ceived assistance under this part or under part C of
8 title IX of this Act (as such part was in effect on
9 October 1, 1988);

10 “(2) for projects that will contribute signifi-
11 cantly to directly improving teaching and learning
12 practices in the local community; and

13 “(3) for projects that will—

14 “(A) provide for a comprehensive approach
15 to enhancing gender equity in educational insti-
16 tutions and agencies;

17 “(B) draw on a variety of resources, in-
18 cluding the resources of local educational agen-
19 cies, community-based organizations, institu-
20 tions of higher education, and private organiza-
21 tions;

22 “(C) implement a strategy with long-term
23 impact that will continue as a central activity of
24 the applicant after the grant under this part
25 has terminated;

1 “(D) address issues of national signifi-
2 cance that can be duplicated; and

3 “(E) address the educational needs of
4 women and girls who suffer multiple or com-
5 pound discrimination based on sex and on race,
6 ethnic origin, disability, or age.

7 “(c) SPECIAL RULE.—To the extent feasible, the Sec-
8 retary shall ensure that grants awarded under this part
9 for each fiscal year address—

10 “(1) all levels of education, including preschool,
11 elementary and secondary education, higher edu-
12 cation, vocational education, and adult education;

13 “(2) all regions of the United States; and

14 “(3) urban, rural, and suburban educational in-
15 stitutions.

16 “(d) COORDINATION.—Research activities supported
17 under this part—

18 “(1) shall be carried out in consultation with
19 the Office of Educational Research and Improve-
20 ment to ensure that such activities are coordinated
21 with and enhance the research and development ac-
22 tivities supported by the Office; and

23 “(2) may include collaborative research activi-
24 ties which are jointly funded and carried out with

1 the Office of Educational Research and Improve-
2 ment.

3 “(e) LIMITATION.—Nothing in this part shall be con-
4 strued as prohibiting men and boys from participating in
5 any programs or activities assisted with funds under this
6 part.

7 **“SEC. 5306. REPORT.**

8 “The Secretary, not later than January 1, 2004, shall
9 submit to the President and Congress a report on the sta-
10 tus of educational equity for girls and women in the Na-
11 tion.

12 **“SEC. 5307. ADMINISTRATION.**

13 “(a) EVALUATION; DISSEMINATION; REPORT.—The
14 Secretary—

15 “(1) shall evaluate, in accordance with section
16 14701, materials and programs developed under this
17 part;

18 “(2) shall disseminate materials and programs
19 developed under this part; and

20 “(3) shall report to Congress regarding such
21 evaluation, materials, and programs not later than
22 January 1, 2003.

23 “(b) PROGRAM OPERATIONS.—The Secretary shall
24 ensure that the activities assisted under this part are ad-
25 ministered within the Department by a person who has

1 recognized professional qualifications and experience in
2 the field of gender equity education.

3 **“SEC. 5308. AUTHORIZATION OF APPROPRIATIONS.**

4 “For the purpose of carrying out this part, there are
5 authorized to be appropriated \$5,000,000 for fiscal year
6 2000 and such sums as may be necessary for each of the
7 four succeeding fiscal years, of which not less than two-
8 thirds of the amount appropriated under this section for
9 each fiscal year shall be available to carry out the activities
10 described in section 5303(b)(1).”.

11 **SEC. 202. CONTINUATION OF AWARDS.**

12 Notwithstanding the amendment made by section
13 201, any local educational agency or consortium of such
14 agencies that was awarded a grant under section 5111 of
15 the Elementary and Secondary Education Act of 1965 (20
16 U.S.C. 7211) prior to the date of the enactment of this
17 Act shall continue to receive funds in accordance with the
18 terms of such award until the date on which the award
19 period terminates under such terms.

20 **TITLE III—TEACHER LIABILITY**
21 **PROTECTION**

22 **SEC. 301. TEACHER LIABILITY PROTECTION.**

23 The Elementary and Secondary Education Act of
24 1965 (20 U.S.C 6301 et seq.) is amended by adding at
25 the end the following:

1 **“TITLE XV—TEACHER LIABILITY**
2 **PROTECTION**

3 **“SEC. 15001. SHORT TITLE.**

4 “This title may be cited as the ‘Teacher Liability Pro-
5 tection Act of 1999’.

6 **“SEC. 15002. FINDINGS AND PURPOSE.**

7 “(a) FINDINGS.—Congress makes the following find-
8 ings:

9 “(1) The ability of teachers, principals and
10 other school professionals to teach, inspire and
11 shape the intellect of our Nation’s elementary and
12 secondary school students is deterred and hindered
13 by frivolous lawsuits and litigation.

14 “(2) Each year more and more teachers, prin-
15 cipals and other school professionals face lawsuits
16 for actions undertaken as part of their duties to pro-
17 vide millions of school children quality educational
18 opportunities.

19 “(3) Too many teachers, principals and other
20 school professionals face increasingly severe and ran-
21 dom acts of violence in the classroom and in schools.

22 “(4) Providing teachers, principals and other
23 school professionals a safe and secure environment is
24 an important part of the effort to improve and ex-
25 pand educational opportunities.

1 State law that provides additional protection from liability
2 relating to teachers.

3 “(b) ELECTION OF STATE REGARDING NONAPPLICA-
4 BILITY.—This title shall not apply to any civil action in
5 a State court against a teacher in which all parties are
6 citizens of the State if such State enacts a statute in ac-
7 cordance with State requirements for enacting
8 legislation—

9 “(1) citing the authority of this subsection;

10 “(2) declaring the election of such State that
11 this title shall not apply, as of a date certain, to
12 such civil action in the State; and

13 “(3) containing no other provisions.

14 **“SEC. 15004. LIMITATION ON LIABILITY FOR TEACHERS.**

15 “(a) LIABILITY PROTECTION FOR TEACHERS.—Ex-
16 cept as provided in subsections (b) and (c), no teacher in
17 a school shall be liable for harm caused by an act or omis-
18 sion of the teacher on behalf of the school if—

19 “(1) the teacher was acting within the scope of
20 the teacher’s employment or responsibilities related
21 to providing educational services;

22 “(2) the actions of the teacher were carried out
23 in conformity with local, State, and Federal laws,
24 rules and regulations in furtherance of efforts to

1 control, discipline, expel, or suspend a student or
2 maintain order or control in the classroom or school;

3 “(3) if appropriate or required, the teacher was
4 properly licensed, certified, or authorized by the ap-
5 propriate authorities for the activities or practice in
6 the State in which the harm occurred, where the ac-
7 tivities were or practice was undertaken within the
8 scope of the teacher’s responsibilities;

9 “(4) the harm was not caused by willful or
10 criminal misconduct, gross negligence, reckless mis-
11 conduct, or a conscious, flagrant indifference to the
12 rights or safety of the individual harmed by the
13 teacher; and

14 “(5) the harm was not caused by the teacher
15 operating a motor vehicle, vessel, aircraft, or other
16 vehicle for which the State requires the operator or
17 the owner of the vehicle, craft, or vessel to—

18 “(A) possess an operator’s license; or

19 “(B) maintain insurance.

20 “(b) CONCERNING RESPONSIBILITY OF TEACHERS
21 TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing
22 in this section shall be construed to affect any civil action
23 brought by any school or any governmental entity against
24 any teacher of such school.

1 “(c) EXCEPTIONS TO TEACHER LIABILITY PROTEC-
2 TION.—If the laws of a State limit teacher liability subject
3 to one or more of the following conditions, such conditions
4 shall not be construed as inconsistent with this section:

5 “(1) A State law that requires a school or gov-
6 ernmental entity to adhere to risk management pro-
7 cedures, including mandatory training of teachers.

8 “(2) A State law that makes the school or gov-
9 ernmental entity liable for the acts or omissions of
10 its teachers to the same extent as an employer is lia-
11 ble for the acts or omissions of its employees.

12 “(3) A State law that makes a limitation of li-
13 ability inapplicable if the civil action was brought by
14 an officer of a State or local government pursuant
15 to State or local law.

16 “(d) LIMITATION ON PUNITIVE DAMAGES BASED ON
17 THE ACTIONS OF TEACHERS.—

18 “(1) GENERAL RULE.—Punitive damages may
19 not be awarded against a teacher in an action
20 brought for harm based on the action of a teacher
21 acting within the scope of the teacher’s responsibil-
22 ities to a school or governmental entity unless the
23 claimant establishes by clear and convincing evidence
24 that the harm was proximately caused by an action
25 of such teacher which constitutes willful or criminal

1 misconduct, or a conscious, flagrant indifference to
2 the rights or safety of the individual harmed.

3 “(2) CONSTRUCTION.—Paragraph (1) does not
4 create a cause of action for punitive damages and
5 does not preempt or supersede any Federal or State
6 law to the extent that such law would further limit
7 the award of punitive damages.

8 “(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

9 “(1) IN GENERAL.—The limitations on the li-
10 ability of a teacher under this title shall not apply
11 to any misconduct that—

12 “(A) constitutes a crime of violence (as
13 that term is defined in section 16 of title 18,
14 United States Code) or act of international ter-
15 rorism (as that term is defined in section 2331
16 of title 18, United States Code) for which the
17 defendant has been convicted in any court;

18 “(B) involves a sexual offense, as defined
19 by applicable State law, for which the defendant
20 has been convicted in any court;

21 “(C) involves misconduct for which the de-
22 fendant has been found to have violated a Fed-
23 eral or State civil rights law; or

24 “(D) where the defendant was under the
25 influence (as determined pursuant to applicable

1 State law) of intoxicating alcohol or any drug at
2 the time of the misconduct.

3 “(2) RULE OF CONSTRUCTION.—Nothing in
4 this subsection shall be construed to effect sub-
5 section (a)(3) or (d).

6 **“SEC. 15005. LIABILITY FOR NONECONOMIC LOSS.**

7 “(a) GENERAL RULE.—In any civil action against a
8 teacher, based on an action of a teacher acting within the
9 scope of the teacher’s responsibilities to a school or gov-
10 ernmental entity, the liability of the teacher for non-
11 economic loss shall be determined in accordance with sub-
12 section (b).

13 “(b) AMOUNT OF LIABILITY.—

14 “(1) IN GENERAL.—Each defendant who is a
15 teacher, shall be liable only for the amount of non-
16 economic loss allocated to that defendant in direct
17 proportion to the percentage of responsibility of that
18 defendant (determined in accordance with paragraph
19 (2)) for the harm to the claimant with respect to
20 which that defendant is liable. The court shall
21 render a separate judgment against each defendant
22 in an amount determined pursuant to the preceding
23 sentence.

24 “(2) PERCENTAGE OF RESPONSIBILITY.—For
25 purposes of determining the amount of noneconomic

1 loss allocated to a defendant who is a teacher under
2 this section, the trier of fact shall determine the per-
3 centage of responsibility of that defendant for the
4 claimant's harm.

5 **“SEC. 15006. DEFINITIONS.**

6 For purposes of this title:

7 “(1) **ECONOMIC LOSS.**—The term ‘economic
8 loss’ means any pecuniary loss resulting from harm
9 (including the loss of earnings or other benefits re-
10 lated to employment, medical expense loss, replace-
11 ment services loss, loss due to death, burial costs,
12 and loss of business or employment opportunities) to
13 the extent recovery for such loss is allowed under ap-
14 plicable State law.

15 “(2) **HARM.**—The term ‘harm’ includes phys-
16 ical, nonphysical, economic, and noneconomic losses.

17 “(3) **NONECONOMIC LOSSES.**—The term ‘non-
18 economic losses’ means losses for physical and emo-
19 tional pain, suffering, inconvenience, physical im-
20 pairment, mental anguish, disfigurement, loss of en-
21 joyment of life, loss of society and companionship,
22 loss of consortium (other than loss of domestic serv-
23 ice), hedonic damages, injury to reputation and all
24 other nonpecuniary losses of any kind or nature.

1 “(4) SCHOOL.—The term ‘school’ means a pub-
2 lic or private kindergarten, a public or private ele-
3 mentary school or secondary school (as defined in
4 section 14101, or a home school.

5 “(5) STATE.—The term ‘State’ means each of
6 the several States of the United States, the District
7 of Columbia, the Commonwealth of Puerto Rico, the
8 United States Virgin Islands, Guam, American
9 Samoa, the Commonwealth of the Northern Mariana
10 Islands, any other territory or possession of the
11 United States, or any political subdivision of any
12 such State, territory, or possession.

13 “(6) TEACHER.—The term ‘teacher’ means a
14 teacher, instructor, principal, administrator, or other
15 educational professional that works in a school, a
16 local school board and any member of such board,
17 and a local educational agency and any employee of
18 such agency.

19 **“SEC. 15007. EFFECTIVE DATE.**

20 “(a) IN GENERAL.—This title shall take effect 90
21 days after the date of the enactment of the Student Re-
22 sults Act of 1999.

23 “(b) APPLICATION.—This title applies to any claim
24 for harm caused by an act or omission of a teacher if that
25 claim is filed on or after the effective date of the Student

1 Results Act of 1999, without regard to whether the harm
 2 that is the subject of the claim or the conduct that caused
 3 the harm occurred before such effective date.”.

4 **TITLE IV—INDIAN, NATIVE HA-**
 5 **WAIIAN, AND ALASKA NATIVE**
 6 **EDUCATION**

7 **Subtitle A—Elementary and**
 8 **Secondary Education Act of 1965**

9 **SEC. 401. AMENDMENTS.**

10 Part A of title IX of the Elementary and Secondary
 11 Education Act of 1965 (20 U.S.C. 7801 et seq.) is amend-
 12 ed to read as follows:

13 **“PART A—INDIAN EDUCATION**

14 **“SEC. 9101. FINDINGS.**

15 “Congress finds that—

16 “(1) the Federal Government has a special re-
 17 sponsibility to ensure that educational programs for
 18 all American Indian and Alaska Native children and
 19 adults—

20 “(A) are based on high-quality, inter-
 21 nationally competitive content standards and
 22 student performance standards and build on In-
 23 dian culture and the Indian community;

24 “(B) assist local educational agencies, In-
 25 dian tribes, and other entities and individuals in

1 providing Indian students the opportunity to
2 achieve such standards; and

3 “(C) meet the unique educational and cul-
4 turally related academic needs of American In-
5 dian and Alaska Native students;

6 “(2) since the date of the enactment of the ini-
7 tial Indian Education Act in 1972, the level of in-
8 volvement of Indian parents in the planning, devel-
9 opment, and implementation of educational pro-
10 grams that affect such parents and their children
11 has increased significantly, and schools should con-
12 tinue to foster such involvement;

13 “(3) although the number of Indian teachers,
14 administrators, and university professors has in-
15 creased since 1972, teacher training programs are
16 not recruiting, training, or retraining a sufficient
17 number of Indian individuals as educators to meet
18 the needs of a growing Indian student population in
19 elementary, secondary, vocational, adult, and higher
20 education;

21 “(4) the dropout rate for Indian students is un-
22 acceptably high; 9 percent of Indian students who
23 were eighth graders in 1988 had dropped out of
24 school by 1990;

1 “(5) during the period from 1980 to 1990, the
2 percentage of Indian individuals living at or below
3 the poverty level increased from 24 percent to 31
4 percent, and the readiness of Indian children to
5 learn is hampered by the high incidence of poverty,
6 unemployment, and health problems among Indian
7 children and their families; and

8 “(6) research related specifically to the edu-
9 cation of Indian children and adults is very limited,
10 and much of the research is of poor quality or is fo-
11 cused on limited local or regional issues.

12 **“SEC. 9102. PURPOSE.**

13 “(a) PURPOSE.—It is the purpose of this part to sup-
14 port the efforts of local educational agencies, Indian tribes
15 and organizations, postsecondary institutions, and other
16 entities to meet the unique educational and culturally re-
17 lated academic needs of American Indians and Alaska Na-
18 tives, so that such students can achieve to the same chal-
19 lenging State performance standards expected of all other
20 students.

21 “(b) PROGRAMS.—This part carries out the purpose
22 described in subsection (a) by authorizing programs of di-
23 rect assistance for—

1 “(1) ENROLLMENT REQUIREMENTS.—A local
2 educational agency shall be eligible for a grant under
3 this subpart for any fiscal year if the number of In-
4 dian children eligible under section 9117 and who
5 were enrolled in the schools of the agency, and to
6 whom the agency provided free public education,
7 during the preceding fiscal year—

8 “(A) was at least 10; or

9 “(B) constituted not less than 25 percent
10 of the total number of individuals enrolled in
11 the schools of such agency.

12 “(2) EXCLUSION.—The requirement of para-
13 graph (1) shall not apply in Alaska, California, or
14 Oklahoma, or with respect to any local educational
15 agency located on, or in proximity to, a reservation.

16 “(b) INDIAN TRIBES.—

17 “(1) IN GENERAL.—If a local educational agen-
18 cy that is eligible for a grant under this subpart
19 does not establish a parent committee under section
20 9114(e)(4) for such grant, an Indian tribe that rep-
21 represents not less than one-half of the eligible Indian
22 children who are served by such local educational
23 agency may apply for such grant.

24 “(2) SPECIAL RULE.—The Secretary shall treat
25 each Indian tribe applying for a grant pursuant to

1 paragraph (1) as if such Indian tribe were a local
2 educational agency for purposes of this subpart, ex-
3 cept that any such tribe is not subject to section
4 9114(e)(4), section 9118(e), or section 9119.

5 **“SEC. 9113. AMOUNT OF GRANTS.**

6 “(a) AMOUNT OF GRANT AWARDS.—

7 “(1) IN GENERAL.—Except as provided in sub-
8 section (b) and paragraph (2), the Secretary shall
9 allocate to each local educational agency which has
10 an approved application under this subpart an
11 amount equal to the product of—

12 “(A) the number of Indian children who
13 are eligible under section 9117 and served by
14 such agency; and

15 “(B) the greater of—

16 “(i) the average per-pupil expenditure
17 of the State in which such agency is lo-
18 cated; or

19 “(ii) 80 percent of the average per-
20 pupil expenditure in the United States.

21 “(2) REDUCTION.—The Secretary shall reduce
22 the amount of each allocation determined under
23 paragraph (1) in accordance with subsection (e).

24 “(b) MINIMUM GRANT.—

1 “(1) IN GENERAL.—Notwithstanding subsection
2 (e), a local educational agency or an Indian tribe (as
3 authorized under section 9112(b)) that is eligible for
4 a grant under section 9112, and a school that is op-
5 erated or supported by the Bureau of Indian Affairs
6 that is eligible for a grant under subsection (d), that
7 submits an application that is approved by the Sec-
8 retary, shall, subject to appropriations, receive a
9 grant under this subpart in an amount that is not
10 less than \$3,000.

11 “(2) CONSORTIA.—Local educational agencies
12 may form a consortium for the purpose of obtaining
13 grants under this subpart.

14 “(3) INCREASE.—The Secretary may increase
15 the minimum grant under paragraph (1) to not
16 more than \$4,000 for all grantees if the Secretary
17 determines such increase is necessary to ensure the
18 quality of the programs provided.

19 “(c) DEFINITION.—For the purpose of this section,
20 the term ‘average per-pupil expenditure of a State’ means
21 an amount equal to—

22 “(1) the sum of the aggregate current expendi-
23 tures of all the local educational agencies in the
24 State, plus any direct current expenditures by the
25 State for the operation of such agencies, without re-

1 gard to the sources of funds from which such local
2 or State expenditures were made, during the second
3 fiscal year preceding the fiscal year for which the
4 computation is made; divided by

5 “(2) the aggregate number of children who
6 were included in average daily attendance for whom
7 such agencies provided free public education during
8 such preceding fiscal year.

9 “(d) SCHOOLS OPERATED OR SUPPORTED BY THE
10 BUREAU OF INDIAN AFFAIRS.—(1) Subject to subsection
11 (e), in addition to the grants awarded under subsection
12 (a), the Secretary shall allocate to the Secretary of the
13 Interior an amount equal to the product of—

14 “(A) the total number of Indian children en-
15 rolled in schools that are operated by—

16 “(i) the Bureau of Indian Affairs; or

17 “(ii) an Indian tribe, or an organization
18 controlled or sanctioned by an Indian tribal
19 government, for the children of that tribe under
20 a contract with, or grant from, the Department
21 of the Interior under the Indian Self-Deter-
22 mination Act or the Tribally Controlled Schools
23 Act of 1988; and

24 “(B) the greater of—

1 “(i) the average per-pupil expenditure of
2 the State in which the school is located; or

3 “(ii) 80 percent of the average per-pupil
4 expenditure in the United States.

5 “(2) Any school described in paragraph (1)(A) that
6 wishes to receive an allocation under this subpart shall
7 submit an application in accordance with section 9114,
8 and shall otherwise be treated as a local educational agen-
9 cy for the purpose of this subpart, except that such school
10 shall not be subject to section 9114(c)(4), section 9118(c),
11 or section 9119.

12 “(e) RATABLE REDUCTIONS.—If the sums appro-
13 priated for any fiscal year under section 9162(a) are insuf-
14 ficient to pay in full the amounts determined for local edu-
15 cational agencies under subsection (a)(1) and for the Sec-
16 retary of the Interior under subsection (d), each of those
17 amounts shall be ratably reduced.

18 **“SEC. 9114. APPLICATIONS.**

19 “(a) APPLICATION REQUIRED.—Each local edu-
20 cational agency that desires to receive a grant under this
21 subpart shall submit an application to the Secretary at
22 such time, in such manner, and containing such informa-
23 tion as the Secretary may reasonably require.

24 “(b) COMPREHENSIVE PROGRAM REQUIRED.—Each
25 application submitted under subsection (a) shall include

1 a comprehensive program for meeting the needs of Indian
2 children served by the local educational agency, including
3 the language and cultural needs of the children, that—

4 “(1) provides programs and activities to meet
5 the culturally related academic needs of American
6 Indian and Alaska Native students;

7 “(2)(A) is consistent with State and local plans
8 under other provisions of this Act; and

9 “(B) includes academic content and student
10 performance goals for such children, and bench-
11 marks for attaining such goals, that are based on
12 the challenging State standards under title I;

13 “(3) explains how Federal, State, and local pro-
14 grams, especially under title I, will meet the needs
15 of such students;

16 “(4) demonstrates how funds made available
17 under this subpart will be used for activities de-
18 scribed in section 9115;

19 “(5) describes the professional development op-
20 portunities that will be provided, as needed, to en-
21 sure that—

22 “(A) teachers and other school profes-
23 sionals who are new to the Indian community
24 are prepared to work with Indian children; and

1 “(B) all teachers who will be involved in
2 programs assisted under this subpart have been
3 properly trained to carry out such programs;
4 and

5 “(6) describes how the local educational
6 agency—

7 “(A) will periodically assess the progress of
8 all Indian children enrolled in the schools of the
9 local educational agency, including Indian chil-
10 dren who do not participate in programs as-
11 sisted under this subpart, in meeting the goals
12 described in paragraph (2);

13 “(B) will provide the results of each as-
14 sessment referred to in subparagraph (A) to—

15 “(i) the committee of parents de-
16 scribed in subsection (c)(4); and

17 “(ii) the community served by the
18 local educational agency; and

19 “(C) is responding to findings of any pre-
20 vious assessments that are similar to the as-
21 sessments described in subparagraph (A).

22 “(c) ASSURANCES.—Each application submitted
23 under subsection (a) shall include assurances that—

24 “(1) the local educational agency will use funds
25 received under this subpart only to supplement the

1 level of funds that, in the absence of the Federal
2 funds made available under this subpart, such agen-
3 cy would make available for the education of Indian
4 children, and not to supplant such funds;

5 “(2) the local educational agency will submit
6 such reports to the Secretary, in such form and con-
7 taining such information, as the Secretary may re-
8 quire to—

9 “(A) carry out the functions of the Sec-
10 retary under this subpart; and

11 “(B) determine the extent to which funds
12 provided to the local educational agency under
13 this subpart are effective in improving the edu-
14 cational achievement of Indian students served
15 by such agency;

16 “(3) the program for which assistance is
17 sought—

18 “(A) is based on a comprehensive local as-
19 sessment and prioritization of the unique edu-
20 cational and culturally related academic needs
21 of the American Indian and Alaska Native stu-
22 dents to whom the local educational agency is
23 providing an education;

1 “(B) will use the best available talents and
2 resources, including individuals from the Indian
3 community; and

4 “(C) was developed by such agency in open
5 consultation with parents of Indian children
6 and teachers, and, if appropriate, Indian stu-
7 dents from secondary schools, including public
8 hearings held by such agency to provide the in-
9 dividuals described in this subparagraph a full
10 opportunity to understand the program and to
11 offer recommendations regarding the program;
12 and

13 “(4) the local educational agency developed the
14 program with the participation and written approval
15 of a committee—

16 “(A) that is composed of, and selected
17 by—

18 “(i) parents of Indian children in the
19 local educational agency’s schools and
20 teachers; and

21 “(ii) if appropriate, Indian students
22 attending secondary schools;

23 “(B) a majority of whose members are
24 parents of Indian children;

1 “(C) that sets forth such policies and pro-
2 cedures, including policies and procedures relat-
3 ing to the hiring of personnel, as will ensure
4 that the program for which assistance is sought
5 will be operated and evaluated in consultation
6 with, and with the involvement of, parents of
7 the children, and representatives of the area, to
8 be served;

9 “(D) with respect to an application de-
10 scribing a schoolwide program in accordance
11 with section 9115(c), has—

12 “(i) reviewed in a timely fashion the
13 program; and

14 “(ii) determined that the program will
15 not diminish the availability of culturally
16 related activities for American Indian and
17 Alaskan Native students; and

18 “(E) has adopted reasonable bylaws for
19 the conduct of the activities of the committee
20 and abides by such bylaws.

21 **“SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.**

22 “(a) GENERAL REQUIREMENTS.—Each local edu-
23 cational agency that receives a grant under this subpart
24 shall use the grant funds, in a manner consistent with the

1 purpose specified in section 9111, for services and activi-
2 ties that—

3 “(1) are designed to carry out the comprehen-
4 sive program of the local educational agency for In-
5 dian students, and described in the application of
6 the local educational agency submitted to the Sec-
7 retary under section 9114(b);

8 “(2) are designed with special regard for the
9 language and cultural needs of the Indian students;
10 and

11 “(3) supplement and enrich the regular school
12 program of such agency.

13 “(b) PARTICULAR ACTIVITIES.—The services and ac-
14 tivities referred to in subsection (a) may include—

15 “(1) culturally related activities that support
16 the program described in the application submitted
17 by the local educational agency;

18 “(2) early childhood and family programs that
19 emphasize school readiness;

20 “(3) enrichment programs that focus on prob-
21 lem solving and cognitive skills development and di-
22 rectly support the attainment of challenging State
23 content standards and State student performance
24 standards;

1 “(4) integrated educational services in combina-
2 tion with other programs that meet the needs of In-
3 dian children and their families;

4 “(5) career preparation activities to enable In-
5 dian students to participate in programs such as the
6 programs supported by the Carl D. Perkins Voca-
7 tional and Technical Education Act of 1998, includ-
8 ing programs for tech-prep, mentoring, and appren-
9 ticeship;

10 “(6) activities to educate individuals concerning
11 substance abuse and to prevent substance abuse;

12 “(7) the acquisition of equipment, but only if
13 the acquisition of the equipment is essential to meet
14 the purposes described in section 9111; and

15 “(8) family literacy services.

16 “(c) SCHOOLWIDE PROGRAMS.—Notwithstanding
17 any other provision of law, a local educational agency may
18 use funds made available to such agency under this sub-
19 part to support a schoolwide program under section 1114
20 if—

21 “(1) the committee composed of parents estab-
22 lished pursuant to section 9114(c)(4) approves the
23 use of the funds for the schoolwide program; and

24 “(2) the schoolwide program is consistent with
25 the purposes described in section 9111.

1 “(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not
2 more than 5 percent of the funds provided to a grantee
3 under this subpart for any fiscal year may be used for
4 administrative purposes.

5 **“SEC. 9116. INTEGRATION OF SERVICES AUTHORIZED.**

6 “(a) PLAN.—An entity receiving funds under this
7 subpart may submit a plan to the Secretary for the inte-
8 gration of education and related services provided to In-
9 dian students.

10 “(b) COORDINATION OF PROGRAMS.—Upon the re-
11 ceipt of an acceptable plan, the Secretary, in cooperation
12 with each Federal agency providing grants for the provi-
13 sion of education and related services to the applicant,
14 shall authorize the applicant to coordinate, in accordance
15 with such plan, its federally funded education and related
16 services programs, or portions thereof, serving Indian stu-
17 dents in a manner that integrates the program services
18 involved into a single, coordinated, comprehensive pro-
19 gram and reduces administrative costs by consolidating
20 administrative functions.

21 “(c) PROGRAMS AFFECTED.—The funds that may be
22 consolidated in a demonstration project under any such
23 plan referred to in subsection (b) shall include funds for
24 any Federal program exclusively serving Indian children
25 or the funds reserved under any program to exclusively

1 serve Indian children under which the applicant is eligible
2 for receipt of funds under a statutory or administrative
3 formula for the purposes of providing education and re-
4 lated services which would be used to serve Indian stu-
5 dents.

6 “(d) PLAN REQUIREMENTS.—For a plan to be ac-
7 ceptable pursuant to subsection (b), it shall—

8 “(1) identify the programs or funding sources
9 to be consolidated;

10 “(2) be consistent with the purposes of this sec-
11 tion authorizing the services to be integrated in a
12 demonstration project;

13 “(3) describe a comprehensive strategy which
14 identifies the full range of potential educational op-
15 portunities and related services to be provided to as-
16 sist Indian students to achieve the goals set forth in
17 this subpart;

18 “(4) describe the way in which services are to
19 be integrated and delivered and the results expected
20 from the plan;

21 “(5) identify the projected expenditures under
22 the plan in a single budget;

23 “(6) identify the local, State, or tribal agency
24 or agencies to be involved in the delivery of the serv-
25 ices integrated under the plan;

1 “(7) identify any statutory provisions, regula-
2 tions, policies, or procedures that the applicant be-
3 lieves need to be waived in order to implement its
4 plan;

5 “(8) set forth measures of student achievement
6 and performance goals designed to be met within a
7 specified period of time; and

8 “(9) be approved by a parent committee formed
9 in accordance with section 9114(c)(4), if such a
10 committee exists.

11 “(e) PLAN REVIEW.—Upon receipt of the plan from
12 an eligible entity, the Secretary shall consult with the Sec-
13 retary of each Federal department providing funds to be
14 used to implement the plan, and with the entity submit-
15 ting the plan. The parties so consulting shall identify any
16 waivers of statutory requirements or of Federal depart-
17 mental regulations, policies, or procedures necessary to en-
18 able the applicant to implement its plan. Notwithstanding
19 any other provision of law, the Secretary of the affected
20 department or departments shall have the authority to
21 waive any regulation, policy, or procedure promulgated by
22 that department that has been so identified by the appli-
23 cant or department, unless the Secretary of the affected
24 department determines that such a waiver is inconsistent
25 with the intent of this subpart or those provisions of the

1 statute from which the program involved derives its au-
2 thority which are specifically applicable to Indian stu-
3 dents.

4 “(f) PLAN APPROVAL.—Within 90 days after the re-
5 ceipt of an applicant’s plan by the Secretary, the Secretary
6 shall inform the applicant, in writing, of the Secretary’s
7 approval or disapproval of the plan. If the plan is dis-
8 approved, the applicant shall be informed, in writing, of
9 the reasons for the disapproval and shall be given an op-
10 portunity to amend its plan or to petition the Secretary
11 to reconsider such disapproval.

12 “(g) RESPONSIBILITIES OF DEPARTMENT OF EDU-
13 CATION.—Not later than 180 days after the date of the
14 enactment of the Student Results Act of 1999, the Sec-
15 retary of Education, the Secretary of the Interior, and the
16 head of any other Federal department or agency identified
17 by the Secretary of Education, shall enter into an inter-
18 departmental memorandum of agreement providing for
19 the implementation of the demonstration projects author-
20 ized under this section. The lead agency head for a dem-
21 onstration program under this section shall be—

22 “(1) the Secretary of the Interior, in the case
23 of applicant meeting the definition of contract or
24 grant school under title XI of the Education Amend-
25 ments of 1978; or

1 “(2) the Secretary of Education, in the case of
2 any other applicant.

3 “(h) RESPONSIBILITIES OF LEAD AGENCY.—The re-
4 sponsibilities of the lead agency shall include—

5 “(1) the use of a single report format related
6 to the plan for the individual project which shall be
7 used by an eligible entity to report on the activities
8 undertaken under the project;

9 “(2) the use of a single report format related
10 to the projected expenditures for the individual
11 project which shall be used by an eligible entity to
12 report on all project expenditures;

13 “(3) the development of a single system of Fed-
14 eral oversight for the project, which shall be imple-
15 mented by the lead agency; and

16 “(4) the provision of technical assistance to an
17 eligible entity appropriate to the project, except that
18 an eligible entity shall have the authority to accept
19 or reject the plan for providing such technical assist-
20 ance and the technical assistance provider.

21 “(i) REPORT REQUIREMENTS.—A single report for-
22 mat shall be developed by the Secretary, consistent with
23 the requirements of this section. Such report format, to-
24 gether with records maintained on the consolidated pro-
25 gram at the local level, shall contain such information as

1 will allow a determination that the eligible entity has com-
2 plied with the requirements incorporated in its approved
3 plan, including the demonstration of student achievement,
4 and will provide assurances to each Secretary that the eli-
5 gible entity has complied with all directly applicable statu-
6 tory requirements and with those directly applicable regu-
7 latory requirements which have not been waived.

8 “(j) NO REDUCTION IN AMOUNTS.—In no case shall
9 the amount of Federal funds available to an eligible entity
10 involved in any demonstration project be reduced as a re-
11 sult of the enactment of this section.

12 “(k) INTERAGENCY FUND TRANSFERS AUTHOR-
13 IZED.—The Secretary is authorized to take such action
14 as may be necessary to provide for an interagency transfer
15 of funds otherwise available to an eligible entity in order
16 to further the purposes of this section.

17 “(l) ADMINISTRATION OF FUNDS.—

18 “(1) IN GENERAL.—Program funds shall be ad-
19 ministered in such a manner as to allow for a deter-
20 mination that funds from specific a program or pro-
21 grams are spent on allowable activities authorized
22 under such program, except that the eligible entity
23 shall determine the proportion of the funds granted
24 which shall be allocated to such program.

1 “(2) SEPARATE RECORDS NOT REQUIRED.—

2 Nothing in this section shall be construed as requir-
3 ing the eligible entity to maintain separate records
4 tracing any services or activities conducted under its
5 approved plan to the individual programs under
6 which funds were authorized, nor shall the eligible
7 entity be required to allocate expenditures among
8 such individual programs.

9 “(m) OVERAGE.—All administrative costs may be
10 commingled and participating entities shall be entitled to
11 the full amount of such costs (under each program or de-
12 partment’s regulations), and no overage shall be counted
13 for Federal audit purposes, provided that the overage is
14 used for the purposes provided for under this section.

15 “(n) FISCAL ACCOUNTABILITY.—Nothing in this
16 part shall be construed so as to interfere with the ability
17 of the Secretary or the lead agency to fulfill the respon-
18 sibilities for the safeguarding of Federal funds pursuant
19 to the Single Audit Act of 1984.

20 “(o) REPORT ON STATUTORY OBSTACLES TO PRO-
21 GRAM INTEGRATION.—

22 “(1) PRELIMINARY REPORT.—Not later than 2
23 years after the date of the enactment of the Student
24 Results Act of 1999, the Secretary of Education
25 shall submit a preliminary report to the Committee

1 on Health, Education, Labor, and Pensions of the
2 Senate and the Committee on Education and the
3 Workforce of the House of Representatives on the
4 status of the implementation of the demonstration
5 program authorized under this section.

6 “(2) FINAL REPORT.—Not later than 5 years
7 after the date of the enactment of the Student Re-
8 sults Act of 1999, the Secretary of Education shall
9 submit a report to the Committee on Health, Edu-
10 cation, Labor, and Pensions of the Senate and the
11 Committee on Education and the Workforce of the
12 House of Representatives on the results of the im-
13 plementation of the demonstration program author-
14 ized under this section. Such report shall identify
15 statutory barriers to the ability of participants to in-
16 tegrate more effectively their education and related
17 services to Indian students in a manner consistent
18 with the purposes of this section.

19 “(p) DEFINITIONS.—For the purposes of this section,
20 the term ‘Secretary’ means—

21 “(1) the Secretary of the Interior, in the case
22 of applicant meeting the definition of contract or
23 grant school under title XI of the Education Amend-
24 ments of 1978; or

1 “(2) the Secretary of Education, in the case of
2 any other applicant.

3 **“SEC. 9117. STUDENT ELIGIBILITY FORMS.**

4 “(a) IN GENERAL.—The Secretary shall require that,
5 as part of an application for a grant under this subpart,
6 each applicant shall maintain a file, with respect to each
7 Indian child for whom the local educational agency pro-
8 vides a free public education, that contains a form that
9 sets forth information establishing the status of the child
10 as an Indian child eligible for assistance under this sub-
11 part and that otherwise meets the requirements of subsec-
12 tion (b).

13 “(b) FORMS.—

14 “(1) IN GENERAL.—The form described in sub-
15 section (a) shall include—

16 “(A) either—

17 “(i)(I) the name of the tribe or band
18 of Indians (as described in section
19 9161(3)) with respect to which the child
20 claims membership;

21 “(II) the enrollment number estab-
22 lishing the membership of the child (if
23 readily available); and

24 “(III) the name and address of the
25 organization that maintains updated and

1 accurate membership data for such tribe or
2 band of Indians; or

3 “(ii) if the child is not a member of
4 a tribe or band of Indians, the name, the
5 enrollment number (if readily available),
6 and the organization (and address thereof)
7 responsible for maintaining updated and
8 accurate membership rolls of the tribe of
9 any parent or grandparent of the child
10 from whom the child claims eligibility;

11 “(B) a statement of whether the tribe or
12 band of Indians with respect to which the child,
13 parent, or grandparent of the child claims mem-
14 bership is federally recognized;

15 “(C) the name and address of the parent
16 or legal guardian of the child;

17 “(D) a signature of the parent or legal
18 guardian of the child that verifies the accuracy
19 of the information supplied; and

20 “(E) any other information that the Sec-
21 retary considers necessary to provide an accu-
22 rate program profile.

23 “(2) MINIMUM INFORMATION.—In order for a
24 child to be eligible to be counted for the purpose of
25 computing the amount of a grant award made under

1 section 9113, an eligibility form prepared pursuant
2 to this section for a child shall include—

3 “(A) the name of the child;

4 “(B) the name of the tribe or band of Indi-
5 ans (as described in section 9161(3)) with re-
6 spect to which the child claims eligibility; and

7 “(C) the dated signature of the parent or
8 guardian of the child.

9 “(3) FAILURE.—The failure of an applicant to
10 furnish any information described in this subsection
11 other than the information described in paragraph
12 (2) with respect to any child shall have no bearing
13 on the determination of whether the child is an eligi-
14 ble Indian child for the purposes of determining the
15 amount of a grant award made under section 9113.

16 “(c) STATUTORY CONSTRUCTION.—Nothing in this
17 section shall be construed to affect a definition contained
18 in section 9161.

19 “(d) FORMS AND STANDARDS OF PROOF.—The
20 forms and the standards of proof (including the standard
21 of good faith compliance) that were in use during the
22 1985–1986 academic year to establish the eligibility of a
23 child for entitlement under the Indian Elementary and
24 Secondary School Assistance Act shall be the forms and
25 standards of proof used—

1 “(1) to establish such eligibility; and

2 “(2) to meet the requirements of subsection (a).

3 “(e) DOCUMENTATION.—For purposes of deter-
4 mining whether a child is eligible to be counted for the
5 purpose of computing the amount of a grant under section
6 9113, the membership of the child, or any parent or
7 grandparent of the child, in a tribe or band of Indians
8 may be established by proof other than an enrollment
9 number, notwithstanding the availability of an enrollment
10 number for a member of such tribe or band. Nothing in
11 subsection (b) shall be construed to require the furnishing
12 of an enrollment number.

13 “(f) MONITORING AND EVALUATION REVIEW.—

14 “(1) IN GENERAL.—(A) For each fiscal year, in
15 order to provide such information as is necessary to
16 carry out the responsibility of the Secretary to pro-
17 vide technical assistance under this subpart, the Sec-
18 retary shall conduct a monitoring and evaluation re-
19 view of a sampling of the recipients of grants under
20 this subpart. The sampling conducted under this
21 subparagraph shall take into account the size of the
22 local educational agency and the geographic location
23 of such agency.

24 “(B) A local educational agency may not be
25 held liable to the United States or be subject to any

1 penalty, by reason of the findings of an audit that
2 relates to the date of completion, or the date of sub-
3 mission, of any forms used to establish, before April
4 28, 1988, the eligibility of a child for entitlement
5 under the Indian Elementary and Secondary School
6 Assistance Act.

7 “(2) FALSE INFORMATION.—Any local edu-
8 cational agency that provides false information in an
9 application for a grant under this subpart shall—

10 “(A) be ineligible to apply for any other
11 grant under this part; and

12 “(B) be liable to the United States for any
13 funds that have not been expended.

14 “(3) EXCLUDED CHILDREN.—A student who
15 provides false information for the form required
16 under subsection (a) shall not be counted for the
17 purpose of computing the amount of a grant under
18 section 9113.

19 “(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—
20 Notwithstanding any other provision of this section, in
21 awarding funds under this subpart to a tribal school that
22 receives a grant or contract from the Bureau of Indian
23 Affairs, the Secretary shall use only one of the following,
24 as selected by the school:

1 “(1) A count of the number of students in those
2 schools certified by the Bureau.

3 “(2) A count of the number of students for
4 whom the school has eligibility forms that comply
5 with this section.

6 “(h) TIMING OF CHILD COUNTS.—For purposes of
7 determining the number of children to be counted in calcu-
8 lating the amount of a local educational agency’s grant
9 under this subpart (other than in the case described in
10 subsection (g)(1)), the local educational agency shall—

11 “(1) establish a date on, or a period not longer
12 than 31 consecutive days during which, the agency
13 counts those children, so long as that date or period
14 occurs before the deadline established by the Sec-
15 retary for submitting an application under section
16 9114; and

17 “(2) determine that each such child was en-
18 rolled, and receiving a free public education, in a
19 school of the agency on that date or during that pe-
20 riod, as the case may be.

21 **“SEC. 9118. PAYMENTS.**

22 “(a) IN GENERAL.—Subject to subsections (b) and
23 (c), the Secretary shall pay to each local educational agen-
24 cy that submits an application that is approved by the Sec-
25 retary under this subpart the amount determined under

1 section 9113. The Secretary shall notify the local edu-
2 cational agency of the amount of the payment not later
3 than June 1 of the year for which the Secretary makes
4 the payment.

5 “(b) PAYMENTS TAKEN INTO ACCOUNT BY THE
6 STATE.—The Secretary may not make a grant under this
7 subpart to a local educational agency for a fiscal year if,
8 for such fiscal year, the State in which the local edu-
9 cational agency is located takes into consideration pay-
10 ments made under this subpart in determining the eligi-
11 bility of the local educational agency for State aid, or the
12 amount of the State aid, with respect to the free public
13 education of children during such fiscal year or the pre-
14 ceding fiscal year.

15 “(c) REDUCTION OF PAYMENT FOR FAILURE TO
16 MAINTAIN FISCAL EFFORT.—

17 “(1) IN GENERAL.—The Secretary may not pay
18 a local educational agency the full amount of a grant
19 award determined under section 9113 for any fiscal
20 year unless the State educational agency notifies the
21 Secretary, and the Secretary determines that, with
22 respect to the provision of free public education by
23 the local educational agency for the preceding fiscal
24 year, the combined fiscal effort of the local edu-
25 cational agency and the State, computed on either a

1 per student or aggregate expenditure basis, was not
2 less than 90 percent of the amount of the combined
3 fiscal effort, computed on the same basis, for the
4 second preceding fiscal year.

5 “(2) FAILURE TO MAINTAIN EFFORT.—If, for
6 any fiscal year, the Secretary determines that a local
7 educational agency failed to maintain the fiscal ef-
8 fort of such agency at the level specified in para-
9 graph (1), the Secretary shall—

10 “(A) reduce the amount of the grant that
11 would otherwise be made to such agency under
12 this subpart in the exact proportion of such
13 agency’s failure to maintain its fiscal effort at
14 such level; and

15 “(B) not use the reduced amount of the
16 agency’s expenditures for the preceding year to
17 determine compliance with paragraph (1) for
18 any succeeding fiscal year, but shall use the
19 amount of expenditures that would have been
20 required to comply with paragraph (1).

21 “(3) WAIVER.—(A) The Secretary may waive
22 the requirement of paragraph (1), for not more than
23 1 year at a time, if the Secretary determines that
24 the failure to comply with such requirement is due
25 to exceptional or uncontrollable circumstances, such

1 as a natural disaster or a precipitous and unforeseen
2 decline in the agency's financial resources.

3 “(B) The Secretary shall not use the reduced
4 amount of such agency's expenditures for the fiscal
5 year preceding the fiscal year for which a waiver is
6 granted to determine compliance with paragraph (1)
7 for any succeeding fiscal year, but shall use the
8 amount of expenditures that would have been re-
9 quired to comply with paragraph (1) in the absence
10 of the waiver.

11 “(d) REALLOCATIONS.—The Secretary may reallo-
12 cate, in a manner that the Secretary determines will best
13 carry out the purpose of this subpart, any amounts that—

14 “(1) based on estimates made by local edu-
15 cational agencies or other information, the Secretary
16 determines will not be needed by such agencies to
17 carry out approved programs under this subpart; or

18 “(2) otherwise become available for reallocation
19 under this subpart.

20 **“SEC. 9119. STATE EDUCATIONAL AGENCY REVIEW.**

21 “Before submitting an application to the Secretary
22 under section 9114, a local educational agency shall sub-
23 mit the application to the State educational agency, which
24 may comment on such application. If the State educational
25 agency comments on the application, it shall comment on

1 all applications submitted by local educational agencies in
2 the State and shall provide those comments to the respec-
3 tive local educational agencies, with an opportunity to re-
4 spond.

5 **“Subpart 2—Special Programs and Projects To Im-**
6 **prove Educational Opportunities for Indian**
7 **Children**

8 **“SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
9 **TIES FOR INDIAN CHILDREN.**

10 “(a) PURPOSE.—

11 “(1) IN GENERAL.—It is the purpose of this
12 section to support projects to develop, test, and dem-
13 onstrate the effectiveness of services and programs
14 to improve educational opportunities and achieve-
15 ment of Indian children.

16 “(2) COORDINATION.—The Secretary shall take
17 such actions as are necessary to achieve the coordi-
18 nation of activities assisted under this subpart
19 with—

20 “(A) other programs funded under this
21 Act; and

22 “(B) other Federal programs operated for
23 the benefit of American Indian and Alaska Na-
24 tive children.

1 “(b) ELIGIBLE ENTITIES.—For the purpose of this
2 section, the term ‘eligible entity’ means a State edu-
3 cational agency, local educational agency, Indian tribe, In-
4 dian organization, federally supported elementary and sec-
5 ondary school for Indian students, Indian institution, in-
6 cluding an Indian institution of higher education, or a con-
7 sortium of such institutions.

8 “(c) GRANTS AUTHORIZED.—

9 “(1) IN GENERAL.—The Secretary shall award
10 grants to eligible entities to enable such entities to
11 carry out activities that meet the purpose specified
12 in subsection (a)(1), including—

13 “(A) innovative programs related to the
14 educational needs of educationally disadvan-
15 taged children;

16 “(B) educational services that are not
17 available to such children in sufficient quantity
18 or quality, including remedial instruction, to
19 raise the achievement of Indian children in one
20 or more of the core academic subjects of
21 English, mathematics, science, foreign lan-
22 guages, art, history, and geography;

23 “(C) bilingual and bicultural programs and
24 projects;

1 “(D) special health and nutrition services,
2 and other related activities, that address the
3 unique health, social, and psychological prob-
4 lems of Indian children;

5 “(E) special compensatory and other pro-
6 grams and projects designed to assist and en-
7 courage Indian children to enter, remain in, or
8 reenter school, and to increase the rate of sec-
9 ondary school graduation;

10 “(F) comprehensive guidance, counseling,
11 and testing services;

12 “(G) early childhood and kindergarten pro-
13 grams, including family-based preschool pro-
14 grams that emphasize school readiness and pa-
15 rental skills, and the provision of services to In-
16 dian children with disabilities;

17 “(H) partnership projects between local
18 educational agencies and institutions of higher
19 education that allow secondary school students
20 to enroll in courses at the postsecondary level to
21 aid such students in the transition from sec-
22 ondary school to postsecondary education;

23 “(I) partnership projects between schools
24 and local businesses for career preparation pro-
25 grams designed to provide Indian youth with

1 the knowledge and skills such youth need to
2 make an effective transition from school to a
3 high-skill, high-wage career;

4 “(J) programs designed to encourage and
5 assist Indian students to work toward, and gain
6 entrance into, an institution of higher edu-
7 cation;

8 “(K) family literacy services; or

9 “(L) other services that meet the purpose
10 described in subsection (a)(1).

11 “(2) PROFESSIONAL DEVELOPMENT.—Profes-
12 sional development of teaching professionals and
13 paraprofessional may be a part of any program as-
14 sisted under this section.

15 “(d) GRANT REQUIREMENTS AND APPLICATIONS.—

16 “(1) GRANT REQUIREMENTS.—(A) The Sec-
17 retary may make multiyear grants under this section
18 for the planning, development, pilot operation, or
19 demonstration of any activity described in subsection
20 (c) for a period not to exceed 5 years.

21 “(B) In making multiyear grants under this
22 section, the Secretary shall give priority to applica-
23 tions that present a plan for combining two or more
24 of the activities described in subsection (c) over a
25 period of more than 1 year.

1 “(C) The Secretary shall make a grant payment
2 to an eligible entity after the initial year of the
3 multiyear grant only if the Secretary determines
4 that the eligible entity has made substantial progress
5 in carrying out the activities assisted under the
6 grant in accordance with the application submitted
7 under paragraph (2) and any subsequent modifica-
8 tions to such application.

9 “(D)(i) In addition to awarding the multiyear
10 grants described in subparagraph (A), the Secretary
11 may award grants to eligible entities for the dissemi-
12 nation of exemplary materials or programs assisted
13 under this section.

14 “(ii) The Secretary may award a dissemination
15 grant under this subparagraph if, prior to awarding
16 the grant, the Secretary determines that the mate-
17 rial or program to be disseminated has been ade-
18 quately reviewed and has demonstrated—

19 “(I) educational merit; and

20 “(II) the ability to be replicated.

21 “(2) APPLICATION.—(A) Any eligible entity
22 that desires to receive a grant under this section
23 shall submit an application to the Secretary at such
24 time and in such manner as the Secretary may re-
25 quire.

1 “(B) Each application submitted to the Sec-
2 retary under subparagraph (A), other than an appli-
3 cation for a dissemination grant under paragraph
4 (1)(D), shall contain—

5 “(i) a description of how parents of Indian
6 children and representatives of Indian tribes
7 have been, and will be, involved in developing
8 and implementing the activities for which as-
9 sistance is sought;

10 “(ii) assurances that the applicant will par-
11 ticipate, at the request of the Secretary, in any
12 national evaluation of activities assisted under
13 this section;

14 “(iii) information demonstrating that the
15 proposed program is either a research-based
16 program (which may be a research-based pro-
17 gram that has been modified to be culturally
18 appropriate for the students who will be
19 served);

20 “(iv) a description of how the applicant
21 will incorporate the proposed services into the
22 ongoing school program once the grant period is
23 over; and

24 “(v) such other assurances and informa-
25 tion as the Secretary may reasonably require.

1 “(e) ADMINISTRATIVE COSTS.—Not more than 5 per-
2 cent of the funds provided to a grantee under this subpart
3 for any fiscal year may be used for administrative pur-
4 poses.

5 **“SEC. 9122. PROFESSIONAL DEVELOPMENT FOR TEACHERS**
6 **AND EDUCATION PROFESSIONALS.**

7 “(a) PURPOSES.—The purposes of this section are—

8 “(1) to increase the number of qualified Indian
9 individuals in teaching or other education profes-
10 sions that serve Indian people;

11 “(2) to provide training to qualified Indian indi-
12 viduals to enable such individuals to become teach-
13 ers, administrators, teacher aides, social workers,
14 and ancillary educational personnel; and

15 “(3) to improve the skills of qualified Indian in-
16 dividuals who serve in the capacities described in
17 paragraph (2).

18 “(b) ELIGIBLE ENTITIES.—For the purpose of this
19 section, the term ‘eligible entity’ means—

20 “(1) an institution of higher education, includ-
21 ing an Indian institution of higher education;

22 “(2) a State or local educational agency, in con-
23 sortium with an institution of higher education; and

24 “(3) an Indian tribe or organization, in consor-
25 tium with an institution of higher education.

1 “(c) PROGRAM AUTHORIZED.—The Secretary is au-
2 thORIZED to award grants to eligible entities having applica-
3 tions approved under this section to enable such entities
4 to carry out the activities described in subsection (d).

5 “(d) AUTHORIZED ACTIVITIES.—

6 “(1) IN GENERAL.—Grant funds under this sec-
7 tion shall be used to provide support and training
8 for Indian individuals in a manner consistent with
9 the purposes of this section. Such activities may in-
10 clude but are not limited to, continuing programs,
11 symposia, workshops, conferences, and direct finan-
12 cial support.

13 “(2) SPECIAL RULES.—(A) For education per-
14 sonnel, the training received pursuant to a grant
15 under this section may be inservice or preservice
16 training.

17 “(B) For individuals who are being trained to
18 enter any field other than teaching, the training re-
19 ceived pursuant to a grant under this section shall
20 be in a program that results in a graduate degree.

21 “(e) APPLICATION.—Each eligible entity desiring a
22 grant under this section shall submit an application to the
23 Secretary at such time, in such manner and accompanied
24 by such information, as the Secretary may reasonably re-
25 quire.

1 “(f) SPECIAL RULE.—In making grants under this
2 section, the Secretary—

3 “(1) shall consider the prior performance of the
4 eligible entity; and

5 “(2) may not limit eligibility to receive a grant
6 under this section on the basis of—

7 “(A) the number of previous grants the
8 Secretary has awarded such entity; or

9 “(B) the length of any period during which
10 such entity received such grants.

11 “(g) GRANT PERIOD.—Each grant under this section
12 shall be awarded for a period of not more than 5 years.

13 “(h) SERVICE OBLIGATION.—

14 “(1) IN GENERAL.—The Secretary shall re-
15 quire, by regulation, that an individual who receives
16 training pursuant to a grant made under this
17 section—

18 “(A) perform work—

19 “(i) related to the training received
20 under this section; and

21 “(ii) that benefits Indian people; or

22 “(B) repay all or a prorated part of the as-
23 sistance received.

24 “(2) REPORTING.—The Secretary shall estab-
25 lish, by regulation, a reporting procedure under

1 which a grant recipient under this section shall, not
2 later than 12 months after the date of completion of
3 the training, and periodically thereafter, provide in-
4 formation concerning the compliance of such recipi-
5 ent with the work requirement under paragraph (1).

6 **“Subpart 3—National Research Activities**

7 **“SEC. 9141. NATIONAL ACTIVITIES.**

8 “(a) AUTHORIZED ACTIVITIES.—The Secretary may
9 use funds made available under section 9162(b) for each
10 fiscal year to—

11 “(1) conduct research related to effective ap-
12 proaches for the education of Indian children and
13 adults;

14 “(2) evaluate federally assisted education pro-
15 grams from which Indian children and adults may
16 benefit;

17 “(3) collect and analyze data on the educational
18 status and needs of Indians; and

19 “(4) carry out other activities that are con-
20 sistent with the purpose of this part.

21 “(b) ELIGIBILITY.—The Secretary may carry out any
22 of the activities described in subsection (a) directly or
23 through grants to, or contracts or cooperative agreements
24 with Indian tribes, Indian organizations, State educational
25 agencies, local educational agencies, institutions of higher

1 education, including Indian institutions of higher edu-
2 cation, and other public and private agencies and
3 institutions.

4 “(c) COORDINATION.—Research activities supported
5 under this section—

6 “(1) shall be carried out in consultation with
7 the Office of Educational Research and Improve-
8 ment to assure that such activities are coordinated
9 with and enhance the research and development ac-
10 tivities supported by the Office; and

11 “(2) may include collaborative research activi-
12 ties which are jointly funded and carried out by the
13 Office of Indian Education Programs and the Office
14 of Educational Research and Improvement.

15 **“Subpart 4—Federal Administration**

16 **“SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-
17 CATION.**

18 “(a) MEMBERSHIP.—There is established a National
19 Advisory Council on Indian Education (hereafter in this
20 section referred to as the ‘Council’), which shall—

21 “(1) consist of 15 Indian members, who shall
22 be appointed by the President from lists of nominees
23 furnished, from time-to-time, by Indian tribes and
24 organizations; and

1 “(2) represent different geographic areas of the
2 United States.

3 “(b) DUTIES.—The Council shall—

4 “(1) advise the Secretary concerning the fund-
5 ing and administration (including the development of
6 regulations and administrative policies and prac-
7 tices) of any program, including any program estab-
8 lished under this part—

9 “(A) with respect to which the Secretary
10 has jurisdiction; and

11 “(B)(i) that includes Indian children or
12 adults as participants; or

13 “(ii) that may benefit Indian children or
14 adults;

15 “(2) make recommendations to the Secretary
16 for filling the position of Director of Indian Edu-
17 cation whenever a vacancy occurs; and

18 “(3) submit to the Congress, not later than
19 June 30 of each year, a report on the activities of
20 the Council, including—

21 “(A) any recommendations that the Coun-
22 cil considers appropriate for the improvement of
23 Federal education programs that include Indian
24 children or adults as participants, or that may
25 benefit Indian children or adults; and

1 “(B) recommendations concerning the
2 funding of any program described in subpara-
3 graph (A).

4 **“SEC. 9152. PEER REVIEW.**

5 “The Secretary may use a peer review process to re-
6 view applications submitted to the Secretary under sub-
7 part 2 or 3.

8 **“SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.**

9 “In making grants under subpart 2 or 3, the Sec-
10 retary shall give a preference to Indian tribes, organiza-
11 tions, and institutions of higher education under any pro-
12 gram with respect to which Indian tribes, organizations,
13 and institutions are eligible to apply for grants.

14 **“SEC. 9154. MINIMUM GRANT CRITERIA.**

15 “The Secretary may not approve an application for
16 a grant under subpart 2 unless the application is for a
17 grant that is—

18 “(1) of sufficient size, scope, and quality to
19 achieve the purpose or objectives of such grant; and

20 “(2) based on relevant research findings.

21 **“Subpart 5—Definitions; Authorizations of**

22 **Appropriations**

23 **“SEC. 9161. DEFINITIONS.**

24 “For the purposes of this part:

1 “(1) ADULT.—The term ‘adult’ means an indi-
2 vidual who—

3 “(A) has attained the age of 16 years; or

4 “(B) has attained an age that is greater
5 than the age of compulsory school attendance
6 under an applicable State law.

7 “(2) FREE PUBLIC EDUCATION.—The term
8 ‘free public education’ means education that is—

9 “(A) provided at public expense, under
10 public supervision and direction, and without
11 tuition charge; and

12 “(B) provided as elementary or secondary
13 education in the applicable State or to preschool
14 children.

15 “(3) INDIAN.—The term ‘Indian’ means an in-
16 dividual who is—

17 “(A) a member of an Indian tribe or band,
18 as membership is defined by the tribe or band,
19 including—

20 “(i) any tribe or band terminated
21 since 1940; and

22 “(ii) any tribe or band recognized by
23 the State in which the tribe or band re-
24 sides;

1 “(B) a descendant, in the first or second
2 degree, of an individual described in subpara-
3 graph (A);

4 “(C) considered by the Secretary of the In-
5 terior to be an Indian for any purpose;

6 “(D) an Eskimo, Aleut, or other Alaska
7 Native; or

8 “(E) a member of an organized Indian
9 group that received a grant under the Indian
10 Education Act of 1988 as it was in effect the
11 day preceding the date of the enactment of the
12 Improving America’s Schools Act of 1994.

13 **“SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.**

14 “(a) SUBPART 1.—For the purpose of carrying out
15 subpart 1 of this part, there are authorized to be appro-
16 priated \$62,000,000 for fiscal year 2000, and such sums
17 as may be necessary for each of fiscal years 2001 through
18 2004.

19 “(b) SUBPARTS 2 AND 3.—For the purpose of car-
20 rying out subparts 2 and 3 of this part, there are author-
21 ized to be appropriated \$4,000,000 for fiscal year 2000,
22 and such sums as may be necessary for each of the fiscal
23 years 2001 through 2004.”.

1 **PART B—NATIVE HAWAIIAN EDUCATION**

2 **SEC. 402. NATIVE HAWAIIAN EDUCATION.**

3 Part B of title IX of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 7901 et seq.) is re-
5 pealed.

6 **PART C—ALASKA NATIVE EDUCATION**

7 **SEC. 403. ALASKA NATIVE EDUCATION.**

8 Part C of title IX of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 7931 et seq.) is
10 amended—

11 (1) by repealing sections 9304 through 9306
12 and inserting the following:

13 **“SEC. 9304. PROGRAM AUTHORIZED.**

14 “(a) GENERAL AUTHORITY.—

15 “(1) PROGRAM AUTHORIZED.—The Secretary is
16 authorized to make grants to, or enter into contracts
17 with, Alaska Native organizations, educational enti-
18 ties with experience in developing or operating Alas-
19 ka Native programs or programs of instruction con-
20 ducted in Alaska Native languages, and consortia of
21 such organizations and entities to carry out pro-
22 grams that meet the purpose of this part.

23 “(2) PERMISSIBLE ACTIVITIES.—Programs
24 under this part may include—

1 “(A) the development and implementation
2 of plans, methods, and strategies to improve the
3 education of Alaska Natives;

4 “(B) the development of curricula and edu-
5 cational programs that address the educational
6 needs of Alaska Native students, including—

7 “(i) curriculum materials that reflect
8 the cultural diversity or the contributions
9 of Alaska Natives;

10 “(ii) instructional programs that make
11 use of Native Alaskan languages; and

12 “(iii) networks that introduce success-
13 ful programs, materials, and techniques to
14 urban and rural schools;

15 “(C) professional development activities for
16 educators, including—

17 “(i) programs to prepare teachers to
18 address the cultural diversity and unique
19 needs of Alaska Native students;

20 “(ii) in-service programs to improve
21 the ability of teachers to meet the unique
22 needs of Alaska Native students; and

23 “(iii) recruiting and preparing teach-
24 ers who are Alaska Natives, reside in com-
25 munities with high concentrations of Alas-

1 ka Native students, or are likely to succeed
2 as teachers in isolated, rural communities
3 and engage in cross-cultural instruction;

4 “(D) the development and operation of
5 home instruction programs for Alaska Native
6 preschool children, the purpose of which is to
7 ensure the active involvement of parents in
8 their children’s education from the earliest
9 ages;

10 “(E) family Literacy Services;

11 “(F) the development and operation of stu-
12 dent enrichment programs in science and math-
13 ematics that—

14 “(i) are designed to prepare Alaska
15 Native students from rural areas, who are
16 preparing to enter high school, to excel in
17 science and math; and

18 “(ii) provide appropriate support serv-
19 ices to the families of such students that
20 are needed to enable such students to ben-
21 efit from the program;

22 “(G) research and data collection activities
23 to determine the educational status and needs
24 of Alaska Native children and adults;

1 “(H) other research and evaluation activi-
2 ties related to programs under this part; and

3 “(I) other activities, consistent with the
4 purposes of this part, to meet the educational
5 needs of Alaska Native children and adults.

6 “(3) HOME INSTRUCTION PROGRAMS.—Home
7 instruction programs for Alaska Native preschool
8 children under paragraph (2)(D) may include—

9 “(A) programs for parents and their in-
10 fants, from prenatal through age three;

11 “(B) preschool programs; and

12 “(C) training, education, and support for
13 parents in such areas as reading readiness, ob-
14 servation, story-telling, and critical thinking.—

15 “(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not
16 more than 5 percent of funds provided to a grantee under
17 this section for any fiscal year may be used for administra-
18 tive purposes.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated \$10,000,000 for fiscal
21 year 2000, and such sums as may be necessary for each
22 of the fiscal years 2001 through 2004 to carry out this
23 part.”;

24 (2) in section 9307—

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

3 “(b) APPLICATIONS.—State and local educational
4 agencies may apply for an award under this part only as
5 part of a consortium involving an Alaska Native organiza-
6 tion. This consortium may include other eligible appli-
7 cants.”;

8 (B) by amending subsection (d) to read as
9 follows:

10 “(d) LOCAL EDUCATIONAL AGENCY COORDINA-
11 TION.—Each applicant for an award under this part shall
12 inform each local educational agency serving students who
13 would participate in the project about its application.”;
14 and

15 (C) by striking subsection (e); and
16 (3) by redesignating sections 9307 and 9308 as
17 sections 9305 and 9306, respectively.

18 **Subtitle B—Amendments to the**
19 **Education Amendments of 1978**

20 **SEC. 410. AMENDMENTS TO THE EDUCATIONS AMEND-**
21 **MENTS OF 1978.**

22 Part B of title XI of the Education Amendments of
23 1978 (25 U.S.C. 2001 et seq.) is amended to read as fol-
24 lows:

1 **“PART B—BUREAU OF INDIAN AFFAIRS**

2 **PROGRAMS**

3 **“SEC. 1120. FINDING AND POLICY.**

4 “(a) FINDING.—Congress finds and recognizes that
5 the Federal Government has the sole responsibility for the
6 operation and financial support of the Bureau of Indian
7 Affairs funded school system that it has established on
8 or near Indian reservations and Indian trust lands
9 throughout the Nation for Indian children.

10 “(b) POLICY.—It is the policy of the United States
11 to work in full cooperation with Indian tribes toward the
12 goal of assuring that the programs of the Bureau of In-
13 dian Affairs funded school system are of the highest qual-
14 ity and meet the unique educational and cultural needs
15 of Indian children.

16 **“SEC. 1121. ACCREDITATION AND STANDARDS FOR THE**
17 **BASIC EDUCATION OF INDIAN CHILDREN IN**
18 **BUREAU OF INDIAN AFFAIRS SCHOOLS.**

19 “(a) PURPOSE; DECLARATIONS OF PURPOSES.—

20 “(1) PURPOSE.—The purpose of the standards
21 implemented under this section shall be to afford In-
22 dian students being served by a school funded by the
23 Bureau of Indian Affairs the same opportunities as
24 all other students in the United States to achieve
25 the same challenging State performance standards
26 expected of all students.

1 “(2) DECLARATIONS OF PURPOSES.—Local
2 school boards for schools operated by the Bureau of
3 Indian Affairs, in cooperation and consultation with
4 their tribal governing bodies and their communities,
5 are encouraged to adopt declarations of purposes of
6 education for their communities taking into account
7 the implications of such purposes on education in
8 their communities and for their schools. In adopting
9 such declarations of purpose, the school boards shall
10 consider the effect those declarations may have on
11 the motivation of students and faculties. Such de-
12 clarations shall represent the aspirations of the com-
13 munity for the kinds of people the community would
14 like its children to become, and shall include assur-
15 ances that all learners will become accomplished in
16 things and ways important to them and respected by
17 their parents and communities, shaping worthwhile
18 and satisfying lives for themselves, exemplifying the
19 best values of the community and humankind, and
20 becoming increasingly effective in shaping the char-
21 acter and quality of the world all learners share.
22 These declarations of purpose shall influence the
23 standards for accreditation to be accepted by the
24 schools.

1 “(b) STUDIES AND SURVEYS RELATING TO STAND-
2 ARDS.—Not later than 1 year after the date of the enact-
3 ment of the Student Results Act of 1999, the Secretary,
4 in consultation with the Secretary of Education, consortia
5 of education organizations, and Indian organizations and
6 tribes, and making the fullest use possible of other existing
7 studies, surveys, and plans, shall carry out by contract
8 with an Indian organization, studies and surveys to estab-
9 lish and revise standards for the basic education of Indian
10 children attending Bureau funded schools. Such studies
11 and surveys shall take into account factors such as aca-
12 demic needs, local cultural differences, type and level of
13 language skills, geographic isolation, and appropriate
14 teacher-student ratios for such children, and shall be di-
15 rected toward the attainment of equal educational oppor-
16 tunity for such children.

17 “(c) REVISION OF MINIMUM ACADEMIC STAND-
18 ARDS.—

19 “(1) IN GENERAL.—Not later than 2 years
20 after the date of the enactment of the Student Re-
21 sults Act of 1999, the Secretary shall—

22 “(A) propose revisions to the minimum
23 academic standards published in the Federal
24 Register on September 9, 1995 (50 Fed. Reg.
25 174) for the basic education of Indian children

1 attending Bureau funded schools in accordance
2 with the purpose described in subsection (a)
3 and the findings of the studies and surveys con-
4 ducted under subsection (b);

5 “(B) publish such proposed revisions to
6 such standards in the Federal Register for the
7 purpose of receiving comments from the tribes,
8 tribal school boards, Bureau funded schools,
9 and other interested parties; and

10 “(C) consistent with the provisions of this
11 section and section 1131, take such actions as
12 are necessary to coordinate standards imple-
13 mented under this section with the Comprehen-
14 sive School Reform Plan developed by the Bu-
15 reau and—

16 “(i) with the standards of the im-
17 provement plans for the States in which
18 any school operated by the Bureau of In-
19 dian Affairs is located; or

20 “(ii) in the case where schools oper-
21 ated by the Bureau are within the bound-
22 aries of reservation land of one tribe but
23 within the boundaries of more than one
24 State, with the standards of the State im-

1 provement plan of one such State selected
2 by the tribe.

3 “(2) FURTHER REVISIONS.—Not later than 6
4 months after the close of the comment period, the
5 Secretary shall establish final standards, distribute
6 such standards to all tribes and publish such final
7 standards in the Federal Register. The Secretary
8 shall revise such standards periodically as necessary.
9 Prior to any revision of such final standards, the
10 Secretary shall distribute such proposed revision to
11 all the tribes, and publish such proposed revision in
12 the Federal Register, for the purpose of receiving
13 comments from the tribes and other interested par-
14 ties.

15 “(3) APPLICABILITY OF STANDARDS.—Except
16 as provided in subsection (e), the final standards
17 published under paragraph (2) shall apply to all Bu-
18 reau funded schools not accredited under subsection
19 (f), and may also serve as a model for educational
20 programs for Indian children in public schools.

21 “(4) CONSIDERATIONS WHEN ESTABLISHING
22 AND REVISING STANDARDS.—In establishing and re-
23 vising such standards, the Secretary shall take into
24 account the unique needs of Indian students and

1 support and reinforcement of the specific cultural
2 heritage of each tribe.

3 “(d) ALTERNATIVE OR MODIFIED STANDARDS.—The
4 Secretary shall provide alternative or modified standards
5 in lieu of the standards established under subsection (c),
6 where necessary, so that the programs of each school are
7 in compliance with the minimum accreditation standards
8 required for schools in the State or region where the school
9 is located.

10 “(e) WAIVER OF STANDARDS; ALTERNATIVE STAND-
11 ARDS.—A tribal governing body, or the local school board
12 so designated by the tribal governing body, shall have the
13 local authority to waive, in part or in whole, the standards
14 established under subsection (c) and (d) if such standards
15 are deemed by such body to be inappropriate. The tribal
16 governing body or designated school board shall, not later
17 than 60 days after a waiver under this subsection, submit
18 to the Secretary a proposal for alternative standards that
19 take into account the specific needs of the tribe’s children.
20 Such alternative standards shall be established by the Sec-
21 retary unless specifically rejected by the Secretary for
22 good cause and in writing to the affected tribes or local
23 school board, which rejection shall be final and not subject
24 to review.

1 “(f) ACCREDITATION AND IMPLEMENTATION OF
2 STANDARDS.—

3 “(1) DEADLINE FOR MEETING STANDARDS.—

4 Not later the second academic year after publication
5 of the standards, to the extent necessary funding is
6 provided, all Bureau funded schools shall meet the
7 standards established under subsections (c) and (d)
8 or shall be accredited—

9 “(A) by a tribal accrediting body, if the ac-
10 creditation standards of the tribal accrediting
11 body have been accepted by formal action of the
12 tribal governing body and are equal to or ex-
13 ceed the accreditation standards of the State or
14 region in which the school is located;

15 “(B) by a regional accreditation agency; or

16 “(C) by State accreditation standards for
17 the State in which it is located.

18 “(2) DETERMINATION OF STANDARDS TO BE
19 APPLIED.—The accreditation type or standards ap-
20 plied for each school shall be determined by the
21 school board of the school, in consultation with the
22 Administrator of the school, provided that in the
23 case where the School Board and the Administrator
24 fail to agree on the type of accreditation and stand-
25 ards to apply, the decision of the school board with

1 the approval of the tribal governing body shall be
2 final.

3 “(3) ASSISTANCE TO SCHOOL BOARDS.—The
4 Secretary, through contracts and grants, shall assist
5 school boards of contract or grant schools in imple-
6 mentation of the standards established under sub-
7 sections (c) and (d), if the school boards request
8 that such standards, in part or in whole, be imple-
9 mented.

10 “(4) FISCAL CONTROL AND FUND ACCOUNTING
11 STANDARDS.—The Bureau shall, either directly or
12 through contract with an Indian organization, estab-
13 lish a consistent system of reporting standards for
14 fiscal control and fund accounting for all contract
15 and grant schools. Such standards shall provide data
16 comparable to those used by Bureau operated
17 schools.

18 “(g) ANNUAL PLAN FOR MEETING OF STAND-
19 ARDS.—Except as provided in subsections (e) and (f), the
20 Secretary shall begin to implement the standards estab-
21 lished under this section immediately upon the date of
22 their establishment. On an annual basis, the Secretary
23 shall submit to the appropriate committees of Congress,
24 all Bureau funded schools, and the tribal governing bodies
25 of such schools a detailed plan to bring all Bureau schools

1 and contract or grant schools up to the level required by
2 the applicable standards established under this section.
3 Such plan shall include detailed information on the status
4 of each school's educational program in relation to the ap-
5 plicable standards established under this section, specific
6 cost estimates for meeting such standards at each school
7 and specific timelines for bringing each school up to the
8 level required by such standards.

9 “(h) CLOSURE OR CONSOLIDATION OF SCHOOLS.—

10 “(1) IN GENERAL.—Except as specifically re-
11 quired by statute, no school or peripheral dormitory
12 operated by the Bureau on or after January 1,
13 1992, may be closed or consolidated or have its pro-
14 gram substantially curtailed unless done according
15 to the requirements of this subsection.

16 “(2) EXCEPTIONS.—This subsection shall not
17 apply—

18 “(A) in those cases where the tribal gov-
19 erning body, or the local school board concerned
20 (if so designated by the tribal governing body),
21 requests closure or consolidation; or

22 “(B) when a temporary closure, consolida-
23 tion, or substantial curtailment is required by
24 plant conditions which constitute an immediate
25 hazard to health and safety.

1 “(3) REGULATIONS.—The Secretary shall, by
2 regulation, promulgate standards and procedures for
3 the closure, transfer to another authority, consolida-
4 tion, or substantial curtailment of Bureau schools, in
5 accordance with the requirements of this subsection.

6 “(4) NOTICE.—Whenever closure, transfer to
7 another authority, consolidation, or substantial cur-
8 tailment of a school is under active consideration or
9 review by any division of the Bureau or the Depart-
10 ment of the Interior, the affected tribe, tribal gov-
11 erning body, and designated local school board, will
12 be notified immediately, kept fully and currently in-
13 formed, and afforded an opportunity to comment
14 with respect to such consideration or review. When
15 a formal decision is made to close, transfer to an-
16 other authority, consolidate, or substantially curtail
17 a school, the affected tribe, tribal governing body,
18 and designated school board shall be notified at least
19 6 months prior to the end of the school year pre-
20 ceeding the proposed closure date. Copies of any such
21 notices and information shall be transmitted prompt-
22 ly to the appropriate committees of Congress and
23 published in the Federal Register.

24 “(5) REPORT.—The Secretary shall make a re-
25 port to the appropriate committees of Congress, the

1 affected tribe, and the designated school board de-
2 scribing the process of the active consideration or re-
3 view referred to in paragraph (4). The report shall
4 include a study of the impact of such action on the
5 student population, identify those students with par-
6 ticular educational and social needs, and ensure that
7 alternative services are available to such students.
8 Such report shall include the description of the con-
9 sultation conducted between the potential service
10 provider, current service provider, parents, tribal
11 representatives and the tribe or tribes involved, and
12 the Director of the Office of Indian Education Pro-
13 grams within the Bureau regarding such students.

14 “(6) LIMITATION ON CERTAIN ACTIONS.—No
15 irrevocable action may be taken in furtherance of
16 any such proposed school closure, transfer to an-
17 other authority, consolidation or substantial curtail-
18 ment (including any action which would prejudice
19 the personnel or programs of such school) prior to
20 the end of the first full academic year after such re-
21 port is made.

22 “(7) TRIBAL GOVERNING BODY APPROVAL RE-
23 QUIRED FOR CERTAIN ACTIONS.—The Secretary may
24 terminate, contract, transfer to any other authority,

1 consolidate, or substantially curtail the operation or
2 facilities of—

3 “(A) any Bureau funded school that is op-
4 erated on or after of January 1, 1999;

5 “(B) any program of such a school that is
6 operated on or after January 1, 1999; or

7 “(C) any school board of a school operated
8 under a grant under the Tribally Controlled
9 Schools Act of 1988,
10 only if the tribal governing body approves such ac-
11 tion.

12 “(i) APPLICATION FOR CONTRACTS OR GRANTS FOR
13 NON-BUREAU FUNDED SCHOOLS OR EXPANSION OF BU-
14 REAU FUNDED SCHOOLS.—

15 “(1) IN GENERAL.—(A)(i) The Secretary shall
16 only consider the factors described in subparagraph
17 (B) in reviewing—

18 “(I) applications from any tribe for the
19 awarding of a contract or grant for a school
20 that is not a Bureau funded school; and

21 “(II) applications from any tribe or school
22 board of any Bureau funded school for—

23 “(aa) a school which is not a Bureau
24 funded school; or

1 “(bb) the expansion of a Bureau
2 funded school which would increase the
3 amount of funds received by the Indian
4 tribe or school board under section 1127.

5 “(ii) With respect to applications described in
6 this subparagraph, the Secretary shall give consider-
7 ation to all the factors described in subparagraph
8 (B), but no such application shall be denied based
9 primarily upon the geographic proximity of com-
10 parable public education.

11 “(B) With respect to applications described in
12 subparagraph (A) the Secretary shall consider the
13 following factors relating to the program and serv-
14 ices that are the subject of the application:

15 “(i) The adequacy of the facilities or the
16 potential to obtain or provide adequate facili-
17 ties.

18 “(ii) Geographic and demographic factors
19 in the affected areas.

20 “(iii) The adequacy of the applicant’s pro-
21 gram plans or, in the case of a Bureau funded
22 school, of projected needs analysis done either
23 by the tribe or the Bureau.

24 “(iv) Geographic proximity of comparable
25 public education.

1 “(v) The stated needs of all affected par-
2 ties, including students, families, tribal govern-
3 ments at both the central and local levels, and
4 school organizations.

5 “(vi) Adequacy and comparability of pro-
6 grams already available.

7 “(vii) Consistency of available programs
8 with tribal educational codes or tribal legisla-
9 tion on education.

10 “(viii) The history and success of these
11 services for the proposed population to be
12 served, as determined from all factors, including
13 but not limited to standardized examination
14 performance.

15 “(2) DETERMINATION ON APPLICATION.—(A)
16 The Secretary shall make a determination of wheth-
17 er to approve any application described in paragraph
18 (1)(A) not later than 180 days after such applica-
19 tion is submitted to the Secretary.

20 “(B) If the Secretary fails to make the deter-
21 mination with respect to an application by the date
22 described in subparagraph (A), the application shall
23 be treated as having been approved by the Secretary.

24 “(3) REQUIREMENTS FOR APPLICATIONS.—(A)
25 Notwithstanding paragraph (2)(B), an application

1 described in paragraph (1)(A) may be approved by
2 the Secretary only if—

3 “(i) the application has been approved by
4 the tribal governing body of the students served
5 by (or to be served by) the school or program
6 that is the subject of the application; and

7 “(ii) written evidence of such approval is
8 submitted with the application.

9 “(B) Each application described in paragraph
10 (1)(A) shall provide information concerning each of
11 the factors described in paragraph (1)(B).

12 “(4) DENIAL OF APPLICATIONS.—Whenever the
13 Secretary makes a determination to deny approval of
14 any application described in paragraph (1)(A), the
15 Secretary shall—

16 “(A) state the objections in writing to the
17 applicant not later 180 days after the applica-
18 tion is submitted to the Secretary;

19 “(B) provide assistance to the applicant to
20 overcome stated objections; and

21 “(C) provide the applicant a hearing,
22 under the same rules and regulations pertaining
23 to the Indian Self-Determination and Education
24 Assistance Act and an opportunity to appeal
25 the objections raised by the Secretary.

1 “(5) EFFECTIVE DATE OF A SUBJECT APPLICA-
2 TION.—(A) Except as otherwise provided in this
3 paragraph, the action which is the subject of any ap-
4 plication described in paragraph (1)(A) that is ap-
5 proved by the Secretary shall become effective at the
6 beginning of the academic year following the fiscal
7 year in which the application is approved, or at an
8 earlier date determined by the Secretary.

9 “(B) If an application is treated as having been
10 approved by the Secretary under paragraph (2)(B),
11 the action that is the subject of the application shall
12 become effective on the date that is 18 months after
13 the date on which the application is submitted to the
14 Secretary, or at an earlier date determined by the
15 Secretary.

16 “(6) STATUTORY CONSTRUCTION.—Nothing in
17 this section shall be read so as to preclude the ex-
18 pansion of grades and related facilities at a Bureau
19 funded school where such expansion and the mainte-
20 nance of such expansion is occasioned or paid for
21 with non-Bureau funds.

22 “(j) GENERAL USE OF FUNDS.—Funds received by
23 Bureau funded schools from the Bureau of Indian Affairs
24 and under any program from the Department of Edu-
25 cation or any other Federal agency for the purpose of pro-

1 viding education or related services may be used for
2 schoolwide projects to improve the educational program
3 for all Indian students.

4 “(k) STUDY ON ADEQUACY OF FUNDS AND FOR-
5 MULAS.—The Comptroller General shall conduct a study,
6 in consultation with Indian tribes and local school boards,
7 to determine the adequacy of funding, and formulas used
8 by the Bureau to determine funding, for programs oper-
9 ated by Bureau funded schools, taking into account unique
10 circumstances applicable to Bureau funded schools, as well
11 as expenditures for comparable purposes in public schools
12 nationally. Upon completion of the study, the Secretary
13 of the Interior shall take such action as necessary to en-
14 sure distribution of the findings of the study to all affected
15 Indian tribes, local school boards, and associations of local
16 school boards.

17 **“SEC. 1122. NATIONAL CRITERIA FOR HOME LIVING SITUA-**
18 **TIONS.**

19 “(a) IN GENERAL.—The Secretary, in consultation
20 with the Secretary of Education, Indian organizations and
21 tribes, and Bureau funded schools, shall revise the na-
22 tional standards for home-living (dormitory) situations to
23 include such factors as heating, lighting, cooling, adult-
24 child ratios, needs for counselors (including special needs
25 related to off-reservation home-living (dormitory) situa-

1 tions), therapeutic programs, space, and privacy. Such
2 standards shall be implemented in Bureau operated
3 schools, and shall serve as minimum standards for con-
4 tract or grant schools. Once established, any revisions of
5 such standards shall be developed according to the re-
6 quirements established under section 1138A.

7 “(b) IMPLEMENTATION.—The Secretary shall imple-
8 ment the revised standards established under this section
9 immediately upon their completion.

10 “(c) PLAN.—At the time of each annual budget sub-
11 mission for Bureau educational services is presented, the
12 Secretary shall submit to the appropriate committees of
13 Congress, the tribes, and the affected schools, and publish
14 in the Federal Register, a detailed plan to bring all Bu-
15 reau funded schools that provide home-living (dormitory)
16 situations up to the standards established under this sec-
17 tion. Such plan shall include a statement of the relative
18 needs of each Bureau funded home-living (dormitory)
19 school, projected future needs of each Bureau funded
20 home-living (dormitory) school, detailed information on
21 the status of each school in relation to the standards es-
22 tablished under this section, specific cost estimates for
23 meeting each standard for each such school, aggregate
24 cost estimates for bringing all such schools into compli-
25 ance with the criteria established under this section, and

1 specific timelines for bringing each school into compliance
2 with such standards.

3 “(d) WAIVER.—The criteria established under this
4 section may be waived in the same manner as the stand-
5 ards provided under section 1121(c) may be waived.

6 “(e) CLOSURE FOR FAILURE TO MEET STANDARDS
7 PROHIBITED.—No school in operation on or before Janu-
8 ary 1, 1987 (regardless of compliance or noncompliance
9 with the criteria established under this section), may be
10 closed, transferred to another authority, consolidated, or
11 have its program substantially curtailed for failure to meet
12 the criteria.

13 **“SEC. 1123. CODIFICATION OF REGULATIONS.**

14 “(a) PART 32 OF TITLE 25 OF CODE OF FEDERAL
15 REGULATIONS.—The provisions of part 32 of title 25 of
16 the Code of Federal Regulations, as in effect on January
17 1, 1987, are incorporated into this Act and shall be treat-
18 ed as though such provisions are set forth in this sub-
19 section. Such provisions may be altered only by means of
20 an Act of Congress. To the extent that such provisions
21 of part 32 do not conform with this Act or any statutory
22 provision of law enacted before November 1, 1978, the
23 provisions of this Act and the provisions of such other
24 statutory law shall govern.

1 “(b) **REGULATION DEFINED.**—For purposes of this
2 part, the term ‘regulation’ means any rules, regulations,
3 guidelines, interpretations, orders, or requirements of gen-
4 eral applicability prescribed by any officer or employee of
5 the executive branch.

6 **“SEC. 1124. SCHOOL BOUNDARIES.**

7 “(a) **ESTABLISHMENT BY SECRETARY.**—The Sec-
8 retary shall establish, by regulation, separate geographical
9 attendance areas for each Bureau funded school.

10 “(b) **ESTABLISHMENT BY TRIBAL BODY.**—In any
11 case where there is more than one Bureau funded school
12 located on an Indian reservation, at the direction of the
13 tribal governing body, the relevant school boards of the
14 Bureau funded schools on the reservation may, by mutual
15 consent, establish the relevant attendance areas for such
16 schools, subject to the approval of the tribal governing
17 body. Any such boundaries so established shall be accepted
18 by the Secretary.

19 “(c) **BOUNDARY REVISIONS.**—

20 “(1) **IN GENERAL.**—On or after July 1, 1999,
21 no geographical attendance area shall be revised or
22 established with respect to any Bureau funded
23 school unless the tribal governing body or the local
24 school board concerned (if so designated by the trib-
25 al governing body) has been afforded—

1 “(A) at least 6 months notice of the inten-
2 tion of the Bureau to revise or establish such
3 attendance area; and

4 “(B) the opportunity to propose alternative
5 boundaries.

6 Any tribe may petition the Secretary for revision of
7 existing attendance area boundaries. The Secretary
8 shall accept such proposed alternative or revised
9 boundaries unless the Secretary finds, after con-
10 sultation with the affected tribe or tribes, that such
11 revised boundaries do not reflect the needs of the In-
12 dian students to be served or do not provide ade-
13 quate stability to all of the affected programs. The
14 Secretary shall cause such revisions to be published
15 in the Federal Register.

16 “(2) TRIBAL RESOLUTION DETERMINATION.—
17 Nothing in this section shall be interpreted as deny-
18 ing a tribal governing body the authority, on a con-
19 tinuing basis, to adopt a tribal resolution allowing
20 parents the choice of the Bureau funded school their
21 children may attend, regardless of the attendance
22 boundaries established under this section.

23 “(d) FUNDING RESTRICTIONS.—The Secretary shall
24 not deny funding to a Bureau funded school for any eligi-
25 ble Indian student attending the school solely because that

1 student's home or domicile is outside of the geographical
2 attendance area established for that school under this sec-
3 tion. No funding shall be made available without tribal au-
4 thorization to enable a school to provide transportation for
5 any student to or from the school and a location outside
6 the approved attendance area of the school.

7 “(e) RESERVATION AS BOUNDARY.—In any case
8 where there is only one Bureau funded program located
9 on an Indian reservation, the attendance area for the pro-
10 gram shall be the boundaries (established by treaty, agree-
11 ment, legislation, court decisions, or executive decisions
12 and as accepted by the tribe) of the reservation served,
13 and those students residing near the reservation shall also
14 receive services from such program.

15 “(f) OFF-RESERVATION HOME-LIVING (DORMITORY)
16 SCHOOLS.—Notwithstanding any geographical attendance
17 areas, attendance at off-reservation home-living (dor-
18 mitory) schools shall include students requiring special
19 emphasis programs to be implemented at each off-reserva-
20 tion home-living (dormitory) school. Such attendance shall
21 be coordinated between education line officers, the family,
22 and the referring and receiving programs.

23 **“SEC. 1125. FACILITIES CONSTRUCTION.**

24 “(a) COMPLIANCE WITH HEALTH AND SAFETY
25 STANDARDS.—The Secretary shall immediately begin to

1 bring all schools, dormitories, and other Indian education-
2 related facilities operated by the Bureau or under contract
3 or grant with the Bureau into compliance with all applica-
4 ble tribal, Federal, or State health and safety standards,
5 whichever provides greater protection (except that the
6 tribal standards to be applied shall be no greater than any
7 otherwise applicable Federal or State standards), with sec-
8 tion 504 of the Rehabilitation Act of 1973, and with the
9 Americans with Disabilities Act of 1990. Nothing in this
10 section shall require termination of the operations of any
11 facility which does not comply with such provisions and
12 which is in use on the date of the enactment of the Stu-
13 dent Results Act of 1999.

14 “(b) COMPLIANCE PLAN.—At the time that the an-
15 nual budget request for Bureau educational services is
16 presented, the Secretary shall submit to the appropriate
17 committees of Congress a detailed plan to bring all facili-
18 ties covered under subsection (a) of this section into com-
19 pliance with the standards referred to in subsection (a).
20 Such plan shall include detailed information on the status
21 of each facility’s compliance with such standards, specific
22 cost estimates for meeting such standards at each school,
23 and specific timelines for bringing each school into compli-
24 ance with such standards.

25 “(c) CONSTRUCTION PRIORITIES.—

1 “(1) SYSTEM TO ESTABLISH PRIORITIES.—On
2 an annual basis the Secretary shall submit to the
3 appropriate committees of Congress and cause to be
4 published in the Federal Register, the system used
5 to establish priorities for replacement and construc-
6 tion projects for Bureau funded schools and home-
7 living schools, including boarding schools and dor-
8 mitories. At the time any budget request for edu-
9 cation is presented, the Secretary shall publish in
10 the Federal Register and submit with the budget re-
11 quest the current list of all Bureau funded school
12 construction priorities.

13 “(2) LONG-TERM CONSTRUCTION AND RE-
14 PLACEMENT LIST.—In addition to the plan sub-
15 mitted under subsection (b), the Secretary shall—

16 “(A) not later than 18 months after the
17 date of the enactment of the Student Results
18 Act of 1999, establish a long-term construction
19 and replacement list for all Bureau funded
20 schools;

21 “(B) using the list prepared under sub-
22 paragraph (A), propose a list for the orderly re-
23 placement of all Bureau funded education-re-
24 lated facilities over a period of 40 years to en-

1 able planning and scheduling of budget re-
2 quests;

3 “(C) cause the list prepared under sub-
4 section (B) to be published in the Federal Reg-
5 ister and allow a period of not less than 120
6 days for public comment;

7 “(D) make such revisions to the list pre-
8 pared under subparagraph (B) as are appro-
9 priate based on the comments received; and

10 “(E) cause the final list to be published in
11 the Federal Register.

12 “(3) EFFECT ON OTHER LIST.—Nothing in this
13 section shall be construed as interfering with or
14 changing in any way the construction priority list as
15 it exists on the date of the enactment of the Student
16 Results Act of 1999.

17 “(d) HAZARDOUS CONDITION AT BUREAU
18 SCHOOL.—

19 “(1) CLOSURE OR CONSOLIDATION.—A Bureau
20 funded school may be closed or consolidated, and the
21 programs of a Bureau funded school may be sub-
22 stantially curtailed by reason of plant conditions
23 that constitute an immediate hazard to health and
24 safety only if a health and safety officer of the Bu-

1 reau determines that such conditions exist at the
2 Bureau funded school.

3 “(2) INSPECTION.—(A) After making a deter-
4 mination described in paragraph (1), the Bureau
5 health and safety officer shall conduct an inspection
6 of the condition of such plant accompanied by an ap-
7 propriate tribal, county, municipal, or State health
8 and safety officer in order to determine whether con-
9 ditions at such plant constitute an immediate hazard
10 to health and safety. Such inspection shall be com-
11 pleted by not later than the date that is 30 days
12 after the date on which the action described in para-
13 graph (1) is taken. No further negative action may
14 be taken unless the findings are concurred in by the
15 second, non-Bureau of Indian Affairs inspector.

16 “(B) If the health and safety officer conducting
17 the inspection of a plant required under subpara-
18 graph (A) determines that conditions at the plant do
19 not constitute an immediate hazard to health and
20 safety, any consolidation or curtailment that was
21 made under paragraph (1) shall immediately cease
22 and any school closed by reason of conditions at the
23 plant shall be reopened immediately.

24 “(C) If a Bureau funded school is temporarily
25 closed or consolidated or the programs of a Bureau

1 funded school are substantially curtailed under this
2 subsection and the Secretary determines that the
3 closure, consolidation, or curtailment will exceed 1
4 year, the Secretary shall submit to the Congress, by
5 not later than 6 months after the date on which the
6 closure, consolidation, or curtailment was initiated, a
7 report which sets forth the reasons for such tem-
8 porary actions, the actions the Secretary is taking to
9 eliminate the conditions that constitute the hazard,
10 and an estimated date by which such actions will be
11 concluded.

12 “(e) FUNDING REQUIREMENT.—

13 “(1) DISTRIBUTION OF FUNDS.—Beginning
14 with the fiscal year following the year of the date of
15 the enactment of the Student Results Act of 1999,
16 all funds appropriated for the operations and main-
17 tenance of Bureau funded schools shall be distrib-
18 uted by formula to the schools. No funds from this
19 account may be retained or segregated by the Bu-
20 reau to pay for administrative or other costs of any
21 facilities branch or office, at any level of the Bureau.

22 “(2) REQUIREMENTS FOR CERTAIN USES.—No
23 funds shall be withheld from the distribution to the
24 budget of any school operated under contract or
25 grant by the Bureau for maintenance or any other

1 facilities or road related purpose, unless such school
2 has consented, as a modification to the contract or
3 in writing for grants schools, to the withholding of
4 such funds, including the amount thereof, the pur-
5 pose for which the funds will be used, and the
6 timeline for the services to be provided. The school
7 may, at the end of any fiscal year, cancel an agree-
8 ment under this paragraph upon giving the Bureau
9 30 days notice of its intent to do so.

10 “(f) NO REDUCTION IN FEDERAL FUNDING.—Noth-
11 ing in this section shall be construed to diminish any Fed-
12 eral funding due to the receipt by the school of funding
13 for facilities improvement or construction from a State or
14 any other source.

15 **“SEC. 1126. BUREAU OF INDIAN AFFAIRS EDUCATION FUNC-**
16 **TIONS.**

17 “(a) FORMULATION AND ESTABLISHMENT OF POL-
18 ICY AND PROCEDURE; SUPERVISION OF PROGRAMS AND
19 EXPENDITURES.—The Secretary shall vest in the Assist-
20 ant Secretary for Indian Affairs all functions with respect
21 to formulation and establishment of policy and procedure
22 and supervision of programs and expenditures of Federal
23 funds for the purpose of Indian education administered
24 by the Bureau. The Assistant Secretary shall carry out

1 such functions through the Director of the Office of Indian
2 Education Programs.

3 “(b) DIRECTION AND SUPERVISION OF PERSONNEL
4 OPERATIONS.—Not later than 6 months after the date of
5 the enactment of the Student Results Act of 1999, the
6 Director of the Office of Indian Education Programs shall
7 direct and supervise the operations of all personnel di-
8 rectly and substantially involved in the provision of edu-
9 cation services by the Bureau, including school or institu-
10 tion custodial or maintenance personnel, facilities manage-
11 ment, contracting, procurement, and finance personnel.
12 The Assistant Secretary for Indian Affairs shall coordi-
13 nate the transfer of functions relating to procurement,
14 contracts, operation, and maintenance of schools and
15 other support functions to the Director.

16 “(c) EVALUATION OF PROGRAMS; SERVICES AND
17 SUPPORT FUNCTIONS; TECHNICAL AND COORDINATING
18 ASSISTANCE.—Education personnel who are under the di-
19 rection and supervision of the Director of the Office of
20 Indian Education Programs in accordance with the first
21 sentence of subsection (b) shall—

22 “(1) monitor and evaluate Bureau education
23 programs;

1 “(2) provide all services and support functions
2 for education programs with respect to personnel
3 matters involving staffing actions and functions; and

4 “(3) provide technical and coordinating assist-
5 ance in areas such as procurement, contracting,
6 budgeting, personnel, curriculum, and operation and
7 maintenance of school facilities.

8 “(d) CONSTRUCTION, IMPROVEMENT, OPERATION,
9 AND MAINTENANCE OF FACILITIES.—

10 “(1) PLAN FOR CONSTRUCTION.—The Assistant
11 Secretary shall submit in the annual budget a
12 plan—

13 “(A) for school facilities to be constructed
14 under section 1125(c);

15 “(B) for establishing priorities among
16 projects and for the improvement and repair of
17 educational facilities, which together shall form
18 the basis for the distribution of appropriated
19 funds; and

20 “(C) for capital improvements to be made
21 over the five succeeding years.

22 “(2) PROGRAM FOR OPERATION AND MAINTEN-
23 NANCE.—

24 “(A) IN GENERAL.—The Assistant Sec-
25 retary shall establish a program, including the

1 distribution of appropriated funds, for the oper-
2 ation and maintenance of education facilities.

3 Such program shall include—

4 “(i) a method of computing the
5 amount necessary for each educational fa-
6 cility;

7 “(ii) similar treatment of all Bureau
8 funded schools;

9 “(iii) a notice of an allocation of ap-
10 propriated funds from the Director of the
11 Office of Indian Education Programs di-
12 rectly to the education line officers and ap-
13 propriate school officials;

14 “(iv) a method for determining the
15 need for, and priority of, facilities repair
16 and maintenance projects, both major and
17 minor. In making such determination, the
18 Assistant Secretary shall cause to be con-
19 ducted a series of meetings at the agency
20 and area level with representatives of the
21 Bureau funded schools in those areas and
22 agencies to receive comment on the lists
23 and prioritization of such projects; and

24 “(v) a system for the conduct of rou-
25 tine preventive maintenance.

1 “(B) The appropriate education line offi-
2 cers shall make arrangements for the mainte-
3 nance of education facilities with the local su-
4 pervisors of the Bureau maintenance personnel.
5 The local supervisors of Bureau maintenance
6 personnel shall take appropriate action to im-
7 plement the decisions made by the appropriate
8 education line officers, except that no funds
9 under this chapter may be authorized for ex-
10 penditure unless such appropriate education
11 line officer is assured that the necessary main-
12 tenance has been, or will be, provided in a rea-
13 sonable manner.

14 “(3) IMPLEMENTATION.—The requirements of
15 this subsection shall be implemented as soon as
16 practicable after the date of the enactment of the
17 Student Results Act of 1999.

18 “(e) ACCEPTANCE OF GIFTS AND BEQUESTS.—Not-
19 withstanding any other provision of law, the Director shall
20 promulgate guidelines for the establishment of mecha-
21 nisms for the acceptance of gifts and bequests for the use
22 and benefit of particular schools or designated Bureau op-
23 erated education programs, including, where appropriate,
24 the establishment and administration of trust funds.
25 When a Bureau operated program is the beneficiary of

1 such a gift or bequest, the Director shall make provisions
2 for monitoring its use and shall report to the appropriate
3 committees of Congress the amount and terms of such gift
4 or bequest, the manner in which such gift or bequest shall
5 be used, and any results achieved by such action.

6 “(f) FUNCTIONS CLARIFIED.—For the purpose of
7 this section, the term ‘functions’ includes powers and du-
8 ties.

9 **“SEC. 1127. ALLOTMENT FORMULA.**

10 “(a) FACTORS CONSIDERED; REVISION TO REFLECT
11 STANDARDS.—

12 “(1) FORMULA.—The Secretary shall establish,
13 by regulation adopted in accordance with section
14 1138A, a formula for determining the minimum an-
15 nual amount of funds necessary to sustain each Bu-
16 reau funded school. In establishing such formula,
17 the Secretary shall consider—

18 “(A) the number of eligible Indian stu-
19 dents served and total student population of the
20 school;

21 “(B) special cost factors, such as—

22 “(i) the isolation of the school;

23 “(ii) the need for special staffing,
24 transportation, or educational programs;

25 “(iii) food and housing costs;

1 “(iv) maintenance and repair costs as-
2 sociated with the physical condition of the
3 educational facilities;

4 “(v) special transportation and other
5 costs of isolated and small schools;

6 “(vi) the costs of home-living (dor-
7 mitory) arrangements, where determined
8 necessary by a tribal governing body or
9 designated school board;

10 “(vii) costs associated with greater
11 lengths of service by education personnel;

12 “(viii) the costs of therapeutic pro-
13 grams for students requiring such pro-
14 grams; and

15 “(ix) special costs for gifted and tal-
16 ented students;

17 “(C) the cost of providing academic serv-
18 ices which are at least equivalent to those pro-
19 vided by public schools in the State in which
20 the school is located; and

21 “(D) such other relevant factors as the
22 Secretary determines are appropriate.

23 “(2) REVISION OF FORMULA.—Upon the estab-
24 lishment of the standards required in sections 1121
25 and 1122, the Secretary shall revise the formula es-

1 tablished under this subsection to reflect the cost of
2 funding such standards. Not later than January 1,
3 2001, the Secretary shall review the formula estab-
4 lished under this section and shall take such steps
5 as are necessary to increase the availability of coun-
6 seling and therapeutic programs for students in off-
7 reservation home-living (dormitory) schools and
8 other Bureau operated residential facilities. Concur-
9 rent with such action, the Secretary shall review the
10 standards established under section 1122 to be cer-
11 tain that adequate provision is made for parental no-
12 tification regarding, and consent for, such counseling
13 and therapeutic programs.

14 “(b) PRO RATA ALLOTMENT.—Notwithstanding any
15 other provision of law, Federal funds appropriated for the
16 general local operation of Bureau funded schools shall be
17 allotted pro rata in accordance with the formula estab-
18 lished under subsection (a).

19 “(c) ANNUAL ADJUSTMENT; RESERVATION OF
20 AMOUNT FOR SCHOOL BOARD ACTIVITIES.—

21 “(1) ANNUAL ADJUSTMENT.—For fiscal year
22 2001, and for each subsequent fiscal year, the Sec-
23 retary shall adjust the formula established under
24 subsection (a) to—

1 “(A) use a weighted unit of 1.2 for each el-
2 igible Indian student enrolled in the seventh
3 and eighth grades of the school in considering
4 the number of eligible Indian students served
5 by the school;

6 “(B) consider a school with an enrollment
7 of less than 50 eligible Indian students as hav-
8 ing an average daily attendance of 50 eligible
9 Indian students for purposes of implementing
10 the adjustment factor for small schools;

11 “(C) take into account the provision of res-
12 idential services on less than a 9-month basis at
13 a school when the school board and supervisor
14 of the school determine that a less than 9-
15 month basis will be implemented for the school
16 year involved;

17 “(D) use a weighted unit of 2.0 for each
18 eligible Indian student that—

19 “(i) is gifted and talented; and

20 “(ii) is enrolled in the school on a full-
21 time basis,

22 in considering the number of eligible Indian
23 students served by the school; and

24 “(E) use a weighted unit of 0.25 for each
25 eligible Indian student who is enrolled in a

1 yearlong credit course in an Indian or Native
2 language as part of the regular curriculum of a
3 school, in considering the number of eligible In-
4 dian students served by such school.

5 The adjustment required under subparagraph (E)
6 shall be used for such school after—

7 “(i) the certification of the Indian or Na-
8 tive language curriculum by the school board of
9 such school to the Secretary, together with an
10 estimate of the number of full-time students ex-
11 pected to be enrolled in the curriculum in the
12 second school year for which the certification is
13 made; and

14 (ii) the funds appropriated for allotment
15 under this section are designated by the appro-
16 priations Act appropriating such funds as the
17 amount necessary to implement such adjust-
18 ment at such school without reducing allot-
19 ments made under this section to any school by
20 virtue of such adjustment.

21 “(2) RESERVATION OF AMOUNT.—

22 “(A) IN GENERAL.—From the funds allot-
23 ted in accordance with the formula established
24 under subsection (a) for each Bureau school,
25 the local school board of such school may re-

1 serve an amount which does not exceed the
2 greater of—

3 “(i) \$8,000; or

4 “(ii) the lesser of—

5 “(I) \$15,000; or

6 “(II) 1 percent of such allotted
7 funds,

8 for school board activities for such school, in-
9 cluding (notwithstanding any other provision of
10 law) meeting expenses and the cost of member-
11 ship in, and support of, organizations engaged
12 in activities on behalf of Indian education.

13 “(B) TRAINING.—Each school board shall
14 see that each new member of the school board
15 receives, within 12 months of the individual’s
16 assuming a position on the school board, 40
17 hours of training relevant to that individual’s
18 service on the board. Such training may include
19 legal issues pertaining to schools funded by the
20 Bureau, legal issues pertaining to school
21 boards, ethics, and other topics deemed appro-
22 priate by the school board.

23 “(d) RESERVATION OF AMOUNT FOR EMER-
24 GENCIES.—The Secretary shall reserve from the funds
25 available for distribution for each fiscal year under this

1 section an amount which, in the aggregate, shall equal 1
2 percent of the funds available for such purpose for that
3 fiscal year. Such funds shall be used, at the discretion of
4 the Director of the Office of Indian Education Programs,
5 to meet emergencies and unforeseen contingencies affect-
6 ing the education programs funded under this section.
7 Funds reserved under this subsection may only be ex-
8 pended for education services or programs, including
9 emergency repairs of educational facilities, at a schoolsite
10 (as defined by section 5204(e)(2) of the Tribally Con-
11 trolled Schools Act of 1988). Funds reserved under this
12 subsection shall remain available without fiscal year limi-
13 tation until expended. However, the aggregate amount
14 available from all fiscal years may not exceed 1 percent
15 of the current year funds. Whenever, the Secretary makes
16 funds available under this subsection, the Secretary shall
17 report such action to the appropriate committees of Con-
18 gress within the annual budget submission.

19 “(e) SUPPLEMENTAL APPROPRIATIONS.—Supple-
20 mental appropriations enacted to meet increased pay costs
21 attributable to school level personnel shall be distributed
22 under this section.

23 “(f) ELIGIBLE INDIAN STUDENT DEFINED.—For the
24 purpose of this section, the term ‘eligible Indian student’
25 means a student who—

1 “(1) is a member of or is at least one-fourth de-
2 gree Indian blood descendant of a member of an In-
3 dian tribe which is eligible for the special programs
4 and services provided by the United States through
5 the Bureau because of their status as Indians; and

6 “(2) resides on or near an Indian reservation or
7 meets the criteria for attendance at a Bureau off-
8 reservation home-living (dormitory) school.

9 “(g) TUITION.—

10 “(1) IN GENERAL.—An eligible Indian student
11 may not be charged tuition for attendance at a Bu-
12 reau school or contract or grant school. A student
13 attending a Bureau school under paragraph (2)(C)
14 may not be charged tuition for attendance at such
15 a school.

16 “(2) ATTENDANCE OF NON-INDIAN STUDENTS
17 AT BUREAU SCHOOLS.—The Secretary may permit
18 the attendance at a Bureau school of a student who
19 is not an eligible Indian student if—

20 “(A) the Secretary determines that the
21 student’s attendance will not adversely affect
22 the school’s program for eligible Indian stu-
23 dents because of cost, overcrowding, or violation
24 of standards or accreditation;

25 “(B) the school board consents;

1 “(C) the student is a dependent of a Bu-
2 reau, Indian Health Service, or tribal govern-
3 ment employee who lives on or near the school
4 site; or

5 “(D) a tuition is paid for the student that
6 is not more than that charged by the nearest
7 public school district for out-of-district stu-
8 dents, and shall be in addition to the school’s
9 allocation under this section.

10 “(3) ATTENDANCE OF NON-INDIAN STUDENTS
11 AT CONTRACT AND GRANT SCHOOLS.—The school
12 board of a contract or grant school may permit stu-
13 dents who are not eligible Indian students under this
14 subsection to attend its contract school or grant
15 school and any tuition collected for those students
16 shall be in addition to funding received under this
17 section.

18 “(h) FUNDS AVAILABLE WITHOUT FISCAL YEAR
19 LIMITATION.—Notwithstanding any other provision of
20 law, at the election of the school board of a Bureau school
21 made at any time during the fiscal year, a portion equal
22 to not more than 15 percent of the funds allocated with
23 respect to a school under this section for any fiscal year
24 shall remain available to the school for expenditure with-
25 out fiscal year limitation. The Assistant Secretary shall

1 take steps as may be necessary to implement this provi-
2 sion.

3 “(i) STUDENTS AT RICHFIELD DORMITORY, RICH-
4 FIELD, UTAH.—Tuition for out-of-State Indian students
5 in home-living (dormitory) arrangements at the Richfield
6 dormitory in Richfield, Utah, who attend Sevier County
7 high schools in Richfield, Utah, shall be paid from the In-
8 dian school equalization program funds authorized in this
9 section and section 1130 at a rate not to exceed the
10 amounts per weighted student unit for that year for the
11 instruction of such students. No additional administrative
12 cost funds shall be added to the grant.

13 **“SEC. 1128. ADMINISTRATIVE COST GRANTS.**

14 “(a) GRANTS; EFFECT UPON APPROPRIATED
15 AMOUNTS.—

16 “(1) GRANTS.—Subject to the availability of
17 appropriated funds, the Secretary shall provide
18 grants to each tribe or tribal organization operating
19 a contract school or grant school in the amount de-
20 termined under this section with respect to the tribe
21 or tribal organization for the purpose of paying the
22 administrative and indirect costs incurred in oper-
23 ating contract or grant schools, provided that no
24 school operated as a stand-alone institution shall re-

1 ceive less than \$200,000.00 per year for these pur-
2 poses, in order to—

3 “(A) enable tribes and tribal organizations
4 operating such schools, without reducing direct
5 program services to the beneficiaries of the pro-
6 gram, to provide all related administrative over-
7 head services and operations necessary to meet
8 the requirements of law and prudent manage-
9 ment practice; and

10 “(B) carry out other necessary support
11 functions which would otherwise be provided by
12 the Secretary or other Federal officers or em-
13 ployees, from resources other than direct pro-
14 gram funds, in support of comparable Bureau
15 operated programs.

16 “(2) EFFECT UPON APPROPRIATED
17 AMOUNTS.—Amounts appropriated to fund the
18 grants provided under this section shall be in addi-
19 tion to, and shall not reduce, the amounts appro-
20 priated for the program being administered by the
21 contract or grant school.

22 “(b) DETERMINATION OF GRANT AMOUNT.—

23 “(1) IN GENERAL.—The amount of the grant
24 provided to each tribe or tribal organization under
25 this section for each fiscal year shall be determined

1 by applying the administrative cost percentage rate
2 of the tribe or tribal organization to the aggregate
3 of the Bureau elementary and secondary functions
4 operated by the tribe or tribal organization for which
5 funds are received from or through the Bureau. The
6 administrative cost percentage rate determined
7 under subsection (c) does not apply to other pro-
8 grams operated by the tribe or tribal organization.

9 “(2) DIRECT COST BASE FUNDS.—The Sec-
10 retary shall—

11 “(A) reduce the amount of the grant deter-
12 mined under paragraph (1) to the extent that
13 payments for administrative costs are actually
14 received by an Indian tribe or tribal organiza-
15 tion under any Federal education program in-
16 cluded in the direct cost base of the tribe or
17 tribal organization; and

18 “(B) take such actions as may be nec-
19 essary to be reimbursed by any other depart-
20 ment or agency of the Federal Government for
21 the portion of grants made under this section
22 for the costs of administering any program for
23 Indians that is funded by appropriations made
24 to such other department or agency.

25 “(c) ADMINISTRATIVE COST PERCENTAGE RATE.—

1 “(1) IN GENERAL.—For purposes of this sec-
2 tion, the administrative cost percentage rate for a
3 contract or grant school for a fiscal year is equal to
4 the percentage determined by dividing—

5 “(A) the sum of—

6 “(i) the amount equal to—

7 “(I) the direct cost base of the
8 tribe or tribal organization for the fis-
9 cal year, multiplied by

10 “(II) the minimum base rate;

11 plus

12 “(ii) the amount equal to—

13 “(I) the standard direct cost
14 base; multiplied by

15 “(II) the maximum base rate; by

16 “(B) the sum of—

17 “(i) the direct cost base of the tribe or
18 tribal organization for the fiscal year; plus

19 “(ii) the standard direct cost base.

20 “(2) ROUNDING.—The administrative cost per-
21 centage rate shall be determined to the $\frac{1}{100}$ of a
22 decimal point.

23 “(d) COMBINING FUNDS.—

24 “(1) IN GENERAL.—Funds received by a tribe
25 or contract or grant school as grants under this sec-

1 tion for tribal elementary or secondary educational
2 programs may be combined by the tribe or contract
3 or grant school into a single administrative cost ac-
4 count without the necessity of maintaining separate
5 funding source accounting.

6 “(2) INDIRECT COST FUNDS.—Indirect cost
7 funds for programs at the school which share com-
8 mon administrative services with tribal elementary
9 or secondary educational programs may be included
10 in the administrative cost account described in para-
11 graph (1).

12 “(e) AVAILABILITY OF FUNDS.—Funds received as
13 grants under this section with respect to tribal elementary
14 or secondary education programs shall remain available to
15 the contract or grant school without fiscal year limitation
16 and without diminishing the amount of any grants other-
17 wise payable to the school under this section for any fiscal
18 year beginning after the fiscal year for which the grant
19 is provided.

20 “(f) TREATMENT OF FUNDS.—Funds received as
21 grants under this section for Bureau funded programs op-
22 erated by a tribe or tribal organization under a contract
23 or agreement shall not be taken into consideration for pur-
24 poses of indirect cost underrecovery and overrecovery de-

1 terminations by any Federal agency for any other funds,
2 from whatever source derived.

3 “(g) TREATMENT OF ENTITY OPERATING OTHER
4 PROGRAMS.—In applying this section and section 105 of
5 the Indian Self-Determination and Education Assistance
6 Act with respect to an Indian tribe or tribal organization
7 that—

8 “(1) receives funds under this section for ad-
9 ministrative costs incurred in operating a contract or
10 grant school or a school operated under the Tribally
11 Controlled Schools Act of 1988; and

12 “(2) operates one or more other programs
13 under a contract or grant provided under the Indian
14 Self-Determination and Education Assistance Act,
15 the Secretary shall ensure that the Indian tribe or tribal
16 organization is provided with the full amount of the ad-
17 ministrative costs that are associated with operating the
18 contract or grant school, and of the indirect costs, that
19 are associated with all of such other programs, provided
20 that funds appropriated for implementation of this section
21 shall be used only to supply the amount of the grant re-
22 quired to be provided by this section.

23 “(h) DEFINITIONS.—For purposes of this section:

1 “(1) ADMINISTRATIVE COST.—(A) The term
2 ‘administrative cost’ means the costs of necessary
3 administrative functions which—

4 “(i) the tribe or tribal organization incurs
5 as a result of operating a tribal elementary or
6 secondary educational program;

7 “(ii) are not customarily paid by com-
8 parable Bureau operated programs out of direct
9 program funds; and

10 “(iii) are either—

11 “(I) normally provided for comparable
12 Bureau programs by Federal officials
13 using resources other than Bureau direct
14 program funds; or

15 “(II) are otherwise required of tribal
16 self-determination program operators by
17 law or prudent management practice.

18 “(B) The term ‘administrative cost’ may
19 include—

20 “(i) contract or grant (or other agreement)
21 administration;

22 “(ii) executive, policy, and corporate lead-
23 ership and decisionmaking;

24 “(iii) program planning, development, and
25 management;

1 “(iv) fiscal, personnel, property, and pro-
2 curement management;

3 “(v) related office services and record
4 keeping; and

5 “(vi) costs of necessary insurance, audit-
6 ing, legal, safety and security services.

7 “(2) BUREAU ELEMENTARY AND SECONDARY
8 FUNCTIONS.—The term ‘Bureau elementary and sec-
9 ondary functions’ means—

10 “(A) all functions funded at Bureau
11 schools by the Office;

12 “(B) all programs—

13 “(i) funds for which are appropriated
14 to other agencies of the Federal Govern-
15 ment; and

16 “(ii) which are administered for the
17 benefit of Indians through Bureau schools;
18 and

19 “(C) all operation, maintenance, and repair
20 funds for facilities and government quarters
21 used in the operation or support of elementary
22 and secondary education functions for the ben-
23 efit of Indians, from whatever source derived.

24 “(3) DIRECT COST BASE.—(A) Except as other-
25 wise provided in subparagraph (B), the direct cost

1 base of a tribe or tribal organization for the fiscal
2 year is the aggregate direct cost program funding
3 for all tribal elementary or secondary educational
4 programs operated by the tribe or tribal organization
5 during—

6 “(i) the second fiscal year preceding such
7 fiscal year; or

8 “(ii) if such programs have not been oper-
9 ated by the tribe or tribal organization during
10 the two preceding fiscal years, the first fiscal
11 year preceding such fiscal year.

12 “(B) In the case of Bureau elementary or sec-
13 ondary education functions which have not pre-
14 viously been operated by a tribe or tribal organiza-
15 tion under contract, grant, or agreement with the
16 Bureau, the direct cost base for the initial year shall
17 be the projected aggregate direct cost program fund-
18 ing for all Bureau elementary and secondary func-
19 tions to be operated by the tribe or tribal organiza-
20 tion during that fiscal year.

21 “(4) MAXIMUM BASE RATE.—The term ‘max-
22 imum base rate’ means 50 percent.

23 “(5) MINIMUM BASE RATE.—The term ‘min-
24 imum base rate’ means 11 percent.

1 “(6) STANDARD DIRECT COST BASE.—The term
2 ‘standard direct cost base’ means \$600,000.

3 “(7) TRIBAL ELEMENTARY OR SECONDARY
4 EDUCATIONAL PROGRAMS.—The term ‘tribal elemen-
5 tary or secondary educational programs’ means all
6 Bureau elementary and secondary functions, to-
7 gether with any other Bureau programs or portions
8 of programs (excluding funds for social services that
9 are appropriated to agencies other than the Bureau
10 and are expended through the Bureau, funds for
11 major subcontracts, construction, and other major
12 capital expenditures, and unexpended funds carried
13 over from prior years) which share common adminis-
14 trative cost functions, that are operated directly by
15 a tribe or tribal organization under a contract,
16 grant, or agreement with the Bureau.

17 “(i) STUDIES FOR DETERMINATION OF FACTORS AF-
18 FECTING COSTS; BASE RATES LIMITS; STANDARD DI-
19 RECT COST BASE; REPORT TO CONGRESS.—

20 “(1) STUDIES.—Not later than 120 days after
21 the date of the enactment of the Student Results
22 Act of 1999, the Director of the Office of Indian
23 Education Programs shall—

24 “(A) conduct such studies as may be need-
25 ed to establish an empirical basis for deter-

1 mining relevant factors substantially affecting
2 required administrative costs of tribal elemen-
3 tary and secondary education programs, using
4 the formula set forth in subsection (c); and

5 “(B) conduct a study to determine—

6 “(i) a maximum base rate which ensures
7 that the amount of the grants provided under
8 this section will provide adequate (but not ex-
9 cessive) funding of the administrative costs of
10 the smallest tribal elementary or secondary edu-
11 cational programs;

12 “(ii) a minimum base rate which ensures
13 that the amount of the grants provided under
14 this section will provide adequate (but not ex-
15 cessive) funding of the administrative costs of
16 the largest tribal elementary or secondary edu-
17 cational programs; and

18 “(iii) a standard direct cost base which is
19 the aggregate direct cost funding level for which
20 the percentage determined under subsection (c)
21 will—

22 “(I) be equal to the median between
23 the maximum base rate and the minimum
24 base rate; and

1 “(II) ensure that the amount of the
2 grants provided under this section will pro-
3 vide adequate (but not excessive) funding
4 of the administrative costs of tribal ele-
5 mentary or secondary educational pro-
6 grams closest to the size of the program.

7 “(2) GUIDELINES.—The studies required under
8 paragraph (1) shall—

9 “(A) be conducted in full consultation (in
10 accordance with section 1131) with—

11 “(i) the tribes and tribal organizations
12 that are affected by the application of the
13 formula set forth in subsection (c); and

14 “(ii) all national and regional Indian
15 organizations of which such tribes and
16 tribal organizations are typically members;

17 “(B) be conducted onsite with a represent-
18 ative statistical sample of the tribal elementary
19 or secondary educational programs under a con-
20 tract entered into with a nationally reputable
21 public accounting and business consulting firm;

22 “(C) take into account the availability of
23 skilled labor; commodities, business and auto-
24 matic data processing services, related Indian
25 preference and Indian control of education re-

1 requirements, and any other market factors found
2 substantially to affect the administrative costs
3 and efficiency of each such tribal elementary or
4 secondary educational program studied in order
5 to assure that all required administrative activi-
6 ties can reasonably be delivered in a cost effec-
7 tive manner for each such program, given an
8 administrative cost allowance generated by the
9 values, percentages, or other factors found in
10 the studies to be relevant in such formula;

11 “(D) identify, and quantify in terms of
12 percentages of direct program costs, any gen-
13 eral factors arising from geographic isolation,
14 or numbers of programs administered, inde-
15 pendent of program size factors used to com-
16 pute a base administrative cost percentage in
17 such formula; and

18 “(E) identify any other incremental cost
19 factors substantially affecting the costs of re-
20 quired administrative cost functions at any of
21 the tribal elementary or secondary educational
22 programs studied and determine whether the
23 factors are of general applicability to other such
24 programs, and (if so) how the factors may ef-
25 fectively be incorporated into such formula.

1 “(3) CONSULTATION WITH INSPECTOR GEN-
2 ERAL.—In carrying out the studies required under
3 this subsection, the Director shall obtain the input
4 of, and afford an opportunity to participate to, the
5 Inspector General of the Department of the Interior.

6 “(4) CONSIDERATION OF DELIVERY OF ADMIN-
7 ISTRATIVE SERVICES.—Determinations described in
8 paragraph (2)(C) shall be based on what is prac-
9 ticable at each location studied, given prudent man-
10 agement practice, irrespective of whether required
11 administrative services were actually or fully deliv-
12 ered at these sites, or whether other services were
13 delivered instead, during the period of the study.

14 “(5) REPORT.—Upon completion of the studies
15 conducted under paragraph (1), the Director shall
16 submit to Congress a report on the findings of the
17 studies, together with determinations based upon
18 such studies that would affect the definitions set
19 forth under subsection (e) that are used in the for-
20 mula set forth in subsection (c).

21 “(6) PROJECTION OF COSTS.—The Secretary
22 shall include in the Bureau’s justification for each
23 appropriations request beginning in the first fiscal
24 year after the completion of the studies conducted
25 under paragraph (1), a projection of the overall

1 costs associated with the formula set forth in sub-
2 section (c) for all tribal elementary or secondary
3 education programs which the Secretary expects to
4 be funded in the fiscal year for which the appropria-
5 tions are sought.

6 “(7) DETERMINATION OF PROGRAM SIZE.—For
7 purposes of this subsection, the size of tribal elemen-
8 tary or secondary educational programs is deter-
9 mined by the aggregate direct cost program funding
10 level for all Bureau funded programs which share
11 common administrative cost functions.

12 “(j) AUTHORIZATION OF APPROPRIATIONS.—

13 “(1) IN GENERAL.—There are authorized to be
14 appropriated such sums as necessary to carry out
15 this section.

16 “(2) REDUCTIONS.—If the total amount of
17 funds necessary to provide grants to tribes and trib-
18 al organizations in the amounts determined under
19 subsection (b) for a fiscal year exceeds the amount
20 of funds appropriated to carry out this section for
21 such fiscal year, the Secretary shall reduce the
22 amount of each grant determined under subsection
23 (b) for such fiscal year by an amount that bears the
24 same relationship to such excess as the amount of
25 such grants determined under subsection (b) bears

1 to the total of all grants determined under sub-
2 section (b) section for all tribes and tribal organiza-
3 tions for such fiscal year.

4 “(k) APPLICABILITY TO SCHOOLS OPERATING
5 UNDER TRIBALLY CONTROLLED SCHOOLS ACT OF
6 1988.—The provisions of this section shall also apply to
7 those schools operating under the Tribally Controlled
8 Schools Act of 1988.

9 **“SEC. 1129. DIVISION OF BUDGET ANALYSIS.**

10 “(a) ESTABLISHMENT.—Not later than 12 months
11 after the date of the enactment of the Student Results
12 Act of 1999, the Secretary shall establish within the Office
13 of Indian Education Programs a Division of Budget Anal-
14 ysis (hereinafter referred to as the ‘Division’). Such Divi-
15 sion shall be under the direct supervision and control of
16 the Director of the Office.

17 “(b) FUNCTIONS.—In consultation with the tribal
18 governing bodies and tribal school boards, the Director of
19 the Office, through the Division, shall conduct studies,
20 surveys, or other activities to gather demographic informa-
21 tion on Bureau funded schools and project the amount
22 necessary to provide Indian students in such schools the
23 educational program set forth in this part.

24 “(c) ANNUAL REPORTS.—Not later than the date
25 that the Assistant Secretary for Indian Affairs makes the

1 annual budget submission, for each fiscal year after the
2 date of the enactment of the Student Results Act of 1999,
3 the Director of the Office shall submit to the appropriate
4 committees of Congress (including the Appropriations
5 committees), all Bureau funded schools, and the tribal
6 governing bodies of such schools, a report which shall
7 contain—

8 “(1) projections, based upon the information
9 gathered pursuant to subparagraph (b) and any
10 other relevant information, of amounts necessary to
11 provide Indian students in Bureau funded schools
12 the educational program set forth in this part;

13 “(2) a description of the methods and formulas
14 used to calculate the amounts projected pursuant to
15 paragraph (1); and

16 “(3) such other information as the Director of
17 the Office considers appropriate.

18 “(d) USE OF REPORTS.—The Director of the Office
19 and the Assistant Secretary for Indian Affairs shall use
20 the annual report required by subsection (c) when pre-
21 paring their annual budget submissions.

22 **“SEC. 1130. UNIFORM DIRECT FUNDING AND SUPPORT.**

23 “(a) ESTABLISHMENT OF SYSTEM AND FORWARD
24 FUNDING.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish, by regulation adopted in accordance with sec-
3 tion 1138, a system for the direct funding and sup-
4 port of all Bureau funded schools. Such system shall
5 allot funds in accordance with section 1127. All
6 amounts appropriated for distribution under this
7 section may be made available under paragraph (2).

8 “(2) TIMING FOR USE OF FUNDS.—(A) For the
9 purposes of affording adequate notice of funding
10 available pursuant to the allotments made under sec-
11 tion 1127, amounts appropriated in an appropria-
12 tions Act for any fiscal year shall become available
13 for obligation by the affected schools on July 1 of
14 the fiscal year in which such amounts are appro-
15 priated without further action by the Secretary, and
16 shall remain available for obligation through the suc-
17 ceeding fiscal year.

18 “(B) The Secretary shall, on the basis of the
19 amount appropriated in accordance with this
20 paragraph—

21 “(i) publish, not later than July 1 of the
22 fiscal year for which the funds are appro-
23 priated, allotments to each affected school made
24 under section 1127 of 85 percent of such ap-
25 propriation; and

1 “(ii) publish, not later than September 30
2 of such fiscal year, the allotments to be made
3 under section 1127 of the remaining 15 percent
4 of such appropriation, adjusted to reflect the
5 actual student attendance.

6 “(3) LIMITATION.—(A) Notwithstanding any
7 other provision of law or regulation, the supervisor
8 of a Bureau funded school may expend an aggregate
9 of not more than \$50,000 of the amount allotted the
10 school under section 1127 to acquire materials, sup-
11 plies, equipment, services, operation, and mainte-
12 nance for the school without competitive bidding if—

13 “(i) the cost for any single item purchased
14 does not exceed \$15,000;

15 “(ii) the school board approves the pro-
16 curement;

17 “(iii) the supervisor certifies that the cost
18 is fair and reasonable;

19 “(iv) the documents relating to the pro-
20 curement executed by the supervisor or other
21 school staff cite this paragraph as authority for
22 the procurement; and

23 “(v) the transaction is documented in a
24 journal maintained at the school clearly identi-
25 fying when the transaction occurred, what was

1 acquired and from whom, the price paid, the
2 quantities acquired, and any other information
3 the supervisor or school board considers rel-
4 evant.

5 “(B) Not later than 6 months after the date of
6 the enactment of the Student Results Act of 1999,
7 the Secretary shall cause to be sent to each super-
8 visor of a Bureau operated program and school
9 board chairperson, the education line officer or offi-
10 cers of each agency and area, and the Bureau Divi-
11 sion in charge of procurement, at both the local and
12 national levels, notice of this paragraph.

13 “(C) The Director shall be responsible for de-
14 termining the application of this paragraph, includ-
15 ing the authorization of specific individuals to carry
16 out this paragraph, and shall be responsible for the
17 provision of guidelines on the use of this paragraph
18 and adequate training on such guidelines.

19 “(4) EFFECT OF SEQUESTRATION ORDER.—If a
20 sequestration order issued under the Balanced
21 Budget and Emergency Deficit Control Act of 1985
22 reduces the amount of funds available for allotment
23 under section 1127 for any fiscal year by more than
24 7 percent of the amount of funds available for allot-

1 ment under such section during the preceding fiscal
2 year—

3 “(A) to fund allotments under section
4 1127, the Secretary, notwithstanding any other
5 law, may use—

6 “(i) funds appropriated for the oper-
7 ation of any Bureau school that is closed
8 or consolidated; and

9 “(ii) funds appropriated for any pro-
10 gram that has been curtailed at any Bu-
11 reau school; and

12 “(B) the Secretary may waive the applica-
13 tion of the provisions of section 1121(h) with
14 respect to the closure or consolidation of a
15 school, or the curtailment of a program at a
16 school, during such fiscal year if the funds de-
17 scribed in clauses (i) and (ii) of subparagraph
18 (A) with respect to such school are used to fund
19 allotments made under section 1127 for such
20 fiscal year.

21 “(b) LOCAL FINANCIAL PLANS FOR EXPENDITURE
22 OF FUNDS.—

23 “(1) PLAN REQUIRED.—(A) In the case of all
24 Bureau operated schools, allotted funds shall be ex-
25 pended on the basis of local financial plans which

1 ensure meeting the accreditation requirements or
2 standards for the school established pursuant to sec-
3 tion 1121 and which shall be prepared by the local
4 school supervisor in active consultation with the local
5 school board for each school. The local school board
6 for each school shall have the authority to ratify, re-
7 ject, or amend such financial plan, and expenditures
8 thereunder, and, on its own determination or in re-
9 sponse to the supervisor of the school, to revise such
10 financial plan to meet needs not foreseen at the time
11 of preparation of the financial plan.

12 “(B) The supervisor—

13 “(i) shall put into effect the decisions of
14 the school board;

15 “(ii) shall provide the appropriate local
16 union representative of the education employees
17 with copies of proposed draft financial plans
18 and all amendments or modifications thereto, at
19 the same time such copies are submitted to the
20 local school board; and

21 “(iii) may appeal any such action of the
22 local school board to the appropriate education
23 line officer of the Bureau agency by filing a
24 written statement describing the action and the
25 reasons the supervisor believes such action

1 should be overturned. A copy of such statement
2 shall be submitted to the local school board and
3 such board shall be afforded an opportunity to
4 respond, in writing, to such appeal. After re-
5 viewing such written appeal and response, the
6 appropriate education line officer may, for good
7 cause, overturn the action of the local school
8 board. The appropriate education line officer
9 shall transmit the determination of such appeal
10 in the form of a written opinion to such board
11 and to such supervisor identifying the reasons
12 for overturning such action.

13 “(c) USE OF SELF-DETERMINATION GRANTS
14 FUNDS.—Funds for self-determination grants under sec-
15 tion 103(a)(2) of the Indian Self-Determination and Edu-
16 cation Assistance Act shall not be used for providing tech-
17 nical assistance and training in the field of education by
18 the Bureau unless such services are provided in accord-
19 ance with a plan, agreed to by the tribe or tribes affected
20 and the Bureau, under which control of education pro-
21 grams is intended to be transferred to such tribe or tribes
22 within a specific period of time negotiated under such
23 agreement. The Secretary may approve applications for
24 funding tribal divisions of education and development of

1 tribal codes of education from funds appropriated pursu-
2 ant to section 104(a) of such Act.

3 “(d) TECHNICAL ASSISTANCE AND TRAINING.—In
4 the exercise of its authority under this section, a local
5 school board may request technical assistance and training
6 from the Secretary, and the Secretary shall, to the great-
7 est extent possible, provide such services, and make appro-
8 priate provisions in the budget of the Office for such serv-
9 ices.

10 “(e) SUMMER PROGRAM OF ACADEMIC AND SUPPORT
11 SERVICES.—

12 “(1) IN GENERAL.—A financial plan under sub-
13 section (b) for a school may include, at the discre-
14 tion of the local administrator and the school board
15 of such school, a provision for a summer program of
16 academic and support services for students of the
17 school. Any such program may include activities re-
18 lated to the prevention of alcohol and substance
19 abuse. The Assistant Secretary for Indian Affairs
20 shall provide for the utilization of any such school
21 facility during any summer in which such utilization
22 is requested.

23 “(2) USE OF OTHER FUNDS.—Notwithstanding
24 any other provision of law, funds authorized under
25 the Act of April 16, 1934, and this Act may be used

1 to augment the services provided in each summer
2 program at the option, and under the control, of the
3 tribe or Indian controlled school receiving such
4 funds.

5 “(3) TECHNICAL ASSISTANCE AND PROGRAM
6 COORDINATION.—The Assistant Secretary for Indian
7 Affairs, acting through the Director of the Office,
8 shall provide technical assistance and coordination
9 for any program described in paragraph (1) and
10 shall, to the extent possible, encourage the coordina-
11 tion of such programs with any other summer pro-
12 grams that might benefit Indian youth, regardless of
13 the funding source or administrative entity of any
14 such program.

15 “(f) COOPERATIVE AGREEMENTS.—

16 “(1) IN GENERAL.—From funds allotted to a
17 Bureau school under section 1127, the Secretary
18 shall, if specifically requested by the tribal governing
19 body (as defined in section 1141), implement any co-
20 operative agreement entered into between the tribe,
21 the Bureau school board, and the local public school
22 district which meets the requirements of paragraph
23 (2) and involves the school. The tribe, the Bureau
24 school board, and the local public school district
25 shall determine the terms of the agreement. Such

1 agreement may encompass coordination of all or any
2 part of the following:

3 “(A) Academic program and curriculum,
4 unless the Bureau school is currently accredited
5 by a State or regional accrediting entity and
6 would not continue to be so accredited.

7 “(B) Support services, including procure-
8 ment and facilities maintenance.

9 “(C) Transportation.

10 “(2) EQUAL BENEFIT AND BURDEN.—Each
11 agreement entered into pursuant to the authority
12 provided in paragraph (1) shall confer a benefit
13 upon the Bureau school commensurate with the bur-
14 den assumed, though this requirement shall not be
15 construed so as to require equal expenditures or an
16 exchange of similar services.

17 “(g) PRODUCT OR RESULT OF STUDENT
18 PROJECTS.—Notwithstanding any other provision of law,
19 where there is agreement on action between the super-
20 intendent and the school board of a Bureau funded school,
21 the product or result of a project conducted in whole or
22 in major part by a student may be given to that student
23 upon the completion of such project.

24 “(h) NOT CONSIDERED FEDERAL FUNDS FOR
25 MATCHING REQUIREMENTS.—Notwithstanding any other

1 provision of law, funds received by a Bureau funded school
2 under this title shall not be considered Federal funds for
3 the purposes of meeting a matching funds requirement for
4 any Federal program.

5 **“SEC. 1131. POLICY FOR INDIAN CONTROL OF INDIAN EDU-**
6 **CATION.**

7 “(a) FACILITATION OF INDIAN CONTROL.—It shall
8 be the policy of the Secretary and the Bureau, in carrying
9 out the functions of the Bureau, to facilitate tribal control
10 of Indian affairs in all matters relating to education.

11 “(b) CONSULTATION WITH TRIBES.—

12 “(1) IN GENERAL.—All actions under this Act
13 shall be done with active consultation with tribes.

14 “(2) REQUIREMENTS.—The consultation re-
15 quired under paragraph (1) means a process involv-
16 ing the open discussion and joint deliberation of all
17 options with respect to potential issues or changes
18 between the Bureau and all interested parties. Dur-
19 ing such discussions and joint deliberations, inter-
20 ested parties (including tribes and school officials)
21 shall be given an opportunity to present issues in-
22 cluding proposals regarding changes in current prac-
23 tices or programs which will be considered for future
24 action by the Bureau. All interested parties shall be
25 given an opportunity to participate and discuss the

1 options presented or to present alternatives, with the
2 views and concerns of the interested parties given ef-
3 fect unless the Secretary determines, from informa-
4 tion available from or presented by the interested
5 parties during one or more of the discussions and
6 deliberations, that there is a substantial reason for
7 another course of action. The Secretary shall submit
8 to any Member of Congress, within 18 days of the
9 receipt of a written request by such Member, a writ-
10 ten explanation of any decision made by the Sec-
11 retary which is not consistent with the views of the
12 interested parties.

13 **“SEC. 1132. INDIAN EDUCATION PERSONNEL.**

14 “(a) IN GENERAL.—Chapter 51, subchapter III of
15 chapter 53, and chapter 63 of title 5, United States Code,
16 relating to classification, pay and leave, respectively, and
17 the sections of such title relating to the appointment, pro-
18 motion, hours of work, and removal of civil service employ-
19 ees, shall not apply to educators or to education positions
20 (as defined in subsection (p)).

21 “(b) REGULATIONS.—Not later than 60 days after
22 the date of the enactment of the Student Results Act of
23 1999, the Secretary shall prescribe regulations to carry
24 out this section. Such regulations shall include—

25 “(1) the establishment of education positions;

1 “(2) the establishment of qualifications for edu-
2 cators and education personnel;

3 “(3) the fixing of basic compensation for edu-
4 cators and education positions;

5 “(4) the appointment of educators;

6 “(5) the discharge of educators;

7 “(6) the entitlement of educators to compensa-
8 tion;

9 “(7) the payment of compensation to educators;

10 “(8) the conditions of employment of educators;

11 “(9) the leave system for educators;

12 “(10) the annual leave and sick leave for edu-
13 cators; and

14 “(11) such matters as may be appropriate.

15 “(c) QUALIFICATIONS OF EDUCATORS.—

16 “(1) REQUIREMENTS.—In prescribing regula-
17 tions to govern the qualifications of educators, the
18 Secretary shall require—

19 “(A)(i) that lists of qualified and inter-
20 viewed applicants for education positions be
21 maintained in each agency and area office of
22 the Bureau from among individuals who have
23 applied at the agency or area level for an edu-
24 cation position or who have applied at the na-
25 tional level and have indicated in such applica-

1 tion an interest in working in certain areas or
2 agencies; and

3 “(ii) that a list of qualified and interviewed
4 applicants for education positions be main-
5 tained in the Office from among individuals
6 who have applied at the national level for an
7 education position and who have expressed in-
8 terest in working in an education position any-
9 where in the United States;

10 “(B) that a local school board shall have
11 the authority to waive on a case-by-case basis,
12 any formal education or degree qualifications
13 established by regulation pursuant to subsection
14 (b)(2), in order for a tribal member to be hired
15 in an education position to teach courses on
16 tribal culture and language and that subject to
17 subsection (e)(2), a determination by a school
18 board that such a person be hired shall be insti-
19 tuted supervisor; and

20 “(C) that it shall not be a prerequisite to
21 the employment of an individual in an edu-
22 cation position at the local level that such indi-
23 vidual’s name appear on the national list main-
24 tained pursuant to subparagraph (A)(ii) or that

1 such individual has applied at the national level
2 for an education position.

3 “(2) EXCEPTION FOR CERTAIN TEMPORARY EM-
4 PLOYMENT.—The Secretary may authorize the tem-
5 porary employment in an education position of an
6 individual who has not met the certification stand-
7 ards established pursuant to regulations, if the Sec-
8 retary determines that failure to do so would result
9 in that position remaining vacant.

10 “(d) HIRING OF EDUCATORS.—

11 “(1) REQUIREMENTS.—In prescribing regula-
12 tions to govern the appointment of educators, the
13 Secretary shall require—

14 “(A)(i) that educators employed in a Bu-
15 reau operated school (other than the supervisor
16 of the school) shall be hired by the supervisor
17 of the school. In cases where there are no quali-
18 fied applicants available, such supervisor may
19 consult the national list maintained pursuant to
20 subsection (c)(1)(A)(ii);

21 “(ii) each school supervisor shall be hired
22 by the education line officer of the agency office
23 of the Bureau in which the school is located;

24 “(iii) educators employed in an agency of-
25 fice of the Bureau shall be hired by the super-

1 intendent for education of the agency office;
2 and

3 “(iv) each education line officer and edu-
4 cators employed in the Office of the Director of
5 Indian Education Programs shall be hired by
6 the Director;

7 “(B) that before an individual is employed
8 in an education position in a school by the su-
9 pervisor of a school (or with respect to the posi-
10 tion of supervisor, by the appropriate agency
11 education line officer), the local school board
12 for the school shall be consulted. A determina-
13 tion by such school board that such individual
14 should or should not be so employed shall be in-
15 stituted by the supervisor (or with respect to
16 the position of supervisor, by the agency super-
17 intendent for education);

18 “(C) that before an individual may be em-
19 ployed in an education position at the agency
20 level, the appropriate agency school board shall
21 be consulted, and that a determination by such
22 school board that such individual should or
23 should not be employed shall be instituted by
24 the agency superintendent for education; and

1 “(D) that before an individual may be em-
2 ployed in an education position in the Office of
3 the Director (other than the position of Direc-
4 tor), the national school boards representing all
5 Bureau schools shall be consulted.

6 “(2) INFORMATION REGARDING APPLICATION
7 AT NATIONAL LEVEL.—Any individual who applies
8 at the local level for an education position shall state
9 on such individual’s application whether or not such
10 individual has applied at the national level for an
11 education position in the Bureau. If such individual
12 is employed at the local level, such individual’s name
13 shall be immediately forwarded to the Secretary,
14 who shall, as soon as practicable but in no event in
15 more than 30 days, ascertain the accuracy of the
16 statement made by such individual pursuant to the
17 first sentence of this paragraph. Notwithstanding
18 subsection (e), if the individual’s statement is found
19 to have been false, such individual, at the Sec-
20 retary’s discretion, may be disciplined or discharged.
21 If the individual has applied at the national level for
22 an education position in the Bureau, the appoint-
23 ment of such individual at the local level shall be
24 conditional for a period of 90 days, during which pe-
25 riod the Secretary may appoint a more qualified in-

1 dividual (as determined by the Secretary) from the
2 list maintained at the national level pursuant to sub-
3 section (c)(1)(A)(ii) to the position to which such in-
4 dividual was appointed.

5 “(3) STATUTORY CONSTRUCTION.—Except as
6 expressly provided, nothing in this section shall be
7 construed as conferring upon local school boards au-
8 thority over, or control of, educators at Bureau
9 funded schools or the authority to issue management
10 decisions.

11 “(e) DISCHARGE AND CONDITIONS OF EMPLOYMENT
12 OF EDUCATORS.—

13 “(1) REGULATIONS.—In prescribing regulations
14 to govern the discharge and conditions of employ-
15 ment of educators, the Secretary shall require—

16 “(A) that procedures be established for the
17 rapid and equitable resolution of grievances of
18 educators;

19 “(B) that no educator may be discharged
20 without notice of the reasons therefore and op-
21 portunity for a hearing under procedures that
22 comport with the requirements of due process;
23 and

24 “(C) that educators employed in Bureau
25 schools be notified 30 days prior to the end of

1 the school year whether their employment con-
2 tract will be renewed for the following year.

3 “(2) PROCEDURES FOR DISCHARGE.—The su-
4 pervisor of a Bureau school may discharge (subject
5 to procedures established under paragraph (1)(B))
6 for cause (as determined under regulations pre-
7 scribed by the Secretary) any educator employed in
8 such school. Upon giving notice of proposed dis-
9 charge to an educator, the supervisor involved shall
10 immediately notify the local school board for the
11 school of such action. A determination by the local
12 school board that such educator shall not be dis-
13 charged shall be followed by the supervisor. The su-
14 pervisor shall have the right to appeal such action
15 to the education line officer of the appropriate agen-
16 cy office of the Bureau. Upon such an appeal, the
17 agency education line officer may, for good cause
18 and in writing to the local school board, overturn the
19 determination of the local school board with respect
20 to the employment of such individual.

21 “(3) RECOMMENDATIONS OF SCHOOL BOARDS
22 FOR DISCHARGE.—Each local school board for a Bu-
23 reau school shall have the right—

1 “(A) to recommend to the supervisor of
2 such school that an educator employed in the
3 school be discharged; and

4 “(B) to recommend to the education line
5 officer of the appropriate agency office of the
6 Bureau and to the Director of the Office, that
7 the supervisor of the school be discharged.

8 “(f) APPLICABILITY OF INDIAN PREFERENCE
9 LAWS.—

10 “(1) IN GENERAL.—Notwithstanding any provi-
11 sion of the Indian preference laws, such laws shall
12 not apply in the case of any personnel action under
13 this section respecting an applicant or employee not
14 entitled to Indian preference if each tribal organiza-
15 tion concerned grants a written waiver of the appli-
16 cation of such laws with respect to such personnel
17 action and states that such waiver is necessary. This
18 paragraph shall not relieve the Bureau’s responsi-
19 bility to issue timely and adequate announcements
20 and advertisements concerning any such personnel
21 action if such action is intended to fill a vacancy (no
22 matter how such vacancy is created).

23 “(2) TRIBAL ORGANIZATION DEFINED.—For
24 purposes of this subsection, the term ‘tribal organi-
25 zation’ means—

1 “(A) the recognized governing body of any
2 Indian tribe, band, nation, pueblo, or other or-
3 ganized community, including a Native village
4 (as defined in section 3(c) of the Alaska Native
5 Claims Settlement Act); or

6 “(B) in connection with any personnel ac-
7 tion referred to in this subsection, any local
8 school board as defined in section 1141 which
9 has been delegated by such governing body the
10 authority to grant a waiver under this sub-
11 section with respect to personnel action.

12 “(3) INDIAN PREFERENCE LAW DEFINED.—The
13 term ‘Indian preference laws’ means section 12 of
14 the Act of June 18, 1934 or any other provision of
15 law granting a preference to Indians in promotions
16 and other personnel actions. Such term shall not in-
17 clude section 7(b) of the Indian Self-Determination
18 and Education Assistance Act.

19 “(g) COMPENSATION OR ANNUAL SALARY.—

20 “(1) IN GENERAL.—(A) Except as otherwise
21 provided in this section, the Secretary shall fix the
22 basic compensation for educators and education po-
23 sitions at rates in effect under the General Schedule
24 for individuals with comparable qualifications, and
25 holding comparable positions, to whom chapter 51 of

1 title 5, United States Code, is applicable or on the
2 basis of the Federal Wage System schedule in effect
3 for the locality, and for the comparable positions,
4 the rates of compensation in effect for the senior ex-
5 ecutive service.

6 “(B) The Secretary shall establish the rate of
7 basic compensation, or annual salary rates, for the
8 positions of teachers and counselors (including dor-
9 mitory counselors and home-living counselors) at the
10 rates of basic compensation applicable (on the date
11 of the enactment of the Student Results Act of 1999
12 and thereafter) to comparable positions in the over-
13 seas schools under the Defense Department Over-
14 seas Teachers Pay Act. The Secretary shall allow
15 the local school boards authority to implement only
16 the aspects of the Defense Department Overseas
17 Teacher pay provisions that are considered essential
18 for recruitment and retention. Implementation of
19 such provisions shall not be construed to require the
20 implementation of the Act in its entirety.

21 “(C)(i) Beginning with the fiscal year following
22 the date of the enactment of the Student Results
23 Act of 1999, each school board may set the rate of
24 compensation or annual salary rate for teachers and
25 counselors (including academic counselors) who are

1 new hires at the school and who have not worked at
2 the school on the date of implementation of this pro-
3 vision, at rates consistent with the rates paid for in-
4 dividuals in the same positions, with the same ten-
5 ure and training, in any other school within whose
6 boundaries the Bureau school lies. In instances
7 where the adoption of such rates cause a reduction
8 in the payment of compensation from that which
9 was in effect for the fiscal year following the date
10 of the enactment of the Student Results Act of
11 1999, the new rate may be applied to the compensa-
12 tion of employees of the school who worked at the
13 school on of the date of the enactment of that Act
14 by applying those rates to each contract renewal
15 such that the reduction takes effect in three equal
16 installments. Where adoption of such rates lead to
17 an increase in the payment of compensation from
18 that which was in effect for the fiscal year following
19 the date of the enactment of the Student Results
20 Act of 1999, the school board may make such rates
21 applicable at the next contract renewal such that
22 either—

23 “(I) the increase occurs in its entirety; or

24 “(II) the increase is applied in three equal
25 installments.

1 “(ii) The establishment of rates of basic com-
2 pensation and annual salary rates under subpara-
3 graphs (B) and (C) shall not preclude the use of
4 regulations and procedures used by the Bureau prior
5 to April 28, 1988, in making determinations regard-
6 ing promotions and advancements through levels of
7 pay that are based on the merit, education, experi-
8 ence, or tenure of the educator.

9 “(D) The establishment of rates of basic com-
10 pensation and annual salary rates under subpara-
11 graphs (B) and (C) shall not affect the continued
12 employment or compensation of an educator who
13 was employed in an education position on October
14 31, 1979, and who did not make an election under
15 subsection (p) is in effect on January 1, 1990.

16 “(2) POST-DIFFERENTIAL RATES.—(A) The
17 Secretary may pay a post-differential rate not to ex-
18 ceed 25 percent of the rate of basic compensation,
19 on the basis of conditions of environment or work
20 which warrant additional pay as a recruitment and
21 retention incentive.

22 “(B)(i) Upon the request of the supervisor and
23 the local school board of a Bureau school, the Sec-
24 retary shall grant the supervisor of the school au-
25 thorization to provide one or more post-differentials

1 under subparagraph (A) unless the Secretary deter-
2 mines for clear and convincing reasons (and advises
3 the board in writing of those reasons) that certain
4 of the requested post-differentials should be dis-
5 approved or decreased because there is no disparity
6 of compensation for the involved employees or posi-
7 tions in the Bureau school, as compared with the
8 nearest public school, that is either—

9 “(I) at least 5 percent; or

10 “(II) less than 5 percent and affects the
11 recruitment or retention of employees at the
12 school.

13 “(ii) A request under clause (i) shall be deemed
14 granted at the end of the 60th day after the request
15 is received in the Central Office of the Bureau un-
16 less before that time the request is approved, ap-
17 proved with modification, or disapproved by the Sec-
18 retary.

19 “(iii) The Secretary or the supervisor of a Bu-
20 reau school may discontinue or decrease a post-dif-
21 ferential authorized under this subparagraph at the
22 beginning of a school year if—

23 “(I) the local school board requests that
24 such differential be discontinued or decreased;

25 or

1 “(II) the Secretary or the supervisor deter-
2 mines for clear and convincing reasons (and ad-
3 vises the board in writing of those reasons) that
4 there is no disparity of compensation that
5 would affect the recruitment or retention of em-
6 ployees at the school after the differential is
7 discontinued or decreased.

8 “(iv) On or before February 1 of each year, the
9 Secretary shall submit to Congress a report describ-
10 ing the requests and grants of authority under this
11 subparagraph during the previous year and listing
12 the positions contracted under those grants of au-
13 thority.

14 “(h) LIQUIDATION OF REMAINING LEAVE
15 UPON TERMINATION.—Upon termination of employ-
16 ment with the Bureau, any annual leave remaining
17 to the credit of an individual within the purview of
18 this section shall be liquidated in accordance with
19 sections 5551(a) and 6306 of title 5, United States
20 Code, except that leave earned or accrued under reg-
21 ulations prescribed pursuant to subsection (b)(10) of
22 this section shall not be so liquidated.

23 “(i) TRANSFER OF REMAINING SICK LEAVE UPON
24 TRANSFER, PROMOTION, OR REEMPLOYMENT.—In the
25 case of any educator who is transferred, promoted, or re-

1 appointed, without break in service, to a position in the
2 Federal Government under a different leave system, any
3 remaining leave to the credit of such person earned or
4 credited under the regulations prescribed pursuant to sub-
5 section (b)(10) shall be transferred to such person's credit
6 in the employing agency on an adjusted basis in accord-
7 ance with regulations which shall be prescribed by the Of-
8 fice of Personnel Management.

9 “(j) INELIGIBILITY FOR EMPLOYMENT OF VOLUN-
10 TARILY TERMINATED EDUCATORS.—An educator who vol-
11 untarily terminates employment with the Bureau before
12 the expiration of the existing employment contract be-
13 tween such educator and the Bureau shall not be eligible
14 to be employed in another education position in the Bu-
15 reau during the remainder of the term of such contract.

16 “(k) DUAL COMPENSATION.—In the case of any edu-
17 cator employed in an education position described in sub-
18 section (l)(1)(A) who—

19 “(1) is employed at the close of a school year;

20 “(2) agrees in writing to serve in such position
21 for the next school year; and

22 “(3) is employed in another position during the
23 recess period immediately preceding such next school
24 year, or during such recess period receives additional

1 compensation referred to in section 5533 of title 5,
2 United States Code, relating to dual compensation,
3 shall not apply to such educator by reason of any such
4 employment during a recess period for any receipt of addi-
5 tional compensation.

6 “(l) VOLUNTARY SERVICES.—Notwithstanding sec-
7 tion 1342 of title 31, United States Code, the Secretary
8 may, subject to the approval of the local school board con-
9 cerned, accept voluntary services on behalf of Bureau
10 schools. Nothing in this title shall be construed to require
11 Federal employees to work without compensation or to
12 allow the use of volunteer services to displace or replace
13 Federal employees. An individual providing volunteer serv-
14 ices under this section is a Federal employee only for pur-
15 poses of chapter 81 of title 5, United States Code, and
16 chapter 171 of title 28, United States Code.

17 “(m) PRORATION OF PAY.—

18 “(1) ELECTION OF EMPLOYEE.—Notwith-
19 standing any other provision of law, including laws
20 relating to dual compensation, the Secretary, at the
21 election of the employee, shall prorate the salary of
22 an employee employed in an education position for
23 the academic school year over the entire 12-month
24 period. Each educator employed for the academic
25 school year shall annually elect to be paid on a 12-

1 month basis or for those months while school is in
2 session. No educator shall suffer a loss of pay or
3 benefits, including benefits under unemployment or
4 other Federal or federally assisted programs, be-
5 cause of such election.

6 “(2) CHANGE OF ELECTION.—During the
7 course of such year the employee may change elec-
8 tion once.

9 “(3) LUMP SUM PAYMENT.—That portion of
10 the employee’s pay which would be paid between
11 academic school years may be paid in a lump sum
12 at the election of the employee.

13 “(4) DEFINITIONS.—For purposes of this
14 subsection, the terms ‘educator’ and ‘education posi-
15 tion’ have the meanings contained in paragraphs (1)
16 and (2) of subsection (o). This subsection applies to
17 those individuals employed under the provisions of
18 section 1132 of this title or title 5, United States
19 Code.

20 “(n) EXTRACURRICULAR ACTIVITIES.—

21 “(1) STIPEND.—Notwithstanding any other
22 provision of law, the Secretary may provide, for each
23 Bureau area, a stipend in lieu of overtime premium
24 pay or compensatory time off. Any employee of the
25 Bureau who performs additional activities to provide

1 services to students or otherwise support the school's
2 academic and social programs may elect to be com-
3 pensated for all such work on the basis of the sti-
4 pend. Such stipend shall be paid as a supplement to
5 the employee's base pay.

6 “(2) ELECTION NOT TO RECEIVE STIPEND.—If
7 an employee elects not to be compensated through
8 the stipend established by this subsection, the appro-
9 priate provisions of title 5, United States Code, shall
10 apply.

11 “(3) APPLICABILITY OF SUBSECTION.—This
12 subsection applies to all Bureau employees, whether
13 employed under section 1132 of this title or title 5,
14 United States Code.

15 “(o) DEFINITIONS.—For the purpose of this
16 section—

17 “(1) EDUCATION POSITION.—The term ‘edu-
18 cation position’ means a position in the Bureau the
19 duties and responsibilities of which—

20 “(A) are performed on a school-year basis
21 principally in a Bureau school and involve—

22 “(i) classroom or other instruction or
23 the supervision or direction of classroom or
24 other instruction;

1 “(ii) any activity (other than teach-
2 ing) which requires academic credits in
3 educational theory and practice equal to
4 the academic credits in educational theory
5 and practice required for a bachelor’s de-
6 gree in education from an accredited insti-
7 tution of higher education;

8 “(iii) any activity in or related to the
9 field of education notwithstanding that
10 academic credits in educational theory and
11 practice are not a formal requirement for
12 the conduct of such activity; or

13 “(iv) support services at, or associated
14 with, the site of the school; or

15 “(B) are performed at the agency level of
16 the Bureau and involve the implementation of
17 education-related programs other than the posi-
18 tion for agency superintendent for education.

19 “(2) EDUCATOR.—The term ‘educator’ means
20 an individual whose services are required, or who is
21 employed, in an education position.

22 “(p) COVERED INDIVIDUALS; ELECTION.—This sec-
23 tion shall apply with respect to any educator hired after
24 November 1, 1979 (and to any educator who elected for
25 coverage under that provision after November 1, 1979)

1 and to the position in which such individual is employed.
2 The enactment of this section shall not affect the contin-
3 ued employment of an individual employed on October 31,
4 1979 in an education position, or such person's right to
5 receive the compensation attached to such position.

6 **“SEC. 1133. COMPUTERIZED MANAGEMENT INFORMATION**
7 **SYSTEM.**

8 “(a) ESTABLISHMENT OF SYSTEM.—Not later than
9 July 1, 2001, the Secretary shall establish within the Of-
10 fice, a computerized management information system,
11 which shall provide processing and information to the Of-
12 fice. The information provided shall include information
13 regarding—

14 “(1) student enrollment;

15 “(2) curriculum;

16 “(3) staffing;

17 “(4) facilities;

18 “(5) community demographics;

19 “(6) student assessment information;

20 “(7) information on the administrative and pro-
21 gram costs attributable to each Bureau program, di-
22 vided into discreet elements;

23 “(8) relevant reports;

24 “(9) personnel records;

25 “(10) finance and payroll; and

1 dian education during the 2-year period covered by the
2 report. Such report shall contain suggestions for the im-
3 provement of the Bureau educational system and for in-
4 creasing tribal or local Indian control of such system. Such
5 report shall also include the current status of tribally con-
6 trolled community colleges. The annual budget submission
7 for the Bureau's education programs shall include—

8 “(1) information on the funds provided to pre-
9 viously private schools under section 208 of the In-
10 dian Self-Determination and Education Assistance
11 Act, and recommendations with respect to the future
12 use of such funds;

13 “(2) the needs and costs of operations and
14 maintenance of tribally controlled community col-
15 leges eligible for assistance under the Tribally Con-
16 trolled Community College Assistance Act of 1978
17 and recommendations with respect to meeting such
18 needs and costs; and

19 “(3) the plans required by sections 1121 (g),
20 1122(e), and 1125(b).

21 “(b) FINANCIAL AND COMPLIANCE AUDITS.—The
22 Inspector General of the Department of the Interior shall
23 establish a system to ensure that financial and compliance
24 audits are conducted of each Bureau operated school at
25 least once in every 3 years. Audits of Bureau schools shall

1 be based upon the extent to which such school has com-
2 plied with its local financial plan under section 1130.

3 **“SEC. 1137. RIGHTS OF INDIAN STUDENTS.**

4 “The Secretary shall prescribe such rules and regula-
5 tions as are necessary to ensure the constitutional and civil
6 rights of Indian students attending Bureau funded
7 schools, including such students’ right to privacy under
8 the laws of the United States, such students’ right to free-
9 dom of religion and expression, and such students’ right
10 to due process in connection with disciplinary actions, sus-
11 pensions, and expulsions.

12 **“SEC. 1138. REGULATIONS.**

13 “(a) IN GENERAL.—The Secretary is authorized to
14 issue only such regulations as are necessary to ensure
15 compliance with the specific provision of this Act. The Sec-
16 retary shall publish proposed regulations in the Federal
17 Register, shall provide a period of not less than 90 days
18 for public comment thereon, and shall place in parentheses
19 after each regulatory section the citation to any statutory
20 provision providing authority to promulgate such regu-
21 latory provision.

22 “(b) MISCELLANEOUS.—

23 “(1) CONSTRUCTION.—The provisions of this
24 Act shall supersede any conflicting provisions of law
25 (including any conflicting regulations) in effect on

1 the day before the date of the enactment of this Act
2 and the Secretary is authorized to repeal any regula-
3 tion inconsistent with the provisions of this Act.

4 “(2) LEGAL AUTHORITY TO BE STATED.—Reg-
5 ulations issued to implement this Act shall contain,
6 immediately following each substantive provision of
7 such regulations, citations to the particular section
8 or sections of statutory law or other legal authority
9 upon which provision is based.

10 **“SEC. 1138A. REGIONAL MEETINGS AND NEGOTIATED**
11 **RULEMAKING.**

12 “(a) MEETINGS.—

13 “(1) IN GENERAL.—The Secretary shall obtain
14 tribal involvement in the development of proposed
15 regulations under this part and the Tribally Con-
16 trolled Schools Act of 1988. The Secretary shall ob-
17 tain the advice of and recommendations from rep-
18 resentatives of Indian tribes with Bureau-funded
19 schools on their reservations, Indian tribes whose
20 children attend Bureau funded off-reservation board-
21 ing schools, school boards, administrators or employ-
22 ees of Bureau-funded schools, and parents and
23 teachers of students enrolled in Bureau-funded
24 schools.

1 “(2) ISSUES.—The Secretary shall provide for a
2 comprehensive discussion and exchange of informa-
3 tion concerning the implementation of this part and
4 the Tribally Controlled Schools Act of 1988 through
5 such mechanisms as regional meetings and electronic
6 exchanges of information. The Secretary shall take
7 into account the information received through such
8 mechanisms in the development of proposed regula-
9 tions and shall publish a summary of such informa-
10 tion in the Federal Register together with such pro-
11 posed regulations.

12 “(b) DRAFT REGULATIONS.—

13 “(1) IN GENERAL.—After obtaining the advice
14 and recommendations described in subsection (a)(1)
15 and before publishing proposed regulations in the
16 Federal Register, the Secretary shall prepare draft
17 regulations implementing this part and the Tribally
18 Controlled Schools Act of 1988 and shall submit
19 such regulations to a negotiated rulemaking process.
20 Participants in the negotiations process shall be cho-
21 sen by the Secretary from individuals nominated by
22 the entities described in subsection (a)(1). To the
23 maximum extent possible, the Secretary shall ensure
24 that the tribal representative membership chosen
25 pursuant to the preceding sentence reflects the pro-

1 portionate share of students from tribes served by
2 the Bureau-funded school system. The negotiation
3 process shall be conducted in a timely manner in
4 order that the final regulations may issued by the
5 Secretary no later than 18 months after the enact-
6 ment of this section.

7 “(2) NOTIFICATION TO CONGRESS.—If draft
8 regulations implementing this part and the Tribally
9 Controlled Schools Act of 1988 are not issued in
10 final form by the deadline provided in paragraph
11 (1), the Secretary shall notify the appropriate com-
12 mittees of Congress of which draft regulations were
13 not issued in final form by the deadline and the rea-
14 son such final regulations were not issued.

15 “(3) EXPANSION OF NEGOTIATED RULE-
16 MAKING.—All regulations pertaining to this part and
17 the Tribally Controlled Schools Act of 1988 that are
18 promulgated after the date of the enactment of this
19 subsection shall be subject to a negotiated rule-
20 making (including the selection of the regulations to
21 be negotiated), unless the Secretary determines that
22 applying such a requirement with respect to given
23 regulations is impracticable, unnecessary, or con-
24 trary to the public interest (within the meaning of
25 section 553(b)(3)(B) of title 5), and publishes the

1 basis for such determination in the Federal Register
2 at the same time as the proposed regulations in
3 question are first published. All published proposed
4 regulations shall conform to agreements resulting
5 from such negotiated rulemaking unless the Sec-
6 retary reopens the negotiated rulemaking process or
7 provides a written explanation to the participants in
8 that process why the Secretary has decided to depart
9 from such agreements. Such negotiated rulemaking
10 shall be conducted in accordance with the provisions
11 of subsection (a), and the Secretary shall ensure
12 that a clear and reliable record of agreements
13 reached during the negotiation process is main-
14 tained.

15 “(c) **APPLICABILITY OF FEDERAL ADVISORY COM-**
16 **MITTEE ACT.**—The Federal Advisory Committee Act shall
17 apply to activities carried out under this section.

18 **“SEC. 1139. EARLY CHILDHOOD DEVELOPMENT PROGRAM.**

19 “(a) **IN GENERAL.**—The Secretary shall provide
20 grants to tribes, tribal organizations, and consortia of
21 tribes and tribal organizations to fund early childhood de-
22 velopment programs that are operated by such tribes, or-
23 ganizations, or consortia.

24 “(b) **AMOUNT OF GRANTS.**—

1 “(1) IN GENERAL.—The total amount of the
2 grants provided under subsection (a) with respect to
3 each tribe, tribal organization, or consortium of
4 tribes or tribal organizations for each fiscal year
5 shall be equal to the amount which bears the same
6 relationship to the total amount appropriated under
7 the authority of subsection (g) for such fiscal year
8 (less amounts provided under subsection (f)) as—

9 “(A) the total number of children under 6
10 years of age who are members of—

11 “(i) such tribe;

12 “(ii) the tribe that authorized such
13 tribal organization; or

14 “(iii) any tribe that—

15 “(I) is a member of such consor-
16 tium; or

17 “(II) authorizes any tribal orga-
18 nization that is a member of such con-
19 sortium; bears to

20 “(B) the total number of all children under
21 6 years of age who are members of any tribe
22 that—

23 “(i) is eligible to receive funds under
24 subsection (a);

1 “(ii) is a member of a consortium that
2 is eligible to receive such funds; or

3 “(iii) authorizes a tribal organization
4 that is eligible to receive such funds.

5 “(2) LIMITATION.—No grant may be provided
6 under subsection (a)—

7 “(A) to any tribe that has less than 500
8 members;

9 “(B) to any tribal organization which is
10 authorized—

11 “(i) by only one tribe that has less
12 than 500 members; or

13 “(ii) by one or more tribes that have
14 a combined total membership of less than
15 500 members; or

16 “(C) to any consortium composed of tribes,
17 or tribal organizations authorized by tribes,
18 that have a combined total tribal membership of
19 less than 500 members.

20 “(c) APPLICATION.

21 “(1) IN GENERAL.—A grant may be provided
22 under subsection (a) to a tribe, tribal organization,
23 or consortia of tribes and tribal organizations only
24 if the tribe, organization, or consortia submits to the

1 Secretary an application for the grant at such time
2 and in such form as the Secretary shall prescribe.

3 “(2) CONTENTS.—Applications submitted under
4 paragraph (1) shall set forth the early childhood de-
5 velopment program that the applicant desires to op-
6 erate.

7 “(d) REQUIREMENT OF PROGRAMS FUNDED.—The
8 early childhood development programs that are funded by
9 grants provided under subsection (a)—

10 “(1) shall coordinate existing programs and
11 may provide services that meet identified needs of
12 parents and children under 6 years of age which are
13 not being met by existing programs, including—

14 “(A) prenatal care;

15 “(B) nutrition education;

16 “(C) health education and screening;

17 “(D) family literacy services;

18 “(E) educational testing; and

19 “(F) other educational services;

20 “(2) may include instruction in the language,
21 art, and culture of the tribe; and

22 “(3) shall provide for periodic assessment of the
23 program.

24 “(e) COORDINATION OF FAMILY LITERACY PRO-
25 GRAMS.—Family literacy programs operated under this

1 section or other similar programs operated by the Bureau
2 shall coordinate with family literacy programs for Indian
3 children under part B of title I of the Elementary and
4 Secondary Education Act of 1965 in order to avoid dupli-
5 cation and to encourage the dissemination of information
6 on quality family literacy programs serving Indians.

7 “(f) ADMINISTRATIVE COSTS.—The Secretary shall,
8 out of funds appropriated under subsection (g), include
9 in the grants provided under subsection (a) amounts for
10 administrative costs incurred by the tribe, tribal organiza-
11 tion, or consortium of tribes in establishing and maintain-
12 ing the early childhood development program.

13 “(g) AUTHORIZATION OF APPROPRIATIONS.—For the
14 purpose of carrying out the provisions of this section,
15 there are authorized to be appropriated \$10,000,000 for
16 fiscal year 2000 and such sums as may be necessary for
17 each of the fiscal years 2001, 2002, 2003, and 2004.

18 **“SEC. 1140. TRIBAL DEPARTMENTS OR DIVISIONS OF EDU-**
19 **CATION.**

20 “(a) IN GENERAL.—Subject to the availability of ap-
21 propriations, the Secretary shall provide grants and tech-
22 nical assistance to tribes for the development and oper-
23 ation of tribal departments of education for the purpose
24 of planning and coordinating all educational programs of
25 the tribe.

1 “(b) GRANTS.—Grants provided under this section
2 shall—

3 “(1) be based on applications from the gov-
4 erning body of the tribe;

5 “(2) reflect factors such as geographic and pop-
6 ulation diversity;

7 “(3) facilitate tribal control in all matters relat-
8 ing to the education of Indian children on Indian
9 reservations (and on former Indian reservations in
10 Oklahoma);

11 “(4) provide for the development of coordinated
12 educational programs on Indian reservations (and on
13 former Indian reservations in Oklahoma) (including
14 all preschool, elementary, secondary, and higher or
15 vocational educational programs funded by tribal,
16 Federal, or other sources) by encouraging tribal ad-
17 ministrative support of all Bureau funded edu-
18 cational programs as well as encouraging tribal co-
19 operation and coordination with all educational pro-
20 grams receiving financial support from State agen-
21 cies, other Federal agencies, or private entities;

22 “(5) provide for the development and enforce-
23 ment of tribal educational codes, including tribal
24 educational policies and tribal standards applicable

1 to curriculum, personnel, students, facilities, and
2 support programs; and

3 “(6) otherwise comply with regulations for
4 grants under section 103(a) of the Indian Self-De-
5 termination and Educational Assistance Act that are
6 in effect on the date that application for such grants
7 are made.

8 “(c) PRIORITIES.—

9 “(1) IN GENERAL.—In making grants under
10 this section, the Secretary shall give priority to any
11 application that—

12 “(A) includes assurances from the majority
13 of Bureau funded schools located within the
14 boundaries of the reservation of the applicant
15 that the tribal department of education to be
16 funded under this section will provide coordi-
17 nating services and technical assistance to all of
18 such schools, including the submission to each
19 applicable agency of a unified application for
20 funding for all of such schools which provides
21 that—

22 “(i) no administrative costs other
23 than those attributable to the individual
24 programs of such schools will be associated
25 with the unified application; and

1 “(ii) the distribution of all funds re-
2 ceived under the unified application will be
3 equal to the amount of funds provided by
4 the applicable agency to which each of
5 such schools is entitled under law;

6 “(B) includes assurances from the tribal
7 governing body that the tribal department of
8 education funded under this section will admin-
9 ister all contracts or grants (except those cov-
10 ered by the other provisions of this title and the
11 Tribally Controlled Community College Assist-
12 ance Act of 1978) for education programs ad-
13 ministered by the tribe and will coordinate all
14 of the programs to the greatest extent possible;

15 “(C) includes assurances for the moni-
16 toring and auditing by or through the tribal de-
17 partment of education of all education pro-
18 grams for which funds are provided by contract
19 or grant to ensure that the programs meet the
20 requirements of law; and

21 “(D) provides a plan and schedule for—

22 “(i) the assumption over the term of
23 the grant by the tribal department of edu-
24 cation of all assets and functions of the
25 Bureau agency office associated with the

1 tribe, insofar as those responsibilities re-
2 late to education; and

3 “(ii) the termination by the Bureau of
4 such operations and office at the time of
5 such assumption,

6 except that when mutually agreeable between
7 the tribal governing body and the Assistant
8 Secretary, the period in which such assumption
9 is to occur may be modified, reduced, or ex-
10 tended after the initial year of the grant.

11 “(2) TIME PERIOD OF GRANT.—Subject to the
12 availability of appropriated funds, grants provided
13 under this section shall be provided for a period of
14 3 years and the grant may, if performance by the
15 grantee is satisfactory to the Secretary, be renewed
16 for additional 3-year terms.

17 “(d) TERMS, CONDITIONS, OR REQUIREMENTS.—The
18 Secretary shall not impose any terms, conditions, or re-
19 quirements on the provision of grants under this section
20 that are not specified in this section.

21 “(e) AUTHORIZATION OF APPROPRIATIONS.—For the
22 purpose of carrying out the provisions of this section,
23 there are authorized to be appropriated \$2,000,000 for fis-
24 cal year 2000 and such sums as may be necessary for each
25 of the fiscal years 2001, 2002, 2003, and 2004.

1 **“SEC. 1141. DEFINITIONS.**

2 “For the purposes of this part, unless otherwise spec-
3 ified:

4 “(1) AGENCY SCHOOL BOARD.—The term
5 ‘agency school board’ means a body, the members of
6 which are appointed by all of the school boards of
7 the schools located within an agency, including
8 schools operated under contract or grant, and the
9 number of such members shall be determined by the
10 Secretary in consultation with the affected tribes, ex-
11 cept that, in agencies serving a single school, the
12 school board of such school shall fulfill these duties,
13 and in agencies having schools or a school operated
14 under contract or grant, one such member at least
15 shall be from such a school.

16 “(2) BUREAU.—The term ‘Bureau’ means the
17 Bureau of Indian Affairs of the Department of the
18 Interior.

19 “(3) BUREAU FUNDED SCHOOL.—The term
20 ‘Bureau funded school’ means—

21 “(A) a Bureau school;

22 “(B) a contract or grant school; or

23 “(C) a school for which assistance is pro-
24 vided under the Tribally Controlled Schools Act
25 of 1988.

1 “(4) BUREAU SCHOOL.—The term ‘Bureau
2 school’ means a Bureau operated elementary or sec-
3 ondary day or boarding school or a Bureau operated
4 dormitory for students attending a school other than
5 a Bureau school.

6 “(5) CONTRACT OR GRANT SCHOOL.—The term
7 ‘contract or grant school’ means an elementary or
8 secondary school or dormitory which receives finan-
9 cial assistance for its operation under a contract,
10 grant or agreement with the Bureau under section
11 102, 103(a), or 208 of the Indian Self-Determina-
12 tion and Education Assistance Act, or under the
13 Tribally Controlled Schools Act of 1988.

14 “(6) EDUCATION LINE OFFICER.—The term
15 ‘education line officer’ means education personnel
16 under the supervision of the Director, whether lo-
17 cated in the central, area, or agency offices.

18 “(7) FINANCIAL PLAN.—The term ‘financial
19 plan’ means a plan of services provided by each Bu-
20 reau school.

21 “(8) INDIAN ORGANIZATION.—the term ‘Indian
22 organization’ means any group, association, partner-
23 ship, corporation, or other legal entity owned or con-
24 trolled by a federally recognized Indian tribe or

1 tribes, or a majority of whose members are members
2 of federally recognized tribes.

3 “(9) LOCAL EDUCATIONAL AGENCY.—The term
4 ‘local educational agency’ means a board of edu-
5 cation or other legally constituted local school au-
6 thority having administrative control and direction
7 of free public education in a county, township, inde-
8 pendent, or other school district located within a
9 State, and includes any State agency which directly
10 operates and maintains facilities for providing free
11 public education.

12 “(10) LOCAL SCHOOL BOARD.—The term ‘local
13 school board’, when used with respect to a Bureau
14 school, means a body chosen in accordance with the
15 laws of the tribe to be served or, in the absence of
16 such laws, elected by the parents of the Indian chil-
17 dren attending the school, except that in schools
18 serving a substantial number of students from dif-
19 ferent tribes, the members shall be appointed by the
20 governing bodies of the tribes affected, and the num-
21 ber of such members shall be determined by the Sec-
22 retary in consultation with the affected tribes.

23 “(11) OFFICE.—The term ‘Office’ means the
24 Office of Indian Education Programs within the Bu-
25 reau.

1 “(12) SECRETARY.—The term ‘Secretary’
2 means the Secretary of the Interior.

3 “(13) SUPERVISOR.—The term ‘supervisor’
4 means the individual in the position of ultimate au-
5 thority at a Bureau school.

6 “(14) TRIBAL GOVERNING BODY.—The term
7 ‘tribal governing body’ means, with respect to any
8 school, the tribal governing body, or tribal governing
9 bodies, that represent at least 90 percent of the stu-
10 dents served by such school.

11 “(15) TRIBE.—The term ‘tribe’ means any In-
12 dian tribe, band, nation, or other organized group or
13 community, including any Alaska Native village or
14 regional or village corporation as defined in or estab-
15 lished pursuant to the Alaska Native Claims Settle-
16 ment Act, which is recognized as eligible for the spe-
17 cial programs and services provided by the United
18 States to Indians because of their status as Indi-
19 ans.”.

20 **Subtitle C—Tribally Controlled**
21 **Schools Act of 1988**

22 **SEC. 420. TRIBALLY CONTROLLED SCHOOLS.**

23 Sections 5202 through 5212 of Public Law 100–297
24 (25 U.S.C. 2501 et seq.) are amended to read as follows:

1 **“SEC. 5202. FINDINGS.**

2 “Congress, after careful review of the Federal Gov-
3 ernment’s historical and special legal relationship with,
4 and resulting responsibilities to, Indians, finds that—

5 “(1) the Indian Self-Determination and Edu-
6 cation Assistance Act, which was a product of the le-
7 gitimate aspirations and a recognition of the inher-
8 ent authority of Indian nations, was and is a crucial
9 positive step towards tribal and community control;

10 “(2) the Bureau of Indian Affairs’ administra-
11 tion and domination of the contracting process
12 under such Act has not provided the full opportunity
13 to develop leadership skills crucial to the realization
14 of self-government and has denied Indians an effec-
15 tive voice in the planning and implementation of
16 programs for the benefit of Indians which are re-
17 sponsive to the true needs of Indian communities;

18 “(3) Indians will never surrender their desire to
19 control their relationships both among themselves
20 and with non-Indian governments, organizations,
21 and persons;

22 “(4) true self-determination in any society of
23 people is dependent upon an educational process
24 which will ensure the development of qualified people
25 to fulfill meaningful leadership roles;

1 “(5) the Federal administration of education
2 for Indian children has not effected the desired level
3 of educational achievement or created the diverse op-
4 portunities and personal satisfaction that education
5 can and should provide;

6 “(6) true local control requires the least pos-
7 sible Federal interference; and

8 “(7) the time has come to enhance the concepts
9 made manifest in the Indian Self-Determination and
10 Education Assistance Act.

11 **“SEC. 5203. DECLARATION OF POLICY.**

12 “(a) RECOGNITION.—Congress recognizes the obliga-
13 tion of the United States to respond to the strong expres-
14 sion of the Indian people for self-determination by assur-
15 ing maximum Indian participation in the direction of edu-
16 cational services so as to render such services more re-
17 sponsive to the needs and desires of those communities.

18 “(b) COMMITMENT.—Congress declares its commit-
19 ment to the maintenance of the Federal Government’s
20 unique and continuing trust relationship with and respon-
21 sibility to the Indian people through the establishment of
22 a meaningful Indian self-determination policy for edu-
23 cation which will deter further perpetuation of Federal bu-
24 reaucratic domination of programs.

1 “(c) NATIONAL GOAL.—Congress declares that a
2 major national goal of the United States is to provide the
3 resources, processes, and structure which will enable tribes
4 and local communities to effect the quantity and quality
5 of educational services and opportunities which will permit
6 Indian children to compete and excel in the life areas of
7 their choice and to achieve the measure of self-determina-
8 tion essential to their social and economic well-being.

9 “(d) EDUCATIONAL NEEDS.—Congress affirms the
10 reality of the special and unique educational needs of In-
11 dian peoples, including the need for programs to meet the
12 linguistic and cultural aspirations of Indian tribes and
13 communities. These may best be met through a grant
14 process.

15 “(e) FEDERAL RELATIONS.—Congress declares its
16 commitment to these policies and its support, to the full
17 extent of its responsibility, for Federal relations with the
18 Indian Nations.

19 “(f) TERMINATION.—Congress hereby repudiates and
20 rejects House Resolution 108 of the 83d Congress and any
21 policy of unilateral termination of Federal relations with
22 any Indian Nation.

23 **“SEC. 5204. GRANTS AUTHORIZED.**

24 “(a) IN GENERAL.—

1 “(1) ELIGIBILITY.—The Secretary shall provide
2 grants to Indian tribes, and tribal organizations
3 that—

4 “(A) operate contract schools under title
5 XI of the Education Amendments of 1978 and
6 notify the Secretary of their election to operate
7 the schools with assistance under this part
8 rather than continuing as contract school;

9 “(B) operate other tribally controlled
10 schools eligible for assistance under this part
11 and submit applications (which are approved by
12 their tribal governing bodies) to the Secretary
13 for such grants; or

14 “(C) elect to assume operation of Bureau
15 funded schools with the assistance under this
16 part and submit applications (which are ap-
17 proved by their tribal governing bodies) to the
18 Secretary for such grants.

19 “(2) DEPOSIT OF FUNDS.—Grants provided
20 under this part shall be deposited into the general
21 operating fund of the tribally controlled school with
22 respect to which the grant is made.

23 “(3) USE OF FUNDS.—(A) Except as otherwise
24 provided in this paragraph, grants provided under
25 this part shall be used to defray, at the discretion

1 of the school board of the tribally controlled school
2 with respect to which the grant is provided, any ex-
3 penditures for education related activities for which
4 any funds that compose the grant may be used
5 under the laws described in section 5205(a), includ-
6 ing, but not limited to, expenditures for—

7 “(i) school operations, academic, edu-
8 cational, residential, guidance and counseling,
9 and administrative purposes; and

10 “(ii) support services for the school, includ-
11 ing transportation.

12 “(B) Grants provided under this part may, at
13 the discretion of the school board of the tribally con-
14 trolled school with respect to which such grant is
15 provided, be used to defray operations and mainte-
16 nance expenditures for the school if any funds for
17 the operation and maintenance of the school are al-
18 located to the school under the provisions of any of
19 the laws described in section 5205(a).

20 “(b) LIMITATIONS.—

21 “(1) ONE GRANT PER TRIBE OR ORGANIZATION
22 PER FISCAL YEAR.—Not more than one grant may
23 be provided under this part with respect to any In-
24 dian tribe or tribal organization for any fiscal year.

1 “(2) NONSECTARIAN USE.—Funds provided
2 under any grant made under this part may not be
3 used in connection with religious worship or sec-
4 tarian instruction.

5 “(3) ADMINISTRATIVE COSTS LIMITATION.—
6 Funds provided under any grant under this part
7 may not be expended for administrative costs (as de-
8 fined in section 1128(h)(1) of the Education Amend-
9 ments of 1978) in excess of the amount generated
10 for such costs under section 1128 of such Act.

11 “(c) LIMITATION ON TRANSFER OF FUNDS AMONG
12 SCHOOLSITES.—

13 “(1) IN GENERAL.—In the case of a grantee
14 that operates schools at more than one schoolsite,
15 the grantee may expend not more than the lesser
16 of—

17 “(A) 10 percent of the funds allocated for
18 such schoolsite under section 1128 of the Edu-
19 cation Amendments of 1978; or

20 “(B) \$400,000 of such funds, at any other
21 schoolsites.

22 “(2) DEFINITION OF SCHOOLSITE.—For pur-
23 poses of this subsection, the term ‘schoolsites’ means
24 the physical location and the facilities of an elemen-
25 tary or secondary educational or residential program

1 operated by, or under contract or grant with, the
2 Bureau for which a discreet student count is identi-
3 fied under the funding formula established under
4 section 1127 of the Education Amendments of 1978.

5 “(d) NO REQUIREMENT TO ACCEPT GRANTS.—

6 Nothing in this part may be construed—

7 “(1) to require a tribe or tribal organization to
8 apply for or accept; or

9 “(2) to allow any person to coerce any tribe or
10 tribal organization to apply for, or accept,

11 a grant under this part to plan, conduct, and administer
12 all of, or any portion of, any Bureau program. Such appli-
13 cations and the timing of such applications shall be strictly
14 voluntary. Nothing in this part may be construed as allow-
15 ing or requiring any grant with any entity other than the
16 entity to which the grant is provided.

17 “(e) NO EFFECT ON FEDERAL RESPONSIBILITY.—

18 Grants provided under this part shall not terminate, mod-
19 ify, suspend, or reduce the responsibility of the Federal
20 Government to provide a program.

21 “(f) RETROCESSION.—

22 “(1) IN GENERAL.—Whenever a tribal gov-
23 erning body requests retrocession of any program for
24 which assistance is provided under this part, such
25 retrocession shall become effective upon a date speci-

1 fied by the Secretary that is not later than 120 days
2 after the date on which the tribal governing body re-
3 quests the retrocession. A later date as may be spec-
4 ified if mutually agreed upon by the Secretary and
5 the tribal governing body. If such a program is
6 retroceded, the Secretary shall provide to any Indian
7 tribe served by such program at least the same
8 quantity and quality of services that would have
9 been provided under such program at the level of
10 funding provided under this part prior to the ret-
11 rocession.

12 “(2) STATUS AFTER RETROCESSION.—The tribe
13 requesting retrocession shall specify whether the ret-
14 rocession is to status as a Bureau operated school
15 or as a school operated under contract under title XI
16 of the Education Amendments of 1978.

17 “(3) TRANSFER OF EQUIPMENT AND MATE-
18 RIALS.—Except as otherwise determined by the Sec-
19 retary, the tribe or tribal organization operating the
20 program to be retroceded must transfer to the Sec-
21 retary (or to the tribe or tribal organization which
22 will operate the program as a contract school) the
23 existing equipment and materials which were
24 acquired—

25 “(A) with assistance under this part; or

1 “(B) upon assumption of operation of the
2 program under this part if the school was a Bu-
3 reau funded school under title XI of the Edu-
4 cation Amendments of 1978 before receiving as-
5 sistance under this part.

6 “(g) PROHIBITION OF TERMINATION FOR ADMINIS-
7 TRATIVE CONVENIENCE.—Grants provided under this
8 part may not be terminated, modified, suspended, or re-
9 duced solely for the convenience of the administering agen-
10 cy.

11 **“SEC. 5205. COMPOSITION OF GRANTS.**

12 “(a) IN GENERAL.—The grant provided under this
13 part to an Indian tribe or tribal organization for any fiscal
14 year shall consist of—

15 “(1) the total amount of funds allocated for
16 such fiscal year under sections 1127 and 1128 of the
17 Education Amendments of 1978 with respect to the
18 tribally controlled schools eligible for assistance
19 under this part which are operated by such Indian
20 tribe or tribal organization, including, but not lim-
21 ited to, funds provided under such sections, or under
22 any other provision of law, for transportation costs;

23 “(2) to the extent requested by such Indian
24 tribe or tribal organization, the total amount of
25 funds provided from operations and maintenance ac-

1 counts and, notwithstanding section 105 of the In-
2 dian Self-Determination Act, or any other provision
3 of law, other facilities accounts for such schools for
4 such fiscal year (including but not limited to those
5 referenced under section 1126(d) of the Education
6 Amendments of 1978 or any other law); and

7 “(3) the total amount of funds that are allo-
8 cated to such schools for such fiscal year under—

9 “(A) title I of the Elementary and Sec-
10 ondary Education Act of 1965;

11 “(B) the Individuals with Disabilities Edu-
12 cation Act; and

13 “(C) any other Federal education law, that
14 are allocated to such schools for such fiscal
15 year.

16 “(b) SPECIAL RULES.—

17 “(1) IN GENERAL.—(A) Funds allocated to a
18 tribally controlled school by reason of paragraph (1)
19 or (2) of subsection (a) shall be subject to the provi-
20 sions of this part and shall not be subject to any ad-
21 ditional restriction, priority, or limitation that is im-
22 posed by the Bureau with respect to funds provided
23 under—

24 “(i) title I of the Elementary and Sec-
25 ondary Education Act of 1965;

1 “(ii) the Individuals with Disabilities Edu-
2 cation Act; or

3 “(iii) any Federal education law other than
4 title XI of the Education Amendments of 1978.

5 “(B) Indian tribes and tribal organizations to
6 which grants are provided under this part, and trib-
7 ally controlled schools for which such grants are pro-
8 vided, shall not be subject to any requirements, obli-
9 gations, restrictions, or limitations imposed by the
10 Bureau that would otherwise apply solely by reason
11 of the receipt of funds provided under any law re-
12 ferred to in clause (i), (ii), or (iii) of subparagraph
13 (A).

14 “(2) SCHOOLS CONSIDERED CONTRACT
15 SCHOOLS.—Tribally controlled schools for which
16 grants are provided under this part shall be treated
17 as contract schools for the purposes of allocation of
18 funds under sections 1126(d), 1127, and 1128 of
19 the Education Amendments of 1978.

20 “(3) SCHOOLS CONSIDERED BUREAU
21 SCHOOLS.—Tribally controlled schools for which
22 grants are provided under this chapter shall be
23 treated as Bureau schools for the purposes of alloca-
24 tion of funds provided under—

1 “(A) title I of the Elementary and Sec-
2 ondary Education Act of 1965;

3 “(B) the Individuals with Disabilities Edu-
4 cation Act; and

5 “(C) any other Federal education law, that
6 are distributed through the Bureau.

7 “(4) ACCOUNTS; USE OF CERTAIN FUNDS.—(A)
8 Notwithstanding section 5204(a)(2), with respect to
9 funds from facilities improvement and repair, alter-
10 ation and renovation (major or minor), health and
11 safety, or new construction accounts included in the
12 grant under section 5204(a), the grantee shall main-
13 tain a separate account for such funds. At the end
14 of the period designated for the work covered by the
15 funds received, the grantee shall submit to the Sec-
16 retary a separate accounting of the work done and
17 the funds expended to the Secretary. Funds received
18 from these accounts may only be used for the pur-
19 pose for which they were appropriated and for the
20 work encompassed by the application or submission
21 under which they were received.

22 “(B) Notwithstanding subparagraph (A), a
23 school receiving a grant under this part for facilities
24 improvement and repair may use such grant funds
25 for new construction if the tribal government or

1 other organization provides funding for the new con-
2 struction equal to at least 25 percent of the total
3 cost of such new construction.

4 “(C) Where the appropriations measure or the
5 application submission does not stipulate a period
6 for the work covered by the funds so designated, the
7 Secretary and the grantee shall consult and deter-
8 mine such a period prior to the transfer of the
9 funds. A period so determined may be extended
10 upon mutual agreement of the Secretary and the
11 grantee.

12 “(5) ENFORCEMENT OF REQUEST TO INCLUDE
13 FUNDS.—If the Secretary fails to carry out a re-
14 quest made under subsection (a)(2) within 180 days
15 of a request filed by an Indian tribe or tribal organi-
16 zation to include in such tribe or organization’s
17 grant the funds described in subsection (a)(2), the
18 Secretary shall be deemed to have approved such re-
19 quest and the Secretary shall immediately amend
20 the grant accordingly. Such tribe or organization
21 may enforce its rights under subsection (a)(2) and
22 this paragraph, including any denial or failure to act
23 on such tribe or organization’s request, pursuant to
24 the disputes authority described in section 5209(e).

1 **“SEC. 5206. ELIGIBILITY FOR GRANTS.**

2 “(a) RULES.—

3 “(1) IN GENERAL.—A tribally controlled school
4 is eligible for assistance under this part if the
5 school—

6 “(A) on April 28, 1988, was a contract
7 school under title XI of the Education Amend-
8 ments of 1978 and the tribe or tribal organiza-
9 tion operating the school submits to the Sec-
10 retary a written notice of election to receive a
11 grant under this part;

12 “(B) was a Bureau operated school under
13 title XI of the Education Amendments of 1978
14 and has met the requirements of subsection (b);

15 “(C) is a school for which the Bureau has
16 not provided funds, but which has met the re-
17 quirements of subsection (c); or

18 “(D) is a school with respect to which an
19 election has been made under paragraph (2)
20 and which has met the requirements of sub-
21 section (b).

22 “(2) NEW SCHOOLS.—Any application which
23 has been submitted under the Indian Self-Deter-
24 mination and Education Assistance Act by an Indian
25 tribe for a school which is not in operation on the
26 date of the enactment of the Student Results Act of

1 1999 shall be reviewed under the guidelines and reg-
2 ulations for applications submitted under the Indian
3 Self-Determination and Education Assistance Act
4 that were in effect at the time the application was
5 submitted, unless the Indian tribe or tribal organiza-
6 tion elects to have the application reviewed under
7 the provisions of subsection (b).

8 “(b) ADDITIONAL REQUIREMENTS FOR BUREAU
9 FUNDED SCHOOLS AND CERTAIN ELECTING SCHOOLS.—

10 “(1) BUREAU FUNDED SCHOOLS.—A school
11 that was a Bureau funded school under title XI of
12 the Education Amendments of 1978 on the date of
13 the enactment of the Student Results Act of 1999,
14 and any school with respect to which an election is
15 made under subsection (a)(2), meets the require-
16 ments of this subsection if—

17 “(A) the Indian tribe or tribal organization
18 that operates, or desires to operate, the school
19 submits to the Secretary an application request-
20 ing that the Secretary—

21 “(i) transfer operation of the school to
22 the Indian tribe or tribal organization, if
23 the Indian tribe or tribal organization is
24 not already operating the school; and

1 “(ii) make a determination as to
2 whether the school is eligible for assistance
3 under this part; and

4 “(B) the Secretary makes a determination
5 that the school is eligible for assistance under
6 this part.

7 “(2) CERTAIN ELECTING SCHOOLS.—(A) By
8 not later than the date that is 120 days after the
9 date on which an application is submitted to the
10 Secretary under paragraph (1)(A), the Secretary
11 shall determine—

12 “(i) in the case of a school which is not
13 being operated by the Indian tribe or tribal or-
14 ganization, whether to transfer operation of the
15 school to the Indian tribe or tribal organization;
16 and

17 “(ii) whether the school is eligible for as-
18 sistance under this part.

19 “(B) In considering applications submitted
20 under paragraph (1)(A), the Secretary—

21 “(i) shall transfer operation of the school
22 to the Indian tribe or tribal organization, if the
23 tribe or tribal organization is not already oper-
24 ating the school; and

1 “(ii) shall determine that the school is eli-
2 gible for assistance under this part, unless the
3 Secretary finds by clear and convincing evidence
4 that the services to be provided by the Indian
5 tribe or tribal organization will be deleterious to
6 the welfare of the Indians served by the school.

7 “(C) In considering applications submitted
8 under paragraph (1)(A), the Secretary shall consider
9 whether the Indian tribe or tribal organization would
10 be deficient in operating the school with respect to—

11 “(i) equipment;

12 “(ii) bookkeeping and accounting proce-
13 dures;

14 “(iii) ability to adequately manage a
15 school; or

16 “(iv) adequately trained personnel.

17 “(c) ADDITIONAL REQUIREMENTS FOR A SCHOOL
18 WHICH IS NOT A BUREAU FUNDED SCHOOL.—

19 “(1) IN GENERAL.—A school which is not a Bu-
20 reau funded school under title XI of the Education
21 Amendments of 1978 meets the requirements of this
22 subsection if—

23 “(A) the Indian tribe or tribal organization
24 that operates, or desires to operate, the school
25 submits to the Secretary an application request-

1 ing a determination by the Secretary as to
2 whether the school is eligible for assistance
3 under this part; and

4 “(B) the Secretary makes a determination
5 that a school is eligible for assistance under this
6 part.

7 “(2) DEADLINE FOR DETERMINATION BY SEC-
8 RETARY.—(A) By not later than the date that is
9 180 days after the date on which an application is
10 submitted to the Secretary under paragraph (1)(A),
11 the Secretary shall determine whether the school is
12 eligible for assistance under this part.

13 “(B) In making the determination under sub-
14 paragraph (A), the Secretary shall give equal consid-
15 eration to each of the following factors:

16 “(i) with respect to the applicant’s
17 proposal—

18 “(I) the adequacy of facilities or the
19 potential to obtain or provide adequate fa-
20 cilities;

21 “(II) geographic and demographic fac-
22 tors in the affected areas;

23 “(III) adequacy of the applicant’s pro-
24 gram plans;

1 “(IV) geographic proximity of com-
2 parable public education; and

3 “(V) the needs as expressed by all af-
4 fected parties, including but not limited to
5 students, families, tribal governments at
6 both the central and local levels, and
7 school organizations; and

8 “(ii) with respect to all education services
9 already available—

10 “(I) geographic and demographic fac-
11 tors in the affected areas;

12 “(II) adequacy and comparability of
13 programs already available;

14 “(III) consistency of available pro-
15 grams with tribal education codes or tribal
16 legislation on education; and

17 “(IV) the history and success of these
18 services for the proposed population to be
19 served, as determined from all factors in-
20 cluding, if relevant, standardized examina-
21 tion performance.

22 “(C) The Secretary may not make a
23 determination under this paragraph that is
24 primarily based upon the geographic prox-
25 imity of comparable public education.

1 “(D) Applications submitted under
2 paragraph (1)(A) shall include information
3 on the factors described in subparagraph
4 (B)(i), but the applicant may also provide
5 the Secretary such information relative to
6 the factors described in subparagraph
7 (B)(ii) as the applicant considers appro-
8 priate.

9 “(E) If the Secretary fails to make a
10 determination under subparagraph (A)
11 with respect to an application within 180
12 days after the date on which the Secretary
13 received the application, the Secretary
14 shall be treated as having made a deter-
15 mination that the tribally controlled school
16 is eligible for assistance under the title and
17 the grant shall become effective 18 months
18 after the date on which the Secretary re-
19 ceived the application, or on an earlier
20 date, at the Secretary’s discretion.

21 “(d) FILING OF APPLICATIONS AND REPORTS.—

22 “(1) IN GENERAL.—All applications and reports
23 submitted to the Secretary under this part, and any
24 amendments to such applications or reports, shall be
25 filed with the education line officer designated by

1 the Director of the Office of Indian Education Pro-
2 grams of the Bureau of Indian Affairs. The date on
3 which such filing occurs shall, for purposes of this
4 part, be treated as the date on which the application
5 or amendment was submitted to the Secretary.

6 “(2) SUPPORTING DOCUMENTATION.—Any ap-
7 plication that is submitted under this chapter shall
8 be accompanied by a document indicating the action
9 taken by the tribal governing body in authorizing
10 such application.

11 “(e) EFFECTIVE DATE FOR APPROVED APPLICA-
12 TIONS.—Except as provided by subsection (c)(2)(E), a
13 grant provided under this part, and any transfer of the
14 operation of a Bureau school made under subsection (b),
15 shall become effective beginning the academic year suc-
16 ceeding the fiscal year in which the application for the
17 grant or transfer is made, or at an earlier date determined
18 by the Secretary.

19 “(f) DENIAL OF APPLICATIONS.—

20 “(1) IN GENERAL.—Whenever the Secretary re-
21 fuses to approve a grant under this chapter, to
22 transfer operation of a Bureau school under sub-
23 section (b), or determines that a school is not eligi-
24 ble for assistance under this part, the Secretary
25 shall—

1 “(A) state the objections in writing to the
2 tribe or tribal organization within the allotted
3 time;

4 “(B) provide assistance to the tribe or trib-
5 al organization to overcome all stated objec-
6 tions.

7 “(C) at the request of the tribe or tribal
8 organization, provide the tribe or tribal organi-
9 zation a hearing on the record under the same
10 rules and regulations that apply under the In-
11 dian Self-Determination and Education Assist-
12 ance Act; and

13 “(D) provide an opportunity to appeal the
14 objection raised.

15 “(2) TIMELINE FOR RECONSIDERATION OF
16 AMENDED APPLICATIONS.—The Secretary shall re-
17 consider any amended application submitted under
18 this part within 60 days after the amended applica-
19 tion is submitted to the Secretary.

20 “(g) REPORT.—The Bureau shall submit an annual
21 report to the Congress on all applications received, and
22 actions taken (including the costs associated with such ac-
23 tions), under this section at the same time that the Presi-
24 dent is required to submit to Congress the budget under
25 section 1105 of title 31, United States Code.

1 **“SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION.**

2 “(a) IN GENERAL.—If the Secretary determines that
3 a tribally controlled school is eligible for assistance under
4 this part, the eligibility determination shall remain in ef-
5 fect until the determination is revoked by the Secretary,
6 and the requirements of subsection (b) or (c) of section
7 5206, if applicable, shall be considered to have been met
8 with respect to such school until the eligibility determina-
9 tion is revoked by the Secretary.

10 “(b) ANNUAL REPORTS.—

11 “(1) IN GENERAL.—Each recipient of a grant
12 provided under this part shall complete an annual
13 report which shall be limited to—

14 “(A) an annual financial statement report-
15 ing revenue and expenditures as defined by the
16 cost accounting established by the grantee;

17 “(B) an annual financial audit conducted
18 pursuant to the standards of the Single Audit
19 Act of 1984;

20 “(C) an annual submission to the Sec-
21 retary of the number of students served and a
22 brief description of programs offered under the
23 grant; and

24 “(D) a program evaluation conducted by
25 an impartial evaluation review team, to be

1 based on the standards established for purposes
2 of subsection (c)(1)(A)(ii).

3 “(2) EVALUATION REVIEW TEAMS.—Where ap-
4 propriate, other tribally controlled schools and rep-
5 resentatives of tribally controlled community colleges
6 shall make up members of the evaluation review
7 teams.

8 “(3) EVALUATIONS.—In the case of a school
9 which is accredited, evaluations will be conducted at
10 intervals under the terms of accreditation.

11 “(4) SUBMISSION OF REPORT.—

12 “(A) TO TRIBALLY GOVERNING BODY.—
13 Upon completion of the report required under
14 paragraph (a), the recipient of the grant shall
15 send (via first class mail, return receipt re-
16 quested) a copy of such annual report to the
17 tribal governing body (as defined in section
18 1132(f) of the Education Amendments of 1978)
19 of the tribally controlled school.

20 “(B) TO SECRETARY.—Not later than 30
21 days after receiving written confirmation that
22 the tribal governing body has received the re-
23 port send pursuant to subsection (A), the re-
24 cipient of the grant shall send a copy of the re-
25 port to the Secretary.

1 “(c) REVOCATION OF ELIGIBILITY.—

2 “(1) IN GENERAL.—(A) The Secretary shall not
3 revoke a determination that a school is eligible for
4 assistance under this part if—

5 “(i) the Indian tribe or tribal organization
6 submits the reports required under subsection
7 (b) with respect to the school; and

8 “(ii) at least one of the following sub-
9 clauses applies with respect to the school:

10 “(I) The school is certified or accred-
11 ited by a State or regional accrediting as-
12 sociation or is a candidate in good stand-
13 ing for such accreditation under the rules
14 of the State or regional accrediting asso-
15 ciation, showing that credits achieved by
16 the students within the education pro-
17 grams are, or will be, accepted at grade
18 level by a State certified or regionally ac-
19 credited institution.

20 “(II) A determination made by the
21 Secretary that there is a reasonable expect-
22 tation that the accreditation described in
23 subclause (I), or the candidacy in good
24 standing for such accreditation, will be
25 reached by the school within 3 years and

1 that the program offered by the school is
2 beneficial to the Indian students.

3 “(III) The school is accredited by a
4 tribal department of education if such ac-
5 creditation is accepted by a generally rec-
6 ognized regional or State accreditation
7 agency.

8 “(IV) The schools accept the stand-
9 ards promulgated under section 1121 of
10 the Education Amendments of 1978 and
11 an evaluation of performance is conducted
12 under this section in conformance with the
13 regulations pertaining to Bureau operated
14 schools by an impartial evaluator chosen
15 by the grantee, but no grantee shall be re-
16 quired to comply with these standards to a
17 higher degree than a comparable Bureau
18 operated school.

19 “(V) A positive evaluation of the
20 school is conducted by an impartial eval-
21 uator agreed upon by the Secretary and
22 the grantee every 2 years under standards
23 adopted by the contractor under a contract
24 for a school entered into under the Indian
25 Self-Determination and Education Assist-

1 ance Act (or revisions of such standards
2 agreed to by the Secretary and the grant-
3 ee) prior to the date of the enactment of
4 this Act. If the Secretary and the grantee
5 other than the tribal governing body fail to
6 agree on such an evaluator, the tribal gov-
7 erning body shall choose the evaluator or
8 perform the evaluation. If the Secretary
9 and a grantee which is the tribal governing
10 body fail to agree on such an evaluator,
11 this subclause shall not apply.

12 “(B) The choice of standards employed for the
13 purpose of subparagraph (A)(ii) shall be consistent
14 with section 1121(e) of the Education Amendments
15 of 1978.

16 “(2) NOTICE REQUIREMENTS FOR REVOCA-
17 TION.—The Secretary shall not revoke a determina-
18 tion that a school is eligible for assistance under this
19 part, or reassume control of a school that was a Bu-
20 reau school prior to approval of an application sub-
21 mitted under section 5206(b)(1)(A) until the
22 Secretary—

23 “(A) provides notice to the tribally con-
24 trolled school and the tribal governing body
25 (within the meaning of section 1141(14) of the

1 Education Amendments of 1978) of the tribally
2 controlled school which states—

3 “(i) the specific deficiencies that led
4 to the revocation or resumption determina-
5 tion; and

6 “(ii) the actions that are needed to
7 remedy such deficiencies; and

8 “(B) affords such authority an opportunity
9 to effect the remedial actions.

10 “(3) TECHNICAL ASSISTANCE.—The Secretary
11 shall provide such technical assistance as is prac-
12 ticable to effect such remedial actions. Such notice
13 and technical assistance shall be in addition to a
14 hearing and appeal to be conducted pursuant to the
15 regulations described in section 5206(f)(1)(C).

16 “(d) APPLICABILITY OF SECTION PURSUANT TO
17 ELECTION UNDER SECTION 5209(b).—With respect to a
18 tribally controlled school which receives assistance under
19 this part pursuant to an election made under section
20 5209(b)—

21 “(1) subsection (b) of this section shall apply;
22 and

23 “(2) the Secretary may not revoke eligibility for
24 assistance under this part except in conformance
25 with subsection (c) of this section.

1 **“SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS.**

2 “(a) PAYMENTS.—

3 “(1) IN GENERAL.—Except as otherwise pro-
4 vided in this subsection, the Secretary shall make
5 payments to grantees under this part in two pay-
6 ments, of which—

7 “(A) the first payment shall be made not
8 later than July 15 of each year in an amount
9 equal to 85 percent of the amount which the
10 grantee was entitled to receive during the pre-
11 ceding academic year; and

12 “(B) the second payment, consisting of the
13 remainder to which the grantee is entitled for
14 the academic year, shall be made not later than
15 December 1 of each year.

16 “(2) NEWLY FUNDED SCHOOLS.—For any
17 school for which no payment under this part was
18 made from Bureau funds in the preceding academic
19 year, full payment of the amount computed for the
20 first academic year of eligibility under this part shall
21 be made not later than December 1 of the academic
22 year.

23 “(3) LATE FUNDING.—With regard to funds for
24 grantees that become available for obligation on Oc-
25 tober 1 of the fiscal year for which such funds are
26 appropriated, the Secretary shall make payments to

1 grantees not later than December 1 of the fiscal
2 year.

3 “(4) APPLICABILITY OF CERTAIN TITLE 31 PRO-
4 VISIONS.—The provisions of chapter 39 of Title 31,
5 United States Code, shall apply to the payments re-
6 quired to be made by paragraphs (1), (2), and (3).

7 “(5) RESTRICTIONS.—Paragraphs (1), (2), and
8 (3) shall be subject to any restriction on amounts of
9 payments under this part that are imposed by a con-
10 tinuing resolution or other Act appropriating the
11 funds involved.

12 “(b) INVESTMENT OF FUNDS.—

13 “(1) TREATMENT OF INTEREST AND INVEST-
14 MENT INCOME.—Notwithstanding any other provi-
15 sion of law, any interest or investment income that
16 accrues to any funds provided under this part after
17 such funds are paid to the Indian tribe or tribal or-
18 ganization and before such funds are expended for
19 the purpose for which such funds were provided
20 under this part shall be the property of the Indian
21 tribe or tribal organization and shall not be taken
22 into account by any officer or employee of the Fed-
23 eral Government in determining whether to provide
24 assistance, or the amount of assistance, under any

1 provision of Federal law. Such interest income shall
2 be spent on behalf of the school.

3 “(2) PERMISSIBLE INVESTMENTS.—Funds pro-
4 vided under this part may be invested by the Indian
5 tribe or tribal organization before such funds are ex-
6 pended for the purposes of this part so long as such
7 funds are—

8 “(A) invested by the Indian tribe or tribal
9 organization only in obligations of the United
10 States, or in obligations or securities that are
11 guaranteed or insured by the United States, or
12 mutual (or other) funds registered with the Se-
13 curities and Exchange Commission and which
14 only invest in obligations of the United States,
15 or securities that are guaranteed or insured by
16 the United States; or

17 “(B) deposited only into accounts that are
18 insured by and agency or instrumentality of the
19 United States, or are fully collateralized to en-
20 sure protection of the funds, even in the event
21 of a bank failure.

22 “(c) RECOVERIES.—For the purposes of under-
23 recovery and overrecovery determinations by any Federal
24 agency for any other funds, from whatever source derived,

1 funds received under this part shall not be taken into con-
2 sideration.

3 **“SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-**
4 **DETERMINATION AND EDUCATION ASSIST-**
5 **ANCE ACT.**

6 “(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—
7 The following provisions of the Indian Self-Determination
8 and Education Assistance Act (and any subsequent revi-
9 sions thereto or renumbering thereof), shall apply to
10 grants provided under this part:

11 “(1) Section 5(f) (relating to single agency
12 audit).

13 “(2) Section 6 (relating to criminal activities;
14 penalties).

15 “(3) Section 7 (relating to wage and labor
16 standards).

17 “(4) Section 104 (relating to retention of Fed-
18 eral employee coverage).

19 “(5) Section 105(f) (relating to Federal prop-
20 erty).

21 “(6) Section 105(k) (relating to access to Fed-
22 eral sources of supply).

23 “(7) Section 105(l) (relating to lease of facility
24 used for administration and delivery of services).

1 “(8) Section 106(e) (relating to limitation on
2 remedies relating to cost allowances).

3 “(9) Section 106(i) (relating to use of funds for
4 matching or cost participation requirements).

5 “(10) Section 106(j) (relating to allowable uses
6 of funds).

7 “(11) Section 108(c) (Model Agreements provi-
8 sions (1)(a)(5) (relating to limitations of costs),
9 (1)(a)(7) (relating to records and monitoring),
10 (1)(a)(8) (relating to property), and (a)(1)(9) (relat-
11 ing to availability of funds).

12 “(12) Section 109 (relating to reassumption).

13 “(13) Section 111 (relating to sovereign immu-
14 nity and trusteeship rights unaffected).

15 “(b) ELECTION FOR GRANT IN LIEU OF CON-
16 TRACT.—

17 “(1) IN GENERAL.—Contractors for activities to
18 which this part applies who have entered into a con-
19 tract under the Indian Self-Determination and Edu-
20 cation Assistance Act that is in effect upon the date
21 of the enactment of the Student Results Act of 1999
22 may, by giving notice to the Secretary, elect to have
23 the provisions of this part apply to such activity in
24 lieu of such contract.

1 “(2) EFFECTIVE DATE OF ELECTION.—Any
2 election made under paragraph (1) shall take effect
3 on the later of—

4 “(A) October 1 of the fiscal year suc-
5 ceeding the fiscal year in which such election is
6 made; or

7 “(B) 60 days after the date of such elec-
8 tion.

9 “(3) EXCEPTION.—In any case in which the 60-
10 day period referred to in paragraph (2)(B) is less
11 than 60 days before the beginning of the succeeding
12 fiscal year, such election shall not take effect until
13 the fiscal year after the fiscal year succeeding the
14 election.

15 “(c) NO DUPLICATION.—No funds may be provided
16 under any contract entered into under the Indian Self-De-
17 termination and Education Assistance Act to pay any ex-
18 penses incurred in providing any program or services if
19 a grant has been made under this part to pay such ex-
20 penses.

21 “(d) TRANSFERS AND CARRYOVERS.—

22 “(1) BUILDINGS, EQUIPMENT, SUPPLIES, MATE-
23 RIALS.—A tribe or tribal organization assuming the
24 operation of—

1 “(A) a Bureau school with assistance
2 under this part shall be entitled to the transfer
3 or use of buildings, equipment, supplies, and
4 materials to the same extent as if it were con-
5 tracting under the Indian Self-Determination
6 and Education Assistance Act; or

7 “(B) a contract school with assistance
8 under this part shall be entitled to the transfer
9 or use of buildings, equipment, supplies and
10 materials that were used in the operation of the
11 contract school to the same extent as if it were
12 contracting under the Indian Self-Determina-
13 tion and Education Assistance Act.

14 “(2) FUNDS.—Any tribe or tribal organization
15 which assumes operation of a Bureau school with as-
16 sistance under this part and any tribe or tribal orga-
17 nization which elects to operate a school with assist-
18 ance under this part rather than to continue as a
19 contract school shall be entitled to any funds which
20 would carryover from the previous fiscal year as if
21 such school were operated as a contract school.

22 “(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Any
23 exception or problem cited in an audit conducted pursuant
24 to section 5207(b)(2), any dispute regarding a grant au-
25 thorized to be made pursuant to this part or any amend-

1 ment to such grant, and any dispute involving an adminis-
2 trative cost grant under section 1128 of the Education
3 Amendments of 1978 shall be administered under the pro-
4 visions governing such exceptions, problems, or disputes
5 in the case of contracts under the Indian Self-Determina-
6 tion and Education Assistance Act of 1975. The Equal
7 Access to Justice Act shall apply to administrative appeals
8 filed after September 8, 1988, by grantees regarding a
9 grant under this part, including an administrative cost
10 grant.

11 **“SEC. 5210. ROLE OF THE DIRECTOR.**

12 “Applications for grants under this part, and all ap-
13 plication modifications, shall be reviewed and approved by
14 personnel under the direction and control of the Director
15 of the Office of Indian Education Programs. Required re-
16 ports shall be submitted to education personnel under the
17 direction and control of the Director of such Office.

18 **“SEC. 5211. REGULATIONS.**

19 “The Secretary is authorized to issue regulations re-
20 lating to the discharge of duties specifically assigned to
21 the Secretary by this part. In all other matters relating
22 to the details of planning, development, implementing, and
23 evaluating grants under this part, the Secretary shall not
24 issue regulations. Regulations issued pursuant to this part

1 **“SEC. 5213. DEFINITIONS.**

2 “For the purposes of this part:

3 “(1) BUREAU.—The term ‘Bureau’ means the
4 Bureau of Indian Affairs of the Department of the
5 Interior.

6 “(2) ELIGIBLE INDIAN STUDENT.—The term
7 ‘eligible Indian student’ has the meaning of such
8 term in section 1127(f) of the Education Amend-
9 ments of 1978.

10 “(3) INDIAN TRIBE.—The term ‘Indian tribe’
11 means any Indian tribe, band, nation, or other orga-
12 nized group or community, including Alaska Native
13 Village or regional corporations (as defined in or es-
14 tablished pursuant to the Alaskan Native Claims
15 Settlement Act, which is recognized as eligible for
16 the special programs and services provided by the
17 United States to Indians because of their status as
18 Indians.

19 “(4) LOCAL EDUCATIONAL AGENCY.—The term
20 a ‘local educational agency’ means a public board of
21 education or other public authority legally con-
22 stituted within a State for either administrative con-
23 trol or direction of, or to perform a service function
24 for, public elementary or secondary schools in a city,
25 county, township, school district, or other political
26 subdivision of a State or such combination of school

1 districts or counties as are recognized in a State as
2 an administrative agency for its public elementary or
3 secondary schools. Such term includes any other
4 public institution or agency having administrative
5 control and direction of a public elementary or sec-
6 ondary school.

7 “(5) SECRETARY.—The term ‘Secretary’ means
8 the Secretary of the Interior.

9 “(6) TRIBAL ORGANIZATION.—(A) The term
10 ‘tribal organization’ means—

11 “(i) the recognized governing body of any
12 Indian tribe; or

13 “(ii) any legally established organization of
14 Indians which—

15 “(I) is controlled, sanctioned, or char-
16 tered by such governing body or is demo-
17 cratically elected by the adult members of
18 the Indian community to be served by such
19 organization; and

20 “(II) includes the maximum partici-
21 pation of Indians in all phases of its activi-
22 ties.

23 “(B) In any case in which a grant is provided
24 under this part to an organization to provide serv-
25 ices benefiting more than one Indian tribe, the ap-

1 proval of the governing bodies of Indian tribes rep-
 2 resenting 80 percent of those students attending the
 3 tribally controlled school shall be considered a suffi-
 4 cient tribal authorization for such grant.

5 “(7) TRIBALLY CONTROLLED SCHOOL.—The
 6 term ‘tribally controlled school’ means a school oper-
 7 ated by a tribe or a tribal organization, enrolling
 8 students in kindergarten through grade 12, includ-
 9 ing preschools, which is not a local educational agen-
 10 cy and which is not directly administered by the Bu-
 11 reau of Indian Affairs.”.

12 **TITLE V—GIFTED AND** 13 **TALENTED CHILDREN**

14 **SEC. 501. AMENDMENT TO ESEA RELATING TO GIFTED AND** 15 **TALENTED CHILDREN.**

16 Part B of title X of the Elementary and Secondary
 17 Education Act of 1965 (20 U.S.C. 8031 et seq.) is amend-
 18 ed to read as follows:

19 **“PART B—GIFTED AND TALENTED CHILDREN**

20 **“SEC. 10201. SHORT TITLE.**

21 “‘This part may be cited as the ‘Jacob K. Javits Gift-
 22 ed and Talented Students Education Act of 1999’.

23 **“SEC. 10202. FINDINGS.**

24 “‘The Congress finds the following:

1 “(1) While the families or communities of some
2 gifted students can provide private programs with
3 appropriately trained staff to supplement public edu-
4 cational offerings, most high-ability students, espe-
5 cially those from inner cities, rural communities, or
6 low-income families, must rely on the services and
7 personnel provided by public schools. Therefore, gift-
8 ed education programs, provided by qualified profes-
9 sionals in the public schools, are needed to provide
10 equal educational opportunities.

11 “(2) Due to the wide dispersal of students who
12 are gifted and talented and the national interest in
13 a well-educated populace, the Federal Government
14 can most effectively and appropriately conduct sci-
15 entifically based research and development to pro-
16 vide an infrastructure and to ensure that there is a
17 national capacity to educate students who are gifted
18 and talented to meet the needs of the 21st century.

19 “(3) State and local educational agencies often
20 lack the specialized resources and trained personnel
21 to consistently plan and implement effective pro-
22 grams for the identification of gifted and talented
23 students and for the provision of educational services
24 and programs appropriate for their needs.

1 “(4) Because gifted and talented students gen-
2 erally are more advanced academically, are able to
3 learn more quickly, and study in more depth and
4 complexity than others their age, their educational
5 needs require opportunities and experiences that are
6 different from those generally available in regular
7 education programs.

8 “(5) Typical elementary school students who
9 are academically gifted and talented already have
10 mastered 35 to 50 percent of the school year’s con-
11 tent in several subject areas before the year begins.
12 Without an advanced and challenging curriculum,
13 they often lose their motivation and develop poor
14 study habits that are difficult to break.

15 “(6) Elementary and secondary teachers have
16 students in their classrooms with a wide variety of
17 traits, characteristics, and needs. Most teachers re-
18 ceive some training to meet the needs of these stu-
19 dents, such as students with limited English pro-
20 ficiency, students with disabilities, and students
21 from diverse cultural and racial backgrounds. How-
22 ever, most teachers do not receive training on meet-
23 ing the needs of students who are gifted and tal-
24 ented.

1 **“SEC. 10203. CONDITIONS ON EFFECTIVENESS OF SUB-**
2 **PARTS 1 AND 2.**

3 “(a) SUBPART 1.—Subpart 1 shall be in effect only
4 for a fiscal year for which subpart 2 is not in effect.

5 “(b) SUBPART 2.—

6 “(1) IN GENERAL.—Subpart 2 shall be in effect
7 only for—

8 “(A) the first fiscal year for which the
9 amount appropriated to carry out this part
10 equals or exceeds \$50,000,000; and

11 “(B) all succeeding fiscal years.

12 “(2) CONTINUATION OF AWARDS.—Notwith-
13 standing any other provision of this part, a State re-
14 ceiving a grant under subpart 2—

15 “(A) shall give special consideration to a
16 request for the continuation of an award within
17 the State, made by any public or private agen-
18 cy, institution, or organization that was award-
19 ed a grant or contract under subpart 1 for a
20 fiscal year for which such subpart was in effect;
21 and

22 “(B) may use funds received under such
23 grant for the purpose of permitting the agency,
24 institution, or organization to continue to re-
25 ceive funds in accordance with the terms of

1 Hawaiian organizations) to assist such agencies, in-
2 stitutions, and organizations in carrying out pro-
3 grams or projects authorized by this subpart that
4 are designed to meet the educational needs of gifted
5 and talented students, including the training of per-
6 sonnel in the education of gifted and talented stu-
7 dents and in the use, where appropriate, of gifted
8 and talented services, materials, and methods for all
9 students.

10 “(2) APPLICATION.—Each entity desiring as-
11 sistance under this subpart shall submit an applica-
12 tion to the Secretary at such time, in such manner,
13 and containing such information as the Secretary
14 may reasonably require. Each such application shall
15 describe how—

16 “(A) the proposed gifted and talented serv-
17 ices, materials, and methods can be adapted, if
18 appropriate, for use by all students; and

19 “(B) the proposed programs can be evalu-
20 ated.

21 “(b) USES OF FUNDS.—Programs and projects as-
22 sisted under this subpart may include the following:

23 “(1) Carrying out—

24 “(A) scientifically based research on meth-
25 ods and techniques for identifying and teaching

1 gifted and talented students, and for using gift-
2 ed and talented programs and methods to serve
3 all students; and

4 “(B) program evaluations, surveys, and the
5 collection, analysis, and development of infor-
6 mation needed to accomplish the purpose of this
7 subpart.

8 “(2) Professional development (including fellow-
9 ships) for personnel (including leadership personnel)
10 involved in the education of gifted and talented stu-
11 dents.

12 “(3) Establishment and operation of model
13 projects and exemplary programs for serving gifted
14 and talented students, including innovative methods
15 for identifying and educating students who may not
16 be served by traditional gifted and talented pro-
17 grams, including summer programs, mentoring pro-
18 grams, service learning programs, and cooperative
19 programs involving business, industry, and edu-
20 cation.

21 “(4) Implementing innovative strategies, such
22 as cooperative learning, peer tutoring and service
23 learning.

24 “(5) Programs of technical assistance and in-
25 formation dissemination, including assistance and

1 information with respect to how gifted and talented
2 programs and methods, where appropriate, may be
3 adapted for use by all students.

4 “(c) COORDINATION.—Scientifically based research
5 activities supported under this subpart—

6 “(1) shall be carried out in consultation with
7 the Office of Educational Research and Improve-
8 ment to ensure that such activities are coordinated
9 with and enhance the research and development ac-
10 tivities supported by such Office; and

11 “(2) may include collaborative scientifically
12 based research activities which are jointly funded
13 and carried out with such Office.

14 **“SEC. 10213. PROGRAM PRIORITIES.**

15 “(a) GENERAL PRIORITY.—In the administration of
16 this subpart, the Secretary shall give highest priority to
17 programs and projects designed to develop new informa-
18 tion that—

19 “(1) improves the capability of schools to plan,
20 conduct, and improve programs to identify and serve
21 gifted and talented students; and

22 “(2) assists schools in the identification of, and
23 provision of services to, gifted and talented students
24 who may not be identified and served through tradi-
25 tional assessment methods (including economically

1 disadvantaged individuals, individuals of limited
2 English proficiency, and individuals with disabili-
3 ties).

4 “(b) SERVICE PRIORITY.—In approving applications
5 for assistance under section 10212(a)(2), the Secretary
6 shall ensure that in each fiscal year at least one-half of
7 the applications approved under such section address the
8 priority described in subsection (a)(2).

9 “(c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
10 CIES FOR AUTHORIZED ACTIVITIES.—

11 “(1) IN GENERAL.—For fiscal year 2001 and
12 succeeding fiscal years, the Secretary shall ensure
13 that a percentage of the excess amount described in
14 paragraph (2) is used to increase (in proportion to
15 any increases in such excess amounts) the number
16 and size of the grants under this subpart to State
17 educational agencies to begin implementing activities
18 described in section 10222(b) through competitive
19 subgrants to local educational agencies.

20 “(2) EXCESS AMOUNT.—For purposes of para-
21 graph (1), the excess amount described in this para-
22 graph is, for fiscal year 2001 and succeeding fiscal
23 years, the amount (if any) by which the funds ap-
24 propriated to carry out this subpart for the year ex-
25 ceed such funds for fiscal year 2000.

1 **“SEC. 10214. GENERAL PROVISIONS FOR SUBPART.**

2 “(a) REVIEW, DISSEMINATION, AND EVALUATION.—

3 The Secretary—

4 “(1) shall use a peer review process in review-
5 ing applications under this subpart;

6 “(2) shall ensure that information on the activi-
7 ties and results of programs and projects funded
8 under this subpart is disseminated to appropriate
9 State and local educational agencies and other ap-
10 propriate organizations, including nonprofit private
11 organizations; and

12 “(3) shall evaluate the effectiveness of pro-
13 grams under this subpart in accordance with section
14 14701, both in terms of the impact on students tra-
15 ditionally served in separate gifted and talented pro-
16 grams and on other students, and submit the results
17 of such evaluation to the Congress not later than 2
18 years after the date of the enactment of the Student
19 Results Act of 1999.

20 “(b) PROGRAM OPERATIONS.—The Secretary shall
21 ensure that the programs under this subpart are adminis-
22 tered within the Department by a person who has recog-
23 nized professional qualifications and experience in the field
24 of the education of gifted and talented students and who—

25 “(1) shall administer and coordinate the programs
26 authorized under this subpart;

1 “(b) AUTHORIZED ACTIVITIES.—Each State receiv-
2 ing a grant under this subpart shall use the funds pro-
3 vided under the grant to assist local educational agencies
4 to develop or expand gifted and talented education pro-
5 grams through one or more of the following activities:

6 “(1) Development and implementation of pro-
7 grams to address State and local needs for in-service
8 training programs for general educators, specialists
9 in gifted and talented education, administrators, or
10 other personnel at the elementary and secondary lev-
11 els.

12 “(2) Making materials and services available
13 through State regional educational service centers,
14 institutions of higher education, or other entities.

15 “(3) Supporting innovative approaches and cur-
16 ricula used by local educational agencies (or con-
17 sortia of such agencies) or schools or (consortia of
18 schools).

19 “(4) Providing funds for challenging, high-level
20 course work, disseminated through new and emerg-
21 ing technologies (including distance learning), for in-
22 dividual students or groups of students in schools
23 and local educational agencies that do not have the
24 resources otherwise to provide such course work.

1 “(c) COMPETITIVE PROCESS.—A State receiving a
2 grant under this subpart shall distribute at least 95 per-
3 cent of the amount of the grant to local educational agen-
4 cies through a competitive process that results in an equi-
5 table distribution by geographic area within the State.

6 “(d) LIMITATIONS ON USE OF FUNDS.—

7 “(1) COURSE WORK PROVIDED THROUGH
8 EMERGING TECHNOLOGIES.—Activities under sub-
9 section (b)(4) may include development of cur-
10 riculum packages, compensation of distance-learning
11 educators, or other relevant activities, but funds pro-
12 vided under this subpart may not be used for the
13 purchase or upgrading of technological hardware.

14 “(2) ADMINISTRATIVE COSTS.—A State receiv-
15 ing a grant under this subpart may use not more
16 than 5 percent of the amount of the grant for State
17 administrative costs.

18 **“SEC. 10223. ALLOTMENTS TO STATES.**

19 “(a) RESERVATION OF FUNDS.—From the amount
20 made available to carry out this subpart for any fiscal
21 year, the Secretary shall reserve $\frac{1}{2}$ of 1 percent for the
22 Secretary of the Interior for programs under this subpart
23 for teachers, other staff, and administrators in schools op-
24 erated or funded by the Bureau of Indian Affairs.

25 “(b) STATE ALLOTMENTS.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the Secretary shall allot the total amount
3 made available to carry out this subpart for any fis-
4 cal year and not reserved under subsection (a) to the
5 50 States, the District of Columbia, and the Com-
6 monwealth of Puerto Rico on the basis of their rel-
7 ative populations of individuals aged 5 through 17,
8 as determined by the Secretary on the basis of the
9 most recent satisfactory data.

10 “(2) MINIMUM GRANT AMOUNT.—No State re-
11 ceiving an allotment under paragraph (1) may re-
12 ceive less than $\frac{1}{4}$ of 1 percent of the total amount
13 allotted under such paragraph.

14 “(c) REALLOTMENT.—If any State does not apply for
15 an allotment under this section for any fiscal year, the
16 Secretary shall reallocate such amount to the remaining
17 States in accordance with this section.

18 **“SEC. 10224. APPLICATION.**

19 “(a) IN GENERAL.—To be eligible to receive a grant
20 under this subpart, a State shall submit an application
21 to the Secretary at such time, in such manner, and con-
22 taining such information as the Secretary may reasonably
23 require.

24 “(b) CONTENTS.—Each application under this sec-
25 tion shall include assurances that—

1 “(1) funds received under this subpart will be
2 used to support gifted and talented students in pub-
3 lic schools and public charter schools, including stu-
4 dents from all economic, ethnic, and racial back-
5 grounds, students of limited English proficiency, stu-
6 dents with disabilities, and highly gifted students;

7 “(2) not less than 95 percent of the amount of
8 the funds provided under the grant shall be used for
9 the purpose of making, in accordance with this sub-
10 part and on a competitive basis, subgrants to local
11 educational agencies;

12 “(3) funds received under this subpart shall be
13 used only to supplement, but not supplant, the
14 amount of State and local funds expended for spe-
15 cialized education and related services provided for
16 the education of gifted and talented students; and

17 “(4) the State shall develop procedures to
18 evaluate program effectiveness.

19 “(c) APPROVAL.—To the extent funds are made
20 available for this subpart, the Secretary shall approve an
21 application of a State if such application meets the re-
22 quirements of this section.

23 **“SEC. 10225. ANNUAL REPORTING.**

24 “Beginning 1 year after the date of the enactment
25 of the Student Results Act of 1999, a State receiving a

1 grant under this subpart shall submit an annual report
2 to the Secretary that describes the number of students
3 served and the activities supported with funds provided
4 under this subpart. The report shall include a description
5 of the measures taken to comply with paragraphs (1) and
6 (4) of section 10224(b). To the extent practicable and oth-
7 erwise authorized by law, this report shall be submitted
8 as part of any consolidated State performance report for
9 State formula grant programs under this Act.

10 **“Subpart 3—National Center for Research and Devel-**
11 **opment in the Education of Gifted and Talented**
12 **Children and Youth**

13 **“SEC. 10231. CENTER FOR RESEARCH AND DEVELOPMENT.**

14 “(a) IN GENERAL.—The Secretary (after consulta-
15 tion with experts in the field of the education of gifted
16 and talented students) shall establish a National Center
17 for Research and Development in the Education of Gifted
18 and Talented Children and Youth through grants to or
19 contracts with one or more institutions of higher education
20 or State educational agencies, or a combination or consor-
21 tium of such institutions and agencies and other public
22 or private agencies and organizations, for the purpose of
23 carrying out activities described in section 10212(b)(1).

24 “(b) DIRECTOR.—Such National Center shall have a
25 Director. The Secretary may authorize the Director to

1 carry out such functions of the National Center as may
2 be agreed upon through arrangements with institutions of
3 higher education, State or local educational agencies, or
4 other public or private agencies and organizations.

5 “(c) COORDINATION.—Scientifically based research
6 activities supported under this subpart—

7 “(1) shall be carried out in consultation with
8 the Office of Educational Research and Improve-
9 ment to ensure that such activities are coordinated
10 with and enhance the research and development ac-
11 tivities supported by such Office; and

12 “(2) may include collaborative scientifically
13 based research activities which are jointly funded
14 and carried out with such Office.

15 **“Subpart 4—General Provisions**

16 **“SEC. 10241. CONSTRUCTION.**

17 “Nothing in this part shall be construed to prohibit
18 a recipient of funds under this part from serving gifted
19 and talented students simultaneously with students with
20 similar educational needs, in the same educational settings
21 where appropriate.

22 **“SEC. 10242. PARTICIPATION OF PRIVATE SCHOOL CHIL-
23 DREN AND TEACHERS.**

24 “In making grants and entering into contracts under
25 this part, the Secretary shall ensure, where appropriate,

1 that provision is made for the equitable participation of
2 students and teachers in private nonprofit elementary and
3 secondary schools, including the participation of teachers
4 and other personnel in professional development programs
5 serving such children.

6 **“SEC. 10243. DEFINITIONS.**

7 “For purposes of this part:

8 “(1) The term ‘scientifically based research’—

9 “(A) means the application of rigorous,
10 systematic, and objective procedures to obtain
11 valid knowledge relevant to the education of
12 gifted and talented children; and

13 “(B) shall include research that—

14 “(i) employs systematic, empirical
15 methods that draw on observation or ex-
16 periment;

17 “(ii) involves rigorous data analyses
18 that are adequate to test the stated
19 hypotheses and justify the general conclu-
20 sions drawn;

21 “(iii) relies on measurements or obser-
22 vational methods that provide valid data
23 across evaluators and observers and across
24 multiple measurements and observations;
25 and

1 “(iv) has been accepted by a peer-re-
2 viewed journal or approved by a panel of
3 independent experts through a comparably
4 rigorous, objective, and scientific review.

5 “(2) STATE.—The term ‘State’ means each of
6 the 50 States, the District of Columbia, and the
7 Commonwealth of Puerto Rico.

8 **“SEC. 10244. AUTHORIZATION OF APPROPRIATIONS.**

9 “(a) SUBPART 1 OR 2.—Subject to section 10203,
10 there are authorized to be appropriated \$10,000,000 to
11 carry out subpart 1 or 2 for fiscal year 2000 and such
12 sums as may be necessary for each of fiscal years 2001
13 through 2004.

14 “(b) SUBPART 3.—There are authorized to be appro-
15 priated to carry out subpart 3 \$1,950,000 for each of fis-
16 cal years 2000 through 2004.”.

17 **TITLE VI—RURAL EDUCATION**
18 **ASSISTANCE**

19 **SEC. 601. RURAL EDUCATION.**

20 Part J of title X of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 8271 et seq.) is amend-
22 ed to read as follows:

1 **“PART J—RURAL EDUCATION INITIATIVE**

2 **“SEC. 10951. SHORT TITLE.**

3 “‘This part may be cited as the ‘Rural Education Ini-
4 tiative Act of 1999’.

5 **“SEC. 10952. FINDINGS.**

6 “Congress finds the following:

7 “(1) The National Center for Educational Sta-
8 tistics reports that 46 percent of our Nation’s public
9 schools serve rural areas.

10 “(2) While there are rural education initiatives
11 identified at the State and local level, no Federal
12 education policy focuses on the specific and unique
13 needs of rural school districts and schools.

14 “(3) Small school districts often cannot use
15 Federal grant funds distributed by formula because
16 the formula allocation does not provide enough rev-
17 enue to carry out the program the grant is intended
18 to fund.

19 “(4) Rural schools often cannot compete for
20 Federal funding distributed by competitive grants
21 because the schools lack the personnel needed to
22 prepare grant applications and the resources to hire
23 specialists in the writing of Federal grant proposals.

24 “(5) A critical problem for rural school districts
25 involves the hiring and retention of qualified admin-
26 istrators and certified teachers (especially in read-

1 ing, science, and mathematics). As a result, teachers
2 in rural schools are almost twice as likely to provide
3 instruction in three or more subject areas than
4 teachers in urban schools. Rural schools also face
5 other tough challenges, such as shrinking local tax
6 bases, high transportation costs, aging buildings,
7 limited course offerings, and limited resources.

8 **“Subpart 1—Small and Rural School Program**

9 **“SEC. 10961. FORMULA GRANT PROGRAM AUTHORIZED.**

10 “(a) ALTERNATIVE USES.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of law, an eligible local educational agency
13 may use the applicable funding, that the agency is
14 eligible to receive from the State educational agency
15 for a fiscal year, to support local or statewide edu-
16 cation reform efforts intended to improve the aca-
17 demic achievement of elementary school and sec-
18 ondary school students and the quality of instruction
19 provided for the students.

20 “(2) NOTIFICATION.—An eligible local edu-
21 cational agency shall notify the State educational
22 agency of the local educational agency’s intention to
23 use the applicable funding in accordance with para-
24 graph (1) not later than a date that is established
25 by the State educational agency for the notification.

1 “(b) ELIGIBILITY.—

2 “(1) IN GENERAL.—A local educational agency
3 shall be eligible to use the applicable funding in ac-
4 cordance with subsection (a) if—

5 “(A)(i) the total number of students in av-
6 erage daily attendance at all of the schools
7 served by the local educational agency is less
8 than 600; and

9 “(ii) all of the schools served by the local
10 educational agency are located in a community
11 with a Rural-Urban Continuum Code of 6, 7, 8,
12 or 9, as determined by the Secretary of Agri-
13 culture; or

14 “(B) the agency meets the criteria established
15 in subparagraph (A)(i) and the Secretary, in accord-
16 ance with paragraph (2), grants the local edu-
17 cational agency’s request to waive the criteria de-
18 scribed in subparagraph (A)(ii).

19 “(2) CERTIFICATION.—The Secretary shall de-
20 termine whether or not to waive the criteria de-
21 scribed in paragraph (1)(A)(ii) based on certification
22 provided by the local educational agency, or the
23 State educational agency on behalf of the local edu-
24 cational agency, that the local educational agency is

1 located in an area defined as rural by a govern-
2 mental agency of the State.

3 “(c) APPLICABLE FUNDING.—In this section, the
4 term ‘applicable funding’ means funds provided under
5 each of titles II, IV, VI, parts A and C of title VII, and
6 part I of title X.

7 “(d) DISBURSAL.—Each State educational agency
8 that receives applicable funding for a fiscal year shall dis-
9 burse the applicable funding to local educational agencies
10 for alternative uses under this section for the fiscal year
11 at the same time that the State educational agency dis-
12 burse the applicable funding to local educational agencies
13 that do not intend to use the applicable funding for such
14 alternative uses for the fiscal year.

15 “(e) SUPPLEMENT NOT SUPPLANT.—Funds used
16 under this section shall be used to supplement and not
17 supplant any other Federal, State, or local education
18 funds that would otherwise be available for the purpose
19 of this subpart.

20 “(f) SPECIAL RULE.—References in Federal law to
21 funds for the provisions of law set forth in subsection (c)
22 may be considered to be references to funds for this sec-
23 tion.

1 **“SEC. 10962. PROGRAM AUTHORIZED.**

2 “(a) IN GENERAL.—The Secretary is authorized to
3 award grants to eligible local educational agencies to en-
4 able the local educational agencies to support local or
5 statewide education reform efforts intended to improve the
6 academic achievement of elementary school and secondary
7 school students and the quality of instruction provided for
8 the students.

9 “(b) ELIGIBILITY.—

10 “(1) IN GENERAL.—A local educational agency
11 shall be eligible to receive a grant under this section
12 if—

13 “(A)(i) the total number of students in av-
14 erage daily attendance at all of the schools
15 served by the local educational agency is less
16 than 600; and

17 “(ii) all of the schools served by the local
18 educational agency are located in a community
19 with a Rural-Urban Continuum Code of 6, 7, 8,
20 or 9, as determined by the Secretary of Agri-
21 culture; or

22 “(B) the agency meets the criteria estab-
23 lished in subparagraph (A)(i) and the Sec-
24 retary, in accordance with paragraph (2),
25 grants the local educational agency’s request to

1 waive the criteria described in subparagraph
2 (A)(ii).

3 “(2) CERTIFICATION.—The Secretary shall de-
4 termine whether or not to waive the criteria de-
5 scribed in paragraph (1)(A)(ii) based on certification
6 provided by the local educational agency, or the
7 State educational agency on behalf of the local edu-
8 cational agency, that the local educational agency is
9 located in an area defined as rural by a govern-
10 mental agency of the State.

11 “(c) ALLOCATION.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (3), the Secretary shall award a grant to an
14 eligible local educational agency for a fiscal year in
15 an amount equal to the initial amount determined
16 under paragraph (2) for the fiscal year minus the
17 total amount received under the provisions of law
18 described under section 10961(c) for the preceding
19 fiscal year.

20 “(2) DETERMINATION OF THE INITIAL
21 AMOUNT.—The initial amount referred to in para-
22 graph (1) is equal to \$100 multiplied by the total
23 number of students, over 50 students, in average
24 daily attendance in such eligible agency plus

1 \$20,000, except that the initial amount may not ex-
2 ceed \$60,000.

3 “(3) RATABLE ADJUSTMENT.—

4 “(A) IN GENERAL.—If the amount made
5 available for this subpart for any fiscal year is
6 not sufficient to pay in full the amounts that
7 local educational agencies are eligible to receive
8 under paragraph (1) for such year, the Sec-
9 retary shall ratably reduce such amounts for
10 such year.

11 “(B) ADDITIONAL AMOUNTS.—If addi-
12 tional funds become available for making pay-
13 ments under paragraph (1) for such fiscal year,
14 payments that were reduced under subpara-
15 graph (A) shall be increased on the same basis
16 as such payments were reduced.

17 “(5) CENSUS DETERMINATION.—

18 “(A) IN GENERAL.—Each local educational
19 agency desiring a grant under this section shall
20 conduct a census not later than December 1 of
21 each year to determine the number of kinder-
22 garten through grade 12 students in average
23 daily attendance at the schools served by the
24 local educational agency.

1 “(B) SUBMISSION.—Each local educational
2 agency shall submit the number described in
3 subparagraph (A) to the Secretary not later
4 than March 1 of each year.

5 “(d) DISBURSAL.—The Secretary shall disburse the
6 funds awarded to a local educational agency under this
7 section for a fiscal year not later than July 1 of that year.

8 “(e) SPECIAL RULE.—A local educational agency
9 that is eligible to receive a grant under this subpart for
10 a fiscal year shall be ineligible to receive funds for such
11 fiscal year under subpart 2.

12 “(f) SUPPLEMENT NOT SUPPLANT.—Funds made
13 available under this section shall be used to supplement
14 and not supplant any other Federal, State or local edu-
15 cation funds.

16 **“SEC. 10963. ACCOUNTABILITY.**

17 “(a) ACADEMIC ACHIEVEMENT.—

18 “(1) IN GENERAL.—Each local educational
19 agency that uses or receives funds under section
20 10961 or 10962 for a fiscal year shall administer an
21 assessment consistent with section 1111 of title I.

22 “(2) SPECIAL RULE.—Each local educational
23 agency that uses or receives funds under section
24 10961 or 10962 shall use the same assessment de-

1 scribed in paragraph (1) for each year of participa-
2 tion in the program under such section.

3 “(b) STATE EDUCATIONAL AGENCY DETERMINATION
4 REGARDING CONTINUING PARTICIPATION.—Each State
5 educational agency that receives funding under the provi-
6 sions of law described in section 10961(c) shall—

7 “(1) after the second year that a local edu-
8 cational agency participates in a program under sec-
9 tion 10961 or 10962 and on the basis of the results
10 of the assessments described in subsection (a), deter-
11 mine whether the students served by the local edu-
12 cational agency participating in the program per-
13 formed in accordance with section 1111 of title I;
14 and

15 “(2) only permit those local educational agen-
16 cies that so participated and met the requirements
17 of section 1111(b)(2) of title I to continue to so par-
18 ticipate.

19 **“Subpart 2—Low-Income And Rural School Program**

20 **“SEC. 10971. PROGRAM AUTHORIZED.**

21 “(a) RESERVATIONS.—From amounts appropriated
22 under section 10982 for this subpart for a fiscal year, the
23 Secretary shall reserve $\frac{1}{2}$ of 1 percent to make awards
24 to elementary or secondary schools operated or supported

1 by the Bureau of Indian Affairs to carry out the purpose
2 of this subpart.

3 “(b) GRANTS TO STATES.—

4 “(1) IN GENERAL.—From amounts appro-
5 priated under section 10982 for this subpart that
6 are not reserved under subsection (a), the Secretary
7 shall award grants for a fiscal year to State edu-
8 cational agencies that have applications approved
9 under section 10973 to enable the State educational
10 agencies to award subgrants to eligible local edu-
11 cational agencies for local authorized activities de-
12 scribed in subsection (c)(2).

13 “(2) ALLOCATION.—From amounts appro-
14 priated for this subpart, the Secretary shall allocate
15 to each State educational agency for a fiscal year an
16 amount that bears the same ratio to the amount of
17 funds appropriated under section 10982 for this
18 subpart that are not reserved under subsection (a)
19 as the number of students in average daily attend-
20 ance served by eligible local educational agencies in
21 the State bears to the number of all such students
22 served by eligible local educational agencies in all
23 States for that fiscal year.

24 “(3) DIRECT AWARDS TO SPECIALLY QUALI-
25 FIED AGENCIES.—

1 “(A) NONPARTICIPATING STATE.—If a
2 State educational agency elects not to partici-
3 pate in the program under this subpart or does
4 not have an application approved under section
5 10973 a specially qualified agency in such State
6 desiring a grant under this subpart shall apply
7 directly to the Secretary to receive an award
8 under this subpart.

9 “(B) DIRECT AWARDS TO SPECIALLY
10 QUALIFIED AGENCIES.—The Secretary may
11 award, on a competitive basis, the amount the
12 State educational agency is eligible to receive
13 under paragraph (2) directly to specially quali-
14 fied agencies in the State.

15 “(c) LOCAL AWARDS.—

16 “(1) ELIGIBILITY.—A local educational agency
17 shall be eligible to receive funds under this subpart
18 if—

19 “(A) 20 percent or more of the children
20 aged 5 to 17, inclusive, served by the local edu-
21 cational agency are from families with incomes
22 below the poverty line; and

23 “(B) all of the schools served by the agen-
24 cy are located in a community with a Rural-

1 Urban Continuum Code of 6, 7, 8, or 9, as de-
2 termined by the Secretary of Agriculture.

3 “(2) USES OF FUNDS.—Grant funds awarded
4 to local educational agencies or made available to
5 schools under this subpart shall be used for—

6 “(1) educational technology, including software
7 and hardware;

8 “(2) professional development;

9 “(3) technical assistance;

10 “(4) teacher recruitment and retention;

11 “(5) parental involvement activities; or

12 “(6) academic enrichment programs.

13 **“SEC. 10972. STATE DISTRIBUTION OF FUNDS.**

14 “(a) AWARD BASIS.—A State educational agency
15 shall award grants to eligible local educational agencies—

16 “(1) on a competitive basis; or

17 “(2) according to a formula based on the num-
18 ber of students in average daily attendance served
19 by the eligible local educational agencies or schools
20 (as appropriate) in the State, as determined by the
21 State.

22 “(b) ADMINISTRATIVE COSTS.—A State educational
23 agency receiving a grant under this subpart may not use
24 more than 5 percent of the amount of the grant for State
25 administrative costs.

1 **“SEC. 10973. APPLICATIONS.**

2 “Each State educational agency and specially quali-
3 fied agency desiring to receive a grant under this subpart
4 shall submit an application to the Secretary at such time,
5 in such manner, and accompanied by such information as
6 the Secretary may require. Such application shall include
7 specific measurable goals and objectives to be achieved
8 which may include specific educational goals and objec-
9 tives relating to increased student academic achievement,
10 decreased student drop-out rates, or such other factors
11 that the State educational agency or specially qualified
12 agency may choose to measure.

13 **“SEC. 10974. REPORTS.**

14 “(a) STATE REPORTS.—Each State educational
15 agency that receives a grant under this subpart shall pro-
16 vide an annual report to the Secretary. The report shall
17 describe—

18 “(1) the method the State educational agency
19 used to award grants to eligible local educational
20 agencies and to provide assistance to schools under
21 this subpart;

22 “(2) how local educational agencies and schools
23 used funds provided under this subpart; and

24 “(3) the degree to which progress has been
25 made toward meeting the goals and objectives de-

1 scribed in the application submitted under section
2 10973.

3 “(b) SPECIALLY QUALIFIED AGENCY REPORT.—

4 Each specially qualified agency that receives a grant under
5 this subpart shall provide an annual report to the Sec-
6 retary. Such report shall describe—

7 “(1) how such agency uses funds provided
8 under this subpart; and

9 “(2) the degree to which progress has been
10 made toward meeting the goals and objectives de-
11 scribed in the application submitted under section
12 10971(b)(4)(A).

13 “(c) REPORT TO CONGRESS.—The Secretary shall
14 prepare and submit to the Committee on Education and
15 the Workforce for the House of Representatives and the
16 Committee on Health, Education, Labor, and Pensions for
17 the Senate an annual report. The report shall describe—

18 “(1) the methods the State educational agency
19 used to award grants to eligible local educational
20 agencies and to provide assistance to schools under
21 this subpart;

22 “(2) how eligible local educational agencies and
23 schools used funds provided under this subpart; and

24 “(3) progress made in meeting specific measur-
25 able educational goals and objectives.

1 **“SEC. 10975. DEFINITIONS.**

2 “For the purposes of this subpart—

3 “(1) The term ‘poverty line’ means the poverty
4 line (as defined by the Office of Management and
5 Budget, and revised annually in accordance with sec-
6 tion 673(2) of the Community Services Block Grant
7 Act (42 U.S.C. 9902(2))) applicable to a family of
8 the size involved.

9 “(2) The term ‘specially qualified agency’
10 means an eligible local educational agency, located in
11 a State that does not participate in a program under
12 this subpart in a fiscal year, that may apply directly
13 to the Secretary for a grant in such year in accord-
14 ance with section 10971(b)(4).

15 **“Subpart 3—General Provisions**

16 **“SEC. 10981. DEFINITION.**

17 “For the purposes of this part, the term ‘State’
18 means each of the 50 States, the District of Columbia,
19 and the Commonwealth of Puerto Rico.

20 **“SEC. 10982. AUTHORIZATION OF APPROPRIATIONS.**

21 “There are authorized to be appropriated to carry out
22 this part \$125,000,000 for fiscal year 2000 and such sums
23 as may be necessary for each of four succeeding fiscal
24 years to be distributed equally between subparts 1 and
25 2.”.

1 **TITLE VII—MCKINNEY HOME-**
2 **LESS EDUCATION IMPROVE-**
3 **MENTS ACT OF 1999**

4 **SEC. 701. SHORT TITLE.**

5 This title may be cited as the “Stewart B. McKinney
6 Homeless Education Assistance Improvements Act of
7 1999”.

8 **SEC. 702. FINDINGS.**

9 Congress makes the following findings:

10 (1) An estimated 1,000,000 children in the
11 United States will experience homelessness this year.

12 (2) Homelessness has a devastating impact on
13 the educational opportunities of children and youth;
14 homeless children go hungry at more than twice the
15 rate of other children; have four times the rate of
16 delayed development; and are twice as likely to re-
17 peat a grade.

18 (3) Despite steady progress in school enroll-
19 ment and attendance resulting from the passage in
20 1987 of the Stewart B. McKinney Homeless Assist-
21 ance Act, homeless students still face numerous bar-
22 riers to education, including residency, guardianship
23 and registration requirements, as well as delays in
24 the transfer of school records, and inadequate trans-
25 portation service.

1 (4) School is one of the few secure factors in
2 the lives of homeless children and youth, providing
3 stability, structure, and accomplishment during a
4 time of great upheaval.

5 (5) Homeless children and youth need to re-
6 main in school so that they acquire the skills nec-
7 essary to escape poverty and lead productive, healthy
8 lives as adults.

9 (6) In the 12 years since the passage of the
10 McKinney Act, educators and service providers have
11 learned much about policies and practices which help
12 remove the barriers described.

13 **SEC. 703. PURPOSE.**

14 The purpose of this title is to strengthen subtitle B
15 of title VII of the Stewart B. McKinney Homeless Assist-
16 ance Act (42 U.S.C. 11431 et seq.) by amending it—

17 (1) to include innovative practices, proven to be
18 effective in helping homeless children and youth en-
19 roll, attend, and succeed in school; and

20 (2) to help ensure that such individuals receive
21 a quality education and secure their chance for a
22 brighter future.

1 **SEC. 704. EDUCATION FOR HOMELESS CHILDREN AND**
2 **YOUTH.**

3 Subtitle B of title VII of the Stewart B. McKinney
4 Homeless Education Assistance Act (42 U.S.C. 11431 et
5 seq.) is amended to read as follows:

6 **“Subtitle B—Education for**
7 **Homeless Children and Youth**

8 **“SEC. 721. STATEMENT OF POLICY.**

9 “It is the policy of Congress that—

10 “(1) each State educational agency ensure that
11 each child of a homeless individual and each home-
12 less youth has equal access to the same free, public
13 education, including a public preschool education, as
14 provided to other children and youth;

15 “(2) in any State that has a compulsory resi-
16 dency requirement as a component of the State’s
17 compulsory school attendance laws or other laws,
18 regulations, practices, or policies that may act as a
19 barrier to the enrollment, attendance, or success in
20 school of homeless children and youth, the State re-
21 view and undertake steps to revise such laws, regula-
22 tions, practices, or policies to ensure that homeless
23 children and youth are afforded the same free, pub-
24 lic education as provided to other children and
25 youth;

1 “(3) homelessness alone is not sufficient reason
2 to separate students from the mainstream school en-
3 vironment; and

4 “(4) homeless children and youth should have
5 access to the education and other services that such
6 children and youth need to ensure that such children
7 and youth have an opportunity to meet the same
8 challenging State student performance standards to
9 which all students are held.

10 **“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR**
11 **THE EDUCATION OF HOMELESS CHILDREN**
12 **AND YOUTH.**

13 “(a) GENERAL AUTHORITY.—The Secretary is au-
14 thorized to make grants to States in accordance with the
15 provisions of this section to enable such States to carry
16 out the activities described in subsections (d), (e), (f), and
17 (g).

18 “(b) APPLICATION.—No State may receive a grant
19 under this section unless the State educational agency
20 submits an application to the Secretary at such time, in
21 such manner, and containing or accompanied by such in-
22 formation as the Secretary may reasonably require.

23 “(c) ALLOCATION AND RESERVATIONS.—

24 “(1) IN GENERAL.—Subject to paragraph (2)
25 and section 724(e), from the amounts appropriated

1 for each fiscal year under section 726, the Secretary
2 is authorized to allot to each State an amount that
3 bears the same ratio to the amount appropriated for
4 such year under section 726 as the amount allocated
5 under section 1122 of the Elementary and Sec-
6 ondary Education Act of 1965 to the State for that
7 year bears to the total amount allocated under sec-
8 tion 1122 to all States for that year, except that no
9 State shall receive less than \$100,000.

10 “(2) RESERVATION.—(A) The Secretary is au-
11 thORIZED to reserve 0.1 percent of the amount appro-
12 priated for each fiscal year under section 726 to be
13 allocated by the Secretary among the United States
14 Virgin Islands, Guam, American Samoa, and the
15 Commonwealth of the Northern Mariana Islands, ac-
16 cording to their respective need for assistance under
17 this subtitle, as determined by the Secretary.

18 “(B)(i) The Secretary shall transfer one percent
19 of the amount appropriated for each fiscal year
20 under section 726 to the Department of the Interior
21 for programs for Indian students served by schools
22 funded by the Secretary of the Interior, as deter-
23 mined under the Indian Self-Determination and
24 Education Assistance Act, that are consistent with
25 the purposes of this Act.

1 “(ii) The Secretary and the Secretary of the In-
2 terior shall enter into an agreement, consistent with
3 the requirements of this part, for the distribution
4 and use of the funds described in clause (i) under
5 terms that the Secretary determines best meet the
6 purposes of the programs described in such clause.
7 Such agreement shall set forth the plans of the Sec-
8 retary of the Interior for the use of the amounts
9 transferred, including appropriate goals, objectives,
10 and milestones.

11 “(3) DEFINITION.—As used in this subsection,
12 the term “State” shall not include the United States
13 Virgin Islands, Guam, American Samoa, and the
14 Commonwealth of the Northern Mariana Islands.

15 “(d) ACTIVITIES.—Grants under this section shall be
16 used—

17 “(1) to carry out the policies set forth in sec-
18 tion 721 in the State;

19 “(2) to provide activities for, and services to,
20 homeless children, including preschool-aged homeless
21 children, and youth that enable such children and
22 youth to enroll in, attend, and succeed in school, or,
23 if appropriate, in preschool programs;

24 “(3) to establish or designate an Office of Coor-
25 dinator of Education of Homeless Children and

1 Youth in the State educational agency in accordance
2 with subsection (f);

3 “(4) to prepare and carry out the State plan
4 described in subsection (g); and

5 “(5) to develop and implement professional de-
6 velopment programs for school personnel to heighten
7 their awareness of, and capacity to respond to, spe-
8 cific problems in the education of homeless children
9 and youth.

10 “(e) STATE AND LOCAL GRANTS.—

11 “(1) IN GENERAL.—(A) Subject to subpara-
12 graph (B), if the amount allotted to the State edu-
13 cational agency for any fiscal year under this sub-
14 title exceeds the amount such agency received for
15 fiscal year 1990 under this subtitle, as the subtitle
16 was then in effect, such agency shall provide grants
17 to local educational agencies for purposes of section
18 723.

19 “(B) The State educational agency may reserve
20 not more than the greater of 5 percent of the
21 amount such agency receives under this subtitle for
22 any fiscal year, or the amount such agency received
23 under this subtitle, as the subtitle was then in effect,
24 for fiscal year 1990, to conduct activities under sub-
25 section (f) directly or through grants or contracts.

1 “(2) SPECIAL RULE.—If the amount allotted to
2 a State educational agency for any fiscal year under
3 this subtitle is less than the amount such agency re-
4 ceived for fiscal year 1990 under this subtitle, such
5 agency, at such agency’s discretion, may provide
6 grants to local educational agencies in accordance
7 with section 723 or may conduct activities under
8 subsection (f) directly or through grants or con-
9 tracts.

10 “(3) PROHIBITION ON SEGREGATING HOMELESS
11 STUDENTS.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B) and section 723(a)(2)(B)(ii),
14 in providing a free, public education to a home-
15 less child or youth, no State receiving funds
16 under this subtitle shall segregate such child or
17 youth, either in a separate school, or in a sepa-
18 rate program within a school, based solely on
19 such child or youth’s status as homeless.

20 “(B) EXCEPTION.—A State that has es-
21 tablished a separate school for homeless chil-
22 dren in the fiscal year preceding the date of the
23 enactment of the Stewart B. McKinney Home-
24 less Education Assistance Improvement Act of

1 1999 shall remain eligible to receive funds
2 under this subtitle for such program.

3 “(f) FUNCTIONS OF THE OFFICE OF COORDI-
4 NATOR.—The Coordinator of Education of Homeless Chil-
5 dren and Youth established in each State shall—

6 “(1) gather, to the extent possible, reliable,
7 valid, and comprehensive information on the nature
8 and extent of the problems homeless children and
9 youth have in gaining access to public preschool pro-
10 grams and to public elementary and secondary
11 schools, the difficulties in identifying the special
12 needs of such children and youth, any progress made
13 by the State educational agency and local edu-
14 cational agencies in the State in addressing such
15 problems and difficulties, and the success of the pro-
16 gram under this subtitle in allowing homeless chil-
17 dren and youth to enroll in, attend, and succeed in,
18 school;

19 “(2) develop and carry out the State plan de-
20 scribed in subsection (g);

21 “(3) collect and transmit to the Secretary, in-
22 formation gathered pursuant to paragraphs (1) and
23 (2), at such time and in such manner as the Sec-
24 retary may require;

1 “(4) facilitate coordination between the State
2 educational agency, the State social services agency,
3 and other agencies providing services to homeless
4 children and youth, including homeless children and
5 youth who are preschool age, and families of such
6 children and youth; and

7 “(5) in order to improve the provision of com-
8 prehensive education and related services to home-
9 less children and youth and their families, coordinate
10 and collaborate with—

11 “(A) educators, including child develop-
12 ment and preschool program personnel;

13 “(B) providers of services to homeless and
14 runaway children and youth and homeless fami-
15 lies (including domestic violence agencies, shel-
16 ter operators, transitional housing facilities,
17 runaway and homeless youth centers, and tran-
18 sitional living programs for homeless youth);

19 “(C) local educational agency liaisons for
20 homeless children and youth; and

21 “(D) community organizations and groups
22 representing homeless children and youth and
23 their families.

24 “(g) STATE PLAN.—

1 “(1) IN GENERAL.—Each State shall submit to
2 the Secretary a plan to provide for the education of
3 homeless children and youth within the State, which
4 plan shall describe how such children and youth are
5 or will be given the opportunity to meet the same
6 challenging State student performance standards all
7 students are expected to meet, shall describe the
8 procedures the State educational agency will use to
9 identify such children and youth in the State and to
10 assess their special needs, and shall—

11 “(A) describe procedures for the prompt
12 resolution of disputes regarding the educational
13 placement of homeless children and youth;

14 “(B) describe programs for school per-
15 sonnel (including principals, attendance officers,
16 teachers, enrollment personnel, and pupil serv-
17 ices personnel) to heighten the awareness of
18 such personnel of the specific needs of runaway
19 and homeless youth;

20 “(C) describe procedures that ensure that
21 homeless children and youth who meet the rel-
22 evant eligibility criteria are able to participate
23 in Federal, State, or local food programs;

24 “(D) describe procedures that ensure
25 that—

1 “(i) homeless children have equal ac-
2 cess to the same public preschool pro-
3 grams, administered by the State agency,
4 as provided to other children; and

5 “(ii) homeless children and youth who
6 meet the relevant eligibility criteria are
7 able to participate in Federal, State, or
8 local before- and after-school care pro-
9 grams;

10 “(E) address problems set forth in the re-
11 port provided to the Secretary under subsection
12 (f)(3);

13 “(F) address other problems with respect
14 to the education of homeless children and
15 youth, including problems caused by—

16 “(i) transportation issues; and

17 “(ii) enrollment delays that are caused
18 by—

19 “(I) immunization requirements;

20 “(II) residency requirements;

21 “(III) lack of birth certificates,
22 school records, or other documenta-
23 tion; or

24 “(IV) guardianship issues;

1 “(G) demonstrate that the State edu-
2 cational agency and local educational agencies
3 in the State have developed, and shall review
4 and revise, policies to remove barriers to the en-
5 rollment and retention of homeless children and
6 youth in schools in the State; and

7 “(H) contain assurances that—

8 “(i) except as provided in subsection
9 (e)(3)(B), State and local educational
10 agencies will adopt policies and practices to
11 ensure that homeless children and youth
12 are not segregated solely on the basis of
13 their status as homeless; and

14 “(ii) designate an appropriate staff
15 person, who may also be a coordinator for
16 other Federal programs, as a liaison for
17 homeless children and youth.

18 “(2) COMPLIANCE.—Each plan adopted under
19 this subsection shall also demonstrate how the State
20 will ensure that local educational agencies in the
21 State will comply with the requirements of para-
22 graphs (3) through (9).

23 “(3) LOCAL EDUCATIONAL AGENCY REQUIRE-
24 MENTS.—

1 “(A) IN GENERAL.—Each local educational
2 agency serving a homeless child or youth as-
3 sisted under this subtitle shall, according to the
4 child’s or youth’s best interest, either—

5 “(i) continue the child’s or youth’s
6 education in the school of origin—

7 “(I) for the duration of their
8 homelessness;

9 “(II) if the child becomes perma-
10 nently housed, for the remainder of
11 the academic year; or

12 “(III) in any case in which a
13 family becomes homeless between aca-
14 demic years, for the following aca-
15 demic year; or

16 “(ii) enroll the child or youth in any
17 public school that nonhomeless students
18 who live in the attendance area in which
19 the child or youth is actually living are eli-
20 gible to attend.

21 “(B) BEST INTEREST.—In determining the
22 best interest of the child or youth under sub-
23 paragraph (A), the local educational agency
24 shall keep, to the extent feasible, a homeless
25 child or youth in the school of origin, except

1 when doing so is contrary to the wishes of the
2 child's or youth's parent or guardian.

3 “(C) ENROLLMENT.—(i) A school that a
4 homeless child seeks to enroll in shall, in ac-
5 cordance with this paragraph, immediately en-
6 roll the homeless child or youth even if the child
7 or youth is unable to produce records normally
8 required for enrollment, such as previous aca-
9 demic records, proof of residency, or other doc-
10 umentation.

11 “(ii) The enrolling school shall immediately
12 contact the school last attended by the child or
13 youth to obtain relevant academic and other
14 records.

15 “(iii) If the child or youth needs to
16 obtain immunizations or immunization
17 records, the enrolling school shall imme-
18 diately refer the parent or guardian of the
19 child or youth to the liaison who shall as-
20 sist in obtaining necessary immunizations
21 or immunization records in accordance
22 with subparagraph (E).

23 “(D) RECORDS.—Any record ordinarily
24 kept by the school, including immunization
25 records, academic records, birth certificates,

1 guardianship records, and evaluations for spe-
2 cial services or programs, of each homeless
3 child or youth shall be maintained—

4 “(i) so that the records are available,
5 in a timely fashion, when a child or youth
6 enters a new school district; and

7 “(ii) in a manner consistent with sec-
8 tion 444 of the General Education Provi-
9 sions Act.

10 “(E) ENROLLMENT DISPUTES.—If there is
11 a dispute over school selection or enrollment—

12 “(i) the child or youth shall be imme-
13 diately admitted to the school in which en-
14 rollment is sought, pending resolution of
15 the dispute;

16 “(ii) the parent or guardian shall be
17 provided with a written explanation of the
18 school’s decision regarding enrollment, in-
19 cluding the right to appeal the decision;
20 and

21 “(iii) the parent or guardian shall be
22 referred to the liaison, who shall carry out
23 the dispute resolution process as described
24 in paragraph (6)(D) as expeditiously as

1 possible, after receiving notice of the dis-
2 pute.

3 “(F) PLACEMENT CHOICE.—The choice re-
4 garding placement shall be made regardless of
5 whether the child or youth lives with the home-
6 less parents or has been temporarily placed
7 elsewhere by the parents.

8 “(G) DEFINITION.—For purposes of this
9 paragraph, the term “school of origin” means
10 the school that the child or youth attended
11 when permanently housed, or the school in
12 which the child or youth was last enrolled.

13 “(H) CONTACT INFORMATION.—Nothing
14 in this subtitle shall prohibit a local educational
15 agency from requiring a parent or guardian of
16 a homeless child to submit contact information
17 required by the local educational agency of a
18 parent or guardian of a nonhomeless child.

19 “(4) COMPARABLE SERVICES.—Each homeless
20 child or youth to be assisted under this subtitle shall
21 be provided services comparable to services offered
22 to other students in the school selected according to
23 the provisions of paragraph (3), including—

24 “(A) transportation services;

1 “(B) educational services for which the
2 child or youth meets the eligibility criteria, such
3 as services provided under title I of the Elemen-
4 tary and Secondary Education Act of 1965 (20
5 U.S.C. 6301 et seq.) or similar State or local
6 programs, educational programs for children
7 with disabilities, and educational programs for
8 students with limited-English proficiency;

9 “(C) programs in vocational and technical
10 education;

11 “(D) programs for gifted and talented stu-
12 dents; and

13 “(E) school nutrition programs.

14 “(5) COORDINATION.—

15 “(A) IN GENERAL.—Each local educational
16 agency serving homeless children and youth
17 that receives assistance under this subtitle shall
18 coordinate the provision of services under this
19 subtitle with local social services agencies and
20 other agencies or programs providing services to
21 homeless children and youth and their families,
22 including services and programs funded under
23 the Runaway and Homeless Youth Act. (42
24 U.S.C. 5701 et seq.).

1 “(B) HOUSING ASSISTANCE.—If applica-
2 ble, each State and local educational agency
3 that receives assistance under this subtitle shall
4 coordinate with State and local housing agen-
5 cies responsible for developing the comprehen-
6 sive housing affordability strategy described in
7 section 105 of the Cranston-Gonzales National
8 Affordable Housing Act (42 U.S.C. 12705) to
9 minimize educational disruption for children
10 and youth who become homeless.

11 “(C) COORDINATION PURPOSE.—The co-
12 ordination required under subparagraphs (A)
13 and (B) shall be designed to—

14 “(i) ensure that homeless children and
15 youth have access to available education
16 and related support services; and

17 “(ii) raise the awareness of school
18 personnel and service providers of the ef-
19 fects of short-term stays in a shelter and
20 other challenges associated with homeless
21 children and youth.

22 “(6) LIAISON.—

23 “(A) DUTIES.—Each local liaison for
24 homeless children and youth, designated pursu-

1 ant to subsection (g)(1)(H)(ii), shall ensure
2 that—

3 “(i) homeless children and youth en-
4 roll in, and have an equal opportunity to
5 succeed in, schools of that agency;

6 “(ii) homeless families, children, and
7 youth receive educational services for
8 which such families, children, and youth
9 are eligible, including Head Start and
10 Even Start programs and preschool pro-
11 grams administered by the local edu-
12 cational agency, and referrals to health
13 care services, dental services, mental health
14 services, and other appropriate services;

15 “(iii) the parents or guardians of
16 homeless children and youth are informed
17 of the education and related opportunities
18 available to their children and are provided
19 with meaningful opportunities to partici-
20 pate in the education of their children; and

21 “(iv) public notice of the educational
22 rights of homeless children and youth is
23 disseminated where such children and
24 youth receive services under this Act (such
25 as family shelters and soup kitchens).

1 “(B) NOTICE.—State coordinators and
2 local educational agencies shall inform school
3 personnel, service providers, and advocates
4 working with homeless families of the duties of
5 the liaisons.

6 “(C) LOCAL AND STATE COORDINATION.—
7 Local educational agency liaisons for homeless
8 children and youth shall, as a part of their du-
9 ties, coordinate and collaborate with State coor-
10 dinators and community and school personnel
11 responsible for the provision of education and
12 related services to homeless children and youth.

13 “(D) DISPUTE RESOLUTION.—Unless an-
14 other individual is designated by State law, the
15 local educational agency liaisons for homeless
16 children and youth shall provide resource infor-
17 mation and assist in resolving disputes under
18 this subtitle, should they arise.

19 “(7) REVIEW AND REVISIONS.—

20 “(A) IN GENERAL.—Each State edu-
21 cational agency and local educational agency
22 that receives assistance under this subtitle,
23 shall review and revise any policies that may act
24 as barriers to the enrollment of homeless chil-

1 dren and youth in schools selected in accord-
2 ance with paragraph (3).

3 “(B) CONSIDERATION.—In reviewing and
4 revising such policies, consideration shall be
5 given to issues concerning transportation, im-
6 munization, residency, birth certificates, school
7 records, and other documentation, and guard-
8 ianship.

9 “(C) SPECIAL ATTENTION.—Special atten-
10 tion shall be given to ensuring the enrollment
11 and attendance of homeless children and youth
12 who are not currently attending school.

13 **“SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE**
14 **EDUCATION OF HOMELESS CHILDREN AND**
15 **YOUTH.**

16 “(a) GENERAL AUTHORITY.—

17 “(1) IN GENERAL.—The State educational
18 agency shall, in accordance with section 722(e) and
19 from amounts made available to such agency under
20 section 726, make grants to local educational agen-
21 cies for the purpose of facilitating the enrollment,
22 attendance, and success in school of homeless chil-
23 dren and youth.

24 “(2) SERVICES.—

1 “(A) IN GENERAL.—Services under para-
2 graph (1)—

3 “(i) may be provided through pro-
4 grams on school grounds or at other facili-
5 ties;

6 “(ii) shall, to the maximum extent
7 practicable, be provided through existing
8 programs and mechanisms that integrate
9 homeless children and youth with non-
10 homeless children and youth; and

11 “(iii) shall be designed to expand or
12 improve services provided as part of a
13 school’s regular academic program, but not
14 replace that program.

15 “(B) SERVICES ON SCHOOL GROUNDS.—If
16 services under paragraph (1) are provided on
17 school grounds, schools—

18 “(i) may use funds under this subtitle
19 to provide the same services to other chil-
20 dren and youth who are determined by the
21 local educational agency to be at risk of
22 failing in, or dropping out of, schools, sub-
23 ject to the requirements of clause (ii).

24 “(ii) except as otherwise provided in
25 section 722(e)(3)(B), shall not provide

1 services in settings within a school that
2 segregates homeless children and youth
3 from other children and youth except as is
4 necessary for short periods of time—

5 “(I) for health and safety emer-
6 gencies; or

7 “(II) to provide temporary, spe-
8 cial, supplementary services to meet
9 the unique needs of homeless children
10 and youth.

11 “(3) REQUIREMENT.—Services provided under
12 this section shall not replace the regular academic
13 program and shall be designed to expand upon or
14 improve services provided as part of the school’s reg-
15 ular academic program.

16 “(b) APPLICATION.—A local educational agency that
17 desires to receive a grant under this section shall submit
18 an application to the State educational agency at such
19 time, in such manner, and containing or accompanied by
20 such information as the State educational agency may rea-
21 sonably require. Each such application shall include—

22 “(1) an assessment of the educational and re-
23 lated needs of homeless children and youth in such
24 agency (which may be undertaken as a part of needs
25 assessments for other disadvantaged groups);

1 “(2) a description of the services and programs
2 for which assistance is sought and the problems to
3 be addressed through the provision of such services
4 and programs;

5 “(3) an assurance that the local educational
6 agency’s combined fiscal effort per student or the
7 aggregate expenditures of that agency and the State
8 with respect to the provision of free public education
9 by such agency for the fiscal year preceding the fis-
10 cal year for which the determination is made was
11 not less than 90 percent of such combined fiscal ef-
12 fort or aggregate expenditures for the second fiscal
13 year preceding the fiscal year for which the deter-
14 mination is made;

15 “(4) an assurance that the applicant complies
16 with, or will use requested funds to comply with,
17 paragraphs (3) through (7) of section 722(g); and

18 “(5) a description of policies and procedures,
19 consistent with section 722(e)(3)(B), that the agency
20 will implement to ensure that activities carried out
21 by the agency will not isolate or stigmatize homeless
22 children and youth.

23 “(c) AWARDS.—

24 “(1) IN GENERAL.—The State educational
25 agency shall, in accordance with the requirements of

1 this subtitle and from amounts made available to it
2 under section 726, make competitive subgrants that
3 result in an equitable distribution of geographic
4 areas within the State to local educational agencies
5 that submit applications under subsection (b). Such
6 subgrants shall be awarded on the basis of the need
7 of such agencies for assistance under this subtitle
8 and the quality of the applications submitted.

9 “(2) NEED.—In determining need under para-
10 graph (1), the State educational agency may con-
11 sider the number of homeless children and youth en-
12 rolled in preschool, elementary, and secondary
13 schools within the area served by the agency, and
14 shall consider the needs of such children and youth
15 and the ability of the agency to meet such needs.
16 Such agency may also consider—

17 “(A) the extent to which the proposed use
18 of funds would facilitate the enrollment, reten-
19 tion, and educational success of homeless chil-
20 dren and youth;

21 “(B) the extent to which the application
22 reflects coordination with other local and State
23 agencies that serve homeless children and
24 youth, and meets the requirements of section
25 722(g)(3);

1 “(C) the extent to which the applicant ex-
2 hibits in the application and in current practice
3 a commitment to education for all homeless
4 children and youth; and

5 “(D) such other criteria as the State agen-
6 cy determines appropriate.

7 “(3) QUALITY.—In determining the quality of
8 applications under paragraph (1), the State edu-
9 cational agency shall consider—

10 “(A) the applicant’s needs assessment
11 under subsection (b)(1) and the likelihood that
12 the program presented in the application will
13 meet such needs;

14 “(B) the types, intensity, and coordination
15 of the services to be provided under the pro-
16 gram;

17 “(C) the involvement of parents or guard-
18 ians;

19 “(D) the extent to which homeless children
20 and youth will be integrated within the regular
21 education program;

22 “(E) the quality of the applicant’s evalua-
23 tion plan for the program;

1 “(F) the extent to which services provided
2 under this subtitle will be coordinated with
3 other available services; and

4 “(G) such other measures as the State
5 educational agency considers indicative of a
6 high-quality program.

7 “(4) DURATION OF GRANTS.—Grants awarded
8 under this section shall be for terms not to exceed
9 3 years.

10 “(d) AUTHORIZED ACTIVITIES.—A local educational
11 agency may use funds awarded under this section for ac-
12 tivities to carry out the purpose of this subtitle,
13 including—

14 “(1) the provision of tutoring, supplemental in-
15 struction, and enriched educational services that are
16 linked to the achievement of the same challenging
17 State content standards and challenging State stu-
18 dent performance standards the State establishes for
19 other children and youth;

20 “(2) the provision of expedited evaluations of
21 the strengths and needs of homeless children and
22 youth, including needs and eligibility for programs
23 and services (such as educational programs for gift-
24 ed and talented students, children with disabilities,
25 and students with limited-English proficiency, serv-

1 ices provided under title I of the Elementary and
2 Secondary Education Act of 1965 or similar State
3 or local programs, programs in vocational and tech-
4 nical education, and school nutrition programs);

5 “(3) professional development and other activi-
6 ties for educators and pupil services personnel that
7 are designed to heighten the understanding and sen-
8 sitivity of such personnel to the needs of homeless
9 children and youth, the rights of such children and
10 youth under this Act, and the specific educational
11 needs of runaway and homeless youth;

12 “(4) the provision of referral services to home-
13 less children and youth for medical, dental, mental,
14 and other health services;

15 “(5) the provision of assistance to defray the
16 excess cost of transportation for students pursuant
17 to section 722(g)(4)(A), not otherwise provided
18 through Federal, State, or local funding, where nec-
19 essary to enable students to attend the school se-
20 lected under section 722(g)(3);

21 “(6) the provision of developmentally appro-
22 priate early childhood education programs, not oth-
23 erwise provided through Federal, State, or local
24 funding, for preschool-aged children;

1 “(7) the provision of before- and after-school,
2 mentoring, and summer programs for homeless chil-
3 dren and youth in which a teacher or other qualified
4 individual provides tutoring, homework assistance,
5 and supervision of educational activities;

6 “(8) if necessary, the payment of fees and other
7 costs associated with tracking, obtaining, and trans-
8 ferring records necessary to enroll homeless children
9 and youth in school, including birth certificates, im-
10 munization records, academic records, guardianship
11 records, and evaluations for special programs or
12 services;

13 “(9) the provision of education and training to
14 the parents of homeless children and youth about
15 the rights of, and resources available to, such chil-
16 dren and youth;

17 “(10) the development of coordination between
18 schools and agencies providing services to homeless
19 children and youth, including programs funded
20 under the Runaway and Homeless Youth Act;

21 “(11) the provision of pupil services (including
22 violence prevention counseling) and referrals for
23 such services;

1 “(12) activities to address the particular needs
2 of homeless children and youth that may arise from
3 domestic violence;

4 “(13) the adaptation of space and purchase of
5 supplies for nonschool facilities made available under
6 subsection (a)(2) to provide services under this sub-
7 section;

8 “(14) the provision of school supplies, including
9 those supplies to be distributed at shelters or tem-
10 porary housing facilities, or other appropriate loca-
11 tions; and

12 “(15) the provision of other extraordinary or
13 emergency assistance needed to enable homeless chil-
14 dren and youth to attend school.

15 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

16 “(a) REVIEW OF PLANS.—In reviewing the State
17 plan submitted by a State educational agency under sec-
18 tion 722(g), the Secretary shall use a peer review process
19 and shall evaluate whether State laws, policies, and prac-
20 tices described in such plans adequately address the prob-
21 lems of homeless children and youth relating to access to
22 education and placement as described in such plans.

23 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
24 provide support and technical assistance to the State edu-
25 cational agencies to assist such agencies to carry out their

1 responsibilities under this subtitle, if requested by the
2 State educational agency.

3 “(c) REPORT.—The Secretary shall develop and issue
4 not later than 60 days after the date of the enactment
5 of the Stewart B. McKinney Homeless Education Assist-
6 ance Improvements Act of 1999, a report to be made
7 available to States, local educational agencies, and other
8 applicable agencies regarding the following:

9 “(1) ENROLLMENT.—Such report shall review
10 successful ways in which a State may assist local
11 educational agencies to enroll homeless students on
12 an immediate basis. The report issued by the Sec-
13 retary shall—

14 “(A) clarify that enrollment includes a
15 homeless child’s or youth’s right to actually at-
16 tend school; and

17 “(B) clarify requirements that States are
18 to review immunization and medical or school
19 records and to make such revisions as appro-
20 priate and necessary in order to enroll homeless
21 students in school more quickly.

22 “(2) TRANSPORTATION.—The report shall also
23 address the transportation needs of homeless stu-
24 dents. The report issued by the Secretary shall—

1 “(A) explicitly state that the goal of the
2 transportation provisions contained in this Act
3 is to provide educational stability by reducing
4 mobility and therefore provide an effective
5 learning environment for homeless children; and

6 “(B) encourage States to follow programs
7 implemented in State law that have successfully
8 addressed transportation barriers for homeless
9 children.

10 “(d) EVALUATION AND DISSEMINATION.—The Sec-
11 retary shall conduct evaluation and dissemination activi-
12 ties of programs designed to meet the educational needs
13 of homeless elementary and secondary school students,
14 and may use funds appropriated under section 726 to con-
15 duct such activities.

16 “(e) SUBMISSION AND DISTRIBUTION.—The Sec-
17 retary shall require applications for grants under this sub-
18 title to be submitted to the Secretary not later than the
19 expiration of the 60-day period beginning on the date that
20 funds are available for purposes of making such grants
21 and shall make such grants not later than the expiration
22 of the 120-day period beginning on such date.

23 “(f) DETERMINATION BY SECRETARY.—The Sec-
24 retary, based on the information received from the States
25 and information gathered by the Secretary under sub-

1 section (e), shall determine the extent to which State edu-
2 cational agencies are ensuring that each homeless child
3 and homeless youth has access to a free appropriate public
4 education as described in section 721(1).

5 “(g) INFORMATION.—

6 “(1) IN GENERAL.—From funds appropriated
7 under section 726, the Secretary shall, either di-
8 rectly or through grants, contracts, or cooperative
9 agreements, periodically collect and disseminate data
10 and information regarding—

11 “(A) the number and location of homeless
12 children and youth;

13 “(B) the education and related services
14 such children and youth receive;

15 “(C) the extent to which such needs are
16 being met; and

17 “(D) such other data and information as
18 the Secretary deems necessary and relevant to
19 carry out this subtitle.

20 “(2) COORDINATION.—The Secretary shall co-
21 ordinate such collection and dissemination with
22 other agencies and entities that receive assistance
23 and administer programs under this subtitle.

24 “(h) REPORT.—Not later than 4 years after the date
25 of the enactment of the Stewart B. McKinney Homeless

1 Education Assistance Improvement Act of 1999, the Sec-
2 retary shall prepare and submit to the President and the
3 Committee on Education and the Workforce of the House
4 of Representatives and the Committee on Health, Edu-
5 cation, Labor, and Pensions of the Senate a report on the
6 status of education of homeless children and youth, which
7 shall include information on—

8 “(1) the education of homeless children and
9 youth; and

10 “(2) the effectiveness of the programs sup-
11 ported under this subtitle.

12 **“SEC. 725. DEFINITIONS.**

13 “For the purpose of this subtitle, unless otherwise
14 stated—

15 “(1) the terms ‘local educational agency’ and
16 ‘State educational agency’ have the same meanings
17 given such terms under section 14101, of the Ele-
18 mentary and Secondary Education Act of 1965 (20
19 U.S.C. 8801);

20 “(2) the term ‘Secretary’ means the Secretary
21 of Education; and

22 “(3) the term ‘State’ means each of the 50
23 States, the District of Columbia, and the Common-
24 wealth of Puerto Rico.

1 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

2 “For the purpose of carrying out this subtitle, there
3 are authorized to be appropriated \$36,000,000 for fiscal
4 year 2000 and such sums as may be necessary for each
5 of the fiscal years 2001 through 2004.”.

6 **TITLE VIII—SCHOOLWIDE**
7 **PROGRAM ADJUSTMENT**

8 **SEC. 801. SCHOOLWIDE FUNDS.**

9 The Act is amended by adding at the end the fol-
10 lowing:

11 **“TITLE XVI—SCHOOLWIDE**
12 **PROGRAM ADJUSTMENT**

13 **“SEC. 16001. SCHOOLWIDE PROGRAM ADJUSTMENT.**

14 “Notwithstanding the provisions of section 1114, a
15 local educational agency may consolidate funds under part
16 A of title I, together with other Federal, State, and local
17 funds, in order to upgrade the entire educational program
18 of a school that serves an eligible school attendance area
19 in which not less than 40 percent of the children are from
20 low-income families, or not less than 40 percent of the
21 children enrolled in the school are from such families.”.

1 **TITLE IX—EDUCATION OF LIM-**
2 **ITED ENGLISH PROFICIENT**
3 **CHILDREN AND EMERGENCY**
4 **IMMIGRANT EDUCATION**

5 **SEC. 901. PROGRAMS AUTHORIZED.**

6 Title VII of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 7401 et seq.) is amended
8 to read as follows:

9 **“TITLE VII—EDUCATION OF LIM-**
10 **ITED ENGLISH PROFICIENT**
11 **CHILDREN AND EMERGENCY**
12 **IMMIGRANT EDUCATION**

13 **“PART A—ENGLISH LANGUAGE EDUCATION**

14 **“SEC. 7101. SHORT TITLE.**

15 “This part may be cited as the ‘English Language
16 Proficiency and Academic Achievement Act’.

17 **“SEC. 7102. FINDINGS AND PURPOSES.**

18 “(a) FINDINGS.—The Congress finds that—

19 “(1) English is the common language of the
20 United States and every citizen and other person re-
21 siding in the United States should have a command
22 of the English language in order to develop to their
23 full potential;

24 “(2) limited English proficient children must
25 overcome a number of challenges in receiving an

1 education in order to enable such children to partici-
2 pate fully in American society, including—

3 “(A) segregated education programs;

4 “(B) disproportionate and improper place-
5 ment in special education and other special pro-
6 grams due to the use of inappropriate evalua-
7 tion procedures;

8 “(C) the limited English proficiency of
9 their own parents, which hinders the parents’
10 ability to fully participate in the education of
11 their children; and

12 “(D) a need for additional teachers and
13 other staff who are professionally trained and
14 qualified to serve such children;

15 “(3) States and local educational agencies need
16 assistance in developing the capacity to provide pro-
17 grams of instruction that offer and provide an equal
18 educational opportunity to children who need special
19 assistance because English is not their dominant
20 language;

21 “(4) Native Americans and Native American
22 languages (as such terms are defined in section 103
23 of the Native American Languages Act), including
24 native residents of the outlying areas, have a unique
25 status under Federal law that requires special poli-

1 cies within the broad purposes of this Act to serve
2 the education needs of language minority students in
3 the United States;

4 “(5) the Federal Government, as exemplified by
5 title VI of the Civil Rights Act of 1964 and section
6 204(f) of the Equal Education Opportunities Act of
7 1974, has a special and continuing obligation to en-
8 sure that States and local educational agencies take
9 appropriate action to provide equal educational op-
10 portunities to children of limited English proficiency;
11 and

12 “(6) research, evaluation, and data collection
13 capabilities in the field of instruction for limited
14 English proficient children need to be strengthened
15 so that educators and other staff teaching limited
16 English proficient children in the classroom can bet-
17 ter identify and promote programs, program imple-
18 mentation strategies, and instructional practices that
19 result in the effective education of limited English
20 proficient children.

21 “(b) PURPOSES.—The purposes of this part are—

22 “(1) to help ensure that children who are lim-
23 ited English proficient attain English proficiency,
24 develop high levels of academic attainment in
25 English, and meet the same challenging State con-

1 tent standards and challenging State student per-
2 formance standards expected of all children; and

3 “(2) to develop high quality programs designed
4 to assist local educational agencies in teaching lim-
5 ited English proficient children.

6 **“SEC. 7103. PARENTAL NOTIFICATION AND CONSENT FOR**
7 **ENGLISH LANGUAGE INSTRUCTION.**

8 “(a) NOTIFICATION.—If a local educational agency
9 uses funds under this part to provide English language
10 instruction to limited English proficient children, the
11 agency shall inform a parent or the parents of a child par-
12 ticipating in an English language instruction program for
13 limited English proficient children assisted under this part
14 of—

15 “(1) the reasons for the identification of the
16 child as being in need of English language instruc-
17 tion;

18 “(2) the child’s level of English proficiency, how
19 such level was assessed, and the status of the child’s
20 academic achievement;

21 “(3) how the English language instruction pro-
22 gram will specifically help the child acquire English
23 and meet age-appropriate standards for grade pro-
24 motion and graduation;

1 “(4) what the specific exit requirements are for
2 the program;

3 “(5) the expected rate of transition from the
4 program into a classroom that is not tailored for
5 limited English proficient children; and

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

9 “(b) CONSENT.—

10 “(1) AGENCY REQUIREMENTS.—

11 “(A) INFORMED CONSENT.—For a child
12 who has been identified as limited English pro-
13 ficient prior to the beginning of the school year,
14 each local educational agency that receives
15 funds under this part shall obtain informed pa-
16 rental consent prior to the placement of a child
17 in an English language instruction program for
18 limited English proficient children funded under
19 this part, if—

20 “(i) the program does not include
21 classes which exclusively or almost exclu-
22 sively use the English language in instruc-
23 tion; or

24 “(ii) instruction is tailored for limited
25 English proficient children.

1 “(B) WRITTEN CONSENT NOT OB-
2 TAINED.—If written consent is not obtained,
3 the local educational agency shall maintain a
4 written record that includes the date and the
5 manner in which such informed consent was ob-
6 tained.

7 “(C) RESPONSE NOT OBTAINED.—

8 “(i) IN GENERAL.—If a response can-
9 not be obtained after a reasonable and
10 substantial effort has been made to obtain
11 such consent, the local educational agency
12 shall document that it has given such no-
13 tice and its specific efforts made to obtain
14 such consent.

15 “(ii) DELIVERY OF PROOF OF DOCU-
16 MENTATION.—The proof of documentation
17 shall be mailed or delivered in writing to
18 the parents or guardian of the child prior
19 to placing the child in a program described
20 in subparagraph (A), and shall include a
21 final notice requesting parental consent for
22 such services. After such documentation
23 has been mailed or delivered in writing, the
24 local educational agency shall provide ap-
25 propriate educational services.

1 “(iii) SPECIAL RULE APPLICABLE
2 DURING SCHOOL YEAR.—A local edu-
3 cational agency may obtain parental con-
4 sent under this clause only for children
5 who have not been identified as limited
6 English proficient prior to the beginning of
7 a school year. For such children the agency
8 shall document, in writing, its specific ef-
9 forts made to obtain such consent prior to
10 placing the child in a program described in
11 subparagraph (A). After such documenta-
12 tion has been made, the local educational
13 agency shall provide appropriate edu-
14 cational services to such child. The proof
15 of documentation shall be mailed or deliv-
16 ered in writing to the parents or guardian
17 of the child in a timely manner and shall
18 include information on how to have their
19 child immediately removed from the pro-
20 gram upon their request. This clause shall
21 not be construed as exempting a local edu-
22 cational agency from complying with the
23 requirements of this paragraph.

24 “(2) PARENTAL RIGHTS.—A parent or the par-
25 ents of a child participating in an English language

1 instruction program for limited English proficient
2 children assisted under subpart 1 or 2 shall—

3 “(A) select among methods of instruction,
4 if more than one method is offered in the pro-
5 gram; and

6 “(B) have the right to have their child im-
7 mediately removed from the program upon their
8 request.

9 “(c) RECEIPT OF INFORMATION.—A parent or the
10 parents of a child identified for participation in an English
11 language instruction program for limited English pro-
12 ficient children assisted under this part shall receive, in
13 a manner and form understandable to the parent or par-
14 ents, the information required by this subsection. At a
15 minimum, the parent or parents shall receive—

16 “(1) timely information about English language
17 instruction programs for limited English proficient
18 children assisted under this part;

19 “(2) if a parent of a participating child so de-
20 sires, notice of opportunities for regular meetings for
21 the purpose of formulating and responding to rec-
22 ommendations from such parents; and

23 “(3) procedural information for removing a
24 child from a program for limited English proficient
25 children.

1 “(d) BASIS FOR ADMISSION OR EXCLUSION.—Stu-
2 dents shall not be admitted to or excluded from any feder-
3 ally assisted education program on the basis of a surname
4 or language-minority status.

5 **“SEC. 7104. TESTING OF LIMITED ENGLISH PROFICIENT**
6 **CHILDREN.**

7 “(a) IN GENERAL.—Assessments of limited English
8 proficient children participating in programs funded under
9 this part, to the extent practicable, shall be in the lan-
10 guage and form most likely to yield accurate and reliable
11 information on what such students know and can do in
12 content areas.

13 “(b) SPECIAL RULE.—Notwithstanding subsection
14 (a), in the case of an assessment of reading or language
15 arts of any student who has attended school in the United
16 States (excluding Puerto Rico) for three or more consecu-
17 tive school years, the assessment shall be in the form of
18 a test written in English, except that, if the local edu-
19 cational agency determines, on a case-by-case individual
20 basis, that assessments in another language and form
21 would likely yield more accurate and reliable information
22 on what such students know and can do, the local edu-
23 cational agency may assess such students in the appro-
24 priate language other than English for one additional
25 year.

1 **“SEC. 7105. CONDITIONS ON EFFECTIVENESS OF SUBPARTS**

2 **1 AND 2.**

3 “(a) SUBPART 1.—Subpart 1 shall be in effect only
4 for a fiscal year for which subpart 2 is not in effect.

5 “(b) SUBPART 2.—

6 “(1) IN GENERAL.—Subpart 2 shall be in effect
7 only for—

8 “(A) the first fiscal year for which the
9 amount appropriated to carry out this part
10 equals or exceeds \$220,000,000; and

11 “(B) all succeeding fiscal years.

12 “(2) CONTINUATION OF AWARDS.—Notwith-
13 standing any other provision of this part, a State re-
14 ceiving a grant under subpart 2 shall provide one
15 additional year of funding to eligible entities in ac-
16 cordance with section 7133(3).

17 **“SEC. 7106. AUTHORIZATIONS OF APPROPRIATIONS.**

18 “(a) SUBPART 1 OR 2.—Subject to section 7105, for
19 the purpose of carrying out subpart 1 or 2, as applicable,
20 there are authorized to be appropriated \$220,000,000 for
21 fiscal year 2000 and such sums as may be necessary for
22 the four succeeding fiscal years.

23 “(b) SUBPART 3.—For the purpose of carrying out
24 subpart 3, there are authorized to be appropriated
25 \$60,000,000 for fiscal year 2000 and such sums as may
26 be necessary for the four succeeding fiscal years.

1 “(c) SUBPART 4.—For the purpose of carrying out
2 subpart 4, there are authorized to be appropriated
3 \$16,000,000 for fiscal year 2000 and such sums as may
4 be necessary for the four succeeding fiscal years.

5 **“Subpart 1—Discretionary Grant Program**

6 **“SEC. 7111. FINANCIAL ASSISTANCE FOR PROGRAMS FOR**
7 **LIMITED ENGLISH PROFICIENT CHILDREN.**

8 “The purpose of this subpart is to assist local edu-
9 cational agencies, institutions of higher education, and
10 community-based organizations, through the grants au-
11 thorized under section 7112, to—

12 “(1) develop and enhance their capacity to pro-
13 vide high-quality instruction through English lan-
14 guage instruction and programs which assist limited
15 English proficient children in achieving the same
16 high levels of academic achievement as other chil-
17 dren; and

18 “(2) help such children—

19 “(A) develop proficiency in English; and

20 “(B) meet the same challenging State con-
21 tent standards and challenging State student
22 performance standards expected for all children
23 as required by section 1111(b).

1 **“SEC. 7112. FINANCIAL ASSISTANCE FOR INSTRUCTIONAL**
2 **SERVICES.**

3 “(a) PROGRAM AUTHORIZED.—

4 “(1) IN GENERAL.—In accordance with section
5 7105, before the amount appropriated to carry out
6 this part for a fiscal year equals or exceeds
7 \$220,000,000, the Secretary is authorized to award
8 grants to eligible entities having applications ap-
9 proved under section 7114 to enable such entities to
10 carry out activities described in subsection (b).

11 “(2) LENGTH OF GRANT.—Each grant under
12 this section shall be awarded for a period of time to
13 be determined by the Secretary based on the type of
14 grant for which the eligible entity applies.

15 “(b) AUTHORIZED ACTIVITIES.—Grants awarded
16 under this section shall be used to improve the education
17 of limited English proficient children and their families,
18 through the acquisition of English and the attainment of
19 challenging State academic content standards and chal-
20 lenging State performance standards using scientifically-
21 based research approaches and methodologies, by—

22 “(1) developing and implementing new English
23 language and academic content instructional pro-
24 grams for children who are limited English pro-
25 ficient, including programs of early childhood edu-

1 cation and kindergarten through 12th grade edu-
2 cation;

3 “(2) carrying out highly focused, innovative, lo-
4 cally designed projects to expand or enhance existing
5 English language and academic content instruction
6 programs for limited English proficient children;

7 “(3) implementing, within an individual school,
8 schoolwide programs for restructuring, reforming,
9 and upgrading all relevant programs and operations
10 relating to English language and academic content
11 instruction for limited English proficient students;
12 or

13 “(4) implementing, within the entire jurisdic-
14 tion of a local educational agency, agency-wide pro-
15 grams for restructuring, reforming, and upgrading
16 all relevant programs and operations relating to
17 English language and academic content instruction
18 for limited English proficient students.

19 “(c) USES OF FUNDS.—Grants under this section
20 may be used—

21 “(1) to upgrade program objectives and effec-
22 tive instructional strategies;

23 “(2) to improve the instruction program for
24 limited English proficient students by identifying,
25 acquiring, and upgrading curricula, instructional

1 materials, educational software, and assessment pro-
2 cedures;

3 “(3) to provide—

4 “(A) tutorials and academic or vocational
5 education for limited English proficient chil-
6 dren; and

7 “(B) intensified instruction;

8 “(4) to develop and implement comprehensive
9 preschool or elementary or secondary school English
10 language instructional programs that are coordi-
11 nated with other relevant programs and services;

12 “(5) to provide professional development to
13 classroom teachers, administrators, and other school
14 or community-based organizational personnel to im-
15 prove the instruction and assessment of children who
16 are limited English proficient children;

17 “(6) to improve the English language pro-
18 ficiency and academic performance of limited
19 English proficient children;

20 “(7) to improve the instruction of limited
21 English proficient children by providing for the ac-
22 quisition or development of education technology or
23 instructional materials, access to and participation
24 in electronic networks for materials, training and
25 communications, and incorporation of such resources

1 in curricula and programs, such as those funded
2 under this subpart;

3 “(8) to develop tutoring programs for limited
4 English proficient children that provide early inter-
5 vention and intensive instruction in order to improve
6 academic achievement, to increase graduation rates
7 among limited English proficient children, and to
8 prepare students for transition as soon as possible
9 into classrooms where instruction is not tailored for
10 limited English proficient children;

11 “(9) to provide family literacy services and par-
12 ent outreach and training activities to limited
13 English proficient children and their families to im-
14 prove their English language skills and assist par-
15 ents in helping their children to improve their aca-
16 demic performance; and

17 “(10) to undertake other activities that are con-
18 sistent with the purposes of this subpart.

19 “(d) SPECIAL RULE.—A grant recipient, before car-
20 rying out a program assisted under this section, shall plan,
21 train personnel, develop curricula, and acquire or develop
22 materials.

23 “(e) ELIGIBLE ENTITIES.—For the purpose of this
24 section, the term ‘eligible entity’ means—

25 “(1) one or more local educational agencies; or

1 “(2) one or more local educational agencies in
2 collaboration with an institution of higher education,
3 community-based organization, or local or State edu-
4 cational agency.

5 **“SEC. 7113. NATIVE AMERICAN AND ALASKA NATIVE CHIL-**
6 **DREN IN SCHOOL.**

7 “(a) **ELIGIBLE ENTITIES.**—For the purpose of car-
8 rying out programs under this subpart for individuals
9 served by elementary, secondary, and postsecondary
10 schools operated predominately for Native American or
11 Alaska Native children, an Indian tribe, a tribally sanc-
12 tioned educational authority, a Native Hawaiian or Native
13 American Pacific Islander native language education orga-
14 nization, or an elementary or secondary school that is op-
15 erated or funded by the Bureau of Indian Affairs shall
16 be considered to be a local educational agency as such
17 term is used in this subpart, subject to the following quali-
18 fications:

19 “(1) **INDIAN TRIBE.**—The term ‘Indian tribe’
20 means any Indian tribe, band, nation, or other orga-
21 nized group or community, including any Alaska Na-
22 tive village or regional or village corporation as de-
23 fined in or established pursuant to the Alaska Na-
24 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
25 that is recognized for the special programs and serv-

1 ices provided by the United States to Indians be-
2 cause of their status as Indians.

3 “(2) TRIBALLY SANCTIONED EDUCATIONAL AU-
4 THORITY.—The term ‘tribally sanctioned educational
5 authority’ means—

6 “(A) any department or division of edu-
7 cation operating within the administrative
8 structure of the duly constituted governing body
9 of an Indian tribe; and

10 “(B) any nonprofit institution or organiza-
11 tion that is—

12 “(i) chartered by the governing body
13 of an Indian tribe to operate any such
14 school or otherwise to oversee the delivery
15 of educational services to members of that
16 tribe; and

17 “(ii) approved by the Secretary for
18 the purpose of this section.

19 “(b) ELIGIBLE ENTITY APPLICATION.—Notwith-
20 standing any other provision of this subpart, each eligible
21 entity described in subsection (a) shall submit any applica-
22 tion for assistance under this subpart directly to the Sec-
23 retary along with timely comments on the need for the
24 proposed program.

1 **“SEC. 7114. APPLICATIONS.**

2 “(a) IN GENERAL.—

3 “(1) SECRETARY.—To receive a grant under
4 this subpart, an eligible entity shall submit an appli-
5 cation to the Secretary at such time, in such form,
6 and containing such information as the Secretary
7 may require.

8 “(2) STATE EDUCATIONAL AGENCY.—An eligi-
9 ble entity, with the exception of schools funded by
10 the Bureau of Indian Affairs, shall submit a copy of
11 its application under this section to the State edu-
12 cational agency.

13 “(b) REQUIRED DOCUMENTATION.—Such applica-
14 tion shall include documentation that the applicant has
15 the qualified personnel required to develop, administer,
16 and implement the proposed program.

17 “(c) CONTENTS.—

18 “(1) IN GENERAL.—An application for a grant
19 under this subpart shall contain the following:

20 “(A) A description of the need for the pro-
21 posed program, and a comprehensive descrip-
22 tion of the characteristics relevant to the chil-
23 dren being served.

24 “(B) An assurance that, if the applicant
25 includes one or more local educational agencies,
26 each such agency is complying with section

1 7103(b) prior to, and throughout, each school
2 year.

3 “(C) A description of the program to be
4 implemented and how such program’s design—

5 “(i) relates to the English language
6 and academic needs of the children of lim-
7 ited English proficiency to be served;

8 “(ii) is coordinated with other pro-
9 grams under this Act and other Acts, as
10 appropriate, in accordance with section
11 14306;

12 “(iii) involves the parents of the chil-
13 dren of limited English proficiency to be
14 served;

15 “(iv) ensures accountability in achiev-
16 ing high academic standards; and

17 “(v) promotes coordination of services
18 for the children of limited English pro-
19 ficiency to be served and their families.

20 “(D) A description, if appropriate, of the
21 applicant’s collaborative activities with institu-
22 tions of higher education, community-based or-
23 ganizations, local or State educational agencies,
24 private schools, nonprofit organizations, or busi-
25 nesses in carrying out the proposed program.

1 “(E) An assurance that the applicant will
2 not reduce the level of State and local funds
3 that the applicant expends for programs for
4 limited English proficient children if the appli-
5 cant receives an award under this subpart.

6 “(F) An assurance that the applicant will
7 employ teachers in the proposed program who
8 are proficient in English, including written and
9 oral communication skills, and another lan-
10 guage, if appropriate.

11 “(G) A budget for grant funds.

12 “(H) A description, if appropriate of how
13 the applicant annually will assess the English
14 proficiency of all children with limited English
15 proficiency participating in programs funded
16 under this subpart.

17 “(2) ADDITIONAL INFORMATION.—Each appli-
18 cant for a grant under section 7112 who intends to
19 use the grant for a purpose described in paragraph
20 (3) or (4) of subsection (b) of such section—

21 “(A) shall describe—

22 “(i) how services provided under this
23 subpart are supplementary to existing serv-
24 ices;

1 “(ii) how funds received under this
2 subpart will be integrated, as appropriate,
3 with all other Federal, State, local, and
4 private resources that may be used to serve
5 children of limited English proficiency;

6 “(iii) specific achievement and school
7 retention goals for the children to be
8 served by the proposed program and how
9 progress toward achieving such goals will
10 be measured; and

11 “(iv) current family literacy programs
12 if applicable; and

13 “(B) shall provide assurances that the pro-
14 gram funded will be integrated with the overall
15 educational program.

16 “(d) APPROVAL OF APPLICATIONS.—An application
17 for a grant under this subpart may be approved only if
18 the Secretary determines that—

19 “(1) the program will use qualified personnel,
20 including personnel who are proficient in English
21 and other languages used in instruction, if appro-
22 priate;

23 “(2) in designing the program for which appli-
24 cation is made, the needs of children in nonprofit
25 private elementary and secondary schools have been

1 taken into account through consultation with appro-
2 priate private school officials and, consistent with
3 the number of such children enrolled in such schools
4 in the area to be served whose educational needs are
5 of the type and whose language and grade levels are
6 of a similar type to those which the program is in-
7 tended to address, after consultation with appro-
8 priate private school officials, provision has been
9 made for the participation of such children on a
10 basis comparable to that provided for public school
11 children;

12 “(3) student evaluation and assessment proce-
13 dures in the program are valid, reliable, and fair for
14 limited English proficient students, and that limited
15 English proficient students who are disabled are
16 identified and served in accordance with the require-
17 ments of the Individuals with Disabilities Education
18 Act;

19 “(4) Federal funds made available for the
20 project or activity will be used so as to supplement
21 the level of State and local funds that, in the ab-
22 sence of such Federal funds, would have been ex-
23 pended for special programs for limited English pro-
24 ficient children and in no case to supplant such
25 State and local funds, except that nothing in this

1 paragraph shall be construed to preclude a local edu-
2 cational agency from using funds under this title for
3 activities carried out under an order of a court of
4 the United States or of any State respecting services
5 to be provided such children, or to carry out a plan
6 approved by the Secretary as adequate under title
7 VI of the Civil Rights Act of 1964 with respect to
8 services to be provided such children; and

9 “(5) the assistance provided under the applica-
10 tion will contribute toward building the capacity of
11 the applicant to provide a program on a regular
12 basis, similar to that proposed for assistance, which
13 will be of sufficient size, scope, and quality to prom-
14 ise significant improvement in the education of stu-
15 dents of limited English proficiency, and that the
16 applicant will have the resources and commitment to
17 continue the program when assistance under this
18 subpart is reduced or no longer available.

19 “(e) CONSIDERATION.—In approving applications
20 under this subpart, the Secretary shall give consideration
21 to the degree to which the program for which assistance
22 is sought involves the collaborative efforts of institutions
23 of higher education, community-based organizations, the
24 appropriate local and State educational agency, or busi-
25 nesses.

1 **“SEC. 7115. INTENSIFIED INSTRUCTION.**

2 “In carrying out this subpart, each grant recipient
3 may intensify instruction for limited English proficient
4 students by—

5 “(1) expanding the educational calendar of the
6 school in which such student is enrolled to include
7 programs before and after school and during the
8 summer months;

9 “(2) applying technology to the course of in-
10 struction; and

11 “(3) providing intensified instruction through
12 supplementary instruction or activities, including
13 educationally enriching extracurricular activities,
14 during times when school is not routinely in session.

15 **“SEC. 7116. CAPACITY BUILDING.**

16 “Each recipient of a grant under this subpart shall
17 use the grant in ways that will build such recipient’s ca-
18 pacity to continue to offer high-quality English language
19 instruction and programs which assist limited English pro-
20 ficient children in achieving the same high levels of aca-
21 demic achievement as other children, once Federal assist-
22 ance is reduced or eliminated.

23 **“SEC. 7117. SUBGRANTS.**

24 “A local educational agency that receives a grant
25 under this subpart may, with the approval of the Sec-
26 retary, make a subgrant to, or enter into a contract with,

1 an institution of higher education, a nonprofit organiza-
2 tion, or a consortium of such entities to carry out an ap-
3 proved program, including a program to serve out-of-
4 school youth.

5 **“SEC. 7118. SPECIAL CONSIDERATION.**

6 “The Secretary shall give special consideration to ap-
7 plications under this subpart that describe a program
8 that—

9 “(1) enrolls a large percentage or large number
10 of limited English proficient students;

11 “(2) takes into account significant increases in
12 limited English proficient children, including such
13 children in areas with low concentrations of such
14 children; and

15 “(3) ensures that activities assisted under this
16 subpart address the needs of school systems of all
17 sizes and geographic areas, including rural and
18 urban schools.

19 **“SEC. 7119. COORDINATION WITH OTHER PROGRAMS.**

20 “In order to secure the most flexible and efficient use
21 of Federal funds, any State receiving funds under this
22 subpart shall coordinate its program with other programs
23 under this Act and other Acts, as appropriate, in accord-
24 ance with section 14306.

1 **“SEC. 7120. NOTIFICATION.**

2 “The State educational agency, and when applicable,
3 the State board for postsecondary education, shall be noti-
4 fied within three working days of the date an award under
5 this subpart is made to an eligible entity within the State.

6 **“SEC. 7121. STATE GRANT PROGRAM.**

7 “(a) STATE GRANT PROGRAM.—The Secretary is au-
8 thorized to make an award to a State educational agency
9 that demonstrates, to the satisfaction of the Secretary,
10 that such agency, through such agency’s own programs
11 and other Federal education programs, effectively provides
12 for the education of children of limited English proficiency
13 within the State.

14 “(b) PAYMENTS.—The amount paid to a State edu-
15 cational agency under subsection (a) shall not exceed 5
16 percent of the total amount awarded to local educational
17 agencies within the State under subpart 1 for the previous
18 fiscal year, except that in no case shall the amount paid
19 by the Secretary to any State educational agency under
20 this subsection for any fiscal year be less than \$100,000.

21 “(c) USE OF FUNDS.—

22 “(1) IN GENERAL.—A State educational agency
23 shall use funds awarded under this section for pro-
24 grams authorized by this section—

25 “(A) to assist local educational agencies in
26 the State with program design, capacity build-

1 ing, assessment of student performance, and
2 program evaluation; and

3 “(B) to collect data on the State’s limited
4 English proficient populations and the edu-
5 cational programs and services available to such
6 populations.

7 “(2) EXCEPTION.—States that do not, as of the
8 date of the enactment of the Student Results Act of
9 1999, have in place a system for collecting the data
10 described in paragraph (1)(B) for all students in
11 such State, are not required to meet the requirement
12 of such paragraph. In the event such State develops
13 a system for collecting data on the educational pro-
14 grams and services available to all students in the
15 State, then such State shall comply with the require-
16 ment of paragraph (1)(B).

17 “(3) TRAINING.—The State educational agency
18 may also use funds provided under this section for
19 the training of State educational agency personnel in
20 educational issues affecting limited English pro-
21 ficient children.

22 “(4) SPECIAL RULE.—Recipients of funds
23 under this section shall not restrict the provision of
24 services under this section to federally funded pro-
25 grams.

1 “(d) APPLICATIONS.—A State educational agency de-
2 siring to receive funds under this section shall submit an
3 application to the Secretary in such form, at such time,
4 and containing such information and assurances as the
5 Secretary may require.

6 “(e) SUPPLEMENT NOT SUPPLANT.—Funds made
7 available under this section for any fiscal year shall be
8 used by the State educational agency to supplement and,
9 to the extent practical, to increase to the level of funds
10 that would, in the absence of such funds, be made avail-
11 able by the State for the purposes described in this sec-
12 tion, and in no case to supplant such funds.

13 “(f) REPORT TO THE SECRETARY.—State edu-
14 cational agencies receiving awards under this section shall
15 provide for the annual submission of a summary report
16 to the Secretary describing such State’s use of such funds.

17 **“Subpart 2—Formula Grant Program**

18 **“SEC. 7131. FORMULA GRANTS TO STATES.**

19 “(a) IN GENERAL.—In accordance with section 7105,
20 after the amount appropriated to carry out this part for
21 a fiscal year equals or exceeds \$220,000,000, in the case
22 of each State that in accordance with section 7133 sub-
23 mits to the Secretary an application for a fiscal year, after
24 reserving funds under subsection (b), the Secretary shall
25 make a grant for the year to the State for the purposes

1 specified in subsection (c). The grant shall consist of the
2 allotment determined for the State under section 7135.

3 “(b) RESERVATION.—From the amount appropriated
4 to carry out this part for any fiscal year, the Secretary
5 shall reserve not less than .5 percent to provide Federal
6 financial assistance under this subpart to entities that are
7 considered to be a local educational agency under section
8 7113(a).

9 “(c) PURPOSES OF GRANTS.—

10 “(1) REQUIRED EXPENDITURES.—The Sec-
11 retary may make a grant under subsection (a) only
12 if the State involved agrees that the State will ex-
13 pend at least 95 percent of the amount of the funds
14 provided under the grant for the purpose of making
15 subgrants to eligible entities to provide assistance to
16 limited English proficient children in accordance
17 with section 7134.

18 “(2) AUTHORIZED EXPENDITURES.—Subject to
19 paragraph (3), a State that receives a grant under
20 subsection (a) may expend not more than 5 percent
21 of the amount of the funds provided under the grant
22 for one or more of the following purposes:

23 “(A) Professional development and activi-
24 ties that assist personnel in meeting State and

1 local certification requirements for English lan-
2 guage instruction.

3 “(B) Planning, administration, and inter-
4 agency coordination related to the subgrants re-
5 ferred to in paragraph (1).

6 “(C) Providing technical assistance and
7 other forms of assistance to local educational
8 agencies that—

9 “(i) educate limited English proficient
10 children; and

11 “(ii) are not receiving a subgrant
12 from a State under this subpart.

13 “(D) Providing bonuses to subgrantees
14 whose performance has been exceptional in
15 terms of the speed with which children enrolled
16 in the subgrantee’s programs and activities at-
17 tain English language proficiency and meet
18 challenging State content standards and chal-
19 lenging State student performance standards.

20 “(3) LIMITATION ON ADMINISTRATIVE COSTS.—

21 In carrying out paragraph (2), a State that receives
22 a grant under subsection (a) may expend not more
23 than 2 percent of the amount of the funds provided
24 under the grant for the purposes described in para-
25 graph (2)(B).

1 **“SEC. 7132. NATIVE AMERICAN AND ALASKA NATIVE CHIL-**
2 **DREN IN SCHOOL.**

3 “(a) **ELIGIBLE ENTITIES.**—For the purpose of car-
4 rying out programs under this subpart for individuals
5 served by elementary, secondary, and postsecondary
6 schools operated predominately for Native American or
7 Alaska Native children, the following shall be considered
8 to be a local educational agency:

9 “(1) An Indian tribe.

10 “(2) A tribally sanctioned educational author-
11 ity.

12 “(3) A Native Hawaiian or Native American
13 Pacific Islander native language educational organi-
14 zation.

15 “(4) An elementary or secondary school that is
16 operated or funded by the Bureau of Indian Affairs,
17 or a consortium of such schools.

18 “(5) An elementary or secondary school oper-
19 ated under a contract with or grant from the Bu-
20 reau of Indian Affairs, in consortium with another
21 such school or a tribal or community organization.

22 “(6) An elementary or secondary school oper-
23 ated by the Bureau of Indian Affairs and an institu-
24 tion of higher education, in consortium with an ele-
25 mentary or secondary school operated under a con-

1 tract with or grant from the Bureau of Indian Af-
2 fairs or a tribal or community organization.

3 “(b) SUBMISSION OF APPLICATIONS FOR ASSIST-
4 ANCE.—Notwithstanding any other provision of this sub-
5 part, an entity that is considered to be a local educational
6 agency under subsection (a), and that desires to submit
7 an application for Federal financial assistance under this
8 subpart, shall submit the application to the Secretary. In
9 all other respects, such an entity shall be eligible for a
10 grant under this subpart on the same basis as any other
11 local educational agency.

12 **“SEC. 7133. APPLICATIONS BY STATES.**

13 “For purposes of section 7131, an application sub-
14 mitted by a State for a grant under such section for a
15 fiscal year is in accordance with this section if the
16 application—

17 “(1) describes the process that the State will
18 use in making subgrants to eligible entities under
19 this subpart;

20 “(2) contains an agreement that the State an-
21 nually will submit to the Secretary a summary re-
22 port, describing the State’s use of the funds pro-
23 vided under the grant;

24 “(3) contains an agreement that the State—

1 “(A) will provide 1 year of funding for an
2 application for a subgrant under section 7134
3 from an eligible entity that describes a program
4 that, on the day preceding the date of the en-
5 actment of the Student Results Act of 1999,
6 was receiving funding under a grant—

7 “(i) awarded by the Secretary under
8 subpart 1 or 3 of part A of the Bilingual
9 Education Act (as such Act was in effect
10 on such day); and

11 “(ii) that was not under its terms due
12 to expire before a period of 1 year or more
13 had elapsed; and

14 “(B) after such 1-year extension, will give
15 special consideration to such applications if the
16 period of their award would not yet otherwise
17 have expired if the Student Results Act of 1999
18 had not been enacted.

19 “(4) contains an agreement that, in carrying
20 out this subpart, the State will address the needs of
21 school systems of all sizes and in all geographic
22 areas, including rural and urban schools;

23 “(5) contains an agreement that subgrants to
24 eligible entities under section 7134 shall be of suffi-
25 cient size and scope to allow such entities to carry

1 out high quality education programs for limited
2 English proficient children;

3 “(6) contains an agreement that the State will
4 coordinate its programs and activities under this
5 subpart with its other programs and activities under
6 this Act and other Acts, as appropriate;

7 “(7) contains an agreement that the State—

8 “(A) shall monitor the progress of students
9 enrolled in programs and activities receiving as-
10 sistance under this subpart in attaining English
11 proficiency and in attaining challenging State
12 content standards and challenging State per-
13 formance standards;

14 “(B) subject to subparagraph (C), after
15 the 1-year period described in such subpara-
16 graph, shall withdraw funding from such pro-
17 grams and activities in cases where the majority
18 of students are not attaining English pro-
19 ficiency and attaining challenging State content
20 standards and challenging State performance
21 standards after three academic years of enroll-
22 ment based on the evaluation measures in sec-
23 tion 7403(d); and

24 “(C) shall provide technical assistance to
25 eligible entities that fail to satisfy the criterion

1 in subparagraph (B) for 1 year prior to the
2 withdrawal of funding under such subpara-
3 graph;

4 “(8) contains an assurance that the State will
5 require eligible entities receiving a subgrant under
6 section 7134 annually to assess the English pro-
7 ficiency of all children with limited English pro-
8 ficiency participating in a program funded under
9 this subpart; and

10 “(9) contains an agreement that States will re-
11 quire eligible entities receiving a grant under this
12 subpart to use the grant in ways that will build such
13 recipient’s capacity to continue to offer high-quality
14 English language instruction and programs which
15 assist limited English proficient children in attaining
16 challenging State content standards and challenging
17 State performance standards once assistance under
18 this subpart is no longer available.

19 **“SEC. 7134. SUBGRANTS TO ELIGIBLE ENTITIES.**

20 “(a) PURPOSES OF SUBGRANTS.—A State may make
21 a subgrant to an eligible entity from funds received by
22 the State under this subpart only if the entity agrees to
23 expend the funds to improve the education of limited
24 English proficient children and their families, through the
25 acquisition of English and the attainment of challenging

1 State academic content standards and challenging State
2 performance standards, using scientifically-based research
3 approaches and methodologies, by—

4 “(1) developing and implementing new English
5 language and academic content instructional pro-
6 grams for children who are limited English pro-
7 ficient, including programs of early childhood edu-
8 cation and kindergarten through 12th grade edu-
9 cation;

10 “(2) carrying out highly focused, innovative, lo-
11 cally designed projects to expand or enhance existing
12 English language and academic content instruction
13 programs for limited English proficient children;

14 “(3) implementing, within an individual school,
15 schoolwide programs for restructuring, reforming,
16 and upgrading all relevant programs and operations
17 relating to English language and academic content
18 instruction for limited English proficient students;
19 or

20 “(4) implementing, within the entire jurisdic-
21 tion of a local educational agency, agency-wide pro-
22 grams for restructuring, reforming, and upgrading
23 all relevant programs and operations relating to
24 English language and academic content instruction
25 for limited English proficient students.

1 “(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—

2 “(1) IN GENERAL.—Subject to paragraph (2), a
3 State may make a subgrant to an eligible entity
4 from funds received by the State under this subpart
5 in order that the eligible entity may achieve one of
6 the purposes described in subsection (a) by under-
7 taking one or more of the following activities to im-
8 prove the understanding, and use, of the English
9 language, based on a child’s learning skills:

10 “(A) Upgrading program objectives and ef-
11 fective instructional strategies.

12 “(B) Improving the instruction program
13 for limited English proficient students by iden-
14 tifying, acquiring, and upgrading curricula, in-
15 structional materials, educational software, and
16 assessment procedures.

17 “(C) Providing—

18 “(i) tutorials and academic or voca-
19 tional education for limited English pro-
20 ficient children; and

21 “(ii) intensified instruction.

22 “(D) Developing and implementing com-
23 prehensive preschool or elementary or secondary
24 school English language instructional programs

1 that are coordinated with other relevant pro-
2 grams and services.

3 “(E) Providing professional development to
4 classroom teachers, administrators, and other
5 school or community-based organizational per-
6 sonnel to improve the instruction and assess-
7 ment of children who are limited English pro-
8 ficient children.

9 “(F) Improving the English language pro-
10 ficiency and academic performance of limited
11 English proficient children.

12 “(G) Improving the instruction of limited
13 English proficient children by providing for the
14 acquisition or development of education tech-
15 nology or instructional materials, access to and
16 participation in electronic networks for mate-
17 rials, training and communications, and incor-
18 poration of such resources in curricula and pro-
19 grams, such as those funded under this sub-
20 part.

21 “(H) Developing tutoring programs for
22 limited English proficient children that provide
23 early intervention and intensive instruction in
24 order to improve academic achievement, to in-
25 crease graduation rates among limited English

1 proficient children, and to prepare students for
2 transition as soon as possible into classrooms
3 where instruction is not tailored for limited
4 English proficient children.

5 “(I) Providing family literacy services and
6 parent outreach and training activities to lim-
7 ited English proficient children and their fami-
8 lies to improve their English language skills and
9 assist parents in helping their children to im-
10 prove their academic performance.

11 “(J) Other activities that are consistent
12 with the purposes of this subpart.

13 “(2) MOVING CHILDREN OUT OF SPECIALIZED
14 CLASSROOMS.—Any program or activity undertaken
15 by an eligible entity using a subgrant from a State
16 under this subpart shall be designed to assist stu-
17 dents enrolled in the program or activity to attain
18 English proficiency and meet challenging State con-
19 tent standards and challenging State performance
20 standards as soon as possible and to move into a
21 classroom where instruction is not tailored for lim-
22 ited English proficient children.

23 “(c) SELECTION OF METHOD OF INSTRUCTION.—To
24 receive a subgrant from a State under this subpart, an
25 eligible entity shall select one or more methods or forms

1 of instruction to be used in the programs and activities
2 undertaken by the entity to assist limited English pro-
3 ficient children to attain English proficiency and meet
4 challenging State content standards and challenging State
5 student performance standards. Such selection shall be
6 consistent with sections 7406 and 7407.

7 “(d) DURATION OF SUBGRANTS.—The duration of a
8 subgrant made by a State under this section shall be de-
9 termined by the State in its discretion.

10 “(e) APPLICATIONS BY ELIGIBLE ENTITIES.—

11 “(1) IN GENERAL.—To receive a subgrant from
12 a State under this subpart, an eligible entity shall
13 submit an application to the State at such time, in
14 such form, and containing such information as the
15 State may require.

16 “(2) REQUIRED DOCUMENTATION.—The appli-
17 cation shall describe the programs and activities pro-
18 posed to be developed, implemented, and adminis-
19 tered under the subgrant and shall provide an assur-
20 ance that the applicant will only employ teachers
21 and other personnel for the proposed programs and
22 activities who are proficient in English, including
23 written and oral communication skills.

24 “(3) REQUIREMENTS FOR APPROVAL.—A State
25 may approve an application submitted by an eligible

1 entity for a subgrant under this subpart only if the
2 State determines that—

3 “(A) the eligible entity will use qualified
4 personnel who have appropriate training and
5 professional credentials in teaching English to
6 children who are limited English proficient;

7 “(B) if the eligible entity includes one or
8 more local educational agencies, each such
9 agency is complying with section 7103(b) prior
10 to, and throughout, each school year;

11 “(C) the eligible entity annually will assess
12 the English proficiency of all children with lim-
13 ited English proficiency participating in pro-
14 grams funded under this subpart;

15 “(D) the eligible entity has based its pro-
16 posal on sound research and theory;

17 “(E) the eligible entity has described in the
18 application how students enrolled in the pro-
19 grams and activities proposed in the application
20 will be fluent in English after three academic
21 years of enrollment;

22 “(F) the eligible entity will ensure that
23 programs will enable children to speak, read,
24 write, and comprehend the English language

1 and meet challenging State content and chal-
2 lenging State performance standards; and

3 “(G) the eligible entity is not in violation
4 of any State law, including State constitutional
5 law, regarding the education of limited English
6 proficient children, consistent with sections
7 7406 and 7407.

8 “(4) QUALITY.—In determining which applica-
9 tions to select for approval, a State shall consider
10 the quality of each application and ensure that it is
11 of sufficient size and scope to meet the purposes of
12 this subpart.

13 “(f) ELIGIBLE ENTITIES.—For the purpose of this
14 section, the term ‘eligible entity’ means—

15 “(1) one or more local educational agencies; or

16 “(2) one or more local educational agencies in
17 collaboration with an institution of higher education,
18 community-based organization, or local or State edu-
19 cational agency.

20 **“SEC. 7135. DETERMINATION OF AMOUNT OF ALLOTMENT.**

21 “(a) IN GENERAL.—Except as provided in sub-
22 sections (b), (c), and (d), from the sum available for the
23 purpose of making grants to States under this subpart for
24 any fiscal year, the Secretary shall allot to each State an
25 amount which bears the same ratio to such sum as the

1 total number of children who are limited English pro-
2 ficient and who reside in the State bears to the total num-
3 ber of such children residing in all States (excluding the
4 Commonwealth of Puerto Rico and the outlying areas)
5 that, in accordance with section 7133, submit to the Sec-
6 retary an application for the year.

7 “(b) PUERTO RICO.—From the sum available for the
8 purpose of making grants to States under this subpart for
9 any fiscal year, the Secretary shall allot to the Common-
10 wealth of Puerto Rico an amount equal to 1.5 percent of
11 the sums appropriated under section 7106(a).

12 “(c) OUTLYING AREAS.—

13 “(1) TOTAL AVAILABLE FOR ALLOTMENT.—
14 From the sum available for the purpose of making
15 grants to States under this subpart for any fiscal
16 year, the Secretary shall allot to the outlying areas,
17 in accordance with paragraph (2), a total amount
18 equal to .5 percent of the sums appropriated under
19 section 7106(a).

20 “(2) DETERMINATION OF INDIVIDUAL AREA
21 AMOUNTS.—From the total amount determined
22 under paragraph (1), the Secretary shall allot to
23 each outlying area an amount which bears the same
24 ratio to such amount as the total number of children
25 who are limited English proficient and who reside in

1 the outlying area bears to the total number of such
2 children residing in all outlying areas that, in ac-
3 cordance with section 7133, submit to the Secretary
4 an application for the year.

5 “(d) MINIMUM ALLOTMENT.—

6 “(1) IN GENERAL.—Notwithstanding sub-
7 sections (a) through (c), and subject to section
8 7105, the Secretary shall not allot to any State, for
9 fiscal years 2000 through 2004, an amount that is
10 less than 100 percent of the baseline amount for the
11 State.

12 “(2) BASELINE AMOUNT DEFINED.—For pur-
13 poses of this subsection, the term ‘baseline amount’,
14 when used with respect to a State, means the total
15 amount received under this part for fiscal year 2000
16 by the State, the State educational agency, and all
17 local educational agencies of the State.

18 “(3) RATABLE REDUCTION.—If the amount
19 available for allotment under this section for any fis-
20 cal year is insufficient to permit the Secretary to
21 comply with paragraph (1), the Secretary shall rat-
22 ably reduce the allotments to all States for such
23 year.

24 “(e) USE OF STATE DATA FOR DETERMINATIONS.—

25 For purposes of subsections (a) and (c), any determination

1 of the number of children who are limited English pro-
2 ficient and reside in a State shall be made using the most
3 recent limited English proficient school enrollment data
4 available to, and reported to the Secretary by, the State.
5 The State shall provide assurances to the Secretary that
6 such data are valid and reliable.

7 “(f) NO REDUCTION PERMITTED BASED ON TEACH-
8 ING METHOD.—The Secretary may not reduce a State’s
9 allotment based on the State’s selection of the immersion
10 method of instruction as its preferred method of teaching
11 the English language to children who are limited English
12 proficient.

13 **“SEC. 7136. DISTRIBUTION OF GRANTS TO ELIGIBLE ENTI-**
14 **TIES.**

15 “Of the amount required to be expended by a State
16 for subgrants to eligible entities—

17 “(1) at least one-half shall be allocated to eligi-
18 ble entities that enroll a large percentage or a large
19 number of children who are limited English pro-
20 ficient, as determined based on the relative enroll-
21 ments of such children enrolled in the eligible enti-
22 ties; and

23 “(2) the remainder shall be allocated on a com-
24 petitive basis to—

1 **“SEC. 7142. PROFESSIONAL DEVELOPMENT AND FELLOW-**
2 **SHIPS.**

3 “(a) PROGRAM AUTHORIZED.—

4 “(1) IN GENERAL.—The Secretary is authorized
5 to award grants, as appropriate, to local educational
6 agencies, institutions of higher education, State edu-
7 cational agencies, public and private organizations in
8 consortium with a local educational agency, or a con-
9 sortium of such agencies or institutions, except that
10 any such consortium shall include a local educational
11 agency.

12 “(2) GRANT PURPOSE.—Grants awarded under
13 this section shall be used for one or more of the fol-
14 lowing purposes:

15 “(A) To develop and provide ongoing in-
16 service professional development, including pro-
17 fessional development necessary to receive cer-
18 tification as a teacher of limited English pro-
19 ficient children, for teachers of limited English
20 proficient children, school administrators and, if
21 appropriate, pupil services personnel, and other
22 educational personnel who are involved in, or
23 preparing to be involved in, the provision of
24 educational services to limited English pro-
25 ficient children.

1 “(B) To provide for the incorporation of
2 courses and curricula on appropriate and effec-
3 tive instructional and assessment methodolo-
4 gies, strategies, and resources specific to limited
5 English proficient students into in-service pro-
6 fessional development programs for teachers,
7 administrators and, if appropriate, pupil serv-
8 ices personnel, and other educational personnel
9 in order to prepare such individuals to provide
10 effective services to limited English proficient
11 students.

12 “(C) To upgrade the qualifications and
13 skills of teachers to ensure that they are fully
14 qualified (as defined by section 1610) and meet
15 high professional standards, including certifi-
16 cation and licensure as a teacher of limited
17 English proficient students.

18 “(D) To upgrade the qualifications and
19 skills of paraprofessionals to ensure they meet
20 the requirements under section 1119 and meet
21 high professional standards to assist, as appro-
22 priate, teachers who instruct limited English
23 proficient students.

24 “(E) To train secondary school students as
25 teachers of limited English proficient children

1 and to train, as appropriate, other education
2 personnel to serve limited English proficient
3 students.

4 “(F) To award fellowships for—

5 “(i) study in such areas as teacher
6 training, program administration, research
7 and evaluation, and curriculum develop-
8 ment, at the master’s, doctoral, or post-
9 doctoral degree level, related to instruction
10 of children and youth of limited English
11 proficiency; and

12 “(ii) the support of dissertation re-
13 search related to such study.

14 “(G) To recruit elementary and secondary
15 school teachers of limited English proficient
16 children.

17 “(b) DURATION AND LIMITATION.—

18 “(1) GRANT PERIOD.—Each grant under this
19 section shall be awarded for a period of not more
20 than 5 years.

21 “(2) LIMITATION.—Not more than 15 percent
22 of the amount of the grant may be expended for the
23 purposes described in subparagraphs (F) and (G) of
24 subsection (a)(2).

1 “(c) PROFESSIONAL DEVELOPMENT REQUIRE-
2 MENTS.—

3 “(1) ACTIVITIES.—A recipient of a grant under
4 this section may use the grant funds for the fol-
5 lowing professional development activities:

6 “(A) Designing and implementing of in-
7 duction programs for new teachers, including
8 mentoring and coaching by trained teachers,
9 team teaching with experienced teachers, com-
10 pensation for, and availability of, time for ob-
11 servation of, and consultation with, experienced
12 teachers, and compensation for, and availability
13 of, additional time for course preparation.

14 “(B) Implementing collaborative efforts
15 among teachers to improve instruction in read-
16 ing and other core academic areas for students
17 with limited English proficiency, including pro-
18 grams that facilitate teacher observation and
19 analysis of fellow teachers’ classroom practice.

20 “(C) Supporting long-term collaboration
21 among teachers and outside experts to improve
22 instruction of limited English proficient stu-
23 dents.

24 “(D) Coordinating project activities with
25 other programs, such as those under the Head

1 Start Act, and titles I and II of this Act, and
2 titles II and V of the Higher Education Act of
3 1965.

4 “(E) Developing curricular materials and
5 assessments for teachers that are aligned with
6 State and local standards and the needs of the
7 limited English proficient students to be served.

8 “(F) Instructing teachers and, where ap-
9 propriate, other personnel working with limited
10 English children on how—

11 “(i) to utilize test results to improve
12 instruction for limited English proficient
13 children so the children can meet the same
14 challenging State content standards and
15 challenging State performance standards
16 as other students; and

17 “(ii) to help parents understand the
18 results of such assessments.

19 “(G) Contracting with institutions of high-
20 er education to allow them to provide in-service
21 training to teachers, and, where appropriate,
22 other personnel working with limited English
23 proficient children to improve the quality of
24 professional development programs for limited
25 English proficient students.

1 “(H) Such other activities as are con-
2 sistent with the purpose of this section.

3 “(2) ADDITIONAL REQUIREMENTS FOR PROFES-
4 SIONAL DEVELOPMENT FUNDS.—Uses of funds re-
5 ceived under this section for professional
6 development—

7 “(A) shall advance teacher understanding
8 of effective instructional strategies based on sci-
9 entifically based research for improving student
10 achievement;

11 “(B) shall be of sufficient intensity and
12 duration (not to include 1-day or short-term
13 workshops and conferences) to have a positive
14 and lasting impact on teachers’ performance in
15 the classroom;

16 “(C) shall be developed with extensive par-
17 ticipation of teachers, principals, parents, and
18 administrators of schools to be served under
19 subparts 1 and 2 of part A; and

20 “(D) as a whole, shall be regularly evalu-
21 ated for their impact on increased teacher effec-
22 tiveness and improved student achievement,
23 with the findings of such evaluations used to
24 improve the quality of professional development.

25 “(d) FELLOWSHIP REQUIREMENTS.—

1 “(1) IN GENERAL.—Any person receiving a fel-
2 lowship under subsection (a)(2)(F) shall agree—

3 “(A) to work as a teacher of limited
4 English proficient children, or in a program or
5 an activity funded under this part, for a period
6 of time equivalent to the period of time during
7 which the person receives such fellowship; or

8 “(B) to repay the amount received pursu-
9 ant to the fellowship award.

10 “(2) REGULATIONS.—The Secretary shall es-
11 tablish in regulations such terms and conditions for
12 agreements under paragraph (1) as the Secretary
13 deems reasonable and necessary and may waive the
14 requirement of such paragraph in extraordinary cir-
15 cumstances.

16 “(3) PRIORITY.—In awarding fellowships under
17 this section, the Secretary shall give priority to fel-
18 lowship applicants applying for study or dissertation
19 research at institutions of higher education that
20 have demonstrated a high level of success in placing
21 fellowship recipients into employment in elementary
22 and secondary schools.

23 “(4) INFORMATION.—The Secretary shall in-
24 clude information on the operation and the number

1 of fellowships awarded under this section in the eval-
2 uation required under section 7145.

3 **“SEC. 7143. APPLICATION.**

4 “(a) IN GENERAL.—

5 “(1) SUBMISSION TO SECRETARY.—In order to
6 receive a grant under section 7142, an agency, insti-
7 tution, organization, or consortium described in sub-
8 section (a)(1) of such section shall submit an appli-
9 cation to the Secretary at such time, in such form,
10 and containing such information as the Secretary
11 may require.

12 “(2) CONTENTS.—Each such application shall
13 include—

14 “(A) a description of the proposed profes-
15 sional development or graduate fellowship pro-
16 grams to be implemented with the grant;

17 “(B) a description of the scientific research
18 on which the program or programs are based;
19 and

20 “(C) an assurance that funds will be used
21 to supplement and not supplant other profes-
22 sional development activities that affect the
23 teaching and learning in elementary and sec-
24 ondary schools, as appropriate.

1 “(b) APPROVAL.—The Secretary shall only approve
2 an application under this section if it meets the require-
3 ments of this section and is of sufficient quality to meet
4 the purposes of this subpart.

5 “(c) SPECIAL RULES.—

6 “(1) OUTREACH AND TECHNICAL ASSIST-
7 ANCE.—The Secretary shall provide for outreach
8 and technical assistance to institutions of higher
9 education eligible for assistance under titles III and
10 V of the Higher Education Act of 1965 and institu-
11 tions of higher education that are operated or fund-
12 ed by the Bureau of Indian Affairs to facilitate the
13 participation of such institutions under this subpart.

14 “(2) DISTRIBUTION.—In making awards under
15 this subpart, the Secretary shall ensure adequate
16 representation of Hispanic-serving institutions (as
17 defined in section 502 of the Higher Education Act
18 of 1965) that demonstrate competence and experi-
19 ence in the programs and activities authorized under
20 this subpart and are otherwise qualified.

21 **“SEC. 7144. PROGRAM EVALUATIONS.**

22 “Each recipient of funds under this subpart shall pro-
23 vide the Secretary with an evaluation of the program as-
24 sisted under this subpart every 2 years. Such evaluation
25 shall include data on—

1 “(1) post-program placement of persons trained
2 in a program assisted under this subpart;

3 “(2) how such training relates to the employ-
4 ment of persons served by the program;

5 “(3) program completion; and

6 “(4) such other information as the Secretary
7 may require.

8 **“SEC. 7145. USE OF FUNDS FOR SECOND LANGUAGE COM-**
9 **PETENCE.**

10 “Not more than 10 percent of the funds received
11 under this subpart may be used to develop any program
12 participant’s competence in a second language for use in
13 instructional programs.

14 **“Subpart 4—Research, Evaluation, and**
15 **Dissemination**

16 **“SEC. 7151. AUTHORITY.**

17 “The Secretary shall conduct and coordinate, through
18 the Office of Educational Research and Improvement and
19 in coordination with the Office of Educational Services for
20 Limited English Proficient Children, research for the pur-
21 pose of improving English language and academic content
22 instruction for children who are limited English proficient.
23 Activities under this section shall be limited to research
24 to identify successful models for teaching limited English
25 proficient children English, research to identify successful

1 models for assisting such children to meet challenging
2 State content and student performance standards, and
3 distribution of research results to States for dissemination
4 to schools with populations of students who are limited
5 English proficient. Research conducted under this section
6 may not focus solely on any one method of instruction.

7 **“PART B—EMERGENCY IMMIGRANT EDUCATION**
8 **PROGRAM**

9 **“SEC. 7201. FINDINGS AND PURPOSE.**

10 “(a) FINDINGS.—The Congress finds that—

11 “(1) the education of our Nation’s children and
12 youth is one of the most sacred government respon-
13 sibilities;

14 “(2) local educational agencies have struggled
15 to fund adequately education services; and

16 “(3) immigration policy is solely a responsibility
17 of the Federal Government.

18 “(b) PURPOSE.—The purpose of this part is to assist
19 eligible local educational agencies that experience unex-
20 pectedly large increases in their student population due
21 to immigration to—

22 “(1) provide high-quality instruction to immi-
23 grant children and youth; and

24 “(2) help such children and youth—

1 “(A) with their transition into American
2 society; and

3 “(B) meet the same challenging State per-
4 formance standards expected of all children and
5 youth.

6 **“SEC. 7202. STATE ADMINISTRATIVE COSTS.**

7 “For any fiscal year, a State educational agency may
8 reserve not more than 1.5 percent of the amount allocated
9 to such agency under section 7204 to pay the costs of per-
10 forming such agency’s administrative functions under this
11 part.

12 **“SEC. 7203. WITHHOLDING.**

13 “Whenever the Secretary, after providing reasonable
14 notice and opportunity for a hearing to any State edu-
15 cational agency, finds that there is a failure to meet the
16 requirement of any provision of this part, the Secretary
17 shall notify that agency that further payments will not be
18 made to the agency under this part, or in the discretion
19 of the Secretary, that the State educational agency shall
20 not make further payments under this part to specified
21 local educational agencies whose actions cause or are in-
22 volved in such failure until the Secretary is satisfied that
23 there is no longer any such failure to comply. Until the
24 Secretary is so satisfied, no further payments shall be
25 made to the State educational agency under this part, or

1 payments by the State educational agency under this part
2 shall be limited to local educational agencies whose actions
3 did not cause or were not involved in the failure, as the
4 case may be.

5 **“SEC. 7204. STATE ALLOCATIONS.**

6 “(a) PAYMENTS.—The Secretary shall, in accordance
7 with the provisions of this section, make payments to
8 State educational agencies for each of the fiscal years
9 2000 through 2004 for the purpose set forth in section
10 7201(b).

11 “(b) ALLOCATIONS.—

12 “(1) IN GENERAL.—Except as provided in sub-
13 sections (c) and (d), of the amount appropriated for
14 each fiscal year for this part, each State partici-
15 pating in the program assisted under this part shall
16 receive an allocation equal to the proportion of such
17 State’s number of immigrant children and youth
18 who are enrolled in public elementary or secondary
19 schools under the jurisdiction of each local edu-
20 cational agency described in paragraph (2) within
21 such State, and in nonpublic elementary or sec-
22 ondary schools within the district served by each
23 such local educational agency, relative to the total
24 number of immigrant children and youth so enrolled

1 in all the States participating in the program as-
2 sisted under this part.

3 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
4 CIES.—The local educational agencies referred to in
5 paragraph (1) are those local educational agencies in
6 which the sum of the number of immigrant children
7 and youth who are enrolled in public elementary or
8 secondary schools under the jurisdiction of such
9 agencies, and in nonpublic elementary or secondary
10 schools within the districts served by such agencies,
11 during the fiscal year for which the payments are to
12 be made under this part, is equal to—

13 “(A) at least 500; or

14 “(B) at least 3 percent of the total number
15 of students enrolled in such public or nonpublic
16 schools during such fiscal year,

17 whichever number is less.

18 “(c) DETERMINATIONS OF NUMBER OF CHILDREN
19 AND YOUTH.—

20 “(1) IN GENERAL.—Determinations by the Sec-
21 retary under this section for any period with respect
22 to the number of immigrant children and youth shall
23 be made on the basis of data or estimates provided
24 to the Secretary by each State educational agency in
25 accordance with criteria established by the Sec-

1 retary, unless the Secretary determines, after notice
2 and opportunity for a hearing to the affected State
3 educational agency, that such data or estimates are
4 clearly erroneous.

5 “(2) SPECIAL RULE.—No such determination
6 with respect to the number of immigrant children
7 and youth shall operate because of an underestimate
8 or overestimate to deprive any State educational
9 agency of the allocation under this section that such
10 State would otherwise have received had such deter-
11 mination been made on the basis of accurate data.

12 “(d) REALLOCATION.—Whenever the Secretary de-
13 termines that any amount of a payment made to a State
14 under this part for a fiscal year will not be used by such
15 State for carrying out the purpose for which the payment
16 was made, the Secretary shall make such amount available
17 for carrying out such purpose to one or more other States
18 to the extent the Secretary determines that such other
19 States will be able to use such additional amount for car-
20 rying out such purpose. Any amount made available to a
21 State from any appropriation for a fiscal year in accord-
22 ance with the preceding sentence shall, for purposes of this
23 part, be regarded as part of such State’s payment (as de-
24 termined under subsection (b)) for such year, but shall

1 remain available until the end of the succeeding fiscal
2 year.

3 “(e) RESERVATION OF FUNDS.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of this part, if the amount appropriated to
6 carry out this part exceeds \$50,000,000 for a fiscal
7 year, a State educational agency may reserve not
8 more than 20 percent of such agency’s payment
9 under this part for such year to award grants, on a
10 competitive basis, to local educational agencies with-
11 in the State as follows:

12 “(A) At least one-half of such grants shall
13 be made available to eligible local educational
14 agencies (as described in subsection (b)(2))
15 within the State with the highest numbers and
16 percentages of immigrant children and youth.

17 “(B) Funds reserved under this paragraph
18 and not made available under subparagraph (A)
19 may be distributed to local educational agencies
20 within the State experiencing a sudden influx of
21 immigrant children and youth which are other-
22 wise not eligible for assistance under this part.

23 “(2) USE OF GRANT FUNDS.—Each local edu-
24 cational agency receiving a grant under paragraph

1 (1) shall use such grant funds to carry out the ac-
2 tivities described in section 7207.

3 “(3) INFORMATION.—Local educational agen-
4 cies with the highest number of immigrant children
5 and youth receiving funds under paragraph (1) may
6 make information available on serving immigrant
7 children and youth to local educational agencies in
8 the State with sparse numbers of such children.

9 **“SEC. 7205. STATE APPLICATIONS.**

10 “(a) SUBMISSION.—No State educational agency
11 shall receive any payment under this part for any fiscal
12 year unless such agency submits an application to the Sec-
13 retary at such time, in such manner, and containing or
14 accompanied by such information, as the Secretary may
15 reasonably require. Each such application shall—

16 “(1) provide that the educational programs,
17 services, and activities for which payments under
18 this part are made will be administered by or under
19 the supervision of the agency;

20 “(2) provide assurances that payments under
21 this part will be used for purposes set forth in sec-
22 tions 7201(b) and 7207, including a description of
23 how local educational agencies receiving funds under
24 this part will use such funds to meet such purposes

1 and will coordinate with other programs assisted
2 under this Act and other Acts as appropriate;

3 “(3) provide an assurance that local educational
4 agencies receiving funds under this part will coordi-
5 nate the use of such funds with programs assisted
6 under part A or title I;

7 “(4) provide assurances that such payments,
8 with the exception of payments reserved under sec-
9 tion 7204(e), will be distributed among local edu-
10 cational agencies within that State on the basis of
11 the number of immigrant children and youth count-
12 ed with respect to each such local educational agency
13 under section 7204(b)(1);

14 “(5) provide assurances that the State edu-
15 cational agency will not finally disapprove in whole
16 or in part any application for funds received under
17 this part without first affording the local educational
18 agency submitting an application for such funds rea-
19 sonable notice and opportunity for a hearing;

20 “(6) provide for making such reports as the
21 Secretary may reasonably require to perform the
22 Secretary’s functions under this part;

23 “(7) provide assurances—

24 “(A) that to the extent consistent with the
25 number of immigrant children and youth en-

1 rolled in the nonpublic elementary or secondary
2 schools within the district served by a local edu-
3 cational agency, such agency, after consultation
4 with appropriate officials of such schools, shall
5 provide for the benefit of such children and
6 youth secular, neutral, and nonideological serv-
7 ices, materials, and equipment necessary for the
8 education of such children and youth;

9 “(B) that the control of funds provided
10 under this part to any materials, equipment,
11 and property repaired, remodeled, or con-
12 structed with those funds shall be in a public
13 agency for the uses and purposes provided in
14 this part, and a public agency shall administer
15 such funds and property; and

16 “(C) that the provision of services pursu-
17 ant to this paragraph shall be provided by em-
18 ployees of a public agency or through contract
19 by such public agency with a person, associa-
20 tion, agency, or corporation who or which, in
21 the provision of such services, is independent of
22 such nonpublic elementary or secondary school
23 and of any religious organization, and such em-
24 ployment or contract shall be under the control
25 and supervision of such public agency, and the

1 funds provided under this paragraph shall not
2 be commingled with State or local funds;

3 “(8) provide that funds reserved under section
4 7204(e) be awarded on a competitive basis based on
5 merit and need in accordance with such subsection;
6 and

7 “(9) provide an assurance that State and local
8 educational agencies receiving funds under this part
9 will comply with the requirements of section
10 1120(b).

11 “(b) APPLICATION REVIEW.—

12 “(1) IN GENERAL.—The Secretary shall review
13 all applications submitted pursuant to this section
14 by State educational agencies.

15 “(2) APPROVAL.—The Secretary shall approve
16 any application submitted by a State educational
17 agency that meets the requirements of this section.

18 “(3) DISAPPROVAL.—The Secretary shall dis-
19 approve any application submitted by a State edu-
20 cational agency which does not meet the require-
21 ments of this section, but shall not finally disapprove
22 an application except after providing reasonable no-
23 tice, technical assistance, and an opportunity for a
24 hearing to the State.

1 **“SEC. 7206. ADMINISTRATIVE PROVISIONS.**

2 “(a) NOTIFICATION OF AMOUNT.—The Secretary,
3 not later than June 1 of each year, shall notify each State
4 educational agency that has an application approved under
5 section 7205 of the amount of such agency’s allocation
6 under section 7204 for the succeeding year.

7 “(b) SERVICES TO CHILDREN ENROLLED IN NON-
8 PUBLIC SCHOOLS.—If by reason of any provision of law
9 a local educational agency is prohibited from providing
10 educational services for children enrolled in elementary
11 and secondary nonpublic schools, as required by section
12 7205(a)(7), or if the Secretary determines that a local
13 educational agency has substantially failed or is unwilling
14 to provide for the participation on an equitable basis of
15 children enrolled in such schools, the Secretary may waive
16 such requirement and shall arrange for the provision of
17 services, subject to the requirements of this part, to such
18 children. Such waivers shall be subject to consultation,
19 withholding, notice, and judicial review requirements in
20 accordance with the provisions of title I.

21 **“SEC. 7207. USES OF FUNDS.**

22 “(a) USE OF FUNDS.—Funds awarded under this
23 part shall be used to pay for enhanced instructional oppor-
24 tunities for immigrant children and youth, which may
25 include—

1 “(1) family literacy, parent outreach, and train-
2 ing activities designed to assist parents to become
3 active participants in the education of their children;

4 “(2) salaries of personnel, including teacher
5 aides who have been specifically trained, or are being
6 trained, to provide services to immigrant children
7 and youth;

8 “(3) tutorials, mentoring, and academic or ca-
9 reer counseling for immigrant children and youth;

10 “(4) identification and acquisition of curricular
11 materials, educational software, and technologies to
12 be used in the program;

13 “(5) basic instructional services which are di-
14 rectly attributable to the presence in the school dis-
15 trict of immigrant children, including the costs of
16 providing additional classroom supplies, overhead
17 costs, costs of construction, acquisition or rental of
18 space, costs of transportation, or such other costs as
19 are directly attributable to such additional basic in-
20 structional services; and

21 “(6) such other activities, related to the pur-
22 poses of this part, as the Secretary may authorize.

23 “(b) CONSORTIA.—A local educational agency that
24 receives a grant under this part may collaborate or form
25 a consortium with one or more local educational agencies,

1 institutions of higher education, and nonprofit organiza-
2 tions to carry out the program described in an application
3 approved under this part.

4 “(c) SUBGRANTS.—A local educational agency that
5 receives a grant under this part may, with the approval
6 of the Secretary, make a subgrant to, or enter into a con-
7 tract with, an institution of higher education, a nonprofit
8 organization, or a consortium of such entities to carry out
9 a program described in an application approved under this
10 part, including a program to serve out-of-school youth.

11 “(d) CONSTRUCTION.—Nothing in this part shall be
12 construed to prohibit a local educational agency from serv-
13 ing immigrant children simultaneously with students with
14 similar educational needs, in the same educational settings
15 where appropriate.

16 **“SEC. 7208. REPORTS.**

17 “(a) BIENNIAL REPORT.—Each State educational
18 agency receiving funds under this part shall submit, once
19 every 2 years, a report to the Secretary concerning the
20 expenditure of funds by local educational agencies under
21 this part. Each local educational agency receiving funds
22 under this part shall submit to the State educational agen-
23 cy such information as may be necessary for such report.

24 “(b) REPORT TO CONGRESS.—The Secretary shall
25 submit, once every 2 years, a report to the appropriate

1 committees of the Congress concerning programs assisted
2 under this part in accordance with section 14701.

3 **“SEC. 7209. AUTHORIZATION OF APPROPRIATIONS.**

4 “For the purpose of carrying out this part, there are
5 authorized to be appropriated \$175,000,000 for fiscal year
6 2000 and such sums as may be necessary for each of the
7 4 succeeding fiscal years.

8 **“PART C—ADMINISTRATION**

9 **“SEC. 7301. REPORTING REQUIREMENTS.**

10 “(a) STATES.—Based upon the evaluations provided
11 to a State under section 7403, each State receiving a
12 grant under this title annually shall report to the Sec-
13 retary on programs and activities undertaken by the State
14 under this title and the effectiveness of such programs and
15 activities in improving the education provided to children
16 who are limited English proficient.

17 “(b) SECRETARY.—Every other year, the Secretary
18 shall prepare and submit to the Committee on Education
19 and the Workforce of the House of Representatives and
20 the Committee on Labor and Human Resources of the
21 Senate a report on programs and activities undertaken by
22 States under this title and the effectiveness of such pro-
23 grams and activities in improving the education provided
24 to children who are limited English proficient.

1 **“SEC. 7302. COORDINATION WITH RELATED PROGRAMS.**

2 “In order to maximize Federal efforts aimed at serv-
3 ing the educational needs of children and youth of limited
4 English proficiency, the Secretary shall coordinate and en-
5 sure close cooperation with other programs serving lan-
6 guage-minority and limited English proficient students
7 that are administered by the Department and other agen-
8 cies.

9 **“PART D—GENERAL PROVISIONS**

10 **“SEC. 7401. DEFINITIONS.**

11 “For purposes of this title:

12 “(1) CHILDREN AND YOUTH.—The term ‘chil-
13 dren and youth’ means individuals aged 3 through
14 21.

15 “(2) COMMUNITY-BASED ORGANIZATION.—The
16 term ‘community-based organization’ means a pri-
17 vate nonprofit organization of demonstrated effec-
18 tiveness or Indian tribe or tribally sanctioned edu-
19 cational authority which is representative of a com-
20 munity or significant segments of a community and
21 which provides educational or related services to in-
22 dividuals in the community. Such term includes a
23 Native Hawaiian or Native American Pacific Is-
24 lander native language educational organization.

25 “(3) FAMILY LITERACY SERVICES.—The term
26 ‘family literacy services’ means services provided to

1 participants on a voluntary basis that are of suffi-
2 cient intensity in terms of hours, and of sufficient
3 duration, to make sustainable changes in a family,
4 and that integrate all of the following activities:

5 “(A) Interactive literacy activities between
6 parents and their children.

7 “(B) Training for parents regarding how
8 to be the primary teacher for their children and
9 full partners in the education of their children.

10 “(C) Parent literacy training that leads to
11 economic self-sufficiency.

12 “(D) An age-appropriate education to pre-
13 pare children for success in school and life ex-
14 periences.

15 “(4) IMMIGRANT CHILDREN AND YOUTH.—The
16 term ‘immigrant children and youth’ means individ-
17 uals who—

18 “(A) are aged 3 through 21;

19 “(B) were not born in any State; and

20 “(C) have not been attending one or more
21 schools in any one or more States for more
22 than three full academic years.

23 “(5) LIMITED ENGLISH PROFICIENT.—The
24 term ‘limited English proficient’, when used with
25 reference to an individual, means an individual—

1 “(A) aged 3 through 21;

2 “(B) who—

3 “(i) was not born in the United
4 States;

5 “(ii) comes from an environment
6 where a language other than English is
7 dominant and who normally uses a lan-
8 guage other than English;

9 “(iii) is a Native American or Alaska
10 Native or who is a native resident of the
11 outlying areas and who normally uses a
12 language other than English; or

13 “(iv) is migratory and whose native
14 language is other than English and who
15 normally uses a language other than
16 English; and

17 “(C) who has sufficient difficulty speaking,
18 reading, writing, or understanding the English
19 language that the difficulty may deny the indi-
20 vidual the opportunity—

21 “(i) to learn successfully in a class-
22 room where the language of instruction is
23 English; or

24 “(ii) to participate fully in society.

1 “(6) NATIVE AMERICAN AND NATIVE AMERICAN
2 LANGUAGE.—The terms ‘Native American’ and ‘Na-
3 tive American language’ shall have the same mean-
4 ing given such terms in section 103 of the Native
5 American Languages Act of 1990.

6 “(7) NATIVE HAWAIIAN OR NATIVE AMERICAN
7 PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL
8 ORGANIZATION.—The term ‘Native Hawaiian or Na-
9 tive American Pacific Islander native language edu-
10 cational organization’ means a nonprofit organiza-
11 tion with a majority of its governing board and em-
12 ployees consisting of fluent speakers of the tradi-
13 tional Native American languages used in their edu-
14 cational programs and with not less than 5 years
15 successful experience in providing educational serv-
16 ices in traditional Native American languages.

17 “(8) NATIVE LANGUAGE.—The term ‘native
18 language’, when used with reference to an individual
19 who is limited English proficient, means the lan-
20 guage normally used by such individual.

21 “(9) OUTLYING AREA.—The term ‘outlying
22 area’ means any of the following:

23 “(A) The Virgin Islands of the United
24 States.

25 “(B) Guam.

1 “(C) American Samoa.

2 “(D) The Commonwealth of the Northern
3 Mariana Islands.

4 “(10) PARAPROFESSIONAL.—The term ‘para-
5 professional’ means an individual who is employed in
6 preschool, elementary or secondary school under the
7 supervision of a certified or licensed teacher, includ-
8 ing individuals employed in educational programs
9 serving limited English proficient children, special
10 education and migrant education.

11 “(11) STATE.—The term ‘State’ means any of
12 the several States, the District of Columbia, the
13 Commonwealth of Puerto Rico, or any outlying area.

14 “(12) TRIBALLY SANCTIONED EDUCATIONAL
15 AUTHORITY.—The term ‘tribally sanctioned edu-
16 cational authority’ means—

17 “(A) any department or division of edu-
18 cation operating within the administrative
19 structure of the duly constituted governing body
20 of an Indian tribe; and

21 “(B) any nonprofit institution or organiza-
22 tion that is—

23 “(i) chartered by the governing body
24 of an Indian tribe to operate a school de-
25 scribed in section 7113(a) or otherwise to

1 oversee the delivery of educational services
2 to members of the tribe; and

3 “(ii) approved by the Secretary for
4 the purpose of carrying out programs
5 under subpart 1 of part A for individuals
6 served by a school described in section
7 7113(a).

8 **“SEC. 7402. CONSTRUCTION.**

9 “Nothing in subpart 1 or 2 shall be construed to pro-
10 hibit a local educational agency from serving limited
11 English proficient children and youth simultaneously with
12 students with similar educational needs, in the same edu-
13 cational settings where appropriate.

14 **“SEC. 7403. EVALUATION.**

15 “(a) IN GENERAL.—Each eligible entity that receives
16 a subgrant from a State or a grant from the Secretary
17 under part A shall provide the State or the Secretary, at
18 the conclusion of every second fiscal year during which the
19 subgrant or grant is received, with an evaluation, in a
20 form prescribed by the State or the Secretary, of—

21 “(1) the programs and activities conducted by
22 the entity with funds received under part A during
23 the two immediately preceding fiscal years;

24 “(2) the progress made by students in learning
25 the English language and meeting challenging State

1 content standards and challenging State student
2 performance standards;

3 “(3) the number and percentage of students in
4 the programs and activities attaining English lan-
5 guage proficiency by the end of each school year, as
6 determined by a valid and reliable assessment of
7 English proficiency; and

8 “(4) the progress made by students in meeting
9 challenging State content and challenging State per-
10 formance standards for each of the 2 years after
11 such students are no longer receiving services under
12 this part.

13 “(b) USE OF EVALUATION.—An evaluation provided
14 by an eligible entity under subsection (a) shall be used
15 by the entity and the State or the Secretary—

16 “(1) for improvement of programs and activi-
17 ties;

18 “(2) to determine the effectiveness of programs
19 and activities in assisting children who are limited
20 English proficient to attain English proficiency (as
21 measured consistent with subsection (d)) and meet
22 challenging State content standards and challenging
23 State student performance standards; and

24 “(3) in determining whether or not to continue
25 funding for specific programs or projects.

1 “(c) EVALUATION COMPONENTS.—An evaluation
2 provided by an eligible entity under subsection (a) shall
3 include—

4 “(1) an evaluation of whether students enrolling
5 in a program or activity conducted by the entity
6 with funds received under part A—

7 “(A) have attained English proficiency and
8 are meeting challenging State content stand-
9 ards and challenging State student performance
10 standards; and

11 “(B) have achieved a working knowledge of
12 the English language that is sufficient to per-
13 mit them to perform, in English, in a classroom
14 that is not tailored to limited English proficient
15 children; and

16 “(2) such other information as the State or the
17 Secretary may require.

18 “(d) EVALUATION MEASURES.—In prescribing the
19 form of an evaluation provided by an entity under sub-
20 section (a), a State or the Secretary shall approve evalua-
21 tion measures, as applicable, for use under subsection (c)
22 that are designed to assess—

23 “(1) oral language proficiency in kindergarten;

24 “(2) oral language proficiency, including speak-
25 ing and listening skills, in first grade;

1 “(3) both oral language proficiency, including
2 speaking and listening skills, and reading and writ-
3 ing proficiency in grades 2 and higher; and

4 “(4) attainment of challenging State perform-
5 ance standards.

6 **“SEC. 7404. CONSTRUCTION.**

7 “Nothing in part A shall be construed as requiring
8 a State or a local educational agency to establish, con-
9 tinue, or eliminate a program of native language instruc-
10 tion.

11 **“SEC. 7405. LIMITATION ON FEDERAL REGULATIONS.**

12 “The Secretary shall issue regulations under this title
13 only to the extent that such regulations are necessary to
14 ensure compliance with the specific requirements of this
15 title.

16 **“SEC. 7406. LEGAL AUTHORITY UNDER STATE LAW.**

17 “Nothing in this title shall be construed to negate
18 or supersede the legal authority, under State law, of any
19 State agency, State entity, or State public official over
20 programs that are under the jurisdiction of the State
21 agency, entity, or official.

22 **“SEC. 7407. CIVIL RIGHTS.**

23 “Nothing in this title shall be construed in a manner
24 inconsistent with any Federal law guaranteeing a civil
25 right.

1 **“SEC. 7408. RULE OF CONSTRUCTION.**

2 “Nothing in part A shall be construed to limit the
3 preservation or use of Native American languages as de-
4 fined in the Native American Languages Act or Alaska
5 Native languages.

6 **“SEC. 7409. REPORT.**

7 “The Secretary shall prepare, and submit to the Sec-
8 retary and to the Committee on Education and the Work-
9 force of the House of Representatives and the Committee
10 on Health, Education, Labor, and Pensions of the Senate,
11 a report on—

12 “(1) the activities carried out part A and the
13 effectiveness of such activities in increasing the
14 English proficiency of limited English proficient chil-
15 dren and helping them to meet challenging State
16 content standards and challenging State perform-
17 ance standards;

18 “(2) the types of instructional programs used
19 under part A to teach limited English proficient chil-
20 dren;

21 “(3) the number of programs, if any, which
22 were terminated from the program because they
23 were not able to reach program goals; and

24 “(4) other information gathered as part of the
25 evaluation conducted under section 7403.

1 **“SEC. 7410. PROGRAMS FOR NATIVE AMERICANS AND**
2 **PUERTO RICO.**

3 “Programs authorized under subparts 1 and 2 of part
4 A that serve Native American children, Native Pacific Is-
5 land children, and children in the Commonwealth of Puer-
6 to Rico, notwithstanding any other provision of part A
7 may include programs of instruction, teacher training,
8 curriculum development, evaluation, and testing designed
9 for Native American children learning and studying Na-
10 tive American languages and children of limited Spanish
11 proficiency, except that a primary outcome of programs
12 serving such children shall be increased English pro-
13 ficiency among such children.”.

14 **SEC. 902. CONFORMING AMENDMENT TO DEPARTMENT OF**
15 **EDUCATION ORGANIZATION ACT.**

16 (a) IN GENERAL.—The Department of Education
17 Organization Act is amended by striking “Office of Bilin-
18 gual Education and Minority Languages Affairs” each
19 place such term appears in the text and inserting “Office
20 of Educational Services for Limited English Proficient
21 Children”.

22 (b) CLERICAL AMENDMENTS.—

23 (1) SECTION 209.—The section heading for sec-
24 tion 209 of the Department of Education Organiza-
25 tion Act is amended to read as follows:

1 “OFFICE OF EDUCATIONAL SERVICES FOR LIMITED
2 ENGLISH PROFICIENT CHILDREN”.

3 (2) SECTION 216.—The section heading for sec-
4 tion 216 of the Department of Education Organiza-
5 tion Act is amended to read as follows:

6 **“SEC. 216. OFFICE OF EDUCATIONAL SERVICES FOR LIM-
7 ITED ENGLISH PROFICIENT CHILDREN.”.**

8 (3) TABLE OF CONTENTS.—

9 (A) SECTION 209.—The table of contents
10 of the Department of Education Organization
11 Act is amended by amending the item relating
12 to section 209 to read as follows:

“Sec. 209. Office of Educational Services for Limited English Proficient Chil-
dren.”.

13 (B) SECTION 216.—The table of contents
14 of the Department of Education Organization
15 Act is amended by amending the item relating
16 to section 216 to read as follows:

“Sec. 216. Office of Educational Services for Limited English Proficient Chil-
dren.”.

Passed the House of Representatives October 21,
1999.

Attest:

Clerk.