

Union Calendar No. 230

106TH CONGRESS
1ST SESSION

H. R. 2

[Report No. 106-394, Part I]

A BILL

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

OCTOBER 18, 1999

Reported from the Committee on Education and the
Workforce with an amendment

OCTOBER 18, 1999

Referral to the Committee on Ways and Means extended
for a period ending not later than October 18, 1999

OCTOBER 18, 1999

Committee on Ways and Means discharged; committed to
the Committee of the Whole House on the State of the
Union and ordered to be printed

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1999

Mr. GOODLING (for himself, Mr. PITTS, Mr. SMITH of Washington, Mr. GOODE, Mr. CASTLE, Mr. MCKEON, and Ms. PRYCE of Ohio) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 18, 1999

Reported from the Committee on Education and the Workforce with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

OCTOBER 18, 1999

Referral to the Committee on Ways and Means extended for a period ending not later than October 18, 1999

OCTOBER 18, 1999

Additional sponsors: Mr. BLILEY, Mr. KUYKENDALL, Mr. WOLF, Mr. SUNUNU, Mr. HULSHOF, Mr. BALLENGER, Mr. HANSEN, Mr. JENKINS, Mr. GILLMOR, Mr. MCCOLLUM, Mr. HILL of Montana, and Mr. LUCAS of Oklahoma

OCTOBER 18, 1999

Committee on Ways and Means discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 11, 1999]

A BILL

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,*

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Stu-*
 5 *dent Results Act of 1999”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. References.

TITLE I—STUDENT RESULTS

PART A—BASIC PROGRAM

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

Sec. 102. Purposes and intent.

Sec. 103. Authorization of appropriations.

Sec. 104. Reservation and allocation.

Sec. 105. State plans.

Sec. 106. Local educational agency plans.

Sec. 107. Eligible school attendance areas.

Sec. 108. Schoolwide programs.

Sec. 109. Targeted assistance schools.

Sec. 110. School choice.

Sec. 111. Assessment and local educational agency and school improvement.

Sec. 112. State assistance for school support and improvement.

Sec. 113. Academic achievement awards program.

Sec. 114. Parental involvement changes.

Sec. 115. Qualifications for teachers and paraprofessionals.

Sec. 116. Professional development.

Sec. 117. Participation of children enrolled in private schools.

Sec. 118. Coordination requirements.

Sec. 119. Grants for the outlying areas and the Secretary of the Interior.

Sec. 120. Amounts for grants.

Sec. 121. Basic grants to local educational agencies.

- Sec. 122. Concentration grants.*
Sec. 123. Targeted grants.
Sec. 124. Special allocation procedures.
Sec. 125. Secular, neutral, and nonideological.

PART B—EDUCATION OF MIGRATORY CHILDREN

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

PART C—NEGLECTED OR DELINQUENT YOUTH

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

PART D—GENERAL PROVISIONS

- Sec. 161. General provisions.*

PART E—COMPREHENSIVE SCHOOL REFORM

- Sec. 171. Comprehensive school reform.*

TITLE II—MAGNET SCHOOLS ASSISTANCE AND PUBLIC SCHOOL CHOICE

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

TITLE III—TEACHER LIABILITY PROTECTION

- Sec. 301. Teacher liability protection.*

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

Subtitle A—Elementary and Secondary Education Act of 1965

- Sec. 401. Amendments.*

PART B—NATIVE HAWAIIAN EDUCATION

- Sec. 402. Native Hawaiian education.*

PART C—ALASKA NATIVE EDUCATION

- Sec. 403. Alaska Native education.*

*Subtitle B—Amendments to the Education Amendments of 1978**Sec. 410. Amendments to the 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.***1 SEC. 2. REFERENCES.**

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

1 **TITLE I—STUDENT RESULTS**

2 **PART A—BASIC PROGRAM**

3 **SEC. 101. LOW-ACHIEVING CHILDREN MEET HIGH STAND-**
4 **ARDS.**

5 *The heading for title I is amended by striking “DIS-*
6 **ADVANTAGED”** *and inserting “LOW-ACHIEV-*
7 **ING”.**

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

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

11 **“SEC. 1001. FINDINGS; STATEMENT OF PURPOSE; AND REC-**
12 **OGNITION OF NEED.**

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

14 “(1) *Schools that enroll high concentrations of*
15 *children living in poverty face the greatest challenges*
16 *but effective educational strategies based on scientif-*
17 *ically based research can succeed in educating chil-*
18 *dren to high standards.*

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

1 “(3) *The educational progress of children par-*
2 *ticipating in programs under this title is closely asso-*
3 *ciated with their being taught by a highly qualified*
4 *staff, particularly in schools with the highest con-*
5 *centrations of poverty, where paraprofessionals,*
6 *uncertified teachers, and teachers teaching out of field*
7 *frequently provide instructional services.*

8 “(4) *Congress and the public would benefit from*
9 *additional data in order to evaluate the efficacy of the*
10 *changes made to this title in the Improving America’s*
11 *Schools Act of 1994.*

12 “(5) *States, local educational agencies, and*
13 *schools should be given as much flexibility as possible*
14 *in exchange for greater accountability for improving*
15 *student achievement.*

16 “(6) *Programs funded under this part must dem-*
17 *onstrate increased effectiveness in improving schools*
18 *in order to ensure all children achieve to high stand-*
19 *ards.*

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

23 “(c) *RECOGNITION OF NEED.—The Congress recognizes*
24 *the following:*

1 “(1) Educational needs are particularly great for
2 low-achieving children in our Nation’s highest-poverty
3 schools, children with limited English proficiency,
4 children of migrant workers, children with disabili-
5 ties, Indian children, children who are neglected or
6 delinquent and young children and their parents who
7 are in need of family literacy services.

8 “(2) Despite more than 3 decades of Federal as-
9 sistance, a sizable achievement gap remains between
10 minority and nonminority students, and between dis-
11 advantaged students and their more advantaged
12 peers.

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

17 “(4) States, local educational agencies and
18 schools should be held accountable for improving the
19 academic achievement of all students, and for identi-
20 fying and turning around low-performing schools.

21 “(5) Federal education assistance is intended not
22 only to increase pupil achievement overall, but also
23 more specifically and importantly, to help ensure that
24 all pupils, especially the disadvantaged, meet chal-
25 lenging standards for curriculum content and pupil

1 *performance. It can only be determined if schools,*
2 *local educational agencies, and States, are reaching*
3 *this goal if pupil achievement results are reported*
4 *specifically by disadvantaged and minority status.”.*

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

6 (a) *LOCAL EDUCATIONAL AGENCY GRANTS.*—Sub-
7 *section (a) of section 1002 (20 U.S.C. 6302(a)) is amended*
8 *by striking “\$7,400,000,000 for fiscal year 1995” and in-*
9 *serting “\$8,350,000,000 for fiscal year 2000”.*

10 (b) *EDUCATION OF MIGRATORY CHILDREN.*—Sub-
11 *section (c) of section 1002 (20 U.S.C. 6302(c)) is amended*
12 *by striking “\$310,000,000 for fiscal year 1995” and insert-*
13 *ing “\$400,000,000 for fiscal year 2000”.*

14 (c) *PREVENTION AND INTERVENTION PROGRAMS FOR*
15 *YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK*
16 *OF DROPPING OUT.*—Subsection (d) of section 1002 (20
17 U.S.C. 6302(d)) is amended by striking “\$40,000,000 for
18 fiscal year 1995” and inserting “\$50,000,000 for fiscal year
19 2000”.

20 (d) *CAPITAL EXPENSES.*—Subsection (e) of section
21 1002 (20 U.S.C. 6302(e)) is amended to read as follows:

22 “(e) *CAPITAL EXPENSES.*—For the purpose of carrying
23 out section 1120(e), there are authorized to be appropriated
24 \$15,000,000 for fiscal year 2000, \$15,000,000 for fiscal year
25 2001, and \$5,000,000 for fiscal year 2002.”.

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

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

7 (f) *STATE ADMINISTRATION.*—Section 1002 is amend-
8 ed by adding at the end the following:

9 “(h) *STATE ADMINISTRATION.*—

10 “(1) *STATE RESERVATION.*—Each State may re-
11 serve, from the grants it receives under parts A, C,
12 and D, of this title, an amount equal to the greater
13 of 1 percent of the amount it received under parts A,
14 C, and D, for fiscal year 1999, or \$400,000 (\$50,000
15 for each outlying area), to carry out administrative
16 duties assigned under parts A, C, and D.

17 “(2) *AUTHORIZATION OF APPROPRIATIONS.*—
18 There are authorized to be appropriated \$10,000,000
19 for fiscal year 2000 and such sums as may be nec-
20 essary for each of the 4 succeeding fiscal years for ad-
21 ditional State administration grants. Any such addi-
22 tional grants shall be allocated among the States in
23 proportion to the grants received by each State for
24 that fiscal year under parts A, C, and D of this title.

1 “(3) *SPECIAL RULE.*—*The amount allocated to*
2 *each State under this subsection may not exceed the*
3 *amount of State funds expended by the State edu-*
4 *cational agency to administer elementary and sec-*
5 *ondary education programs in such State.*”.

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

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

8 **SEC. 105. STATE PLANS.**

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

11 **“SEC. 1111. STATE PLANS.**

12 “(a) *PLANS REQUIRED.*—

13 “(1) *IN GENERAL.*—*Any State desiring to receive*
14 *a grant under this part shall submit to the Secretary*
15 *a plan, developed in consultation with local edu-*
16 *cational agencies, teachers, pupil services personnel,*
17 *administrators (including administrators of programs*
18 *described in other parts of this title), other staff, and*
19 *parents, that satisfies the requirements of this section*
20 *and that is coordinated with other programs under*
21 *this Act, the Individuals with Disabilities Education*
22 *Act, the Carl D. Perkins Vocational and Technical*
23 *Education Act of 1998, and the Head Start Act.*

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

4 “(b) *STANDARDS, ASSESSMENTS, AND ACCOUNT-*
5 *ABILITY.*—

6 “(1) *CHALLENGING STANDARDS.*—(A) *Each*
7 *State plan shall demonstrate that the State has*
8 *adopted challenging content standards and chal-*
9 *lenging student performance standards that will be*
10 *used by the State, its local educational agencies, and*
11 *its schools to carry out this part, except that a State*
12 *shall not be required to submit such standards to the*
13 *Secretary.*

14 “(B) *The standards required by subparagraph*
15 *(A) shall be the same standards that the State applies*
16 *to all schools and children in the State.*

17 “(C) *The State shall have such standards for ele-*
18 *mentary and secondary school children served under*
19 *this part in subjects determined by the State, but in-*
20 *cluding at least mathematics and reading or language*
21 *arts, which shall include the same knowledge, skills,*
22 *and levels of performance expected of all children.*

23 “(D) *Standards under this paragraph shall*
24 *include—*

1 “(i) challenging content standards in aca-
2 demic subjects that—

3 “(I) specify what children are expected
4 to know and be able to do;

5 “(II) contain coherent and rigorous
6 content; and

7 “(III) encourage the teaching of ad-
8 vanced skills;

9 “(ii) challenging student performance
10 standards that—

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

13 “(II) describe two levels of high per-
14 formance, proficient and advanced, that de-
15 termine how well children are mastering the
16 material in the State content standards;
17 and

18 “(III) describe a third level of perform-
19 ance, basic, to provide complete information
20 about the progress of the lower performing
21 children toward achieving to the proficient
22 and advanced levels of performance.

23 “(E) For the subjects in which students will be
24 served under this part, but for which a State is not
25 required by subparagraphs (A), (B), and (C) to de-

1 *velop, and has not otherwise developed such stand-*
2 *ards, the State plan shall describe a strategy for en-*
3 *sureing that such students are taught the same knowl-*
4 *edge and skills and held to the same expectations as*
5 *are all children.*

6 *“(2) ADEQUATE YEARLY PROGRESS.—*

7 *“(A) IN GENERAL.—Each State plan shall*
8 *demonstrate, based on assessments described*
9 *under paragraph (4), what constitutes adequate*
10 *yearly progress of—*

11 *“(i) any school served under this part*
12 *toward enabling all children to meet the*
13 *State’s challenging student performance*
14 *standards;*

15 *“(ii) any local educational agency that*
16 *received funds under this part toward ena-*
17 *bling all children in schools receiving assist-*
18 *ance under this part to meet the State’s*
19 *challenging student performance standards;*
20 *and*

21 *“(iii) the State in enabling all children*
22 *in schools receiving assistance under this*
23 *part to meet the State’s challenging student*
24 *performance standards.*

1 “(B) *DEFINITION.—Adequate yearly*
2 *progress shall be defined in a manner that—*

3 “(i) *applies the same high standards of*
4 *academic performance to all students in the*
5 *State;*

6 “(ii) *takes into account the progress of*
7 *all students in the State and in each local*
8 *educational agency and school served under*
9 *section 1114 or 1115;*

10 “(iii) *uses the State challenging con-*
11 *tent and challenging student performance*
12 *standards and assessments described in*
13 *paragraphs (1) and (4);*

14 “(iv) *compares separately, within each*
15 *State, local educational agency, and school,*
16 *the performance and progress of students by*
17 *gender, each major ethnic and racial group,*
18 *by English proficiency status, by migrant*
19 *status, by students with disabilities as com-*
20 *pared to nondisabled students, and by eco-*
21 *nomically disadvantaged students as com-*
22 *pared to students who are not economically*
23 *disadvantaged (except that such*
24 *disaggregation shall not be required in a*
25 *case in which the number of students in a*

1 *category is insufficient to yield statistically*
2 *reliable information or the results would re-*
3 *veal individually identifiable information*
4 *about an individual student);*

5 *“(v) compares the proportions of stu-*
6 *dents at the ‘basic’, ‘proficient’, and ‘ad-*
7 *vanced’ levels of performance with the pro-*
8 *portions of students at each of the 3 levels*
9 *in the same grade in the previous school*
10 *year;*

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

21 *“(vii) includes annual numerical goals*
22 *for improving the performance of all groups*
23 *specified in clause (iv) and narrowing gaps*
24 *in performance between these groups; and*

1 “(viii) includes a timeline for ensuring
2 that each group of students described in
3 clause (iv) meets or exceeds the State’s pro-
4 ficient level of performance on each State
5 assessment used for the purposes of section
6 1111 and section 1116 within 10 years from
7 the date of enactment of the Student Results
8 Act of 1999.

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

15 “(D) ANNUAL IMPROVEMENT FOR LOCAL
16 EDUCATIONAL AGENCIES.—For a local edu-
17 cational agency to make adequate yearly
18 progress under subparagraph (A)(ii), not less
19 than 90 percent of the schools within its jurisdic-
20 tion must meet the State’s criteria for adequate
21 yearly progress.

22 “(E) ANNUAL IMPROVEMENT FOR
23 SCHOOLS.—For a school to make adequate yearly
24 progress under subparagraph (A)(i), not less
25 than 90 percent of each group of students de-

1 scribed in subparagraph (A)(iv) who are enrolled
2 in such school are required to take the assess-
3 ments consistent with section 612(a)(17)(A) of
4 the Individuals with Disabilities Education Act
5 and paragraph (4)(F)(iv) on which adequate
6 yearly progress is based.

7 “(F) PUBLIC NOTICE AND COMMENT.—Each
8 State shall ensure that in developing its plan for
9 adequate yearly progress, it diligently seeks pub-
10 lic comment from a range of institutions and in-
11 dividuals in the State with an interest in im-
12 proved student achievement and that the State
13 makes and will continue to make a substantial
14 effort to ensure that information under this part
15 is widely known and understood by the public,
16 parents, teachers, and school administrators
17 throughout the State. Such efforts shall include,
18 at a minimum, publication of such information
19 and explanatory text, broadly to the public
20 through such means as the Internet, the media,
21 and public agencies.

22 “(G) REVIEW.—The Secretary shall review
23 the information from States on the adequate
24 yearly progress of schools and local educational
25 agencies required under subparagraphs (A) and

1 *(B) for the purpose of determining State and*
2 *local compliance with section 1116.*

3 “(3) *STATE AUTHORITY.*—*If a State educational*
4 *agency provides evidence, which is satisfactory to the*
5 *Secretary, that neither the State educational agency*
6 *nor any other State government official, agency, or*
7 *entity has sufficient authority, under State law, to*
8 *adopt curriculum content and student performance*
9 *standards, and assessments aligned with such stand-*
10 *ards, which will be applicable to all students enrolled*
11 *in the State’s public schools, then the State edu-*
12 *cational agency may meet the requirements of this*
13 *subsection by—*

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

18 “(B) *adopting and implementing policies*
19 *that ensure that each local educational agency in*
20 *the State which receives grants under this part*
21 *will adopt curriculum content and student per-*
22 *formance standards, and assessments aligned*
23 *with such standards, which meet all of the cri-*
24 *teria in this subsection and any regulations re-*
25 *garding such standards and assessments which*

1 *the Secretary may publish, and which are appli-*
2 *cable to all students served by each such local*
3 *educational agency.*

4 “(4) *ASSESSMENTS.—Each State plan shall*
5 *demonstrate that the State has implemented a set of*
6 *high-quality, yearly student assessments that include,*
7 *at a minimum, assessments in mathematics and*
8 *reading or language arts, that will be used, starting*
9 *not later than the 2000–2001 school year, as the pri-*
10 *mary means of determining the yearly performance of*
11 *each local educational agency and school served under*
12 *this title in enabling all children served under this*
13 *part to meet the State’s challenging student perform-*
14 *ance standards. Such assessments shall—*

15 “(A) *be the same assessments used to meas-*
16 *ure the performance of all children, if the State*
17 *measures the performance of all children;*

18 “(B) *be aligned with the State’s challenging*
19 *content and student performance standards and*
20 *provide coherent information about student at-*
21 *tainment of such standards;*

22 “(C) *be used for purposes for which such as-*
23 *sessments are valid and reliable, and be con-*
24 *sistent with relevant, nationally recognized pro-*

1 *professional and technical standards for such assess-*
2 *ments;*

3 “(D) *measure the proficiency of students in*
4 *the academic subjects in which a State has*
5 *adopted challenging content and student per-*
6 *formance standards and be administered not less*
7 *than one or more times during—*

8 “(i) *grades 3 through 5;*

9 “(ii) *grades 6 through 9; and*

10 “(iii) *grades 10 through 12;*

11 “(E) *involve multiple up-to-date measures*
12 *of student performance, including measures that*
13 *assess higher order thinking skills and under-*
14 *standing;*

15 “(F) *provide for—*

16 “(i) *the participation in such assess-*
17 *ments of all students;*

18 “(ii) *the reasonable adaptations and*
19 *accommodations for students with disabil-*
20 *ities defined under 602(3) of the Individuals*
21 *with Disabilities Education Act necessary*
22 *to measure the achievement of such students*
23 *relative to State content and State student*
24 *performance standards;*

1 “(iii) the inclusion of limited English
2 proficient students who shall be assessed, to
3 the extent practicable, in the language and
4 form most likely to yield accurate and reli-
5 able information on what such students
6 know and can do in content areas;

7 “(iv) notwithstanding clause (iii), the
8 assessment (using tests written in English)
9 of reading or language arts of any student
10 who has attended school in the United
11 States (not including Puerto Rico) for 3 or
12 more consecutive school years, except if the
13 local educational agency determines, on a
14 case-by-case individual basis, that assess-
15 ments in another language and form would
16 likely yield more accurate and reliable in-
17 formation on what such students know and
18 can do, the local educational agency may
19 assess such students in the appropriate lan-
20 guage other than English for 1 additional
21 year; and

22 “(G) include students who have attended
23 schools in a local educational agency for a full
24 academic year but have not attended a single
25 school for a full academic year, except that the

1 *performance of students who have attended more*
2 *than one school in the local educational agency*
3 *in any academic year shall be used only in de-*
4 *termining the progress of the local educational*
5 *agency;*

6 “(H) *provide individual student reports,*
7 *which include assessment scores, or other infor-*
8 *mation on the attainment of student perform-*
9 *ance standards; and*

10 “(I) *enable results to be disaggregated with-*
11 *in each State, local educational agency, and*
12 *school by gender, by each major racial and eth-*
13 *nic group, by English proficiency status, by mi-*
14 *grant status, by students with disabilities as*
15 *compared to nondisabled students, and by eco-*
16 *nomically disadvantaged students as compared*
17 *to students who are not economically disadvan-*
18 *taged.*

19 “(5) *SPECIAL RULE.—*

20 “(A) *IN GENERAL.—Assessment measures*
21 *that do not meet the requirements of paragraph*
22 *(4)(C) may be included as one of the multiple*
23 *measures, if a State includes in the State plan*
24 *information regarding the State’s efforts to vali-*
25 *date such measures.*

1 “(B) *STUDENT PROFICIENCY IN GRADES K–*
2 *2.—States may measure the proficiency of stu-*
3 *dents in the academic subjects in which a State*
4 *has adopted challenging content and student per-*
5 *formance standards one or more times during*
6 *grades K–2.*

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

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

24 “(8) *REQUIREMENT.—Each State plan shall*
25 *describe—*

1 “(A) how the State educational agency will
2 assist each local educational agency and school
3 affected by the State plan to develop the capacity
4 to comply with each of the requirements of sec-
5 tions 1112(c)(1)(D), 1114(c), and 1115(c) that is
6 applicable to such agency or school; and

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

12 “(c) OTHER PROVISIONS TO SUPPORT TEACHING AND
13 LEARNING.—Each State plan shall contain assurances
14 that—

15 “(1) the State educational agency will work with
16 other agencies, including educational service agencies
17 or other local consortia, and institutions to provide
18 technical assistance to local educational agencies and
19 schools to carry out the State educational agency’s re-
20 sponsibilities under this part, including technical as-
21 sistance in providing professional development under
22 section 1119 and technical assistance under section
23 1117; and

24 “(2)(A) where educational service agencies exist,
25 the State educational agency will consider providing

1 professional development and technical assistance
2 through such agencies; and

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

8 “(3) the State educational agency will notify
9 local educational agencies and the public of the con-
10 tent and student performance standards and assess-
11 ments developed under this section, and of the author-
12 ity to operate schoolwide programs, and will fulfill
13 the State educational agency’s responsibilities regard-
14 ing local educational agency improvement and school
15 improvement under section 1116, including such cor-
16 rective actions as are necessary;

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

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

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

5 “(7) the State educational agency will modify or
6 eliminate State fiscal and accounting barriers so that
7 schools can easily consolidate funds from other Fed-
8 eral, State, and local sources for schoolwide programs
9 under section 1114;

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

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

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

21 “(1) SECRETARIAL DUTIES.—The Secretary
22 shall—

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

1 “(B) approve a State plan after its submis-
2 sion unless the Secretary determines that the
3 plan does not meet the requirements of this sec-
4 tion;

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

10 “(D) not decline to approve a State’s plan
11 before—

12 “(i) offering the State an opportunity
13 to revise its plan;

14 “(ii) providing technical assistance in
15 order to assist the State to meet the require-
16 ments under subsections (a), (b), and (c);
17 and

18 “(iii) providing a hearing;

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

1 *content standards or to use specific assessment*
2 *instruments or items; and*

3 “(2) *STATE REVISIONS.*—*States shall revise their*
4 *plans if necessary to satisfy the requirements of this*
5 *section. Revised plans shall be submitted to the Sec-*
6 *retary for approval not later than 1 year after the*
7 *date of the enactment of the Student Results Act of*
8 *1999.*

9 “(e) *DURATION OF THE PLAN.*—

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

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

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

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

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

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 yearly*
21 *progress, are not in place, additional administrative*
22 *funds shall be withheld in such amount as the Sec-*
23 *retary determines appropriate, except that for each*
24 *additional year that the State fails to comply with*
25 *such requirements, the Secretary shall withhold not*

1 *less than 1/5 of the amount the State receives for ad-*
2 *ministrative expenses under section 1002(h).*

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

8 “(h) *SCHOOL REPORTS.*—

9 “(1) *IN GENERAL.*—

10 “(A) *ANNUAL REPORT.*—*Except as provided*
11 *in subparagraph (C), not later than the begin-*
12 *ning of the 2001–2002 school year, a State that*
13 *receives assistance under this Act shall prepare*
14 *and disseminate an annual report on all schools*
15 *that receive funds under this part. States and*
16 *local educational agencies may issue report cards*
17 *under this section only for local educational*
18 *agencies and schools receiving funds under this*
19 *part, except that if a State or local educational*
20 *agency issues a report card for all students, the*
21 *State or local educational agency may include*
22 *the information under this section as part of*
23 *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 event*
10 *the State does not include such information*
11 *through a report card, the State shall, not later*
12 *than the beginning of the 2001–2002 school year,*
13 *publicly report the information described in*
14 *paragraph (2) through other public means, such*
15 *as posting on the Internet, distribution to the*
16 *media, and distribution through public agencies,*
17 *for all schools that receive funds under this part.*

18 “(2) *CONTENT OF ANNUAL STATE REPORTS.*—

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

24 “(i) *student performance on statewide*
25 *assessments for the current and preceding*

1 *years in at least reading or language arts*
2 *and mathematics, including—*

3 *“(I) a comparison of the propor-*
4 *tions of students who performed at*
5 *‘basic’, ‘proficient’, and ‘advanced’ lev-*
6 *els in each subject area, for each grade*
7 *level at which assessments are required*
8 *under this part, with proportions in*
9 *each of the same 3 categories at the*
10 *same grade levels in the previous school*
11 *year; and*

12 *“(II) a statement of the percent-*
13 *age of students not tested and a listing*
14 *of categories of the reasons why they*
15 *were not tested;*

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

19 *“(iii) the professional qualifications of*
20 *teachers in the aggregate, including the per-*
21 *centage of teachers teaching with emergency*
22 *or provisional credentials, and the percent-*
23 *age of class sections not taught by fully*
24 *qualified teachers; and*

1 “(iv) the professional qualifications of
2 paraprofessionals, the number of para-
3 professionals in the aggregate and the ratio
4 of paraprofessionals to teachers in the class-
5 room.

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

9 “(i) gender;

10 “(ii) racial and ethnic group;

11 “(iii) migrant status;

12 “(iv) students with disabilities, as com-
13 pared to students who are not disabled;

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

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

20 “(C) *OPTIONAL INFORMATION*.—A State
21 may include in its report any other information
22 it determines appropriate to reflect school qual-
23 ity and school achievement, including informa-
24 tion on average class size by grade level, and in-
25 formation on school safety, such as the incidence

1 *of school violence and drug and alcohol abuse,*
2 *and the incidence of student suspensions and ex-*
3 *pulsions.*

4 “(3) *CONTENT OF LOCAL EDUCATIONAL AGEN-*
5 *CIES REPORTS.—*

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

11 “(i) *the information described in para-*
12 *graphs (2)(A) and (2)(B) for each local edu-*
13 *cational agency and school—*

14 “(I) *in the case of a local edu-*
15 *cational agency—*

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

21 “(bb) *information that shows*
22 *how students in its schools per-*
23 *form on the statewide assessment*
24 *compared to students in the State*
25 *as a whole;*

1 “(II) *in the case of a school—*

2 “(aa) *whether it has been*
3 *identified for school improvement;*
4 *and*

5 “(bb) *information that shows*
6 *how its students performed on the*
7 *statewide assessment compared to*
8 *students in the local educational*
9 *agency and the State as a whole.*

10 “(B) *OTHER INFORMATION.—A local edu-*
11 *cational agency may include in its annual re-*
12 *ports any other appropriate information whether*
13 *or not such information is included in the an-*
14 *nuual State report.*

15 “(C) *PUBLIC DISSEMINATION.—In the event*
16 *the local educational agency does not include*
17 *such information through a report card, the local*
18 *educational agency shall, not later than the be-*
19 *ginning of the 2001-2002 school year, publicly*
20 *report the information described in paragraph*
21 *(3) through other public means, such as posting*
22 *on the Internet, distribution to the media, and*
23 *distribution through public agencies, only for*
24 *schools that receive funds under this part, except*
25 *that if a local educational agency issues a report*

1 *card for all students, the local educational agen-*
2 *cy may include the information under this sec-*
3 *tion as part of such report.*

4 “(4) *DISSEMINATION AND ACCESSIBILITY OF RE-*
5 *PORTS.—*

6 “(A) *STATE REPORTS.—State annual re-*
7 *ports under paragraph (2) shall be, disseminated*
8 *to all schools and local educational agencies in*
9 *the State, and made broadly available to the*
10 *public through means such as posting on the*
11 *Internet, distribution to the media, and distribu-*
12 *tion through public agencies.*

13 “(B) *LOCAL EDUCATIONAL AGENCY RE-*
14 *PORTS.—Local educational agency reports under*
15 *paragraph (3) shall be disseminated to all*
16 *schools receiving funds under this part, in the*
17 *school district and to all parents of students at-*
18 *tending these schools and made broadly available*
19 *to the public through means such as posting on*
20 *the Internet, distribution to the media, and dis-*
21 *tribution through public agencies.*

22 “(5) *PARENTS RIGHT-TO-KNOW.—*

23 “(A) *QUALIFICATIONS.—A local educational*
24 *agency that receives funds under this part shall*
25 *provide, upon request, in an understandable and*

1 *uniform format, to any parent of a student at-*
2 *tending any school receiving funds under this*
3 *part, information regarding the professional*
4 *qualifications of the student’s classroom teachers,*
5 *including, at a minimum, the following:*

6 “(i) *Whether the teacher has met State*
7 *qualification and licensing criteria for the*
8 *grade levels and subject areas in which the*
9 *teacher provides instruction.*

10 “(ii) *Whether the teacher is teaching*
11 *under emergency or other provisional status*
12 *through which State qualification or licens-*
13 *ing criteria have been waived.*

14 “(iii) *The baccalaureate degree major*
15 *of the teacher and any other graduate cer-*
16 *tification or degree held by the teacher, and*
17 *the field of discipline of the certification or*
18 *degree.*

19 “(iv) *Whether the child is provided*
20 *services by paraprofessionals and the quali-*
21 *fications of such paraprofessional.*

22 “(B) *ADDITIONAL INFORMATION.—In addi-*
23 *tion to the information which parents may re-*
24 *quest under subparagraph (A), and the informa-*
25 *tion provided in subsection (c), a school which*

1 receives funds under this part shall provide to
2 each individual parent or guardian—

3 “(i) information on the level of per-
4 formance of the individual student for
5 whom they are the parent or guardian in
6 each of the State assessments as required
7 under this part; and

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

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

17 “(i) *PRIVACY.*—Information collected under this sec-
18 tion shall be collected and disseminated in a manner that
19 protects the privacy of individuals.”

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

21 (a) *SUBGRANTS.*—Paragraph (1) of section 1112(a)
22 (20 U.S.C. 6312(a)(1)) is amended by striking “the Goals
23 2000: Educate America Act” and all that follows and in-
24 serting the following: “the Individuals with Disabilities
25 Education Act, the Carl D. Perkins Vocational and Tech-

1 *nical Education Act of 1998, the Head Start Act, and other*
2 *Acts, as appropriate.”.*

3 (b) *PLAN PROVISIONS.—Subsection (b) of section 1112*
4 *(20 U.S.C. 6312(b)) is amended—*

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

8 (2) *in paragraph (1)—*

9 (A) *by striking “part” each place it appears*
10 *and inserting “title”;*

11 (B) *in subparagraph (B), by inserting*
12 *“low-achieving” before “children”;*

13 (C) *by striking “and” at the end of sub-*
14 *paragraph (B);*

15 (D) *by inserting “and” at the end of sub-*
16 *paragraph (C); and*

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

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

23 “(i) *are developmentally appropriate;*
24 *and*

1 “(ii) use multiple measures to provide
2 information about the variety of skills that
3 scientifically based research has identified
4 as leading to early acquisition of reading
5 skills.”;

6 (3) in paragraph (4)—

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

9 (B) in subparagraph (B), by striking
10 “under part C or who were formerly eligible for
11 services under part C in the two-year period pre-
12 ceding the date of the enactment of the Improv-
13 ing America’s School Act of 1994, neglected or
14 delinquent youth and youth at risk of dropping
15 out” and inserting “under part C, neglected or
16 delinquent youth, Indian children served under
17 title IX,”;

18 (4) in paragraph (7), by striking “eligible home-
19 less children” and inserting “homeless children”;

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

22 (6) by adding at the end the following new para-
23 graphs:

24 “(10) a description of the actions the local edu-
25 cational agency will take to assist its low-performing

1 *schools, including schools identified under section*
2 *1116 as in need of improvement; and*

3 *“(11) a description of how the agency will pro-*
4 *mote the use of extended learning time, such as an ex-*
5 *tended school year and before and after school and*
6 *summer programs.”.*

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

9 *“(c) ASSURANCES.—*

10 *“(1) IN GENERAL.—Each local educational agen-*
11 *cy plan shall provide assurances that the local edu-*
12 *cational agency will—*

13 *“(A) inform eligible schools and parents of*
14 *schoolwide project authority and the ability of*
15 *such schools to consolidate funds from Federal,*
16 *State, and local sources;*

17 *“(B) provide technical assistance and sup-*
18 *port to schoolwide programs;*

19 *“(C) work in consultation with schools as*
20 *the schools develop the schools’ plans pursuant to*
21 *section 1114 and assist schools as the schools im-*
22 *plement such plans or undertake activities pur-*
23 *suant to section 1115 so that each school can*
24 *make adequate yearly progress toward meeting*
25 *the State student performance standards;*

1 “(D) fulfill such agency’s school improve-
2 ment responsibilities under section 1116, includ-
3 ing taking corrective actions under section
4 1116(b)(9);

5 “(E) provide services to eligible children at-
6 tending private elementary and secondary
7 schools in accordance with section 1120, and
8 timely and meaningful consultation with private
9 school officials regarding such services;

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

17 “(G) in the case of a local educational agen-
18 cy that chooses to use funds under this part to
19 provide early childhood development services to
20 low-income children below the age of compulsory
21 school attendance, ensure that such services com-
22 ply with the performance standards established
23 under section 641A(a) of the Head Start Act;

1 “(H) comply with the requirements of sec-
2 tion 1119 regarding the qualifications of teachers
3 and paraprofessionals;

4 “(I) inform eligible schools of the local edu-
5 cational agency’s authority to obtain waivers on
6 the school’s behalf under title XIV of this Act,
7 and if the State is an Ed-Flex Partnership
8 State, waivers under the Education Flexibility
9 Partnership Act of 1999; and

10 “(J) coordinate and collaborate, to the ex-
11 tent feasible and necessary as determined by the
12 local educational agency, with other agencies
13 providing services to children, youth, and fami-
14 lies.

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

17 “(A) shall consult with the Secretary of
18 Health and Human Services on the implementa-
19 tion of such subparagraph and shall establish
20 procedures (taking into consideration existing
21 State and local laws, and local teacher contracts)
22 to assist local educational agencies to comply
23 with such subparagraph; and

24 “(B) upon publication, shall disseminate to
25 local educational agencies the Head Start per-

1 *formance standards as in effect under section*
2 *641A(a) of the Head Start Act, and such agen-*
3 *cies affected by such subparagraph shall plan for*
4 *the implementation of such subparagraph (tak-*
5 *ing into consideration existing State and local*
6 *laws, and local teacher contracts), including pur-*
7 *swing the availability of other Federal, State,*
8 *and local funding sources to assist in compliance*
9 *with such subparagraph.*

10 “(3) *INAPPLICABILITY.—The provisions of this*
11 *subsection shall not apply to preschool programs*
12 *using the Even Start model or to Even Start pro-*
13 *grams which are expanded through the use of funds*
14 *under this part.”.*

15 “(d) *PLAN DEVELOPMENT AND DURATION.—Section*
16 *1112 is amended by striking subsection (d) and inserting*
17 *the following:*

18 “(d) *PLAN DEVELOPMENT AND DURATION.—*

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

1 “(2) *DURATION.*—*Each such plan shall be sub-*
2 *mitted for the first year for which this part is in ef-*
3 *fect following the date of the enactment of the Student*
4 *Results Act of 1999 and shall remain in effect for the*
5 *duration of the agency’s participation under this*
6 *part.*

7 “(3) *REVIEW.*—*Each such local educational*
8 *agency shall periodically review, and as necessary, re-*
9 *verse its plan.”.*

10 *(e) STATE APPROVAL.*—*Section 1112 (20 U.S.C.*
11 *6312(e)) is amended by striking subsection (e) and inserting*
12 *the following:*

13 “(e) *STATE APPROVAL.*—

14 “(1) *IN GENERAL.*—*Each local educational agen-*
15 *cy plan shall be filed according to a schedule estab-*
16 *lished by the State educational agency.*

17 “(2) *APPROVAL.*—*The State educational agency*
18 *shall approve a local educational agency’s plan only*
19 *if the State educational agency determines that the*
20 *local educational agency’s plan—*

21 “(A) *will enable schools served under this*
22 *part to substantially help children served under*
23 *this part meet the standards expected of all chil-*
24 *dren described in section 1111(b)(1); and*

1 “(B) will meet the requirements of this sec-
2 tion.”.

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

6 “(g) PARENTAL NOTIFICATION AND CONSENT FOR
7 ENGLISH LANGUAGE INSTRUCTION.—

8 “(1) NOTIFICATION.—If a local educational
9 agency uses funds under this part to provide English
10 language instruction to limited English proficient
11 children, the agency shall inform a parent or the par-
12 ents of a child participating in an English language
13 instruction program for limited English proficient
14 children assisted under this part of—

15 “(A) the reasons for the identification of the
16 child as being in need of English language in-
17 struction;

18 “(B) the child’s level of English proficiency,
19 how such level was assessed, and the status of the
20 child’s academic achievement; and

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

1 “(D) *what the specific exit requirements are*
2 *for the program;*

3 “(E) *the expected rate of graduation from*
4 *the program into mainstream classes; and*

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

8 “(2) *CONSENT.—*

9 “(A) *AGENCY REQUIREMENTS.—*

10 “(i) *Each local educational agency that*
11 *receives funds under this part shall obtain*
12 *informed parental consent prior to the*
13 *placement of a child in an English lan-*
14 *guage instruction program for limited*
15 *English proficient children funded under*
16 *this part which does not include classes*
17 *which exclusively or almost exclusively use*
18 *the English language in instruction or if*
19 *instruction is not tailored for limited*
20 *English proficient children.*

21 “(ii) *If written consent is not obtained,*
22 *the local educational agency shall maintain*
23 *a written record that includes the date and*
24 *the manner in which such informed consent*
25 *was obtained.*

1 “(iii)(I) *If a response cannot be ob-*
2 *tained after written notice and a reasonable*
3 *and substantial effort has been made to ob-*
4 *tain such consent, the local educational*
5 *agency shall document, in writing, that it*
6 *has given such written notice and its spe-*
7 *cific efforts made to obtain such consent.*

8 “(II) *The proof of documentation shall*
9 *be mailed or delivered in writing to the*
10 *parents or guardian of the child at least 10*
11 *business days prior to providing any serv-*
12 *ices under this part, and include a final no-*
13 *tice requesting parental consent for such*
14 *services.*

15 “(B) *PARENTAL RIGHTS.—A parent or the*
16 *parents of a child participating in an English*
17 *language instruction program for limited*
18 *English proficient children assisted under this*
19 *Act shall—*

20 “(i) *select among methods of instruc-*
21 *tion, if more than one method is offered in*
22 *the program; and*

23 “(ii) *have the right to have their child*
24 *immediately removed from the program*
25 *upon their request.*

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

9 “(A) timely information about English lan-
10 guage instruction programs for limited English
11 proficient children assisted under this Act; and

12 “(B) if a parent of a participating child so
13 desires, notice of opportunities for regular meet-
14 ings for the purpose of formulating and respond-
15 ing to recommendations from such parents.

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

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

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

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

24 “(a) *DETERMINATION.*—

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

4 “(2) *ELIGIBLE SCHOOL ATTENDANCE AREAS.*—
5 For the purposes of this part—

6 “(A) the term ‘school attendance area’
7 means, in relation to a particular school, the
8 geographical area in which the children who are
9 normally served by that school reside; and

10 “(B) the term ‘eligible school attendance
11 area’ means a school attendance area in which
12 the percentage of children from low-income fami-
13 lies is at least as high as the percentage of chil-
14 dren from low-income families in the local edu-
15 cational agency as a whole.

16 “(3) *LOCAL EDUCATIONAL AGENCY DISCRE-*
17 *TION.*—

18 “(A) *IN GENERAL.*—Notwithstanding para-
19 graph (2), a local educational agency may—

20 “(i) designate as eligible any school at-
21 tendance area or school in which at least 35
22 percent of the children are from low-income
23 families;

24 “(ii) use funds received under this part
25 in a school that is not in an eligible school

1 *attendance area, if the percentage of chil-*
2 *dren from low-income families enrolled in*
3 *the school is equal to or greater than the*
4 *percentage of such children in a partici-*
5 *pating school attendance area of such agen-*
6 *cy;*

7 *“(iii) designate and serve a school at-*
8 *tendance area or school that is not eligible*
9 *under subsection (b), but that was eligible*
10 *and that was served in the preceding fiscal*
11 *year, but only for one additional fiscal*
12 *year; and*

13 *“(iv) elect not to serve an eligible*
14 *school attendance area or eligible school that*
15 *has a higher percentage of children from*
16 *low-income families if—*

17 *“(I) the school meets the com-*
18 *parability requirements of section*
19 *1120A(c);*

20 *“(II) the school is receiving sup-*
21 *plemental funds from other State or*
22 *local sources that are spent according*
23 *to the requirements of section 1114 or*
24 *1115; and*

1 “(III) the funds expended from
2 such other sources equal or exceed the
3 amount that would be provided under
4 this part.

5 “(B) SPECIAL RULE.—Notwithstanding sub-
6 paragraph (A)(iv), the number of children at-
7 tending private elementary and secondary
8 schools who are to receive services, and the assist-
9 ance such children are to receive under this part,
10 shall be determined without regard to whether
11 the public school attendance area in which such
12 children reside is assisted under subparagraph
13 (A).

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

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

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

24 “(B) all remaining eligible school attend-
25 ance areas in which the concentration of children

1 *from low-income families is 75 percent or lower*
2 *either by grade span or for the entire local edu-*
3 *cational agency;*

4 “(2) shall, within each category listed in para-

5 *graph (1), serve schools in rank order from highest to*
6 *lowest according to the ranking assigned under para-*
7 *graph (1);*

8 “(3) notwithstanding paragraph (2), may give

9 *priority, within each such category and in rank order*
10 *from highest to lowest subject to paragraph (4), to eli-*
11 *gible school attendance areas that serve children in el-*
12 *ementary schools; and*

13 “(4) not serve a school described in paragraph

14 (1)(B) before serving a school described in paragraph

15 (1)(A).

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

21 “(1) *ALLOCATION TO PUBLIC SCHOOL ATTEND-*
22 *ANCE AREAS.*—*The local educational agency shall use*
23 *the same measure of poverty, which measure shall be*
24 *the number of children ages 5 through 17 in poverty*
25 *counted in the most recent census data approved by*

1 *the Secretary, the number of children eligible for free*
2 *and reduced priced lunches under the National School*
3 *Lunch Act, the number of children in families receiv-*
4 *ing assistance under the State program funded under*
5 *part A of title IV of the Social Security Act, or the*
6 *number of children eligible to receive medical assist-*
7 *ance under the Medicaid program, or a composite of*
8 *such indicators, with respect to all school attendance*
9 *areas in the local educational agency—*

10 *“(A) to identify eligible school attendance*
11 *areas;*

12 *“(B) to determine the ranking of each area;*
13 *and*

14 *“(C) to determine allocations under sub-*
15 *section (f).*

16 *“(2) ALLOCATION FOR EQUITABLE SERVICE TO*
17 *PRIVATE SCHOOL STUDENTS.—*

18 *“(A) CALCULATION.—A local educational*
19 *agency shall have the final authority, consistent*
20 *with section 1120 to calculate the number of pri-*
21 *vate school children, ages 5 through 17, who are*
22 *low-income by—*

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

1 “(ii) using the results of a survey that,
2 to the extent possible, protects the identity
3 of families of private school students and al-
4 lowing such survey results to be extrapo-
5 lated if complete actual data are not avail-
6 able; or

7 “(iii) applying the low-income percent-
8 age of each participating public school at-
9 tendance area, determined pursuant to this
10 section, to the number of private school chil-
11 dren who reside in that attendance area.

12 “(B) COMPLAINT PROCESS.—Any dispute
13 regarding low-income data on private school stu-
14 dents shall be subject to the complaint process
15 authorized in section 14505.

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

19 “(e) WAIVER FOR DESEGREGATION PLANS.—The Sec-
20 retary may approve a local educational agency’s written
21 request for a waiver of the requirements of subsections (a)
22 and (f), and permit such agency to treat as eligible, and
23 serve, any school that children attend under a desegregation
24 plan ordered by a State or court or approved by the Sec-

1 *retary, or such a plan that the agency continues to imple-*
2 *ment after it has expired, if—*

3 “(1) *the number of economically disadvantaged*
4 *children enrolled in the school is not less than 25 per-*
5 *cent of the school’s total enrollment; and*

6 “(2) *the Secretary determines on the basis of a*
7 *written request from such agency and in accordance*
8 *with such criteria as the Secretary establishes, that*
9 *approval of that request would further the purposes of*
10 *this part.*

11 “(f) *ALLOCATIONS.—*

12 “(1) *IN GENERAL.—A local educational agency shall*
13 *allocate funds received under this part to eligible school at-*
14 *tendance areas or eligible schools, identified under sub-*
15 *section (b) in rank order on the basis of the total number*
16 *of children from low-income families in each area or school.*

17 “(2) *SPECIAL RULE.—(A) Except as provided in*
18 *subparagraph (B), the per pupil amount of funds al-*
19 *located to each school attendance area or school under*
20 *paragraph (1) shall be at least 125 percent of the per*
21 *pupil amount of funds a local educational agency re-*
22 *ceived for that year under the poverty criteria de-*
23 *scribed by the local educational agency in the plan*
24 *submitted under section 1112, except that this para-*
25 *graph shall not apply to a local educational agency*

1 *that only serves schools in which the percentage of*
2 *such children is 35 percent or greater.*

3 “(B) *A local educational agency may reduce the*
4 *amount of funds allocated under subparagraph (A)*
5 *for a school attendance area or school by the amount*
6 *of any supplemental State and local funds expended*
7 *in that school attendance area or school for programs*
8 *that meet the requirements of section 1114 or 1115.*

9 “(3) *RESERVATION.—A local educational agency*
10 *shall reserve such funds as are necessary under this*
11 *part to provide services comparable to those provided*
12 *to children in schools funded under this part to*
13 *serve—*

14 “(A) *homeless children who do not attend*
15 *participating schools, including providing educa-*
16 *tionally related support services to children in*
17 *shelters;*

18 “(B) *children in local institutions for ne-*
19 *glected or delinquent children; and*

20 “(C) *where appropriate, neglected and de-*
21 *linquent children in community day school pro-*
22 *grams.*

23 “(4) *SCHOOL IMPROVEMENT RESERVATION.—A*
24 *local educational agency shall reserve such funds as*
25 *are necessary under this part to meet such agency’s*

1 school improvement responsibilities under section
2 1116, including taking corrective actions under sec-
3 tion 1116(b)(9).

4 “(5) *FINANCIAL INCENTIVES AND REWARDS RES-*
5 *ERVATION.*—A local educational agency may reserve
6 such funds as are necessary under this part to provide
7 financial incentives and rewards to teachers who serve
8 in eligible schools under subsection (b)(1)(A) and
9 identified for improvement under section 1116(b)(1)
10 for the purpose of attracting and retaining qualified
11 and effective teachers.”.

12 **SEC. 108. SCHOOLWIDE PROGRAMS.**

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

15 **“SEC. 1114. SCHOOLWIDE PROGRAMS.**

16 “(a) *PURPOSE.*—The purpose of a schoolwide program
17 under this section is—

18 “(1) to enable a local educational agency to con-
19 solidate funds under this part with other Federal,
20 State, and local funds, to upgrade the entire edu-
21 cational program in a high poverty school; and

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

1 “(b) *USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.*—

2 “(1) *IN GENERAL.*—*A local educational agency*
3 *may consolidate funds under this part, together with*
4 *other Federal, State, and local funds, in order to up-*
5 *grade the entire educational program of a school that*
6 *serves an eligible school attendance area in which not*
7 *less than 50 percent of the children are from low-in-*
8 *come families, or not less than 50 percent of the chil-*
9 *dren enrolled in the school are from such families.*

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

18 “(3) *IDENTIFICATION OF STUDENTS NOT RE-*
19 *QUIRED.*—*(A) No school participating in a schoolwide*
20 *program shall be required to identify particular chil-*
21 *dren under this part as eligible to participate in a*
22 *schoolwide program or to provide supplemental serv-*
23 *ices to such children.*

24 “(B) *A school participating in a schoolwide pro-*
25 *gram shall use funds available to carry out this sec-*

1 *tion only to supplement the amount of funds that*
2 *would, in the absence of funds under this part, be*
3 *made available from non-Federal sources for the*
4 *school, including funds needed to provide services that*
5 *are required by law for children with disabilities and*
6 *children with limited English proficiency.*

7 *“(4) EXEMPTION FROM STATUTORY AND REGU-*
8 *LATORY REQUIREMENTS.—(A) Except as provided in*
9 *subsection (c), the Secretary may, through publication*
10 *of a notice in the Federal Register, exempt schoolwide*
11 *programs under this section from statutory or regu-*
12 *latory provisions of any other noncompetitive formula*
13 *grant program administered by the Secretary (other*
14 *than formula or discretionary grant programs under*
15 *the Individuals with Disabilities Education Act, ex-*
16 *cept as provided in section 613(a)(2)(D) of such Act),*
17 *or any discretionary grant program administered by*
18 *the Secretary, to support schoolwide programs if the*
19 *intent and purposes of such other programs are met.*

20 *“(B) A school that chooses to use funds from such*
21 *other programs shall not be relieved of the require-*
22 *ments relating to health, safety, civil rights, student*
23 *and parental participation and involvement, services*
24 *to private school children, maintenance of effort, uses*
25 *of Federal funds to supplement, not supplant non-*

1 *Federal funds, or the distribution of funds to State or*
2 *local educational agencies that apply to the receipt of*
3 *funds from such programs.*

4 “(C)(i) *A school that consolidates funds from dif-*
5 *ferent Federal programs under this section shall not*
6 *be required to maintain separate fiscal accounting*
7 *records, by program, that identify the specific activi-*
8 *ties supported by those particular funds as long as it*
9 *maintains records that demonstrate that the*
10 *schoolwide program, considered as a whole addresses*
11 *the intent and purposes of each of the Federal pro-*
12 *grams that were consolidated to support the*
13 *schoolwide program.*

14 “(5) *PROFESSIONAL DEVELOPMENT.—Each*
15 *school receiving funds under this part for any fiscal*
16 *year shall devote sufficient resources to effectively*
17 *carry out the activities described in subsection*
18 *(c)(1)(E) in accordance with section 1119A for such*
19 *fiscal year, except that a school may enter into a con-*
20 *sortium with another school to carry out such activi-*
21 *ties.*

22 “(c) *COMPONENTS OF A SCHOOLWIDE PROGRAM.—*

23 “(1) *IN GENERAL.—A schoolwide program shall*
24 *include the following components:*

1 “(A) *A comprehensive needs assessment of*
2 *the entire school (including taking into account*
3 *the needs of migratory children as defined in sec-*
4 *tion 1309(2)) that is based on information which*
5 *includes the performance of children in relation*
6 *to the State content standards and the State stu-*
7 *dent performance standards described in section*
8 *1111(b)(1).*

9 “(B) *Schoolwide reform strategies that—*

10 “(i) *provide opportunities for all chil-*
11 *dren to meet the State’s proficient and ad-*
12 *vanced levels of student performance de-*
13 *scribed in section 1111(b)(1)(D);*

14 “(ii) *use effective methods and instruc-*
15 *tional strategies that are based upon sci-*
16 *entifically based research that—*

17 “(I) *strengthen the core academic*
18 *program in the school;*

19 “(II) *increase the amount and*
20 *quality of learning time, such as pro-*
21 *viding an extended school year and*
22 *before- and after-school and summer*
23 *programs and opportunities, and help*
24 *provide an enriched and accelerated*
25 *curriculum; and*

1 “(III) include strategies for meet-
2 ing the educational needs of histori-
3 cally underserved populations;

4 “(iii)(I) address the needs of all chil-
5 dren in the school, but particularly the
6 needs of low-achieving children and those at
7 risk of not meeting the State student per-
8 formance standards who are members of the
9 target population of any program that is
10 included in the schoolwide program;

11 “(II) address how the school will deter-
12 mine if such needs have been met; and

13 “(iv) are consistent with, and are de-
14 signed to implement, the State and local
15 improvement plans, if any.

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

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

1 “(F) *Strategies to increase parental involve-*
2 *ment in accordance with section 1118, such as*
3 *family literary services.*

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

9 “(H) *Measures to include teachers in the de-*
10 *isions regarding the use of assessments described*
11 *in section 1111(b)(4) in order to provide infor-*
12 *mation on, and to improve, the performance of*
13 *individual students and the overall instructional*
14 *program.*

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

24 “(2) *PLAN.—Any eligible school that desires to*
25 *operate a schoolwide program shall first develop (or*

1 *amend a plan for such a program that was in exist-*
2 *ence on the day before the date of enactment of the*
3 *Student Results Act of 1999), a comprehensive plan*
4 *for reforming the total instructional program in the*
5 *school that—*

6 *“(A) incorporates the components described*
7 *in paragraph (1);*

8 *“(B) describes how the school will use re-*
9 *sources under this part and from other sources to*
10 *implement those components;*

11 *“(C) includes a list of State and local edu-*
12 *cational agency programs and other Federal pro-*
13 *grams under subsection (b)(4) that will be con-*
14 *solidated in the schoolwide program;*

15 *“(D) describes how the school will provide*
16 *individual student assessment results, including*
17 *an interpretation of those results, to the parents*
18 *of a child who participates in the assessments re-*
19 *quired by section 1111(b)(4) and in a format*
20 *and, to the extent practicable, in a language that*
21 *they can understand; and*

22 *“(E) provides for the collection of data on*
23 *the achievement and assessment results of stu-*
24 *dents disaggregated by gender, major ethnic or*
25 *racial groups, limited English proficiency status,*

1 *migrant students, by children with disabilities as*
2 *compared to other students, and by economically*
3 *disadvantaged students as compared to students*
4 *who are not economically disadvantaged, except*
5 *that such disaggregation shall not be required in*
6 *a case in which the number of students in a cat-*
7 *egory is insufficient to yield statistically reliable*
8 *information or the results would reveal individ-*
9 *ually identifiable information about an indi-*
10 *vidual student.*

11 *“(3) PLAN DEVELOPMENT.—The comprehensive*
12 *plan shall be—*

13 *“(A) developed during a 1-year period,*
14 *unless—*

15 *“(i) the local educational agency deter-*
16 *mines that less time is needed to develop*
17 *and implement the schoolwide program; or*

18 *“(ii) the school operated a schoolwide*
19 *program on the day preceding the date of*
20 *enactment of the Student Results Act of*
21 *1999, in which case such school may con-*
22 *tinue to operate such program, but shall de-*
23 *velop amendments to its existing plan dur-*
24 *ing the first year of assistance under such*
25 *Act to reflect the provisions of 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 plan
8 relates to a secondary school, students from such
9 school;

10 “(C) in effect for the duration of the school’s
11 participation under this part and reviewed and
12 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 Start
22 Act, and part B of this title.

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

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

2 (a) *IN GENERAL.*—Subsection (a) of section 1115 (20
3 *U.S.C. 6315(a)*) is amended by striking “section 1113(c)”
4 and inserting “section 1113(f)”.

5 (b) *ELIGIBLE CHILDREN.*—Subsection (b) of section
6 1115 (20 *U.S.C. 6315(b)*) is amended to read as follows:

7 “(b) *ELIGIBLE CHILDREN.*—

8 “(1) *ELIGIBLE POPULATION.*—(A) *The eligible*
9 *population for services under this section is—*

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

13 “(ii) *children who are not yet at a grade*
14 *level where the local educational agency provides*
15 *a free public education.*

16 “(B) *From the population described in subpara-*
17 *graph (A), eligible children are children identified by*
18 *the school as failing, or most at risk of failing, to*
19 *meet the State’s challenging student performance*
20 *standards on the basis of assessments under this part,*
21 *and, as appropriate, on the basis of multiple, educa-*
22 *tionally related, objective criteria established by the*
23 *local educational agency and supplemented by the*
24 *school, except that children from preschool through*
25 *grade 2 may be selected solely on the basis of such cri-*

1 *teria as teacher judgment, interviews with parents,*
2 *and developmentally appropriate measures.*

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

7 “(ii) *Funds received under this part may not be*
8 *used to provide services that are otherwise required by*
9 *law to be made available to such children but may be*
10 *used to coordinate or supplement such services.*

11 “(B) *A child who, at any time in the 2 years*
12 *preceding the year for which the determination is*
13 *made, participated in a Head Start or Even Start*
14 *program or in preschool services under this title, is el-*
15 *igible for services under this part.*

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

20 “(ii) *A child in a local institution for neglected*
21 *or delinquent children or attending a community day*
22 *program for such children is eligible for services*
23 *under this part.*

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

4 (c) COMPONENTS OF TARGETED ASSISTANCE SCHOOL
5 PROGRAM.—Subsection (c) of section 1115 (20 U.S.C.
6 6315(c)) is amended to read as follows:

7 “(c) COMPONENTS OF A TARGETED ASSISTANCE
8 SCHOOL PROGRAM.—

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

16 “(A) use such program’s resources under
17 this part to help participating children meet
18 such State’s challenging student performance
19 standards expected for all children;

20 “(B) ensure that planning for students
21 served under this part is incorporated into exist-
22 ing school planning;

23 “(C) use effective methods and instructional
24 strategies that are based upon scientifically

1 *based research that strengthens the core academic*
2 *program of the school and that—*

3 “(i) *give primary consideration to pro-*
4 *viding extended learning time such as an*
5 *extended school year, before- and after-*
6 *school, and summer programs and opportu-*
7 *nities;*

8 “(ii) *help provide an accelerated, high-*
9 *quality curriculum, including applied*
10 *learning; and*

11 “(iii) *minimize removing children*
12 *from the regular classroom during regular*
13 *school hours for instruction provided under*
14 *this part;*

15 “(D) *coordinate with and support the reg-*
16 *ular education program, which may include*
17 *services to assist preschool children in the transi-*
18 *tion from early childhood programs to elemen-*
19 *tary school programs;*

20 “(E) *provide instruction by fully qualified*
21 *teacher as defined in section 1610;*

22 “(F) *in accordance with subsection (e)(3)*
23 *and section 1119A, provide opportunities for*
24 *professional development with resources provided*
25 *under this part, and, to the extent practicable,*

1 *from other sources, for teachers, principals, and*
2 *administrators and other school staff, including,*
3 *if appropriate, pupil services personnel, who*
4 *work with participating children in programs*
5 *under this section or in the regular education*
6 *program; and*

7 *“(G) provide strategies to increase parental*
8 *involvement in accordance with section 1118,*
9 *such as family literacy services.*

10 *“(2) REQUIREMENTS.—Each school conducting a*
11 *program under this section shall assist participating*
12 *children selected in accordance with subsection (b) to*
13 *meet the State’s proficient and advanced levels of per-*
14 *formance by—*

15 *“(A) the coordination of resources provided*
16 *under this part with other resources; and*

17 *“(B) reviewing, on an ongoing basis, the*
18 *progress of participating children and revising*
19 *the targeted assistance program, if necessary, to*
20 *provide additional assistance to enable such chil-*
21 *dren to meet the State’s challenging student per-*
22 *formance standards, such as an extended school*
23 *year, before- and after-school, and summer, pro-*
24 *grams and opportunities, training for teachers*
25 *regarding how to identify students that require*

1 *additional assistance, and training for teachers*
 2 *regarding how to implement student performance*
 3 *standards in the classroom.”.*

4 (d) *INTEGRATION OF PROFESSIONAL DEVELOP-*
 5 *MENT.—Subsection (d) of section 1115 (20 U.S.C. 6515(d)*
 6 *is amended to read as follows:*

7 “(d) *INTEGRATION OF PROFESSIONAL DEVELOP-*
 8 *MENT.—To promote the integration of staff supported with*
 9 *funds under this part, public school personnel who are paid*
 10 *with funds received under this part may participate in gen-*
 11 *eral professional development and school planning activi-*
 12 *ties.”.*

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

15 (1) *by inserting “and” at the end of subpara-*
 16 *graph (A);*

17 (2) *by striking subparagraph (B); and*

18 (3) *by redesignating subparagraph (C) as sub-*
 19 *paragraph (B).*

20 **SEC. 110. SCHOOL CHOICE.**

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

23 **“SEC. 1115A. SCHOOL CHOICE.**

24 “(a) *CHOICE PROGRAMS.—A local educational agency*
 25 *may use funds under this part, in combination with State,*

1 *local, and private funds, to develop and implement public*
2 *school choice programs, for children eligible for assistance*
3 *under this part, which permit parents to select the public*
4 *school that their child will attend.*

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

8 “(1) *all eligible students across grade levels*
9 *served under this part will have equal access to the*
10 *program;*

11 “(2) *the program does not include schools that*
12 *follow a racially discriminatory policy;*

13 “(3) *describe how the school will use resources*
14 *under this part and from other sources to implement*
15 *the plan;*

16 “(4) *the plan will be developed with the involve-*
17 *ment of parents and others in the community to be*
18 *served and individuals who will carry out the plan,*
19 *including administrators, teachers, principals, and*
20 *other staff;*

21 “(5) *parents of eligible students in the local edu-*
22 *cational agency will be given prompt notice of the ex-*
23 *istence of the public school choice program and its*
24 *availability to them, and a clear explanation of how*
25 *the program will operate;*

1 “(6) the program will include charter schools
2 and any other public school and shall not include a
3 school that is or has been identified as a school in
4 school improvement or is or has been in corrective ac-
5 tion for the past 2 consecutive years;

6 “(7) transportation services or the costs of trans-
7 portation may be provided by the local educational
8 agency with funds under this part; and

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

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

13 (a) *LOCAL REVIEW*.—Section 1116(a) (20 U.S.C.
14 6317(a)) is amended—

15 (1) in paragraph (2), by striking
16 “1111(b)(2)(A)(i)” and inserting “1111(b)(2)(B)”;

17 (2) in paragraph (3), by striking “individual
18 school performance profiles” and inserting “school re-
19 ports”;

20 (3) in paragraph (3), by striking “and” after the
21 semicolon;

22 (4) in paragraph (4), by striking the period at
23 the end and inserting “; and”; and

24 (5) by adding at the end the following:

1 “(5) review the effectiveness of the actions and
2 activities the schools are carrying out under this part
3 with respect to parental involvement assisted under
4 this Act.”.

5 (b) *SCHOOL IMPROVEMENT*.—Section 1116 (20 U.S.C.
6 6317) is amended by striking subsection (b) and by redesignig-
7 nating subsections (c) and (d) as subsections (b) and (c),
8 respectively, and amending them to read as follows:

9 “(b) *SCHOOL IMPROVEMENT*.—

10 “(1) *IN GENERAL*.—A local educational agency
11 shall identify for school improvement any school
12 served under this part that—

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

16 “(B) was in school improvement status
17 under this section on the day preceding the date
18 of the enactment of the Student Results Act of
19 1999.

20 “(2) *TRANSITION*.—The 2-year period described
21 in paragraph (1)(A) shall include any continuous pe-
22 riod of time immediately preceding the date of the en-
23 actment of the Student Results Act of 1999 during
24 which a school did not make adequate yearly progress
25 as defined in the State’s plan, as such plan was in

1 *effect on the day preceding the date of such enact-*
2 *ment.*

3 “(3) *TARGETED ASSISTANCE SCHOOLS.—To de-*
4 *termine if a school that is conducting a targeted as-*
5 *sistance program under section 1115 should be identi-*
6 *fied as in need of improvement under this subsection,*
7 *a local educational agency may choose to review the*
8 *progress of only those students in such school who are*
9 *served under this part.*

10 “(4) *OPPORTUNITY TO REVIEW AND PRESENT*
11 *EVIDENCE.—*

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

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

24 “(5) *NOTIFICATION TO PARENTS.—A local edu-*
25 *cational agency shall, in an easily understandable*

1 *format, provide in writing to parents of each student*
2 *in a school identified for school improvement—*

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

8 *“(B) the reasons for such identification;*

9 *“(C) the data on which such identification*
10 *is based;*

11 *“(D) an explanation of what the school is*
12 *doing to address the problem of low achievement;*

13 *“(E) an explanation of how parents can be-*
14 *come involved in upgrading the quality of the*
15 *school;*

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

21 *“(G) notification to parents in a format*
22 *and, to the extent practicable, in a language they*
23 *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 enactment of the*
6 *Student Results Act of 1999, a local edu-*
7 *cational agency shall provide all students*
8 *enrolled in a school identified (on or before*
9 *such date of enactment) for school improve-*
10 *ment with an option to transfer to any*
11 *other public school within the local edu-*
12 *cational agency or any public school con-*
13 *sistent with subparagraph (B), including a*
14 *public charter school that has not been iden-*
15 *tified for school improvement, unless such*
16 *option to transfer is prohibited by State*
17 *law, or local law, which includes school*
18 *board-approved local educational agency*
19 *policy.*

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

1 enrolled in such school with an option de-
2 scribed 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 practicable,
7 establish a cooperative agreement with other local
8 educational agencies in the area for the transfer.

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

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

19 “(7) *SCHOOL PLAN.*—

20 “(A) *IN GENERAL.*—Each school identified
21 under paragraph (1) for school improvement
22 shall, not later than 3 months after being so
23 identified, develop or revise a school plan, in
24 consultation with parents, school staff, the local
25 educational agency, and other outside experts for

1 approval by the local educational agency. Such
2 plan shall—

3 “(i) incorporate scientifically-based research
4 strategies that strengthen the core academic pro-
5 gram in the school;

6 “(ii) adopt policies that have the greatest
7 likelihood of improving the performance of par-
8 ticipating children in meeting the State’s student
9 performance standards;

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

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

19 “(v) identify how the school will provide
20 written notification to parents, in a format and
21 to the extent practicable in a language such par-
22 ents can understand; and

23 “(vi) specify the responsibilities of the local
24 educational agency and the school under the
25 plan.

1 “(B) *CONDITIONAL APPROVAL.*—*A local edu-*
2 *cational agency may condition approval of a school*
3 *plan on inclusion of 1 or more of the corrective ac-*
4 *tions specified in paragraph (9).*

5 “(C) *IMPLEMENTATION.*—*A school shall imple-*
6 *ment its plan or revised plan expeditiously, but not*
7 *later than the beginning of the school year after which*
8 *the school has been identified for improvement.*

9 “(D) *REVIEW.*—*The local educational agency*
10 *shall promptly review the plan, work with the school*
11 *as necessary, and approve the plan if it meets the re-*
12 *quirements of this section.*

13 “(8) *TECHNICAL ASSISTANCE.*—

14 “(A) *IN GENERAL.*—*For each school identi-*
15 *fied for school improvement under paragraph*
16 *(1), the local educational agency shall provide*
17 *technical assistance as the school develops and*
18 *implements its plan.*

19 “(B) *SPECIFIC TECHNICAL ASSISTANCE.*—*Such*
20 *technical assistance—*

21 “(i) *shall include effective methods and in-*
22 *structional strategies that are based upon sci-*
23 *entifically based research that strengthens the*
24 *core academic program in the school and ad-*

1 *dresses the specific elements of student perform-*
2 *ance problems in the school;*

3 “(i) *may be provided directly by the local*
4 *educational agency, through mechanisms author-*
5 *ized under section 1117, or with the local edu-*
6 *cational agency’s approval, by an institution of*
7 *higher education, a private nonprofit organiza-*
8 *tion, an educational service agency, a com-*
9 *prehensive regional assistance center under part*
10 *A of title XIII, or other entities with experience*
11 *in helping schools improve achievement.*

12 “(C) *TECHNICAL ASSISTANCE.—Technical assist-*
13 *ance provided under this section by the local edu-*
14 *cational agency or an entity authorized by such agen-*
15 *cy shall be based upon scientifically based research.*

16 “(9) *CORRECTIVE ACTION.—In order to help stu-*
17 *dents served under this part meet challenging State*
18 *standards, each local educational agency shall imple-*
19 *ment a system of corrective action in accordance with*
20 *the following:*

21 “(A) *IN GENERAL.—After providing tech-*
22 *nical assistance under paragraph (8) and subject*
23 *to subparagraph (F), the local educational*
24 *agency—*

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

4 “(ii) shall take corrective action with
5 respect to any school that fails to make ade-
6 quate yearly progress, as defined by the
7 State, after the end of the second year fol-
8 lowing its identification under paragraph
9 (1); and

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

13 “(B) DEFINITION.—As used in this para-
14 graph, the term ‘corrective action’ means action,
15 consistent with State and local law, that—

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

22 “(ii) is designed to substantially in-
23 crease the likelihood that students will per-
24 form at the proficient and advanced per-
25 formance levels.

1 “(C) *CERTAIN SCHOOLS.—In the case of a*
2 *school described in subparagraph (A)(ii), the*
3 *local educational agency shall take not less than*
4 *1 of the following corrective actions:*

5 “(i) *Withhold funds from the school.*

6 “(ii) *Decrease decisionmaking author-*
7 *ity at the school level.*

8 “(iii) *Make alternative governance ar-*
9 *rangements, including reopening the school*
10 *as a public charter school.*

11 “(iv) *Reconstitute the school by requir-*
12 *ing each person employed at the school to*
13 *reapply for future employment at the same*
14 *school or for any position in the local edu-*
15 *cational agency.*

16 “(v) *Authorize students to transfer to*
17 *other higher performing public schools*
18 *served by the local educational agency, in-*
19 *cluding public charter schools, and provide*
20 *such students transportation (or the costs of*
21 *transportation) to such schools in conjunc-*
22 *tion with not less than 1 additional action*
23 *described under this subparagraph.*

24 “(vi) *Institute and fully implement a*
25 *new curriculum, including appropriate pro-*

1 *professional development for all relevant staff,*
2 *that is based upon scientifically based re-*
3 *search and offers substantial promise of im-*
4 *proving educational achievement for low-*
5 *performing students.*

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

15 “(E) *PUBLICATION.*—*The local educational*
16 *agency shall publish, and disseminate to the pub-*
17 *lic and to parents in a format and, to the extent*
18 *practicable, in a language that they can under-*
19 *stand, any corrective action it takes under this*
20 *paragraph through such means as the Internet,*
21 *the media, and public agencies.*

22 “(F) *REVIEW.*—*(i) Before taking corrective*
23 *action with respect to any school under this*
24 *paragraph, a local educational agency shall pro-*
25 *vide the school an opportunity to review the*

1 *school level data, including assessment data, on*
2 *which the proposed determination is made.*

3 “(i) *If the school believes that the proposed*
4 *determination is in error for statistical or other*
5 *substantive reasons, it may provide supporting*
6 *evidence to the local educational agency, which*
7 *shall consider such evidence before making a*
8 *final determination.*

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

17 “(11) *SPECIAL RULE.—Schools that, for at least*
18 *two of the three years following identification under*
19 *paragraph (1), make adequate yearly progress toward*
20 *meeting the State’s proficient and advanced levels of*
21 *performance shall no longer be identified for school*
22 *improvement.*

23 “(c) *STATE REVIEW AND LOCAL EDUCATIONAL AGEN-*
24 *CY IMPROVEMENT.—*

1 “(1) *IN GENERAL.*—A State educational agency
2 shall—

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

10 “(B) publicize and disseminate to local edu-
11 cational agencies, teachers and other staff, par-
12 ents, students, and the community the results of
13 the State review consistent with section 1111, in-
14 cluding statistically sound disaggregated results,
15 as required by section 1111(b)(2).

16 “(2) *IDENTIFICATION OF LOCAL EDUCATIONAL*
17 *AGENCY FOR IMPROVEMENT.*—A State educational
18 agency shall identify for improvement any local edu-
19 cational agency that—

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

23 “(B) was in improvement status under this
24 section as this section was in effect on the day

1 *preceding the date of enactment of the Student*
2 *Results Act of 1999.*

3 “(3) *TRANSITION.*—*The 2-year period described*
4 *in paragraph (2)(A) shall include any continuous pe-*
5 *riod of time immediately preceding the date of the en-*
6 *actment of the Student Results Act of 1999, during*
7 *which a local educational agency did not make ade-*
8 *quate yearly progress as defined in the State’s plan,*
9 *as such plan was in effect on the day preceding the*
10 *date of such enactment.*

11 “(4) *TARGETED ASSISTANCE SCHOOLS.*—*For*
12 *purposes of targeted assistance schools in a local edu-*
13 *cational agency, a State educational agency may*
14 *choose to review the progress of only the students in*
15 *such schools who are served under this part.*

16 “(5) *OPPORTUNITY TO REVIEW AND PRESENT*
17 *EVIDENCE.*—

18 “(A) *REVIEW.*—*Before identifying a local*
19 *educational agency for improvement under para-*
20 *graph (2), a State educational agency shall pro-*
21 *vide the local educational agency with an oppor-*
22 *tunity to review the local educational agency*
23 *data, including assessment data, on which that*
24 *proposed identification is based.*

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

7 “(6) *NOTIFICATION TO PARENTS.*—*The State*
8 *educational agency shall promptly notify parents in*
9 *a format, and to the extent practicable in a language*
10 *they can understand, of each student enrolled in a*
11 *school in a local educational agency identified for im-*
12 *provement, of the reasons for such agency’s identifica-*
13 *tion and how parents can participate in upgrading*
14 *the quality of the local educational agency.*

15 “(7) *LOCAL EDUCATIONAL AGENCY REVISIONS.*—

16 “(A) *PLAN.*—*Each local educational agency*
17 *identified under paragraph (2) shall, not later*
18 *than 3 months after being so identified, develop*
19 *or revise a local educational agency plan, in con-*
20 *sultation with parents, school staff, and others.*
21 *Such plan shall—*

22 “(i) *incorporate scientifically based research*
23 *strategies that strengthen the core academic pro-*
24 *gram in the local educational agency;*

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

4 “(I) have the greatest likelihood of im-
5 proving the performance of participating
6 children in meeting the State’s student per-
7 formance standards;

8 “(II) address the professional develop-
9 ment needs of staff; and

10 “(III) include specific numerical per-
11 formance goals and targets for each of the
12 groups of students identified in the
13 disaggregated data pursuant to section
14 1111(b)(2);

15 “(iii) identify how the local educational
16 agency will provide written notification to par-
17 ents in a format, and to the extent practicable in
18 a language, that they can understand, pursuant
19 to paragraph (6); and

20 “(iv) specify the responsibilities of the State
21 educational agency and the local educational
22 agency under the plan.

23 “(B) IMPLEMENTATION.—The local educational
24 agency shall implement its plan or revised plan expe-
25 ditiously, but not later than the beginning of the

1 *school year after which the school has been identified*
2 *for improvement.*

3 “(8) *STATE EDUCATIONAL AGENCY RESPONSIBI-*
4 *BILITY.—*

5 “(A) *IN GENERAL.—For each local edu-*
6 *cational agency identified under paragraph (2),*
7 *the State educational agency shall provide tech-*
8 *nical or other assistance, if requested, as author-*
9 *ized under section 1117, to better enable the local*
10 *educational agency—*

11 “(i) *to develop and implement its re-*
12 *vised plan as approved by the State edu-*
13 *cational agency consistent with the require-*
14 *ments of this section; and*

15 “(ii) *to work with schools needing im-*
16 *provement.*

17 “(B) *TECHNICAL ASSISTANCE.—Technical*
18 *assistance provided under this section by the*
19 *State educational agency or an entity authorized*
20 *by such agency shall be based upon scientifically*
21 *based research.*

22 “(9) *CORRECTIVE ACTION.—In order to help stu-*
23 *dents served under this part meet challenging State*
24 *standards, each State educational agency shall imple-*

1 *ment a system of corrective action in accordance with*
2 *the following:*

3 *“(A) IN GENERAL.—After providing tech-*
4 *nical assistance under paragraph (8) and subject*
5 *to subparagraph (D), the State educational*
6 *agency—*

7 *“(i) may take corrective action at any*
8 *time with respect to a local educational*
9 *agency that has been identified under para-*
10 *graph (2);*

11 *“(ii) shall take corrective action with*
12 *respect to any local educational agency that*
13 *fails to make adequate yearly progress, as*
14 *defined by the State, after the end of the sec-*
15 *ond year following its identification under*
16 *paragraph (2); and*

17 *“(iii) shall continue to provide tech-*
18 *nical assistance while instituting any cor-*
19 *rective action under clause (i) or (ii).*

20 *“(B) DEFINITION.—As used in this para-*
21 *graph, the term ‘corrective action’ means action,*
22 *consistent with State law, that—*

23 *“(i) substantially and directly re-*
24 *sponds to the consistent academic failure*
25 *that caused the State educational agency to*

1 *take such action and to any underlying*
2 *staffing, curricular, or other problems in the*
3 *school; and*

4 “(ii) *is designed to meet the goal of*
5 *having all students served under this part*
6 *perform at the proficient and advanced per-*
7 *formance levels.*

8 “(C) *CERTAIN LOCAL EDUCATIONAL AGEN-*
9 *CIES.—In the case of a local educational agency*
10 *described in this paragraph, the State edu-*
11 *cational agency shall take not less than 1 of the*
12 *following corrective actions:*

13 “(i) *Withhold funds from the local edu-*
14 *cational agency.*

15 “(ii) *Reconstitute school district per-*
16 *sonnel.*

17 “(iii) *Remove particular schools from*
18 *the jurisdiction of the local educational*
19 *agency and establish alternative arrange-*
20 *ments for public governance and super-*
21 *vision of such schools.*

22 “(iv) *Appoint, through the State edu-*
23 *cational agency, a receiver or trustee to ad-*
24 *minister the affairs of the local educational*

1 *agency in place of the superintendent and*
2 *school board.*

3 “(v) *Abolish or restructure the local*
4 *educational agency.*

5 “(vi) *Authorize students to transfer*
6 *from a school operated by a local edu-*
7 *cational agency to a higher performing pub-*
8 *lic school operated by another local edu-*
9 *cational agency, or to a public charter*
10 *school and provide such students transpor-*
11 *tation (or the costs of transportation to such*
12 *schools, in conjunction with not less than 1*
13 *additional action described under this para-*
14 *graph.*

15 “(D) *HEARING.—Prior to implementing*
16 *any corrective action, the State educational*
17 *agency shall provide due process and a hearing*
18 *to the affected local educational agency, if State*
19 *law provides for such process and hearing.*

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

1 “(F) *DELAY.*—A local educational agency
2 may delay, for a period not to exceed 1 year, im-
3 plementation of corrective action if the failure to
4 make adequate yearly progress was justified due
5 to exceptional or uncontrollable circumstances
6 such as a natural disaster or a precipitous and
7 unforeseen decline in the financial resources of
8 the local educational agency or school.

9 “(10) *SPECIAL RULE.*—A local educational agen-
10 cy, that, for at least two of the three years following
11 identification under paragraph (2), makes adequate
12 yearly progress toward meeting the State’s proficient
13 and advanced levels of performance shall no longer be
14 identified for school improvement.”.

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

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

19 **“SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
20 **IMPROVEMENT.**

21 “(a) *SYSTEM FOR SUPPORT.*—Each State educational
22 agency shall establish a statewide system of intensive and
23 sustained support and improvement for local educational
24 agencies and schools receiving funds under this part, in
25 order to increase the opportunity for all students in those

1 *agencies and schools to meet the State’s content standards*
2 *and student performance standards.*

3 “(b) *PRIORITIES.*—*In carrying out this section, a*
4 *State educational agency shall—*

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

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

14 “(3) *third, provide support and assistance to*
15 *other local educational agencies and schools partici-*
16 *pating under this part that need that support and as-*
17 *sistance in order to achieve the purpose of this part.*

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

22 “(1) *school support teams, composed of individ-*
23 *uals who are knowledgeable about scientifically based*
24 *research and practice on teaching and learning, par-*

1 *ticularly about strategies for improving educational*
 2 *results for low-achieving children; and*

3 *“(2) the designation and use of “Distinguished*
 4 *Educators”, chosen from schools served under this*
 5 *part that have been especially successful in improving*
 6 *academic achievement.*

7 *“(d) FUNDS.—Each State educational agency—*

8 *“(1) shall use funds reserved under section*
 9 *1002(f); and*

10 *“(2) may use State administrative funds author-*
 11 *ized under section 1002(h) for such purpose.*

12 *“(e) ALTERNATIVES.—The State may devise addi-*
 13 *tional approaches to providing the assistance described in*
 14 *paragraphs (1) and (2) of subsection (c), such as providing*
 15 *assistance through institutions of higher education and edu-*
 16 *cational service agencies or other local consortia, and the*
 17 *State may seek approval from the Secretary to use funds*
 18 *made available under section 1002(h) for such approaches*
 19 *as part of the State plan.”.*

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

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

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

24 *“(a) ESTABLISHMENT OF ACADEMIC ACHIEVEMENT*
 25 *AWARDS PROGRAM.—*

1 “(1) *IN GENERAL.*—*Each State receiving a grant*
2 *under this part may establish a program for making*
3 *academic achievement awards to recognize and finan-*
4 *cially reward schools served under this part that*
5 *have—*

6 “(A) *significantly closed the achievement*
7 *gap between the groups of students defined in*
8 *section 1111(b)(2); or*

9 “(B) *exceeded their adequate yearly progress*
10 *goals, consistent with section 1111(b)(2), for 2 or*
11 *more consecutive years.*

12 “(2) *AWARDS TO TEACHERS.*—*A State program*
13 *under paragraph (1) may also recognize and provide*
14 *financial awards to teachers teaching in a school de-*
15 *scribed in such paragraph whose students consistently*
16 *make significant gains in academic achievement in*
17 *the areas in which the teacher provides instruction.*

18 “(b) *FUNDING.*—

19 “(1) *RESERVATION OF FUNDS BY STATE.*—*For*
20 *the purpose of carrying out this section, each State re-*
21 *ceiving a grant under this part may reserve, from the*
22 *amount (if any) by which the funds received by the*
23 *State under this part for a fiscal year exceed the*
24 *amount received by the State under this part for the*

1 *preceding fiscal year, not more than 30 percent of*
2 *such excess amount.*

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

8 “(3) *SPECIAL ALLOCATION RULE FOR SCHOOLS*
9 *IN HIGH-POVERTY AREAS.*—

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

16 “(B) *SCHOOLS DESCRIBED.*—*A school de-*
17 *scribed in subparagraph (A) is a school whose*
18 *student population is in the highest quartile of*
19 *schools statewide in terms of the percentage of*
20 *children eligible for free and reduced priced*
21 *lunches under the National School Lunch Act.”.*

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

23 “(a) *LOCAL EDUCATIONAL AGENCY POLICY.*—*Sub-*
24 *section (a) of section 1118 (20 U.S.C. 6319(a)) is*
25 *amended—*

1 (1) in paragraph (1), by striking “programs, ac-
2 tivities, and procedures” and inserting “activities
3 and procedures”.

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

6 “(E) conduct, with the involvement of par-
7 ents, an annual evaluation of the content and ef-
8 fectiveness of the parental involvement policy in
9 improving the academic quality of the schools
10 served under this part;

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

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

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

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

21 (b) NOTICE.—Paragraph (1) of section 1118(b) (20
22 U.S.C. 6319(b)(1)) is amended by inserting after the first
23 sentence the following: “Parents shall be notified of the pol-
24 icy in a format, and to the extent practicable, in a language
25 that they can understand.”.

1 (c) *PARENTAL INVOLVEMENT.*—Paragraph (4) of sec-
2 tion 1118(c) (20 U.S.C. 6319(c)(4)) is amended—

3 (1) in subparagraph (B), by striking “perform-
4 ance profiles required under section 1116(a)(3)” and
5 inserting “school reports required under section
6 1111”;

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

9 (3) by inserting after subparagraph (C) the fol-
10 lowing new subparagraphs:

11 “(D) notice of the schools’ identification as
12 a school in school improvement under section
13 1116(b), if applicable, and a clear explanation of
14 what such identification means;

15 “(E) notice of the corrective action that has
16 been taken against the school under section
17 1116(b)(9) and 1116(c)(9), if applicable, and a
18 clear explanation of what such action means;”;
19 and

20 (4) in subparagraph (G) (as so redesignated), by
21 striking “subparagraph (D)” and inserting “subpara-
22 graph (F)”.

23 (d) *BUILDING CAPACITY FOR INVOLVEMENT.*—Sub-
24 section (e) of section 1118 (20 U.S.C 6319(e)) is amended
25 to read as follows:

1 “(e) *BUILDING CAPACITY FOR INVOLVEMENT.*—*To en-*
2 *sure effective involvement of parents and to support a part-*
3 *nership among the school, parents, and the community to*
4 *improve student achievement, each school and local edu-*
5 *cational agency—*

6 “(1) *shall provide assistance to participating*
7 *parents in such areas as understanding the State’s*
8 *content standards and State student performance*
9 *standards, the provisions of section 1111(b)(8), State*
10 *and local assessments, the requirements of this part,*
11 *and how to monitor a child’s progress and work with*
12 *educators to improve the performance of their chil-*
13 *dren as well as information on how parents can par-*
14 *ticipate in decisions relating to the education of their*
15 *children;*

16 “(2) *shall provide materials and training, such*
17 *as—*

18 “(A) *coordinating necessary literacy train-*
19 *ing from other sources to help parents work with*
20 *their children to improve their children’s*
21 *achievement; and*

22 “(B) *training to help parents to work with*
23 *their children to improve their children’s*
24 *achievement;*

1 “(3) shall educate teachers, pupil services per-
2 sonnel, principals and other staff, with the assistance
3 of parents, in the value and utility of contributions
4 of parents, and in how to reach out to, communicate
5 with, and work with parents as equal partners, im-
6 plement and coordinate parent programs, and build
7 ties between home and school;

8 “(4) shall coordinate and integrate parent in-
9 volvement programs and activities with Head Start,
10 Even Start, the Home Instruction Programs for Pre-
11 school Youngsters, the Parents as Teachers Program,
12 and public preschool programs and other programs,
13 to the extent feasible and appropriate;

14 “(5) shall conduct other activities, as appro-
15 priate and feasible, such as parent resource centers
16 and opportunities for parents to learn how to become
17 full partners in the education of their children;

18 “(6) shall ensure, to the extent possible, that in-
19 formation related to school and parent programs,
20 meetings, and other activities is sent to the homes of
21 participating children in the language used in such
22 homes;

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

1 “(8) shall expand the use of electronic commu-
2 nications among teachers, students, and parents, such
3 as through the use of websites and e-mail communica-
4 tions;

5 “(9) may involve parents in the development of
6 training for teachers, principals, and other educators
7 to improve the effectiveness of such training in im-
8 proving instruction and services to the children of
9 such parents in a format, and to the extent prac-
10 ticable, in a language the parent can understand;

11 “(10) may provide necessary literacy training
12 from funds received under this part if the local edu-
13 cational agency has exhausted all other reasonably
14 available sources of funding for such activities;

15 “(11) may pay reasonable and necessary ex-
16 penses associated with local parental involvement ac-
17 tivities, including transportation and child care costs,
18 to enable parents to participate in school-related
19 meetings and training sessions;

20 “(12) may train and support parents to enhance
21 the involvement of other parents;

22 “(13) may arrange meetings at a variety of
23 times, such as in the mornings and evenings, in order
24 to maximize the opportunities for parents to partici-
25 pate in school related activities;

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

5 “(15) may adopt and implement model ap-
6 proaches to improving parental involvement, such as
7 *Even Start*;

8 “(16) may establish a districtwide parent advi-
9 sory council to advise on all matters related to paren-
10 tal involvement in programs supported under this
11 part; and

12 “(17) may develop appropriate roles for commu-
13 nity-based organizations and businesses in parent in-
14 volvement activities, including providing information
15 about opportunities for organizations and businesses
16 to work with parents and schools, and encouraging
17 the formation of partnerships between elementary,
18 middle, and secondary schools and local businesses
19 that include a role for parents.”.

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

22 “(f) *ACCESSIBILITY*.—In carrying out the parental in-
23 volvement requirements of this part, local educational agen-
24 cies and schools, to the extent practicable, shall provide full
25 opportunities for the participation of parents with limited

1 *English proficiency or with disabilities and parents of mi-*
2 *gratory children, including providing information and*
3 *school reports required under section 1111 in a format, and*
4 *to the extent practicable, in a language such parents under-*
5 *stand.”.*

6 **SEC. 115. QUALIFICATIONS FOR TEACHERS AND PARA-**
7 **PROFESSIONALS.**

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

10 **“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**
11 **PROFESSIONALS.**

12 *“(a) TEACHERS.—*

13 *“(1) IN GENERAL.—Each local educational agen-*
14 *cy receiving assistance under this part shall ensure*
15 *that all teachers hired on or after the effective date of*
16 *the Student Results Act of 1999 and teaching in a*
17 *program supported with funds under this part are*
18 *fully qualified.*

19 *“(2) PLAN.—Each State receiving assistance*
20 *under this part shall develop and submit to the Sec-*
21 *retary a plan to ensure that all teachers teaching*
22 *within the State are fully qualified not later than De-*
23 *cember 31, 2003. Such plan shall include an assur-*
24 *ance that the State will require each local educational*
25 *agency and school receiving funds under this part*

1 *publicly to report their annual progress on the agen-*
2 *cy's and the school's performance in increasing the*
3 *percentage of classes in core academic areas taught by*
4 *fully qualified teachers.*

5 *“(b) NEW PARAPROFESSIONALS.—*

6 *“(1) IN GENERAL.—Each local educational agen-*
7 *cy receiving assistance under this part shall ensure*
8 *that all paraprofessionals hired one year or more*
9 *after the effective date of the Student Results Act of*
10 *1999 and working in a program supported with*
11 *funds under this part shall—*

12 *“(A) have completed at least 2 years of*
13 *study at an institution of higher education;*

14 *“(B) have obtained an associate's (or high-*
15 *er) degree; or*

16 *“(C) have met a rigorous standard of qual-*
17 *ity that demonstrates, through a formal*
18 *assessment—*

19 *“(i) knowledge of, and the ability to*
20 *assist in instructing reading, writing, and*
21 *math; or*

22 *“(ii) knowledge of, and the ability to*
23 *assist in instructing reading readiness,*
24 *writing readiness, and math readiness, as*
25 *appropriate.*

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

6 “(c) *EXISTING PARAPROFESSIONALS.*—*Each local edu-*
7 *cational agency receiving assistance under this part shall*
8 *ensure that all paraprofessionals hired before the date that*
9 *is one year after the effective date of the Student Results*
10 *Act of 1999 and working in a program supported with*
11 *funds under this part shall, not later than 3 years after*
12 *such effective date, satisfy the requirements of subsection*
13 *(b).*

14 “(d) *EXCEPTIONS FOR TRANSLATION AND PARENTAL*
15 *INVOLVEMENT ACTIVITIES.*—*Subsections (b) and (c) shall*
16 *not apply to a paraprofessional—*

17 “(A) *who is proficient in English and a*
18 *language other than English and who provides*
19 *services primarily to enhance the participation*
20 *of children in programs under this part by act-*
21 *ing as a translator; or*

22 “(B) *whose duties consist solely of con-*
23 *ducting parental involvement activities con-*
24 *sistent with section 1118.*

1 “(e) *GENERAL REQUIREMENT FOR ALL PARAPROFES-*
 2 *SIONALS.—Each local educational agency receiving assist-*
 3 *ance under this part shall ensure that all paraprofessionals*
 4 *working in a program supported with funds under this*
 5 *part, regardless of the paraprofessional’s hiring date, pos-*
 6 *sess a high school diploma or its recognized equivalent.*

7 “(f) *DUTIES OF PARAPROFESSIONALS.—*

8 “(1) *IN GENERAL.—Each local educational agen-*
 9 *cy receiving assistance under this part shall ensure*
 10 *that a paraprofessional working in a program sup-*
 11 *ported with funds under this part is not assigned a*
 12 *duty inconsistent with this subsection.*

13 “(2) *RESPONSIBILITIES PARAPROFESSIONALS*
 14 *MAY BE ASSIGNED.—A paraprofessional described in*
 15 *paragraph (1) may only be assigned—*

16 “(A) *to provide one-on-one tutoring for eli-*
 17 *gible students, if the tutoring is scheduled at a*
 18 *time when a student would not otherwise receive*
 19 *instruction from a teacher;*

20 “(B) *to assist with classroom management,*
 21 *such as organizing instructional and other mate-*
 22 *rials;*

23 “(C) *to provide assistance in a computer*
 24 *laboratory;*

1 “(D) to conduct parental involvement ac-
2 tivities;

3 “(E) to provide support in a library or
4 media center;

5 “(F) to act as a translator; or

6 “(G) to provide instructional services to stu-
7 dents;

8 “(3) *ADDITIONAL LIMITATIONS.*—A paraprofes-
9 sional described in paragraph (1)—

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

14 “(B) may not provide instructional services
15 to students in the area of reading, writing, or
16 math unless the paraprofessional has dem-
17 onstrated, through a State or local assessment,
18 the ability effectively to carry out reading, writ-
19 ing, or math instruction.

20 “(g) *USE OF FUNDS.*—

21 “(1) *PROFESSIONAL DEVELOPMENT.*—A local
22 educational agency receiving funds under this part
23 may use such funds to support ongoing training and
24 professional development to assist teachers and para-

1 *professionals in satisfying the requirements of this*
2 *section.*

3 “(2) *LIMITATION ON USE OF FUNDS FOR PARA-*
4 *PROFESSIONALS.—*

5 “(A) *IN GENERAL.—Beginning on and after*
6 *the effective date of the Student Results Act of*
7 *1999, a local educational agency may not use*
8 *funds received under this part to fund any para-*
9 *professional hired after such date unless the hir-*
10 *ing is to fill a vacancy created by the departure*
11 *of another paraprofessional funded under this*
12 *part and such new paraprofessional satisfies the*
13 *requirements of subsection (b) or (c).*

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

19 “(h) *VERIFICATION OF COMPLIANCE.—*

20 “(1) *IN GENERAL.—In verifying compliance with*
21 *this section, each local educational agency at a min-*
22 *imum shall require that the principal of each school*
23 *operating a program under section 1114 or 1115 an-*
24 *nually attest in writing as to whether such school is*
25 *in compliance with the requirements of this section.*

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

3 “(A) *shall be maintained at each school op-*
4 *erating a program under section 1114 or 1115*
5 *and at the main office of the local educational*
6 *agency; and*

7 “(B) *shall be available to any member of*
8 *the general public upon request.*”.

9 **SEC. 116. PROFESSIONAL DEVELOPMENT.**

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

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

13 “(a) *PURPOSE.*—*The purpose of this section is to assist*
14 *each local educational agency receiving assistance under*
15 *this part in increasing the academic achievement of eligible*
16 *children (as defined in section 1115(b)(1)(B)) through im-*
17 *proved teacher quality.*

18 “(b) *PROFESSIONAL DEVELOPMENT ACTIVITIES.*—

19 “(1) *REQUIRED ACTIVITIES.*—*Professional devel-*
20 *opment activities under this section shall—*

21 “(A) *support professional development ac-*
22 *tivities that give teachers, principals, and ad-*
23 *ministrators the knowledge and skills to provide*
24 *students with the opportunity to meet chal-*

1 *lenging State or local content standards and stu-*
2 *dent performance standards;*

3 *“(B) support the recruiting, hiring, and*
4 *training of fully qualified teachers, including*
5 *teachers fully qualified through State and local*
6 *alternative routes;*

7 *“(C) advance teacher understanding of effec-*
8 *tive instructional strategies based on scientif-*
9 *ically-based research for improving student*
10 *achievement, at a minimum, in reading or lan-*
11 *guage arts and mathematics;*

12 *“(D) be directly related to the curriculum*
13 *and content areas in which the teacher provides*
14 *instruction;*

15 *“(E) be designed to enhance the ability of a*
16 *teacher to understand and use the State’s stand-*
17 *ards for the subject area in which the teacher*
18 *provides instruction;*

19 *“(F) be tied to scientifically based research*
20 *demonstrating the effectiveness of such profes-*
21 *sional development activities or programs in in-*
22 *creasing student achievement or substantially in-*
23 *creasing the knowledge and teaching skills of*
24 *teachers;*

1 “(G) be of sufficient intensity and duration
2 (not to include 1-day or short-term workshops
3 and conferences) to have a positive and lasting
4 impact on the teacher’s performance in the class-
5 room, except that this paragraph shall not apply
6 to an activity if such activity is one component
7 of a long-term comprehensive professional devel-
8 opment plan established by the teacher and the
9 teacher’s supervisor based upon an assessment of
10 their needs, their students’ needs, and the needs
11 of the local educational agency;

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

15 “(I) to the extent appropriate, provide
16 training for teachers in the use of technology so
17 that technology and its applications are effec-
18 tively used in the classroom to improve teaching
19 and learning in the curriculum and academic
20 content areas in which the teachers provide in-
21 struction; and

22 “(J) as a whole, be regularly evaluated for
23 their impact on increased teacher effectiveness
24 and improved student achievement, with the

1 *findings of such evaluations used to improve the*
2 *quality of professional development.*

3 “(2) *OPTIONAL ACTIVITIES.*—*Such professional*
4 *development activities may include—*

5 “(A) *instruction in the use of data and as-*
6 *sessments to inform and instruct classroom prac-*
7 *tice;*

8 “(B) *instruction in ways that teachers,*
9 *principals, pupil services personnel, and school*
10 *administrators may work more effectively with*
11 *parents;*

12 “(C) *the forming of partnerships with insti-*
13 *tutions of higher education to establish school-*
14 *based teacher training programs that provide*
15 *prospective teachers and novice teachers with an*
16 *opportunity to work under the guidance of expe-*
17 *rienced teachers and college faculty;*

18 “(D) *the creation of career ladder programs*
19 *for paraprofessionals (assisting teachers under*
20 *this part) to obtain the education necessary for*
21 *such paraprofessionals to become licensed and*
22 *certified teachers;*

23 “(E) *instruction in ways to teach special*
24 *needs children;*

1 “(F) 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 “(G) instruction in experiential-based
6 teaching methods such as service or applied
7 learning; and

8 “(H) mentoring programs focusing on
9 changing teacher behaviors and practices to help
10 novice teachers, including teachers who are mem-
11 bers of a minority group, develop and gain con-
12 fidence in their skills, to increase the likelihood
13 that they will continue in the teaching profes-
14 sion, and generally to improve the quality of
15 their teaching.

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

19 “(1) all school staff in schools participating in
20 a schoolwide program under section 1114 can partici-
21 pate in professional development activities; and

22 “(2) all school staff in targeted assistance schools
23 may participate in professional development activi-
24 ties if such participation will result in better address-
25 ing the needs of students served under this part.

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

5 “(e) *CONSORTIA.*—In carrying out such professional
6 development programs, local educational agencies may pro-
7 vide services through consortia arrangements with other
8 local educational agencies, educational service agencies or
9 other local consortia, institutions of higher education, or
10 other public or private institutions or organizations.

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

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

17 “(h) *SPECIAL RULE.*—No State educational agency
18 shall require a school or a local educational agency to ex-
19 pend a specific amount of funds for professional develop-
20 ment activities under this part, except that this paragraph
21 shall not apply with respect to requirements under section
22 1116(c)(9).”.

1 **SEC. 117. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
2 **VATE SCHOOLS.**

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

6 “(a) *GENERAL REQUIREMENT.*—

7 “(1) *IN GENERAL.*—To the extent consistent with
8 the number of eligible children identified under sec-
9 tion 1115(b) in a local educational agency who are
10 enrolled in private elementary and secondary schools,
11 a local educational agency shall, after timely and
12 meaningful consultation with appropriate private
13 school officials, provide such children, on an equitable
14 basis, special educational services or other benefits
15 under this part (such as dual enrollment, educational
16 radio and television, computer equipment and mate-
17 rials, other technology, and mobile educational serv-
18 ices and equipment) that address their needs, and
19 shall ensure that teachers and families of these stu-
20 dents participate, on an equitable basis, in services
21 and activities developed pursuant to sections 1118
22 and 1119A.

23 “(2) *SECULAR, NEUTRAL, NONIDEOLOGICAL.*—
24 Such educational services or other benefits, including
25 materials and equipment, shall be secular, neutral,
26 and nonideological.

1 “(3) *EQUITY.*—*Educational services and other*
2 *benefits for such private school children shall be equi-*
3 *table in comparison to services and other benefits for*
4 *public school children participating under this part,*
5 *and shall be provided in a timely manner.*

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

14 “(5) *PROVISION OF SERVICES.*—*The local edu-*
15 *cational agency shall provide services under this sec-*
16 *tion directly or through contracts with public and*
17 *private agencies, organizations, and institutions.”.*

18 “(b) *CONSULTATION.*—*Subsection (b) of section 1120*
19 *(20 U.S.C. 6321(b)) is amended to read as follows:*

20 “(b) *CONSULTATION.*—

21 “(1) *IN GENERAL.*—*To ensure timely and mean-*
22 *ingful consultation, a local educational agency shall*
23 *consult with appropriate private school officials dur-*
24 *ing the design and development of such agency’s pro-*
25 *grams under this part, on issues such as—*

1 “(A) *how the children’s needs will be identi-*
2 *fied;*

3 “(B) *what services will be offered;*

4 “(C) *how, where, and by whom the services*
5 *will be provided;*

6 “(D) *how the services will be assessed and*
7 *how the results of that assessment will be used to*
8 *improve those services;*

9 “(E) *the size and scope of the equitable serv-*
10 *ices to be provided to the eligible private school*
11 *children, and the amount of funds generated by*
12 *low-income private school children in each par-*
13 *ticipating attendance area;*

14 “(F) *the method or sources of data that are*
15 *used under subsection (a)(4) and section*
16 *1113(c)(2) to determine the number of children*
17 *from low-income families in participating school*
18 *attendance areas who attend private schools; and*

19 “(G) *how and when the agency will make*
20 *decisions about the delivery of services to such*
21 *children, including a thorough consideration and*
22 *analysis of the views of the private school offi-*
23 *cial on the provision of contract services*
24 *through potential third party providers. If the*
25 *local educational agency disagrees with the views*

1 *of the private school officials on the provision of*
2 *services, through a contract, the local educational*
3 *agency shall provide in writing to such private*
4 *school officials, an analysis of the reasons why*
5 *the local educational agency has chosen not to*
6 *use a contractor.*

7 “(2) *TIMING.*—*Such consultation shall include*
8 *meetings of agency and private school officials and*
9 *shall occur before the local educational agency makes*
10 *any decision that affects the opportunities of eligible*
11 *private school children to participate in programs*
12 *under this part. Such meetings shall continue*
13 *throughout implementation and assessment of services*
14 *provided under this section.*

15 “(3) *DISCUSSION.*—*Such consultation shall in-*
16 *clude a discussion of service delivery mechanisms a*
17 *local educational agency can use to provide equitable*
18 *services to eligible private school children.*

19 “(4) *DOCUMENTATION.*—*Each local educational*
20 *agency shall provide to the State educational agency,*
21 *and maintain in its records, a written affirmation*
22 *signed by officials of each participating private school*
23 *that the consultation required by this section has oc-*
24 *curred.*

1 “(5) *COMPLIANCE.*—*Private school officials shall*
2 *have the right to appeal to the State as to whether the*
3 *consultation provided for in this section was mean-*
4 *ingful and timely, and that due consideration was*
5 *given to the views of private school officials. If the*
6 *private school wishes to appeal, the basis of the claim*
7 *of noncompliance with this section by the local edu-*
8 *cational agencies shall be provided to the State, and*
9 *the local educational agency shall forward the docu-*
10 *mentation provided in subsection (b)(3) to the*
11 *State.”.*

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

15 “(d) *STANDARDS FOR A BYPASS.*—*If a local edu-*
16 *cational agency is prohibited by law from providing for the*
17 *participation on an equitable basis of eligible children en-*
18 *rolled in private elementary and secondary schools or if the*
19 *Secretary determines that a local educational agency has*
20 *substantially failed or is unwilling to provide for such par-*
21 *ticipation, as required by this section, the Secretary shall—*

22 “(1) *waive the requirements of this section for*
23 *such local educational agency;*

24 “(2) *arrange for the provision of services to such*
25 *children through arrangements that shall be subject to*

1 *the requirements of this section and sections 14505*
2 *and 14506; and*

3 *“(3) in making the determination, consider one*
4 *or more factors, including the quality, size, scope, and*
5 *location of the program and the opportunity of eligi-*
6 *ble children to participate.”.*

7 *(d) CAPITAL EXPENSES.—Effective September 30,*
8 *2002, subsection (e) of section 1120 (20 U.S.C. 6321(e)) is*
9 *hereby repealed.*

10 **SEC. 118. COORDINATION REQUIREMENTS.**

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

12 *(1) in subsection (a), by striking “to the extent*
13 *feasible” and all that follows through the period and*
14 *inserting “with local Head Start agencies, and if fea-*
15 *sible, other early childhood development programs.”;*

16 *(2) in subsection (b)—*

17 *(A) in paragraph (3) by striking “and”*
18 *after the semicolon;*

19 *(B) in paragraph (4) by striking the period*
20 *and inserting “; and”; and*

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

22 *“(5) linking the educational services provided in*
23 *such local educational agency with the services pro-*
24 *vided in local Head Start agencies.”.*

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

3 *Section 1121 is amended to read as follows:*

4 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**
5 **SECRETARY OF THE INTERIOR.**

6 *“(a) RESERVATION OF FUNDS.—From the amount ap-*
7 *propriated for payments to States for any fiscal year under*
8 *section 1002(a), the Secretary shall reserve a total of 1 per-*
9 *cent to provide assistance to—*

10 *“(1) the outlying areas in the amount deter-*
11 *mined in accordance with subsection (b); and*

12 *“(2) the Secretary of the Interior in the amount*
13 *necessary to make payments pursuant to subsection*
14 *(d).*

15 *“(b) ASSISTANCE TO OUTLYING AREAS.—*

16 *“(1) FUNDS RESERVED.—From the amount*
17 *made available for any fiscal year under subsection*
18 *(a), the Secretary shall award grants to the outlying*
19 *areas.*

20 *“(2) COMPETITIVE GRANTS.—For fiscal years*
21 *2000 and 2001, the Secretary shall carry out the com-*
22 *petition described in paragraph (3), except that the*
23 *amount reserved to carry out such competition shall*
24 *not exceed the amount reserved under this section for*
25 *the freely associated states for fiscal year 1999.*

26 *“(3) LIMITATION FOR COMPETITIVE GRANTS.—*

1 “(A) *COMPETITIVE GRANTS.*—*The Secretary*
2 *shall use funds described in paragraph (2) to*
3 *award grants, on a competitive basis, to the out-*
4 *lying areas and freely associated States to carry*
5 *out the purposes of this part.*

6 “(B) *AWARD BASIS.*—*The Secretary shall*
7 *award grants under subparagraph (A) on a com-*
8 *petitive basis, pursuant to the recommendations*
9 *of the Pacific Region Educational Laboratory in*
10 *Honolulu, Hawaii.*

11 “(C) *TERMINATION OF ELIGIBILITY.*—*Not-*
12 *withstanding any other provision of law, the*
13 *freely associated States shall not receive any*
14 *funds under this part after September 30, 2001.*

15 “(D) *ADMINISTRATIVE COSTS.*—*The Sec-*
16 *retary may provide not more than five percent*
17 *of the amount reserved for grants under this*
18 *paragraph to pay the administrative costs of the*
19 *Pacific Region Educational Laboratory under*
20 *subparagraph (B).*

21 “(4) *SPECIAL RULE.*—*The provisions of Public*
22 *Law 95–134, permitting the consolidation of grants*
23 *by the outlying areas, shall not apply to funds pro-*
24 *vided to the freely associated States under this sec-*
25 *tion.*

1 “(c) *DEFINITIONS.*—*For the purposes of subsection (a)*
2 *and (b)—*

3 “(1) *the term ‘freely associated States’ means the*
4 *Republic of the Marshall Islands, the Federated States*
5 *of Micronesia, and the Republic of Palau; and*

6 “(2) *the term ‘outlying area’ means the United*
7 *States Virgin Islands, Guam, American Samoa, and*
8 *the Commonwealth of the Northern Mariana Islands.*

9 “(d) *ALLOTMENT TO THE SECRETARY OF THE INTE-*
10 *RIOR.—*

11 “(1) *IN GENERAL.*—*The amount allotted for pay-*
12 *ments to the Secretary of the Interior under sub-*
13 *section (a)(2) for any fiscal year shall be, as deter-*
14 *mined pursuant to criteria established by the Sec-*
15 *retary, the amount necessary to meet the special edu-*
16 *cational needs of—*

17 “(A) *Indian children on reservations served*
18 *by elementary and secondary schools for Indian*
19 *children operated or supported by the Depart-*
20 *ment of the Interior; and*

21 “(B) *out-of-State Indian children in ele-*
22 *mentary and secondary schools in local edu-*
23 *cational agencies under special contracts with*
24 *the Department of the Interior.*

1 “(2) *PAYMENTS.*—*From the amount allotted for*
2 *payments to the Secretary of the Interior under sub-*
3 *section (a)(2), the Secretary of the Interior shall make*
4 *payments to local educational agencies, upon such*
5 *terms as the Secretary determines will best carry out*
6 *the purposes of this part, with respect to out-of-State*
7 *Indian children described in paragraph (1). The*
8 *amount of such payment may not exceed, for each*
9 *such child, the greater of—*

10 “(A) *40 percent of the average per pupil ex-*
11 *penditure in the State in which the agency is lo-*
12 *cated; or*

13 “(B) *48 percent of such expenditure in the*
14 *United States.”.*

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

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

18 **“SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRA-**
19 **TION GRANTS, AND TARGETED GRANTS.**

20 “(a) *ALLOCATION FORMULA.*—*Of the amount author-*
21 *ized to be appropriated to carry out this part for each of*
22 *fiscal years 2000 through 2004 (referred to in this sub-*
23 *section as the current fiscal year)—*

24 “(1) *an amount equal to the amount appro-*
25 *priated to carry out section 1124 for fiscal year 1999*

1 *plus 42.5 percent of the amount, if any, by which the*
2 *amount appropriated under section 1002(a) for the*
3 *current fiscal year exceeds the amount appropriated*
4 *under such section for fiscal year 1999 shall be allo-*
5 *cated in accordance with section 1124;*

6 “(2) *an amount equal to the amount appro-*
7 *priated to carry out section 1124A for fiscal year*
8 *1999 plus 7.5 percent of the amount, if any, by which*
9 *the amount appropriated under section 1002(a) for*
10 *the current fiscal year exceeds the amount appro-*
11 *priated under such section for fiscal year 1999 shall*
12 *be allocated in accordance with section 1124A; and*

13 “(3) *an amount equal to 50 percent of the*
14 *amount, if any, by which the amount appropriated*
15 *under section 1002(a) for the current fiscal year ex-*
16 *ceeds the amount appropriated under such section for*
17 *fiscal year 1999 shall be allocated in accordance with*
18 *section 1125.*

19 “(b) *ADJUSTMENTS WHERE NECESSITATED BY AP-*
20 *PROPRIATIONS.—*

21 “(1) *IN GENERAL.—If the sums available under*
22 *this part for any fiscal year are insufficient to pay*
23 *the full amounts that all local educational agencies in*
24 *States are eligible to receive under sections 1124,*
25 *1124A, and 1125 for such year, the Secretary shall*

1 *ratably reduce the allocations to such local edu-*
2 *catational agencies, subject to subsections (c) and (d) of*
3 *this section.*

4 “(2) *ADDITIONAL FUNDS.—If additional funds*
5 *become available for making payments under sections*
6 *1124, 1124A, and 1125 for such fiscal year, alloca-*
7 *tions that were reduced under paragraph (1) shall be*
8 *increased on the same basis as they were reduced.*

9 “(c) *HOLD-HARMLESS AMOUNTS.—*

10 “(1) *AMOUNTS FOR SECTIONS 1124 AND 1125.—*
11 *For each fiscal year, the amount made available to*
12 *each local educational agency under each of sections*
13 *1124 and 1125 shall be—*

14 “(A) *not less than 95 percent of the amount*
15 *made available in the preceding fiscal year if the*
16 *number of children counted for grants under sec-*
17 *tion 1124 is not less than 30 percent of the total*
18 *number of children aged 5 to 17 years, inclusive,*
19 *in the local educational agency;*

20 “(B) *not less than 90 percent of the amount*
21 *made available in the preceding fiscal year if the*
22 *percentage described in subparagraph (A) is be-*
23 *tween 15 percent and 30 percent; and*

24 “(C) *not less than 85 percent of the amount*
25 *made available in the preceding fiscal year if the*

1 percentage described in subparagraph (A) is
2 below 15 percent.

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

8 “(3) *PAYMENTS.*—*If sufficient funds are appro-*
9 *priated, the amounts described in paragraph (2) shall*
10 *be paid to all local educational agencies that received*
11 *grants under section 1124A for the preceding fiscal*
12 *year, regardless of whether the local educational agen-*
13 *cy meets the minimum eligibility criteria for that fis-*
14 *cal year provided in section 1124A(a)(1)(A) except*
15 *that a local educational agency that does not meet*
16 *such minimum eligibility criteria for 4 consecutive*
17 *years shall no longer be eligible to receive a hold*
18 *harmless amount referred to in paragraph (2).*

19 “(4) *POPULATION DATA.*—*In any fiscal year for*
20 *which the Secretary calculates grants on the basis of*
21 *population data for counties, the Secretary shall*
22 *apply the hold harmless percentages in paragraphs*
23 *(1) and (2) to counties, and if the Secretary’s alloca-*
24 *tion for a county is not sufficient to meet the hold-*
25 *harmless requirements of this subsection for every*

1 *local educational agency within that county, the State*
2 *educational agency shall reallocate funds proportion-*
3 *ately from all other local educational agencies in the*
4 *State that are receiving funds in excess of the hold*
5 *harmless amounts specified in this subsection.*

6 “(d) *RATABLE REDUCTIONS.*—

7 “(1) *IN GENERAL.*—*If the sums made available*
8 *under this part for any fiscal year are insufficient to*
9 *pay the full amounts that all States are eligible to re-*
10 *ceive under subsection (c) for such year, the Secretary*
11 *shall ratably reduce such amounts for such year.*

12 “(2) *ADDITIONAL FUNDS.*—*If additional funds*
13 *become available for making payments under sub-*
14 *section (c) for such fiscal year, amounts that were re-*
15 *duced under paragraph (1) shall be increased on the*
16 *same basis as such amounts were reduced.*

17 “(e) *DEFINITION.*—*For the purpose of this section and*
18 *sections 1124, 1124A, and 1125, the term ‘State’ means*
19 *each of the 50 States, the District of Columbia, and the*
20 *Commonwealth of Puerto Rico.”.*

21 **SEC. 121. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
22 **CIES.**

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

1 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
2 **CIES.**

3 *“(a) AMOUNT OF GRANTS.—*

4 *“(1) GRANTS FOR LOCAL EDUCATIONAL AGEN-*
5 *CIES AND PUERTO RICO.—Except as provided in*
6 *paragraph (4) and in section 1126, the grant that a*
7 *local educational agency is eligible to receive under*
8 *this section for a fiscal year is the amount determined*
9 *by multiplying—*

10 *“(A) the number of children counted under*
11 *subsection (c); and*

12 *“(B) 40 percent of the average per-pupil ex-*
13 *penditure in the State, except that the amount*
14 *determined under this subparagraph shall not be*
15 *less than 32 percent or more than 48 percent, of*
16 *the average per-pupil expenditure in the United*
17 *States.*

18 *“(2) CALCULATION OF GRANTS.—*

19 *“(A) ALLOCATIONS TO LOCAL EDUCATIONAL*
20 *AGENCIES.—The Secretary shall calculate grants*
21 *under this section on the basis of the number of*
22 *children counted under subsection (c) for local*
23 *educational agencies, unless the Secretary and*
24 *the Secretary of Commerce determine that some*
25 *or all of those data are unreliable or that their*

1 *use would be otherwise inappropriate, in which*
2 *case—*

3 *“(i) the 2 Secretaries shall publicly*
4 *disclose the reasons for their determination*
5 *in detail; and*

6 *“(ii) paragraph (3) shall apply.*

7 *“(B) ALLOCATIONS TO LARGE AND SMALL*
8 *LOCAL EDUCATIONAL AGENCIES.—(i) For any*
9 *fiscal year in which this paragraph applies, the*
10 *Secretary shall calculate grants under this sec-*
11 *tion for each local educational agency.*

12 *“(ii) The amount of a grant under this sec-*
13 *tion for each large local educational agency shall*
14 *be the amount determined under clause (i).*

15 *“(iii) For small local educational agencies,*
16 *the State educational agency may either—*

17 *“(I) distribute grants under this sec-*
18 *tion in amounts determined by the Sec-*
19 *retary under clause (i); or*

20 *“(II) use an alternative method ap-*
21 *proved by the Secretary to distribute the*
22 *portion of the State’s total grants under this*
23 *section that is based on those small agen-*
24 *cies.*

1 “(iv) *An alternative method under clause*
2 *(iii)(II) shall be based on population data that*
3 *the State educational agency determines best re-*
4 *fect the current distribution of children in poor*
5 *families among the State’s small local edu-*
6 *cational agencies that meet the eligibility criteria*
7 *of subsection (b).*

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

14 “(vi) *As used in this subparagraph—*

15 “(I) *the term ‘large local educational*
16 *agency’ means a local educational agency*
17 *serving an area with a total population of*
18 *20,000 or more; and*

19 “(II) *the term ‘small local educational*
20 *agency’ means a local educational agency*
21 *serving an area with a total population of*
22 *less than 20,000.*

23 “(3) *ALLOCATIONS TO COUNTIES.—*

24 “(A) *CALCULATION.—For any fiscal year to*
25 *which this paragraph applies, the Secretary shall*

1 *calculate grants under this section on the basis*
2 *of the number of children counted under section*
3 *1124(c) for counties, and State educational agen-*
4 *cies shall suballocate county amounts to local*
5 *educational agencies, in accordance with regula-*
6 *tions issued by the Secretary.*

7 “(B) *DIRECT ALLOCATIONS.*—*In any State in*
8 *which a large number of local educational agencies*
9 *overlap county boundaries, or for which the State be-*
10 *lieves it has data that would better target funds than*
11 *allocating them by county, the State educational*
12 *agency may apply to the Secretary for authority to*
13 *make the allocations under this part for a particular*
14 *fiscal year directly to local educational agencies with-*
15 *out regard to counties.*

16 “(C) *ASSURANCES.*—*If the Secretary approves*
17 *the State educational agency’s application under sub-*
18 *paragraph (B), the State educational agency shall*
19 *provide the Secretary an assurance that such alloca-*
20 *tions shall be made—*

21 “(i) *using precisely the same factors for de-*
22 *termining a grant as are used under this part;*
23 *or*

1 “(i) using data that the State educational
2 agency submits to the Secretary for approval
3 that more accurately target poverty.

4 “(D) APPEAL.—The State educational agency
5 shall provide the Secretary an assurance that it shall
6 establish a procedure through which a local edu-
7 cational agency that is dissatisfied with its deter-
8 minations under subparagraph (B) may appeal di-
9 rectly to the Secretary for a final determination.

10 “(4) PUERTO RICO.—

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

18 “(i) the percentage which the average per
19 pupil expenditure in the Commonwealth of Puer-
20 to Rico is of the lowest average per pupil expend-
21 iture of any of the 50 States; and

22 “(ii) 32 percent of the average per pupil ex-
23 penditure in the United States.

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

1 “(i) for fiscal year 2000, 75.0 percent;
2 “(ii) for fiscal year 2001, 77.5 percent;
3 “(iii) for fiscal year 2002, 80.0 percent;
4 “(iv) for fiscal year 2003, 82.5 percent;
5 “(v) for fiscal year 2004 and succeeding fis-
6 cal years, 85.0 percent.

7 “(C) *LIMITATION.*—If the application of sub-
8 paragraph (B) would result in any of the 50 States
9 or the District of Columbia receiving less under this
10 part than it received under this part for the preceding
11 fiscal year, the percentage in subparagraph (A) shall
12 be the greater of the percentage in subparagraph
13 (A)(i) or the percentage used for the preceding fiscal
14 year.

15 “(5) *DEFINITION.*—For purposes of this sub-
16 section, the term ‘State’ does not include Guam,
17 American Samoa, the Virgin Islands, and the North-
18 ern Mariana Islands.

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

24 “(1) 10 or more; and

1 “(2) more than 2 percent of the total school-age
2 population in the agency’s jurisdiction.

3 “(c) *CHILDREN TO BE COUNTED.*—

4 “(1) *CATEGORIES OF CHILDREN.*—The number
5 of children to be counted for purposes of this section
6 is the aggregate of—

7 “(A) the number of children aged 5 to 17,
8 inclusive, in the school district of the local edu-
9 cational agency from families below the poverty
10 level as determined under paragraph (2); and

11 “(B) the number of children (determined
12 under paragraph (4) for either the preceding
13 year as described in that paragraph, or for the
14 second preceding year, as the Secretary finds ap-
15 propriate) aged 5 to 17, inclusive, in the school
16 district of such agency in institutions for ne-
17 glected and delinquent children (other than such
18 institutions operated by the United States), but
19 not counted pursuant to subpart 1 of part D for
20 the purposes of a grant to a State agency, or
21 being supported in foster homes with public
22 funds.

23 “(2) *DETERMINATION OF NUMBER OF CHIL-*
24 *DREN.*—For the purposes of this section, the Secretary
25 shall determine the number of children aged 5 to 17,

1 *inclusive, from families below the poverty level on the*
2 *basis of the most recent satisfactory data, described in*
3 *paragraph (3), available from the Department of*
4 *Commerce. The District of Columbia and the Com-*
5 *monwealth of Puerto Rico shall be treated as indi-*
6 *vidual local educational agencies. If a local edu-*
7 *cational agency contains two or more counties in*
8 *their entirety, then each county will be treated as if*
9 *such county were a separate local educational agency*
10 *for purposes of calculating grants under this part.*
11 *The total of grants for such counties shall be allocated*
12 *to such a local educational agency, which local edu-*
13 *cational agency shall distribute to schools in each*
14 *county within such agency a share of the local edu-*
15 *cational agency's total grant that is no less than the*
16 *county's share of the population counts used to cal-*
17 *culate the local educational agency's grant.*

18 *“(3) POPULATION UPDATES.—In fiscal year*
19 *2001 and every 2 years thereafter, the Secretary shall*
20 *use updated data on the number of children, aged 5*
21 *to 17, inclusive, from families below the poverty level*
22 *for local educational agencies or counties, published*
23 *by the Department of Commerce, unless the Secretary*
24 *and the Secretary of Commerce determine that use of*
25 *the updated population data would be inappropriate*

1 or unreliable. If the Secretary and the Secretary of
2 Commerce determine that some or all of the data re-
3 ferred to in this paragraph are inappropriate or un-
4 reliable, they shall publicly disclose their reasons. In
5 determining the families which are below the poverty
6 level, the Secretary shall utilize the criteria of poverty
7 used by the Bureau of the Census in compiling the
8 most recent decennial census, in such form as those
9 criteria have been updated by increases in the Con-
10 sumer Price Index for all urban consumers, published
11 by the Bureau of Labor Statistics.

12 “(4) OTHER CHILDREN TO BE COUNTED.—The
13 Secretary shall determine the number of children aged
14 5 through 17 living in institutions for neglected or de-
15 linquent children, or being supported in foster homes
16 with public funds, on the basis of the caseload data
17 for the month of October of the preceding fiscal year
18 or, to the extent that such data are not available to
19 the Secretary before January of the calendar year in
20 which the Secretary’s determination is made, then on
21 the basis of the most recent reliable data available to
22 the Secretary at the time of such determination. The
23 Secretary of Health and Human Services shall collect
24 and transmit the information required by this sub-
25 paragraph to the Secretary not later than January 1

1 of each year. For the purpose of this section, the Sec-
2 retary shall consider all children who are in correc-
3 tional institutions to be living in institutions for de-
4 linquent children.

5 “(5) *ESTIMATE.*—When requested by the Sec-
6 retary, the Secretary of Commerce shall make a spe-
7 cial updated estimate of the number of children of
8 such ages who are from families below the poverty
9 level (as determined under subparagraph (A) of this
10 paragraph) in each school district, and the Secretary
11 is authorized to pay (either in advance or by way of
12 reimbursement) the Secretary of Commerce the cost of
13 making this special estimate. The Secretary of Com-
14 merce shall give consideration to any request of the
15 chief executive of a State for the collection of addi-
16 tional census information.

17 “(d) *STATE MINIMUM.*—Notwithstanding section 1122,
18 the aggregate amount allotted for all local educational agen-
19 cies within a State may not be less than the lesser of—

20 “(1) 0.25 percent of total grants under this sec-
21 tion; or

22 “(2) the average of—

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

1 “(B) the number of children in such State
2 counted under subsection (c) in the fiscal year
3 multiplied by 150 percent of the national aver-
4 age per pupil payment made with funds avail-
5 able under this section for that year.”.

6 **SEC. 122. CONCENTRATION GRANTS.**

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

9 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-**
10 **CATIONAL AGENCIES.**

11 “(a) *ELIGIBILITY FOR AND AMOUNT OF GRANTS.*—

12 “(1) *IN GENERAL.*—(A) *Except as otherwise pro-*
13 *vided in this paragraph, each local educational agen-*
14 *cy, in a State other than Guam, American Samoa,*
15 *the Virgin Islands, and the Commonwealth of the*
16 *Northern Mariana Islands, which is eligible for a*
17 *grant under section 1124 for any fiscal year is eligi-*
18 *ble for an additional grant under this section for that*
19 *fiscal year if the number of children counted under*
20 *section 1124(c) in the agency exceeds either—*

21 “(i) 6,500; or

22 “(ii) 15 percent of the total number of chil-
23 dren aged 5 through 17 in the agency.

1 “(B) Notwithstanding section 1122, no State de-
2 scribed in subparagraph (A) shall receive less than the
3 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 this
13 section in that fiscal year multiplied
14 by 150 percent of the national average
15 per pupil payment made with funds
16 available under this section for that
17 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(c) for that fiscal year; and

24 “(B) the quotient resulting from the divi-
25 sion of the amount determined for those agencies

1 *under section 1124(a)(1) for the fiscal year for*
2 *which the determination is being made divided*
3 *by the total number of children counted under*
4 *section 1124(c) for that agency for that fiscal*
5 *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 for*
14 *all local educational agencies in the United States for*
15 *that fiscal year.*

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

19 “(B) *For any fiscal year for which the Secretary*
20 *allocates funds under this section on the basis of coun-*
21 *ties, a State may reserve not more than 2 percent of*
22 *its allocation under this section to make grants to*
23 *local educational agencies that meet the criteria of*
24 *paragraph (1)(A)(i) or (ii) but that are in ineligible*
25 *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 and*
9 *numbers of children counted under section 1124(c),*
10 *except that only those local educational agencies with*
11 *concentrations or numbers of children counted under*
12 *section 1124(c) that exceed the statewide average per-*
13 *centage of such children or the statewide average*
14 *number of such children shall receive any funds on*
15 *the basis of this paragraph.”.*

16 **SEC. 123. 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 agen-*
25 *cy counted under subsection 1124(c), before application of*

1 *the weighting factor described in subsection (c), is at least*
2 *10, and if the number of children counted for grants under*
3 *section 1124 is at least 5 percent of the total population*
4 *aged 5 to 17 years, inclusive, in the local educational agen-*
5 *cy. For each fiscal year for which the Secretary uses county*
6 *population data to calculate grants, funds made available*
7 *as a result of applying this subsection shall be reallocated*
8 *by the State educational agency to other eligible local edu-*
9 *cational agencies in the State in proportion to the distribu-*
10 *tion of other funds under this section.*

11 “(b) *GRANTS FOR LOCAL EDUCATIONAL AGENCIES,*
12 *THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—*

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

17 “(A) *the weighted child count determined*
18 *under subsection (c); and*

19 “(B) *the amount in paragraph*
20 *1124(a)(1)(B).*

21 “(2) *PUERTO RICO.—For each fiscal year, the*
22 *amount of the grant for which the Commonwealth of*
23 *Puerto Rico is eligible under this section shall be*
24 *equal to the number of children counted under sub-*

1 *section (c) for Puerto Rico, multiplied by the amount*
2 *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 for*
7 *which the Secretary uses county population data*
8 *to calculate grants, the weighted child count used*
9 *to determine a county’s allocation under this sec-*
10 *tion is the larger of the two amounts determined*
11 *under clause (i) or (ii), as follows:*

12 *“(i) BY PERCENTAGE OF CHILDREN.—*

13 *This amount is determined by adding—*

14 *“(I) the number of children deter-*
15 *mined under section 1124(c) for that*
16 *county constituting up to 12.20 per-*
17 *cent, inclusive, of the county’s total*
18 *population aged 5 to 17, inclusive,*
19 *multiplied by 1.0;*

20 *“(II) the number of such children*
21 *constituting more than 12.20 percent,*
22 *but not more than 17.70 percent, of*
23 *such population, multiplied by 1.75;*

24 *“(III) the number of such children*
25 *constituting more than 17.70 percent,*

1 *but not more than 22.80 percent, of*
2 *such population, multiplied by 2.5;*

3 *“(IV) the number of such children*
4 *constituting more than 22.80 percent,*
5 *but not more than 29.70 percent, of*
6 *such population, multiplied by 3.25;*
7 *and*

8 *“(V) the number of such children*
9 *constituting more than 29.70 percent of*
10 *such population, multiplied by 4.0.*

11 *“(ii) BY NUMBER OF CHILDREN.—This*
12 *amount is determined by adding—*

13 *“(I) the number of children deter-*
14 *mined under section 1124(c) consti-*
15 *tuting up to 1,917, inclusive, of the*
16 *county’s total population aged 5 to 17,*
17 *inclusive, multiplied by 1.0;*

18 *“(II) the number of such children*
19 *between 1,918 and 5,938, inclusive, in*
20 *such population, multiplied by 1.5;*

21 *“(III) the number of such children*
22 *between 5,939 and 20,199, inclusive, in*
23 *such population, multiplied by 2.0;*

24 *“(IV) the number of such children*
25 *between 20,200 and 77,999, inclusive,*

1 *in such population, multiplied by 2.5;*

2 *and*

3 *“(V) the number of such children*
4 *in excess of 77,999 in such population,*
5 *multiplied by 3.0.*

6 *“(B) PUERTO RICO.—Notwithstanding sub-*
7 *paragraph (A), the weighted child count for*
8 *Puerto Rico under this paragraph shall not be*
9 *greater than the total number of children counted*
10 *under subsection 1124(c) multiplied by 1.72.*

11 *“(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDU-*
12 *CATIONAL AGENCIES.—*

13 *“(A) IN GENERAL.—For each fiscal year for*
14 *which the Secretary uses local educational agen-*
15 *cy data, the weighted child count used to deter-*
16 *mine a local educational agency’s grant under*
17 *this section is the larger of the two amounts de-*
18 *termined under clauses (i) and (ii), as follows:*

19 *“(i) BY PERCENTAGE OF CHILDREN.—*

20 *This amount is determined by adding—*

21 *“(I) the number of children deter-*
22 *mined under section 1124(c) for that*
23 *local educational agency constituting*
24 *up to 14.265 percent, inclusive, of the*

1 *agency's total population aged 5 to 17,*
2 *inclusive, multiplied by 1.0;*

3 *“(II) the number of such children*
4 *constituting more than 14.265 percent,*
5 *but not more than 21.553 percent, of*
6 *such population, multiplied by 1.75;*

7 *“(III) the number of such children*
8 *constituting more than 21.553 percent,*
9 *but not more than 29.223 percent, of*
10 *such population, multiplied by 2.5;*

11 *“(IV) the number of such children*
12 *constituting more than 29.223 percent,*
13 *but not more than 36.538 percent, of*
14 *such population, multiplied by 3.25;*
15 *and*

16 *“(V) the number of such children*
17 *constituting more than 36.538 percent*
18 *of such population, multiplied by 4.0.*

19 *“(ii) BY NUMBER OF CHILDREN.—This*
20 *amount is determined by adding—*

21 *“(I) the number of children deter-*
22 *mined under section 1124(c) consti-*
23 *tuting up to 575, inclusive, of the*
24 *agency's total population aged 5 to 17,*
25 *inclusive, multiplied by 1.0;*

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

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

7 “(IV) the number of such children
8 between 6,911 and 42,000, inclusive, in
9 such population, multiplied by 2.5;
10 and

11 “(V) the number of such children
12 in excess of 42,000 in such population,
13 multiplied by 3.0.

14 “(B) PUERTO RICO.—Notwithstanding sub-
15 paragraph (A), the weighted child count for
16 Puerto Rico under this paragraph shall not be
17 greater than the total number of children counted
18 under section 1124(c) multiplied by 1.72.

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

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

1 “(1) 0.25 percent of total appropriations; or

2 “(2) the average of—

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

5 “(B) 150 percent of the national average
6 grant under this section per child described in
7 section 1124(c), without application of a
8 weighting factor, multiplied by the State’s total
9 number of children described in section 1124(c),
10 without application of a weighting factor.”.

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

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

14 **“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

15 “(a) *ALLOCATIONS FOR NEGLECTED CHILDREN.*—

16 “(1) *IN GENERAL.*—If a State educational agen-
17 cy determines that a local educational agency in the
18 State is unable or unwilling to provide for the special
19 educational needs of children who are living in insti-
20 tutions for neglected children as described in subpara-
21 graph (B) of section 1124(c)(1), the State educational
22 agency shall, if such agency assumes responsibility for
23 the special educational needs of such children, receive
24 the portion of such local educational agency’s alloca-

1 *tion under sections 1124, 1124A, and 1125 that is at-*
2 *tributable to such children.*

3 “(2) *SPECIAL RULE.—If the State educational*
4 *agency does not assume such responsibility, any other*
5 *State or local public agency that does assume such re-*
6 *sponsibility shall receive that portion of the local edu-*
7 *cational agency’s allocation.*

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

12 “(1) *if two or more local educational agencies*
13 *serve, in whole or in part, the same geographical*
14 *area;*

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

18 “(3) *to reflect the merger, creation, or change of*
19 *boundaries of one or more local educational agencies.*

20 “(c) *REALLOCATION.—If a State educational agency*
21 *determines that the amount of a grant a local educational*
22 *agency would receive under sections 1124, 1124A, and 1125*
23 *is more than such local agency will use, the State edu-*
24 *cational agency shall make the excess amount available to*
25 *other local educational agencies in the State that need addi-*

1 *tional funds in accordance with criteria established by the*
 2 *State educational agency.”.*

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

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

5 **“SEC. 1128. SECULAR, NEUTRAL, AND NONIDEOLOGICAL.**

6 *“Any school that receives funds under this part shall*
 7 *ensure that educational services or other benefits provided*
 8 *under this part, including materials and equipment, shall*
 9 *be secular, neutral, and nonideological.”.*

10 **PART B—EDUCATION OF MIGRATORY CHILDREN**

11 **SEC. 131. STATE ALLOCATIONS.**

12 *Section 1303 of the Elementary and Secondary Edu-*
 13 *cation Act of 1965 (20 U.S.C. 6393) is amended—*

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

15 *“(a) STATE ALLOCATIONS.—*

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

20 *“(A) the sum of the estimated number of*
 21 *migratory children aged three through 21 who*
 22 *reside in the State full time and the full-time*
 23 *equivalent of the estimated number of migratory*
 24 *children aged three through 21 who reside in the*

1 *State part time, as determined in accordance*
2 *with subsection (e); multiplied by*

3 “(B) 40 percent of the average per-pupil ex-
4 penditure in the State, except that the amount
5 determined under this paragraph shall not be
6 less than 32 percent, nor more than 48 percent,
7 of the average expenditure per pupil in the
8 United States.

9 “(2) *SUBSEQUENT YEARS.*—

10 “(A) *BASE AMOUNT.*—

11 “(i) *IN GENERAL.*—*Except as provided*
12 *in subsection (b) and clause (ii), each State*
13 *is entitled to receive under this part, for fis-*
14 *cal year 2001 and succeeding fiscal years,*
15 *an amount equal to—*

16 “(I) *the amount that such State*
17 *received under this part for fiscal year*
18 *2000; plus*

19 “(II) *the amount allocated to the*
20 *State under subparagraph (B).*

21 “(ii) *NONPARTICIPATING STATES.*—*In*
22 *the case of a State (other than the Common-*
23 *wealth of Puerto Rico) that did not receive*
24 *any funds for fiscal year 2000 under this*
25 *part, the State shall receive, for fiscal year*

1 2001 and succeeding fiscal years, an
2 amount equal to—

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

8 “(II) the amount allocated to the
9 State under subparagraph (B).

10 “(B) ALLOCATION OF ADDITIONAL
11 AMOUNT.—For fiscal year 2001 and succeeding
12 fiscal years, the amount (if any) by which the
13 funds appropriated to carry out this part for the
14 year exceed such funds for fiscal year 2000 shall
15 be allocated to a State (other than the Common-
16 wealth of Puerto Rico) so that the State receives
17 an amount equal to—

18 “(i) the sum of—

19 “(I) the number of identified eligi-
20 ble migratory children, aged 3 through
21 21, residing in the State during the
22 previous year; and

23 “(II) the number of identified eli-
24 gible migratory children, aged 3
25 through 21, who received services under

1 *this part in summer or intersession*
2 *programs provided by the State during*
3 *such year; multiplied by*

4 “*(ii) 40 percent of the average per-*
5 *pupil expenditure in the State, except that*
6 *the amount determined under this clause*
7 *may not be less than 32 percent, or more*
8 *than 48 percent, of the average expenditure*
9 *per-pupil in the United States.”;*

10 (2) *by amending subsection (b) to read as fol-*
11 *lows:*

12 “*(b) ALLOCATION TO PUERTO RICO.—*

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

19 “*(A) the percentage which the average per*
20 *pupil expenditure in the Commonwealth of Puer-*
21 *to Rico is of the lowest average per pupil expend-*
22 *iture of any of the 50 States; and*

23 “*(B) 32 percent of the average per pupil ex-*
24 *penditure in the United States.*

1 “(2) *SUBSEQUENT FISCAL YEARS.*—*For each fis-*
2 *cal year after fiscal year 2000, the grant which the*
3 *Commonwealth of Puerto Rico shall be eligible to re-*
4 *ceive under this section shall be the amount deter-*
5 *mined by multiplying the number of children counted*
6 *under subsection (a)(2)(B)(i)(I) and (a)(2)(B)(i)(II)*
7 *for the Commonwealth of Puerto Rico during the pre-*
8 *vious fiscal year, by the product of—*

9 “(A) *the percentage which the average per*
10 *pupil expenditure in the Commonwealth of Puer-*
11 *to Rico is of the lowest average per pupil expend-*
12 *iture of any of the 50 States; and*

13 “(B) *32 percent of the average per pupil ex-*
14 *penditure in the United States.*

15 “(3) *MINIMUM ALLOCATION.*—

16 “(A) *FISCAL YEAR 2000.*—*The percentage in*
17 *paragraph (1)(A) shall not be less than 75.0 per-*
18 *cent.*

19 “(B) *SUBSEQUENT FISCAL YEARS.*—*The*
20 *percentage in paragraph (2)(A) shall not be less*
21 *than—*

22 “(i) *for fiscal year 2001, 77.5 percent;*

23 “(ii) *for fiscal year 2002, 80.0 percent;*

24 “(iii) *for fiscal year 2003, 82.5 per-*
25 *cent; and*

1 “(iv) for fiscal year 2004 and suc-
2 ceeding fiscal years, 85.0 percent.

3 “(4) *SPECIAL RULE.*—If the application of para-
4 graph (3) would result in any of the 50 States or the
5 District of Columbia receiving less under this part
6 than it received under this part for the preceding fis-
7 cal year, the percentage in paragraph (1) or (2), re-
8 spectively, shall be the greater of the percentage in
9 paragraph (1)(A) or (2)(A) the percentage used for
10 the preceding fiscal year.”; and

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

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

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

16 (1) in paragraph (1), by striking “addressed
17 through” and all that follows through the semicolon at
18 the end and inserting the following:

19 “addressed through—

20 “(A) the full range of services that are
21 available for migratory children from appro-
22 priate local, State, and Federal educational pro-
23 grams;

24 “(B) joint planning among local, State, and
25 Federal educational programs serving migrant

1 *children, including programs under parts A and*
2 *C of title VII;*

3 “(C) *the integration of services available*
4 *under this part with services provided by those*
5 *other programs; and*

6 “(D) *measurable program goals and out-*
7 *comes;”;*

8 (2) *in paragraph (5), by striking “the require-*
9 *ments of paragraph (1); and” and inserting “the*
10 *numbers and needs of migratory children, the require-*
11 *ments of subsection (d), and the availability of funds*
12 *from other Federal, State, and local programs;”;*

13 (3) *in paragraph (6), by striking the period at*
14 *the end and inserting “; and”;* and

15 (4) *by adding at the end the following:*

16 “(7) *a description of how the State will encour-*
17 *age programs and projects assisted under this part to*
18 *offer family literacy services if the program or project*
19 *serves a substantial number of migratory children*
20 *who have parents who do not have a high school di-*
21 *ploma or its recognized equivalent or who have low*
22 *levels of literacy.”.*

23 (b) *ASSURANCES.—Section 1304(c) of the Elementary*
24 *and Secondary Education Act of 1965 (20 U.S.C. 6394(c))*
25 *is amended—*

1 (1) in paragraph (1), by striking “1306(b)(1);”
2 and inserting “1306(a);”;

3 (2) in paragraph (3)—

4 (A) by striking “appropriate”;

5 (B) by striking “out, to the extent feasible,”
6 and inserting “out”; and

7 (C) by striking “1118;” and inserting
8 “1118, unless extraordinary circumstances make
9 implementation consistent with such section im-
10 practical;”; and

11 (3) in paragraph (7), by striking “section
12 1303(e)” and inserting “paragraphs (1)(A) and
13 (2)(B)(i) of section 1303(a)”.

14 **SEC. 133. AUTHORIZED ACTIVITIES.**

15 Section 1306 of the Elementary and Secondary Edu-
16 cation Act of 1965 (20 U.S.C. 6396) is amended to read
17 as follows:

18 **“SEC. 1306. AUTHORIZED ACTIVITIES.**

19 “(a) *IN GENERAL.*—

20 “(1) *FLEXIBILITY.*—Each State educational
21 agency, through its local educational agencies, shall
22 have the flexibility to determine the activities to be
23 provided with funds made available under this part,
24 except that such funds shall first be used to meet the
25 identified needs of migratory children that result from

1 *their migratory lifestyle, and to permit these children*
 2 *to participate effectively in school.*

3 “(2) *UNADDRESSED NEEDS.—Funds provided*
 4 *under this part shall be used to address the needs of*
 5 *migratory children that are not addressed by services*
 6 *available from other Federal or non-Federal pro-*
 7 *grams, except that migratory children who are eligible*
 8 *to receive services under part A of this title may re-*
 9 *ceive those services through funds provided under that*
 10 *part, or through funds under this part that remain*
 11 *after the agency addresses the needs described in*
 12 *paragraph (1).*

13 “(b) *CONSTRUCTION.—Nothing in this part shall be*
 14 *construed to prohibit a local educational agency from serv-*
 15 *ing migratory children simultaneously with students with*
 16 *similar educational needs in the same educational settings,*
 17 *where appropriate.*

18 “(c) *SPECIAL RULE.—Notwithstanding section 1114,*
 19 *a school that receives funds under this part shall continue*
 20 *to address the identified needs described in subsection*
 21 *(a)(1).”.*

22 **SEC. 134. COORDINATION OF MIGRANT EDUCATION ACTIVI-**
 23 **TIES.**

24 (a) *DURATION.—Section 1308(a)(2) of the Elementary*
 25 *and Secondary Education Act of 1965 (20 U.S.C.*

1 6398(a)(2)) is amended by striking “subpart” and inserting
2 “subsection”.

3 (b) *STUDENT RECORDS.*—Section 1308(b) of the Ele-
4 *mentary and Secondary Education Act of 1965 (20 U.S.C.*
5 *6398(b)) is amended to read as follows:*

6 “(b) *STUDENT RECORDS.*—

7 “(1) *ASSISTANCE.*—*The Secretary shall assist*
8 *States in developing effective methods for the transfer*
9 *of student records and in determining the number of*
10 *migratory children in each State. The Secretary, in*
11 *consultation with the States, shall determine the min-*
12 *imum data elements for records to be maintained and*
13 *transferred when funds under this part are used for*
14 *such purpose. The Secretary may assist States to im-*
15 *plement a system of electronic records maintenance*
16 *and transfer for migrant students.*

17 “(2) *NO COST FOR CERTAIN TRANSFERS.*—*A*
18 *State educational agency or local educational agency*
19 *receiving assistance under this part shall make stu-*
20 *dent records available to another local educational*
21 *agency that requests the records at no cost to the re-*
22 *questing agency, if the request is made in order to*
23 *meet the needs of a migratory child.”.*

24 (c) *AVAILABILITY OF FUNDS.*—Section 1308(c) of the
25 *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 Ele-*
4 *mentary and Secondary Education Act of 1965 (20 U.S.C.*
5 *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 ar-*
11 *rangement with another State or other appropriate entity*
12 *that the Secretary determines, pursuant to criteria that the*
13 *Secretary shall establish, will improve the delivery of serv-*
14 *ices to migratory children whose education is interrupted.”.*

15 **PART C—NEGLECTED OR DELINQUENT YOUTH**

16 **SEC. 141. NEGLECTED OR DELINQUENT YOUTH.**

17 *The heading for part D of title I is amended to read*
18 *as follows:*

19 **“PART D—PREVENTION AND INTERVENTION PRO-**
20 **GRAMS FOR NEGLECTED OR DELINQUENT**
21 **CHILDREN AND YOUTH”.**

22 **SEC. 142. FINDINGS.**

23 *Section 1401(a) is amended—*

1 (1) *in paragraph (3), by striking the following*
2 *“Preventing students from dropping out of local*
3 *schools and addressing” and inserting “Addressing”;*

4 (2) *by striking paragraphs (6) through (9) and*
5 *adding the following:*

6 *“(6) Youth returning from correctional facilities*
7 *need to be involved in programs that provide them*
8 *with high level skills and other support to help them*
9 *stay in school and complete their education.”.*

10 **SEC. 143. ALLOCATION OF FUNDS.**

11 *Section 1412(b) is amended to read as follows:*

12 “(b) *SUBGRANTS TO STATE AGENCIES IN PUERTO*
13 *RICO.—*

14 “(1) *IN GENERAL.—For each fiscal year, the*
15 *amount of the subgrant for which a State agency in*
16 *the Commonwealth of Puerto Rico shall be eligible to*
17 *receive under this part shall be the amount deter-*
18 *mined by multiplying the number of children counted*
19 *under subparagraph (a)(1)(A) for the Commonwealth*
20 *of Puerto Rico by the product of—*

21 “(A) *the percentage which the average per*
22 *pupil expenditure in the Commonwealth of Puer-*
23 *to Rico is of the lowest average per pupil expend-*
24 *iture of any of the 50 States; and*

1 “(B) 32 percent of the average per pupil ex-
2 penditure in the United States.

3 “(2) *MINIMUM ALLOCATION.*—The percentage in
4 paragraph (1)(A) shall not be less than—

5 “(A) for fiscal year 2000, 75.0 percent;

6 “(B) for fiscal year 2001, 77.5 percent;

7 “(C) for fiscal year 2002, 80.0 percent;

8 “(D) for fiscal year 2003, 82.5 percent; and

9 “(E) for fiscal year 2004 and succeeding fis-
10 cal years, 85.0 percent.

11 “(3) *SPECIAL RULE.*—If the application of para-
12 graph (2) would result in any of the 50 States or the
13 District of Columbia receiving less under this part
14 than it received under this part for the preceding fis-
15 cal year, the percentage in paragraph (1) shall be the
16 greater of the percentage in paragraph (1)(A) or the
17 percentage used for the preceding fiscal 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 part
25 shall submit, for approval by the Secretary, a plan

1 *for meeting the educational needs of neglected and de-*
2 *linquent youth, for assisting in their transition from*
3 *institutions to locally operated programs, and which*
4 *is integrated with other programs under this Act or*
5 *other Acts, as appropriate, consistent with section*
6 *14306.*

7 “(2) *CONTENTS.—Each such State plan shall—*

8 “(A) *describe the program goals, objectives,*
9 *and performance measures established by the*
10 *State that will be used to assess the effectiveness*
11 *of the program in improving academic and voca-*
12 *tional and technical skills of children in the pro-*
13 *gram;*

14 “(B) *provide that, to the extent feasible,*
15 *such children will have the same opportunities to*
16 *learn as such children would have if such chil-*
17 *dren were in the schools of local educational*
18 *agencies in the State; and*

19 “(C) *contain assurances that the State edu-*
20 *cational 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 re-
4 ceiving subgrants under this subpart com-
5 ply with all applicable statutory and regu-
6 latory requirements; and

7 “(iv) provide such other information as
8 the Secretary may reasonably require.

9 “(3) DURATION OF THE PLAN.—Each such State
10 plan shall—

11 “(A) remain in effect for the duration of the
12 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 approve
19 each State plan that meets the requirements of this
20 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 agen-
25 cy that desires to receive funds to carry out a program

1 *under this part shall submit an application to the State*
2 *educational agency that—*

3 “(1) *describes the procedures to be used, con-*
4 *sistent with the State plan under section 1111, to as-*
5 *sess the educational needs of the children to be served;*

6 “(2) *provides assurances that in making services*
7 *available to youth in adult correctional facilities, pri-*
8 *ority will be given to such youth who are likely to*
9 *complete incarceration within a 2-year period;*

10 “(3) *describes the program, including a budget*
11 *for the first year of the program, with annual updates*
12 *to be provided to the State educational agency;*

13 “(4) *describes how the program will meet the*
14 *goals and objectives of the State plan under this sub-*
15 *part;*

16 “(5) *describes how the State agency will consult*
17 *with experts and provide the necessary training for*
18 *appropriate staff, to ensure that the planning and op-*
19 *eration of institution-wide projects under section 1416*
20 *are of high quality;*

21 “(6) *describes how the agency will carry out the*
22 *evaluation requirements of section 14701 and how the*
23 *results of the most recent evaluation are used to plan*
24 *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 Investment
9 Act of 1998, vocational and technical education pro-
10 grams, State and local dropout prevention programs,
11 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 de-
22 velopment will be provided to teachers and other staff;

23 “(11) designates an individual in each affected
24 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 to
4 *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 which*
8 *students can continue their education if students are*
9 *not returning to school after leaving the correctional*
10 *facility;*

11 “(14) provides assurances that the agency will
12 *work with parents to secure parents’ assistance in im-*
13 *proving the educational achievement of their children*
14 *and preventing their children’s further involvement in*
15 *delinquent activities;*

16 “(15) provides assurances that the agency works
17 *with special education youth in order to meet an ex-*
18 *isting individualized education program and an as-*
19 *surance that the agency will notify the youth’s local*
20 *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 en-
3 tering the facility to encourage the youth to reenter
4 school once the term of the youth has been completed
5 or provide the youth with the skills necessary to gain
6 employment, continue the education of the youth, or
7 achieve a secondary school diploma or the recognized
8 equivalent if the youth does not intend to return to
9 school;

10 “(17) provides assurances that teachers and other
11 qualified staff are also trained to work with children
12 with disabilities and other students with special needs
13 taking into consideration the unique needs of such
14 students;

15 “(18) describes any additional services provided
16 to youth, such as career counseling, distance learning,
17 and assistance in securing student loans and grants;
18 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 Delin-
22 quency Prevention Act of 1974 or other comparable
23 programs, if applicable.”.

24 **SEC. 145. USE OF FUNDS.**

25 Section 1415(a) is amended—

1 (1) in paragraph (1)(B), by inserting “and voca-
2 tional and technical training” after “secondary school
3 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 children*
4 *returning from such school to a school not operated by a*
5 *correctional agency but served by such local educational*
6 *agency if more than 30 percent of the youth attending the*
7 *school operated by the correctional facility will reside out-*
8 *side the boundaries of the local educational agency after*
9 *leaving such facility.”.*

10 (3) *by adding at the end of section 1422 the fol-*
11 *lowing:*

12 “(d) *TRANSITIONAL AND ACADEMIC SERVICES.—Tran-*
13 *sitional and supportive programs operated in local edu-*
14 *cational agencies under this subpart shall be designed pri-*
15 *marily to meet the transitional and academic needs of stu-*
16 *dents returning to local educational agencies or alternative*
17 *education programs from correctional facilities. Services to*
18 *students at risk of dropping out of school shall not have*
19 *a negative impact on meeting the transitional and aca-*
20 *demic needs of the students returning from correctional fa-*
21 *cilities.”.*

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 schools
13 will coordinate with existing social and other services
14 to meet the needs of students returning from correc-
15 tional facilities and other participating students;

16 “(7) as appropriate, a description of any part-
17 nerships with local businesses to develop training,
18 curriculum-based youth entrepreneurship education
19 and mentoring services for participating students;

20 “(8) as appropriate, a description of how pro-
21 grams will involve parents in efforts to improve the
22 educational achievement of their children, prevent the
23 involvement of their children in delinquent activities,
24 and encourage their children to remain in school and
25 complete their education;

1 “(9) a description of how the program under this
2 subpart will be coordinated with other Federal, State,
3 and local programs, such as programs under the Job
4 Training Partnership Act or title I of the Workforce
5 Investment Act of 1998 and vocational and technical
6 education programs serving this at-risk population of
7 youth.”.

8 **SEC. 150. USES OF FUNDS.**

9 Section 1424 is amended by striking paragraphs (1)
10 through (3) and inserting the following:

11 “(1) programs that serve youth returning from
12 correctional facilities to local schools to assist in the
13 transition of such youth to the school environment
14 and help them remain in school in order to complete
15 their education;

16 “(2) providing assistance to other youth at risk
17 of dropping out of school;

18 “(3) the coordination of social and other services
19 for participating youth if the provision of such serv-
20 ices will improve the likelihood that such youth will
21 complete their education;

22 “(4) special programs to meet the unique aca-
23 demic needs of participating youth, including voca-
24 tional and technical education, special education, ca-
25 reer counseling, curriculum-based youth entrepreneur-

1 *ship education, and assistance in securing student*
2 *loans or grants for postsecondary education; and*
3 *“(5) programs providing mentoring and peer*
4 *mediation.”.*

5 **SEC. 151. PROGRAM REQUIREMENTS.**

6 *Section 1425 is amended—*

7 *(1) in paragraph (1), by striking “where feasible,*
8 *ensure educational programs” and inserting the fol-*
9 *lowing: “to the extent practicable, ensure that edu-*
10 *cational programs”;*

11 *(2) in paragraph (3), by striking “where fea-*
12 *sible,” and inserting the following: “to the extent*
13 *practicable,”;*

14 *(3) in paragraph (8), by striking “where fea-*
15 *sible,” and inserting the following: “to the extent*
16 *practicable,”;*

17 *(4) in paragraph (9), by inserting “and tech-*
18 *nical” after “vocational”; and*

19 *(5) by amending paragraph (11) to read as fol-*
20 *lows:*

21 *“(11) if appropriate, work with local businesses*
22 *to develop training, curriculum-based youth entrepre-*
23 *neurship education, and mentoring programs for*
24 *youth.”.*

1 **SEC. 152. ACCOUNTABILITY.**

2 *Section 1426(1) is amended by striking “male students*
3 *and for female students” and inserting “students”.*

4 **SEC. 153. PROGRAM EVALUATIONS.**

5 *Section 1431(a) is amended by striking “sex, and if*
6 *feasible,” and inserting “gender,”.*

7 **PART D—GENERAL PROVISIONS**

8 **SEC. 161. GENERAL PROVISIONS.**

9 *Part F of title I is amended to read as follows:*

10 **“PART F—GENERAL PROVISIONS**

11 **“SEC. 1601. FEDERAL REGULATIONS.**

12 *“(a) IN GENERAL.—The Secretary is authorized to*
13 *issue such regulations as are necessary to reasonably ensure*
14 *that there is compliance with this title.*

15 *“(b) NEGOTIATED RULEMAKING PROCESS.—*

16 *“(1) IN GENERAL.—Prior to publishing in the*
17 *Federal Register proposed regulations to carry out*
18 *this title, the Secretary shall obtain the advice and*
19 *recommendations of representatives of Federal, State,*
20 *and local administrators, parents, teachers, para-*
21 *professionals, and members of local boards of edu-*
22 *cation involved with the implementation and oper-*
23 *ation of programs under this title.*

24 *“(2) MEETINGS AND ELECTRONIC EXCHANGE.—*

25 *Such advice and recommendation may be obtained*

1 *through such mechanisms as regional meetings and*
2 *electronic exchanges of information.*

3 “(3) *PROPOSED REGULATIONS.*—*After obtaining*
4 *such advice and recommendations, and prior to pub-*
5 *lishing proposed regulations, the Secretary shall—*

6 “(A) *establish a negotiated rulemaking*
7 *process on a minimum of three key issues,*
8 *including—*

9 “(i) *accountability;*

10 “(ii) *implementation of assessments;*

11 “(iii) *use of paraprofessionals;*

12 “(B) *select individuals to participate in*
13 *such process from among individuals or groups*
14 *which provided advice and recommendations, in-*
15 *cluding representation from all geographic re-*
16 *gions of the United States; and*

17 “(C) *prepare a draft of proposed regulations*
18 *that shall be provided to the individuals selected*
19 *by the Secretary under subparagraph (B) not*
20 *less than 15 days prior to the first meeting*
21 *under such process.*

22 “(4) *PROCESS.*—*Such process—*

23 “(A) *shall be conducted in a timely manner*
24 *to ensure that final regulations are issued by the*
25 *Secretary not later than 1 year after the date of*

1 *the enactment of the Student Results Act of 1999;*
2 *and*

3 “(B) *shall not be subject to the Federal Ad-*
4 *visory Committee Act but shall otherwise follow*
5 *the provisions of the Negotiated Rulemaking Act*
6 *of 1990 (5 U.S.C. 561 et seq.).*

7 “(5) *EMERGENCY SITUATION.—In an emergency*
8 *situation in which regulations to carry out this title*
9 *must be issued within a very limited time to assist*
10 *State and local educational agencies with the oper-*
11 *ation of a program under this title, the Secretary*
12 *may issue proposed regulations without following*
13 *such process but shall, immediately thereafter and*
14 *prior to issuing final regulations, conduct regional*
15 *meetings to review such proposed regulations.*

16 “(c) *LIMITATION.—Regulations to carry out this part*
17 *may not require local programs to follow a particular in-*
18 *structional model, such as the provision of services outside*
19 *the regular classroom or school program.*

20 **“SEC. 1602. AGREEMENTS AND RECORDS.**

21 “(a) *AGREEMENTS.—All published proposed regula-*
22 *tions shall conform to agreements that result from nego-*
23 *tiated rulemaking described in section 1601 unless the Sec-*
24 *retary reopens the negotiated rulemaking process or pro-*
25 *vides a written explanation to the participants involved in*

1 *the process explaining why the Secretary decided to depart*
2 *from and not adhere to such agreements.*

3 “(b) *RECORDS.*—*The Secretary shall ensure that an*
4 *accurate and reliable record of agreements reached during*
5 *the negotiations process is maintained.*

6 **“SEC. 1603. STATE ADMINISTRATION.**

7 “(a) *RULEMAKING.*—

8 “(1) *IN GENERAL.*—*Each State that receives*
9 *funds under this title shall—*

10 “(A) *ensure that any State rules, regula-*
11 *tions, and policies relating to this title conform*
12 *to the purposes of this title and provide any such*
13 *proposed rules, regulations, and policies to the*
14 *committee of practitioners under subsection (b)*
15 *for their review and comment;*

16 “(B) *minimize such rules, regulations, and*
17 *policies to which their local educational agencies*
18 *and schools are subject;*

19 “(C) *eliminate or modify State and local*
20 *fiscal accounting requirements in order to facili-*
21 *tate the ability of schools to consolidate funds*
22 *under schoolwide programs; and*

23 “(D) *identify any such rule, regulation, or*
24 *policy as a State-imposed requirement.*

1 “(2) *SUPPORT AND FACILITATION.*—*State rules,*
2 *regulations, and policies under this title shall support*
3 *and facilitate local educational agency and school-*
4 *level systemic reform designed to enable all children*
5 *to meet the challenging State student performance*
6 *standards.*

7 “(b) *COMMITTEE OF PRACTITIONERS.*—

8 “(1) *IN GENERAL.*—*Each State educational*
9 *agency shall create a State committee of practitioners*
10 *to advise the State in carrying out its responsibilities*
11 *under this title.*

12 “(2) *MEMBERSHIP.*—*Each such committee shall*
13 *include—*

14 “(A) *as a majority of its members, rep-*
15 *resentatives from local educational agencies;*

16 “(B) *administrators, including the admin-*
17 *istrators of programs described in other parts of*
18 *this title;*

19 “(C) *teachers, including vocational edu-*
20 *cators;*

21 “(D) *parents;*

22 “(E) *members of local boards of education;*

23 “(F) *representatives of private school chil-*
24 *dren; and*

25 “(G) *pupil services personnel.*

1 “(3) *DUTIES.*—*The duties of such committee*
2 *shall include a review, prior to publication, of any*
3 *proposed or final State rule or regulation pursuant to*
4 *this title. In an emergency situation where such rule*
5 *or regulation must be issued within a very limited*
6 *time to assist local educational agencies with the op-*
7 *eration of the program under this title, the State edu-*
8 *cational agency may issue a regulation without prior*
9 *consultation, but shall immediately thereafter convene*
10 *the State committee of practitioners to review the*
11 *emergency regulation prior to issuance in final form.*

12 **“SEC. 1604. CONSTRUCTION.**

13 “(a) *PROHIBITION OF FEDERAL MANDATES, DIREC-*
14 *TION, OR CONTROL.*—*Nothing in this title shall be construed*
15 *to authorize an officer or employee of the Federal Govern-*
16 *ment to mandate, direct, or control a State, local edu-*
17 *cational agency, or school’s specific instructional content or*
18 *pupil performance standards and assessments, curriculum,*
19 *or program of instruction as a condition of eligibility to*
20 *receive funds under this title.*

21 “(b) *EQUALIZED SPENDING.*—*Nothing in this title*
22 *shall be construed to mandate equalized spending per pupil*
23 *for a State, local educational agency, or school.*

1 “(c) *BUILDING STANDARDS.*—*Nothing in this title*
2 *shall be construed to mandate national school building*
3 *standards for a State, local educational agency, or school.*

4 “**SEC. 1605. APPLICABILITY TO HOME SCHOOLS.**

5 “*Nothing in this Act shall be construed to affect home*
6 *schools.*

7 “**SEC. 1606. GENERAL PROVISION REGARDING NON-**
8 **RECIPIENT NONPUBLIC SCHOOLS.**

9 “*Nothing in this Act shall be construed to permit,*
10 *allow, encourage, or authorize any Federal control over any*
11 *aspect of any private, religious, or home school, whether or*
12 *not a home school is treated as a private school or home*
13 *school under State law. This section shall not be construed*
14 *to bar private, religious, or home schools from participation*
15 *in programs or services under this Act.*

16 “**SEC. 1607. LOCAL ADMINISTRATIVE COST LIMITATION.**

17 “(a) *LOCAL ADMINISTRATIVE COST LIMITATION.*—
18 *Each local educational agency may use not more than 4*
19 *percent of funds received under part A for administrative*
20 *expenses.*

21 “(b) *REGULATIONS.*—*The Secretary, after consulting*
22 *with State and local officials and other experts in school*
23 *finance, shall develop and issue regulations that define the*
24 *term administrative cost for purposes of this title. Such def-*
25 *inition shall be consistent with generally accepted account-*

1 *ing principles. The Secretary shall publish final regulations*
2 *on this section not later than 1 year after the date of enact-*
3 *ment of the Student Results Act of 1999.*

4 **“SEC. 1608. PROHIBITION ON MANDATORY NATIONAL CER-**
5 **TIFICATION OF TEACHERS AND PARAPROFES-**
6 **SIONALS.**

7 *“(a) PROHIBITION ON MANDATORY TESTING OR CER-*
8 *TIFICATION.—Notwithstanding any other provision of law,*
9 *the Secretary is prohibited from using Federal funds to*
10 *plan, develop, implement, or administer any mandatory*
11 *national teacher or paraprofessional test or certification.*

12 *“(b) PROHIBITION ON WITHHOLDING FUNDS.—The*
13 *Secretary is prohibited from withholding funds from any*
14 *State or local educational agency if such State or local edu-*
15 *cational agency fails to adopt a specific method of teacher*
16 *or paraprofessional certification.*

17 **“SEC. 1609. GAO STUDIES.**

18 *“(a) STUDY ON PARAPROFESSIONALS.—The General*
19 *Accounting Office shall conduct a study of paraprofes-*
20 *sionals under part A of title I.*

21 *“(b) STUDY ON PORTABILITY.—The General Account-*
22 *ing Office shall conduct a study regarding how funds made*
23 *available under this title could follow a child from school*
24 *to school.*

1 “(c) *STUDY ON ELECTRONIC TRANSFER OF MIGRANT*
2 *STUDENT RECORDS.*—*The General Accounting Office shall*
3 *conduct a study on the feasibility of electronically transfer-*
4 *ring and maintaining migrant student records.*

5 “(d) *EVALUATION BY GENERAL ACCOUNTING OF-*
6 *FICE.*—*Not later than October 1, 2001, the Comptroller*
7 *General shall conduct a comprehensive analysis and evalua-*
8 *tion regarding the impact on this title of individual waivers*
9 *for schools, local educational agency waivers, and statewide*
10 *wavers granted pursuant to the Education Flexibility*
11 *Partnership Act of 1999 (20 U.S.C. 589a et seq.). The*
12 *Comptroller General shall submit a report to the Committee*
13 *on Education and the Workforce of the House of Representa-*
14 *tives. In conducting such analysis and evaluation, the*
15 *Comptroller General shall consider the following factors:*

16 “(1) *CONSISTENCY.*—*The extent to which the*
17 *State’s educational flexibility plan is consistent with*
18 *ensuring high standards for all children and aligning*
19 *the efforts of States, local educational agencies, and*
20 *schools to help children served under this title to reach*
21 *such standards.*

22 “(2) *STATE WAIVERS.*—*Evaluate the effect that*
23 *wavers of State law have on addressing the needs*
24 *and the performance of students in schools subject to*
25 *this title.*

1 “(3) *ALLOCATION OF FUNDS.*—*The extent to*
2 *which waivers have affected the allocation of funds to*
3 *schools, including schools with the highest concentra-*
4 *tions of poverty, and schools with the highest edu-*
5 *cational needs, that are eligible to receive funds under*
6 *this title.*

7 **“SEC. 1610. DEFINITIONS.**

8 *“For purposes of this title—*

9 “(1) *The term ‘Secretary’ means the Secretary of*
10 *Education.*

11 “(2) *FULLY QUALIFIED.*—*The term ‘fully*
12 *qualified’—*

13 *“(A) when used with respect to a public ele-*
14 *mentary or secondary school teacher (other than*
15 *a teacher teaching in a public charter school),*
16 *means that the teacher has obtained State certifi-*
17 *cation as a teacher (including certification ob-*
18 *tained through alternative routes to certification)*
19 *or passed the State teacher licensing exam and*
20 *holds a license to teach in such State; and*

21 *“(B) when used with respect to —*

22 *“(i) an elementary school teacher,*
23 *means that the teacher holds a bachelor’s de-*
24 *gree and demonstrates knowledge and teach-*
25 *ing skills in reading, writing, mathematics,*

1 *science, and other areas of the elementary*
2 *school curriculum; or*

3 “(ii) a middle or secondary school
4 teacher, means that the teacher holds a
5 bachelor’s degree and demonstrates a high
6 level of competency in all subject areas in
7 which he or she teaches through—

8 “(I) a high level of performance
9 on a rigorous State or local academic
10 subject areas test; or

11 “(II) completion of an academic
12 major in each of the subject areas in
13 which he or she provides instruction.

14 “(3) The term ‘scientifically-based research’—

15 “(A) means the application of rigorous, sys-
16 tematic, and objective procedures; and

17 “(B) shall include research that—

18 “(i) employs systematic, empirical
19 methods that draw on observation or experi-
20 ment;

21 “(ii) involves rigorous data analyses
22 that are adequate to test the stated
23 hypotheses and justify the general conclu-
24 sions drawn;

1 “(iii) relies on measurements or obser-
2 vational methods that provide valid data
3 across evaluators and observers and across
4 multiple measurements and observations;
5 and

6 “(iv) has been accepted by a peer-re-
7 viewed journal or approved by a panel of
8 independent experts through a comparably
9 rigorous, objective, and scientific review.

10 **“SEC. 1611. PAPERWORK REDUCTION.**

11 “(a) *FINDINGS.*—*The Congress finds that—*

12 “(1) *instruction and other classroom activities*
13 *provide the greatest opportunity for students, espe-*
14 *cially at-risk and disadvantaged students, to attain*
15 *high standards and achieve academic success;*

16 “(2) *one of the greatest obstacles to establishing*
17 *an effective, classroom-centered education system is*
18 *the cost of paperwork compliance;*

19 “(3) *paperwork places a burden on teachers and*
20 *administrators who must complete Federal and State*
21 *forms to apply for Federal funds and absorbs time*
22 *and money which otherwise would be spent on stu-*
23 *dents;*

24 “(4) *the Education at a Crossroads Report re-*
25 *leased in 1998 by the Education Subcommittee on*

1 *Oversight and Investigations states that requirements*
2 *by the Department of Education result in more than*
3 *48.6 million hours of paperwork per year; and*

4 *“(5) paperwork distracts from the mission of*
5 *schools, encumbers teachers and administrators with*
6 *nonacademic responsibilities, and competes with*
7 *teaching and classroom activities which promote*
8 *learning and achievement.*

9 *“(b) SENSE OF CONGRESS.—It is the sense of the Con-*
10 *gress that Federal and State educational agencies should*
11 *reduce the paperwork requirements placed on schools, teach-*
12 *ers, principals, and other administrators.”.*

13 ***PART E—COMPREHENSIVE SCHOOL REFORM***

14 ***SEC. 171. COMPREHENSIVE SCHOOL REFORM.***

15 *Title I is amended by adding at the end the following:*

16 ***“PART G—COMPREHENSIVE SCHOOL REFORM***

17 ***“SEC. 1701. COMPREHENSIVE SCHOOL REFORM.***

18 *“(a) FINDINGS AND PURPOSE.—*

19 *“(1) FINDINGS.—Congress finds the following:*

20 *“(A) A number of schools across the country*
21 *have shown impressive gains in student perform-*
22 *ance through the use of comprehensive models for*
23 *schoolwide change that incorporate virtually all*
24 *aspects of school operations.*

1 “(B) *No single comprehensive school reform*
2 *model may be suitable for every school, however,*
3 *schools should be encouraged to examine success-*
4 *ful, externally developed comprehensive school re-*
5 *form approaches as they undertake comprehen-*
6 *sive school reform.*

7 “(C) *Comprehensive school reform is an im-*
8 *portant means by which children are assisted in*
9 *meeting challenging State student performance*
10 *standards.*

11 “(2) *PURPOSE.*—*The purpose of this section is to*
12 *provide financial incentives for schools to develop*
13 *comprehensive school reforms, based upon scientif-*
14 *ically-based research and effective practices that in-*
15 *clude an emphasis on basic academics and parental*
16 *involvement so that all children can meet challenging*
17 *State content and performance standards.*

18 “(b) *PROGRAM AUTHORIZED.*—

19 “(1) *IN GENERAL.*—*The Secretary is authorized*
20 *to provide grants to State educational agencies to*
21 *provide subgrants to local educational agencies to*
22 *carry out the purpose described in subsection (a)(2).*

23 “(2) *ALLOCATION.*—

1 “(A) *RESERVATION.*—Of the amount appro-
2 priated under this section, the Secretary may
3 reserve—

4 “(i) not more than 1 percent for
5 schools supported by the Bureau of Indian
6 Affairs and in the United States Virgin Is-
7 lands, Guam, American Samoa, and the
8 Commonwealth of the Northern Mariana Is-
9 lands; and

10 “(ii) not more than 1 percent to con-
11 duct national evaluation activities described
12 under subsection (e).

13 “(B) *IN GENERAL.*—Of the amount of funds
14 remaining after the reservation under subpara-
15 graph (A), the Secretary shall allocate to each
16 State for a fiscal year, an amount that bears the
17 same ratio to the amount appropriated for that
18 fiscal year as the amount made available under
19 section 1124 to the State for the preceding fiscal
20 year bears to the total amount allocated under
21 section 1124 to all States for that year.

22 “(C) *REALLOCATION.*—If a State does not
23 apply for funds under this section, the Secretary
24 shall reallocate any such funds to other States
25 that the Secretary considers in need of addi-

1 *tional funds to carry out the purposes of this sec-*
2 *tion.*

3 “(c) *STATE AWARDS.*—

4 “(1) *STATE APPLICATION.*—

5 “(A) *IN GENERAL.*—*Each State educational*
6 *agency that desires to receive a grant under this*
7 *section shall submit an application to the Sec-*
8 *retary at such time, in such manner and con-*
9 *taining such other information as the Secretary*
10 *may reasonably require.*

11 “(B) *CONTENTS.*—*Each State application*
12 *shall also describe—*

13 “(i) *the process and selection criteria*
14 *by which the State educational agency,*
15 *using expert review, will select local edu-*
16 *cational agencies to receive subgrants under*
17 *this section.*

18 “(ii) *how the agency will ensure that*
19 *only comprehensive school reforms that are*
20 *based on scientifically-based research receive*
21 *funds under this section;*

22 “(iii) *how the agency will disseminate*
23 *materials regarding information on com-*
24 *prehensive school reforms that are based on*
25 *scientifically-based research;*

1 “(iv) how the agency will evaluate the
2 implementation of such reforms and meas-
3 ure the extent to which the reforms resulted
4 in increased student academic performance;
5 and

6 “(v) how the agency will provide, upon
7 request, technical assistance to the local edu-
8 cational agency in evaluating, developing,
9 and implementing comprehensive school re-
10 form.

11 “(2) *USES OF FUNDS.*—

12 “(A) *IN GENERAL.*—Except as provided in
13 subparagraph (E), a State educational agency
14 that receives an award under this section shall
15 use such funds to provide competitive grants to
16 local educational agencies receiving funds under
17 part A.

18 “(B) *GRANT REQUIREMENTS.*—A grant to a
19 local educational agency shall be—

20 “(i) of sufficient size and scope to sup-
21 port the initial costs for the particular com-
22 prehensive school reform plan selected or de-
23 signed by each school identified in the ap-
24 plication of the local educational agency;

1 “(ii) in an amount not less than
2 \$50,000 to each participating school; and

3 “(iii) renewable for 2 additional 1-
4 year periods after the initial 1-year grant is
5 made if schools are making substantial
6 progress in the implementation of their re-
7 forms.

8 “(C) *PRIORITY.*—The State, in awarding
9 grants under this paragraph, shall give priority
10 to local educational agencies that—

11 “(i) plan to use the funds in schools
12 identified as being in need of improvement
13 or corrective action under section 1116(c);
14 and

15 “(ii) demonstrate a commitment to as-
16 sist schools with budget allocation, profes-
17 sional development, and other strategies
18 necessary to ensure the comprehensive school
19 reforms are properly implemented and are
20 sustained in the future.

21 “(D) *GRANT CONSIDERATION.*—In making
22 subgrant awards under this part, the State edu-
23 cational agency shall take into account the equi-
24 table distribution of awards to different geo-
25 graphic regions within the State, including

1 *urban and rural areas, and to schools serving el-*
2 *ementary and secondary students.*

3 “(E) *ADMINISTRATIVE COSTS.*—*A State*
4 *educational agency that receives a grant award*
5 *under this section may reserve not more than 5*
6 *percent of such award for administrative, eval-*
7 *uation, and technical assistance expenses.*

8 “(F) *SUPPLEMENT.*—*Funds made available*
9 *under this section shall be used to supplement,*
10 *not supplant, any other Federal, State, or local*
11 *funds that would otherwise be available to carry*
12 *out this section.*

13 “(3) *REPORTING.*—*Each State educational agen-*
14 *cy that receives an award under this section shall*
15 *provide to the Secretary such information as the Sec-*
16 *retary may require, including the names of local edu-*
17 *cational agencies and schools selected to receive*
18 *subgrant awards under this section, the amount of*
19 *such award, and a description of the comprehensive*
20 *school reform model selected and in use.*

21 “(d) *LOCAL AWARDS.*—

22 “(1) *IN GENERAL.*—*Each local educational agen-*
23 *cy that applies for a subgrant under this section*
24 *shall—*

1 “(A) identify which schools eligible for
2 funds under part A plan to implement a com-
3 prehensive school reform program, including the
4 projected costs of such a program;

5 “(B) describe the scientifically-based com-
6 prehensive school reforms that such schools will
7 implement;

8 “(C) describe how the agency will provide
9 technical assistance and support for the effective
10 implementation of the scientifically-based school
11 reforms selected by such schools; and

12 “(D) describe how the agency will evaluate
13 the implementation of such reforms and measure
14 the results achieved in improving student aca-
15 demic performance.

16 “(2) COMPONENTS OF THE PROGRAM.—A local
17 educational agency that receives a subgrant award
18 under this section shall provide such funds to schools
19 that implement a comprehensive school reform pro-
20 gram that—

21 “(A) employs innovative strategies and
22 proven methods for student learning, teaching,
23 and school management that are based on sci-
24 entifically-based research and effective practices

1 *and have been replicated successfully in schools*
2 *with diverse characteristics;*

3 “(B) integrates a comprehensive design for
4 *effective school functioning, including instruc-*
5 *tion, assessment, classroom management, profes-*
6 *sional development, parental involvement, and*
7 *school management, that aligns the school’s cur-*
8 *riculum, technology, professional development*
9 *into a comprehensive reform plan for schoolwide*
10 *change designed to enable all students to meet*
11 *challenging State content and challenging stu-*
12 *dent performance standards and addresses needs*
13 *identified through a school needs assessment;*

14 “(C) provides high-quality and continuous
15 *teacher and staff professional development;*

16 “(D) includes measurable goals for student
17 *performance and benchmarks for meeting such*
18 *goals;*

19 “(E) is supported by teachers, principals,
20 *administrators, and other professional staff;*

21 “(F) provides for the meaningful involve-
22 *ment of parents and the local community in*
23 *planning and implementing school improvement*
24 *activities;*

1 “(G) uses high quality external technical
2 support and assistance from an entity, which
3 may be an institution of higher education, with
4 experience and expertise in schoolwide reform
5 and improvement;

6 “(H) includes a plan for the evaluation of
7 the implementation of school reforms and the
8 student results achieved; and

9 “(I) identifies how other resources, includ-
10 ing Federal, State, local, and private resources,
11 available to the school will be used to coordinate
12 services to support and sustain the school reform
13 effort.

14 “(3) *SPECIAL RULE.*—A school that receives
15 funds to develop a comprehensive school reform pro-
16 gram shall not be limited to using the approaches
17 identified or developed by the Department of Edu-
18 cation, but may develop its own comprehensive school
19 reform programs for schoolwide change that comply
20 with paragraph (2).

21 “(e) *EVALUATION AND REPORT.*—

22 “(1) *IN GENERAL.*—The Secretary shall develop
23 a plan for a national evaluation of the programs de-
24 veloped pursuant to this section.

1 “(2) *EVALUATION.*—*This national evaluation*
2 *shall evaluate the implementation and results*
3 *achieved by schools after 3 years of implementing*
4 *comprehensive school reforms, and assess the effective-*
5 *ness of comprehensive school reforms in schools with*
6 *diverse characteristics.*

7 “(3) *REPORTS.*—*Prior to the completion of a na-*
8 *tional evaluation, the Secretary shall submit an in-*
9 *terim report outlining first year implementation ac-*
10 *tivities to the Committees on Education and the*
11 *Workforce and Appropriations of the House of Rep-*
12 *resentatives and the Committees on Health, Edu-*
13 *cation, Labor, and Pensions and Appropriations of*
14 *the Senate.*

15 “(f) *DEFINITION.*—*The term ‘scientifically-based*
16 *research’—*

17 “(1) *means the application of rigorous, system-*
18 *atic, and objective procedures in the development of*
19 *comprehensive school reform models; and*

20 “(2) *shall include research that—*

21 “(A) *employs systematic, empirical methods*
22 *that draw on observation or experiment;*

23 “(B) *involves rigorous data analyses that*
24 *are adequate to test the stated hypotheses and*
25 *justify the general conclusions drawn;*

1 “(C) *relies on measurements or observa-*
 2 *tional methods that provide valid data across*
 3 *evaluators and observers and across multiple*
 4 *measurements and observations; and*

5 “(D) *has been accepted by a peer-reviewed*
 6 *journal or approved by a panel of independent*
 7 *experts through a comparably rigorous, objective,*
 8 *and scientific review.*

9 “(g) *AUTHORIZATION OF APPROPRIATIONS.—There*
 10 *are authorized to carry out this section \$175,000,000 for*
 11 *fiscal year 2000 and such sums as may be necessary for*
 12 *each of the 4 succeeding fiscal years.*

13 ***TITLE II—MAGNET SCHOOLS AS-***
 14 ***SISTANCE AND PUBLIC***
 15 ***SCHOOL CHOICE***

16 ***SEC. 201. MAGNET SCHOOLS ASSISTANCE.***

17 *Title V of the Elementary and Secondary Education*
 18 *Act of 1965 (20 U.S.C. 7201 et seq.) is amended to read*
 19 *a follows:*

20 ***“TITLE V—MAGNET SCHOOLS AS-***
 21 ***SISTANCE AND PUBLIC***
 22 ***SCHOOL CHOICE***

23 ***“PART A—MAGNET SCHOOL ASSISTANCE***

24 ***“SEC. 5101. FINDINGS.***

25 *“The Congress finds that—*

1 “(1) magnet schools are a significant part of our
2 Nation’s effort to achieve voluntary desegregation in
3 our Nation’s schools;

4 “(2) the use of magnet schools has increased dra-
5 matically since the date of enactment of the Magnet
6 Schools Assistance program, with approximately
7 2,000,000 students nationwide now attending such
8 schools, of which more than 65 percent of the students
9 are nonwhite;

10 “(3) magnet schools offer a wide range of distinc-
11 tive programs that have served as models for school
12 improvement efforts;

13 “(4) in administering the Magnet Schools Assist-
14 ance program, the Federal Government has learned
15 that—

16 “(A) where magnet programs are imple-
17 mented for only a portion of a school’s student
18 body, special efforts must be made to discourage
19 the isolation of—

20 “(i) magnet school students from other
21 students in the school; and

22 “(ii) students by racial characteristics;

23 “(B) local educational agencies can maxi-
24 mize their effectiveness in achieving the purposes
25 of the Magnet Schools Assistance program if such

1 *agencies have more flexibility in the administra-*
2 *tion of such program in order to serve students*
3 *attending a school who are not enrolled in the*
4 *magnet school program;*

5 *“(C) local educational agencies must be cre-*
6 *ative in designing magnet schools for students at*
7 *all academic levels, so that school districts do not*
8 *select only the highest achieving students to at-*
9 *tend the magnet schools;*

10 *“(D) consistent with desegregation guide-*
11 *lines, local educational agencies must seek to en-*
12 *able participation in magnet school programs by*
13 *students who reside in the neighborhoods where*
14 *the programs operate; and*

15 *“(E) in order to ensure that magnet schools*
16 *are sustained after Federal funding ends, the*
17 *Federal Government must assist school districts*
18 *to improve their capacity to continue to operate*
19 *magnet schools at a high level of performance;*
20 *and*

21 *“(5) it is in the best interest of the Federal Gov-*
22 *ernment to—*

23 *“(A) continue the Federal Government’s*
24 *support of school districts implementing court-*
25 *ordered desegregation plans and school districts*

1 *voluntarily seeking to foster meaningful inter-*
2 *action among students of different racial and*
3 *ethnic backgrounds, beginning at the earliest*
4 *stage of such students' education;*

5 “(B) ensure that all students have equitable
6 access to quality education that will prepare
7 such students to function well in a techno-
8 logically oriented society and a highly competi-
9 tive economy;

10 “(C) maximize the ability of local edu-
11 cational agencies to plan, develop, implement
12 and continue effective and innovative magnet
13 schools that contribute to State and local sys-
14 temic reform; and

15 “(D) ensure that grant recipients provide
16 adequate data which demonstrates an ability to
17 improve student achievement.

18 **“SEC. 5102. STATEMENT OF PURPOSE.**

19 *“The purpose of this part is to assist in the desegrega-*
20 *tion of schools served by local educational agencies by pro-*
21 *viding financial assistance to eligible local educational*
22 *agencies for—*

23 *“(1) the elimination, reduction, or prevention of*
24 *minority group isolation in elementary and sec-*

1 *ondary schools with substantial proportions of minor-*
2 *ity students;*

3 *“(2) the development and implementation of*
4 *magnet school projects that will assist local edu-*
5 *cational agencies in achieving systemic reforms and*
6 *providing all students the opportunity to meet chal-*
7 *lenging State content standards and challenging State*
8 *student performance standards;*

9 *“(3) the development and design of innovative*
10 *educational methods and practices that promote di-*
11 *versity and increase choices in public elementary and*
12 *secondary schools and educational programs; and*

13 *“(4) courses of instruction within magnet schools*
14 *that will substantially strengthen the knowledge of*
15 *academic subjects and the grasp of tangible and mar-*
16 *ketable vocational and technical skills of students at-*
17 *tending such schools.*

18 **“SEC. 5103. PROGRAM AUTHORIZED.**

19 *“The Secretary, in accordance with this part, is au-*
20 *thorized to make grants to eligible local educational agen-*
21 *cies, and consortia of such agencies where appropriate, to*
22 *carry out the purpose of this part for magnet schools that*
23 *are—*

24 *“(1) part of an approved desegregation plan;*
25 *and*

1 “(2) designed to bring students from different so-
2 cial, economic, ethnic, and racial backgrounds to-
3 gether.

4 **“SEC. 5104. DEFINITION.**

5 “*For the purpose of this part, the term ‘magnet school’*
6 *means a public elementary or secondary school or public*
7 *elementary or secondary education center that offers a spe-*
8 *cial curriculum capable of attracting substantial numbers*
9 *of students of different racial backgrounds.*

10 **“SEC. 5105. ELIGIBILITY.**

11 “*A local educational agency, or consortium of such*
12 *agencies where appropriate, is eligible to receive assistance*
13 *under this part to carry out the purposes of this part if*
14 *such agency or consortium—*

15 “(1) *is implementing a plan undertaken pursu-*
16 *ant to a final order issued by a court of the United*
17 *States, or a court of any State, or any other State*
18 *agency or official of competent jurisdiction, that re-*
19 *quires the desegregation of minority-group-segregated*
20 *children or faculty in the elementary and secondary*
21 *schools of such agency; or*

22 “(2) *without having been required to do so, has*
23 *adopted and is implementing, or will, if assistance is*
24 *made available to such local educational agency or*
25 *consortium of such agencies under this part, adopt*

1 *and implement a plan that has been approved by the*
2 *Secretary as adequate under title VI of the Civil*
3 *Rights Act of 1964 for the desegregation of minority-*
4 *group-segregated children or faculty in such schools.*

5 **“SEC. 5106. APPLICATIONS AND REQUIREMENTS.**

6 “(a) *APPLICATIONS.*—*An eligible local educational*
7 *agency or consortium of such agencies desiring to receive*
8 *assistance under this part shall submit an application to*
9 *the Secretary at such time, in such manner, and containing*
10 *such information and assurances as the Secretary may rea-*
11 *sonably require.*

12 “(b) *INFORMATION AND ASSURANCES.*—*Each such ap-*
13 *plication shall include—*

14 “(1) *a description of—*

15 “(A) *how assistance made available under*
16 *this part will be used to promote desegregation,*
17 *including how the proposed magnet school project*
18 *will increase interaction among students of dif-*
19 *ferent social, economic, ethnic, and racial back-*
20 *grounds;*

21 “(B) *the manner and extent to which the*
22 *magnet school project will increase student*
23 *achievement in the instructional area or areas*
24 *offered by the school;*

1 “(C) how an applicant will continue the
2 magnet school project after assistance under this
3 part is no longer available, including, if applica-
4 ble, an explanation of why magnet schools estab-
5 lished or supported by the applicant with funds
6 under this part cannot be continued without the
7 use of funds under this part;

8 “(D) how funds under this part will be used
9 to improve student academic performance for all
10 students attending the magnet schools; and

11 “(E) the criteria to be used in selecting stu-
12 dents to attend the proposed magnet school
13 projects; and

14 “(2) assurances that the applicant will—

15 “(A) use funds under this part for the pur-
16 poses specified in section 5102;

17 “(B) employ fully qualified teachers (as de-
18 fined in section 1119) in the courses of instruc-
19 tion assisted under this part;

20 “(C) not engage in discrimination based on
21 race, religion, color, national origin, sex, or dis-
22 ability in—

23 “(i) the hiring, promotion, or assign-
24 ment of employees of the agency or other

1 *personnel for whom the agency has any ad-*
2 *ministrative responsibility;*

3 *“(ii) the assignment of students to*
4 *schools, or to courses of instruction within*
5 *the school, of such agency, except to carry*
6 *out the approved plan; and*

7 *“(iii) designing or operating extra-*
8 *curricular activities for students;*

9 *“(D) carry out a high-quality education*
10 *program that will encourage greater parental de-*
11 *cisionmaking and involvement; and*

12 *“(E) give students residing in the local at-*
13 *tendance area of the proposed magnet school*
14 *projects equitable consideration for placement in*
15 *those projects.*

16 **“SEC. 5107. PRIORITY.**

17 *“In approving applications under this part, the Sec-*
18 *retary shall give priority to applicants that—*

19 *“(1) demonstrate the greatest need for assistance,*
20 *based on the expense or difficulty of effectively car-*
21 *rying out an approved desegregation plan and the*
22 *projects for which assistance is sought;*

23 *“(2) propose to carry out new magnet school*
24 *projects, or significantly revise existing magnet school*
25 *projects; and*

1 “(3) propose to select students to attend magnet
2 school projects by methods such as lottery, rather than
3 through academic examination.

4 **“SEC. 5108. USE OF FUNDS.**

5 “(a) *IN GENERAL.*—Grant funds made available under
6 this part may be used by an eligible local educational agen-
7 cy or consortium of such agencies—

8 “(1) for planning and promotional activities di-
9 rectly related to the development, expansion, continu-
10 ation, or enhancement of academic programs and
11 services offered at magnet schools;

12 “(2) for the acquisition of books, materials, and
13 equipment, including computers and the maintenance
14 and operation thereof, necessary for the conduct of
15 programs in magnet schools;

16 “(3) for the payment, or subsidization of the
17 compensation, of elementary and secondary school
18 teachers who are fully qualified (as defined in section
19 1119), and instructional staff where applicable, who
20 are necessary for the conduct of programs in magnet
21 schools;

22 “(4) with respect to a magnet school program of-
23 fered to less than the entire student population of a
24 school, for instructional activities that—

1 “(A) are designed to make available the spe-
2 cial curriculum that is offered by the magnet
3 school project to students who are enrolled in the
4 school but who are not enrolled in the magnet
5 school program; and

6 “(B) further the purposes of this part; and

7 “(5) for activities, which may include profes-
8 sional development, that will build the recipient’s ca-
9 pacity to operate magnet school programs once the
10 grant period has ended.

11 “(b) *SPECIAL RULE.*—Grant funds under this part
12 may be used in accordance with paragraphs (2) and (3)
13 of subsection (a) only if the activities described in such
14 paragraphs are directly related to improving the students’
15 academic performance based on the State’s challenging con-
16 tent standards and challenging student performance stand-
17 ards or directly related to improving the students’ reading
18 skills or knowledge of mathematics, science, history, geog-
19 raphy, English, foreign languages, art, or music, or to im-
20 proving vocational and technical skills.

21 “**SEC. 5109. PROHIBITIONS.**

22 “(a) *TRANSPORTATION.*—Grants under this part may
23 not be used for transportation or any activity that does not
24 augment academic improvement.

1 “(b) *PLANNING.*—A local educational agency shall not
2 *expend funds under this part after the third year that such*
3 *agency receives funds under this part for such project.*

4 **“SEC. 5110. LIMITATIONS.**

5 “(a) *DURATION OF AWARDS.*—A grant under this part
6 *shall be awarded for a period that shall not exceed three*
7 *fiscal years.*

8 “(b) *LIMITATION ON PLANNING FUNDS.*—A local edu-
9 *cational agency may expend for planning not more than*
10 *50 percent of the funds received under this part for the first*
11 *year of the project, 15 percent of such funds for the second*
12 *such year, and 10 percent of such funds for the third such*
13 *year.*

14 “(c) *AMOUNT.*—No local educational agency or consor-
15 *tium awarded a grant under this part shall receive more*
16 *than \$4,000,000 under this part in any one fiscal year.*

17 “(d) *TIMING.*—To the extent practicable, the Secretary
18 *shall award grants for any fiscal year under this part not*
19 *later than July 1 of the applicable fiscal year.*

20 **“SEC. 5111. EVALUATIONS.**

21 “(a) *RESERVATION.*—The Secretary may reserve not
22 *more than two percent of the funds appropriated under sec-*
23 *tion 5112(a) for any fiscal year to carry out evaluations,*
24 *technical assistance, and dissemination projects with re-*

1 *spect to magnet school projects and programs assisted under*
2 *this part.*

3 “(b) *CONTENTS.*—*Each evaluation described in sub-*
4 *section (a), at a minimum, shall address—*

5 “(1) *how and the extent to which magnet school*
6 *programs lead to educational quality and improve-*
7 *ment;*

8 “(2) *the extent to which magnet school programs*
9 *enhance student access to quality education;*

10 “(3) *the extent to which magnet school programs*
11 *lead to the elimination, reduction, or prevention of*
12 *minority group isolation in elementary and sec-*
13 *ondary schools with substantial proportions of minor-*
14 *ity students; and*

15 “(4) *the extent to which magnet school programs*
16 *differ from other school programs in terms of the or-*
17 *ganizational characteristics and resource allocations*
18 *of such magnet school programs.*

19 “**SEC. 5112. AUTHORIZATION OF APPROPRIATIONS; RES-**
20 **ERVATION.**

21 “(a) *AUTHORIZATION.*—*For the purpose of carrying*
22 *out this part, there are authorized to be appropriated*
23 *\$120,000,000 for fiscal year 2000 and such sums as may*
24 *be necessary for each of fiscal years 2001 through 2004.*

1 “(b) *AVAILABILITY OF FUNDS FOR GRANTS TO AGEN-*
2 *CIES NOT PREVIOUSLY ASSISTED.*—*In any fiscal year for*
3 *which the amount appropriated pursuant to subsection (a)*
4 *exceeds \$75,000,000, the Secretary shall give priority to*
5 *using such amounts in excess of \$75,000,000 to award*
6 *grants to local educational agencies or consortia of such*
7 *agencies that did not receive a grant under this part in*
8 *the preceding fiscal year.*

9 **“PART B—PUBLIC SCHOOL CHOICE**

10 **“SEC. 5201. SHORT TITLE.**

11 *“This part may be cited as the ‘Public School Choice*
12 *Act of 1999’.*

13 **“SEC. 5202. FINDINGS AND PURPOSE.**

14 “(a) *FINDINGS.*—*The Congress finds that—*

15 “(1) *a wide variety of educational opportunities,*
16 *options, and choices in the public school system is*
17 *needed to help all children achieve to high standards;*

18 “(2) *high-quality public school choice programs*
19 *that are genuinely open and accessible to all students*
20 *(including poor, minority, limited English proficient,*
21 *and disabled students) broaden educational opportu-*
22 *nities and promote excellence in education;*

23 “(3) *current research shows that—*

1 “(A) students learn in different ways, bene-
2 fitting from different teaching methods and in-
3 structional settings; and

4 “(B) family involvement in a child’s edu-
5 cation is a key factor supporting student
6 achievement;

7 “(4) public school systems have begun to develop
8 a variety of innovative programs that offer expanded
9 choices to parents and students; and

10 “(5) the Federal Government should support and
11 expand efforts to give students and parents the high-
12 quality public school choices they seek, to help elimi-
13 nate barriers to effective public school choice, and to
14 disseminate the lessons learned from high-quality
15 choice programs so that all public schools can benefit
16 from these efforts.

17 “(b) PURPOSE.—It is the purpose of this part to iden-
18 tify and support innovative approaches to high-quality
19 public school choice by providing financial assistance for
20 the demonstration, development, implementation, and eval-
21 uation of, and dissemination of information about, public
22 school choice projects that stimulate educational innovation
23 for all public schools and contribute to standards-based
24 school reform efforts.

1 **“SEC. 5203. GRANTS.**

2 “(a) *IN GENERAL.*—From funds appropriated under
3 section 5206(a) and not reserved under section 5206(b), the
4 Secretary is authorized to make grants to State and local
5 educational agencies to support programs that promote in-
6 novative approaches to high-quality public school choice.

7 “(b) *DURATION.*—Grants under this part shall not ex-
8 ceed three years.

9 **“SEC. 5204. USES OF FUNDS.**

10 “(a) *IN GENERAL*—

11 “(1) *PUBLIC SCHOOL CHOICE.*—Funds under
12 this part may be used to demonstrate, develop, imple-
13 ment, evaluate, and disseminate information on inno-
14 vative approaches to promote public school choice, in-
15 cluding the design and development of new public
16 school choice options, the development of new strate-
17 gies for overcoming barriers to effective public school
18 choice, and the design and development of public
19 school choice systems that promote high standards for
20 all students and the continuous improvement of all
21 public schools.

22 “(2) *INNOVATIVE APPROACHES.*—Such ap-
23 proaches at the school, local educational agency, and
24 State levels may include—

25 “(A) *inter-district approaches to public*
26 *school choice, including approaches that increase*

1 *equal access to high-quality educational pro-*
2 *grams and diversity in schools;*

3 “(B) *public elementary and secondary pro-*
4 *grams that involve partnerships with institu-*
5 *tions of higher education and that are located on*
6 *the campuses of those institutions;*

7 “(C) *programs that allow students in public*
8 *secondary schools to enroll in postsecondary*
9 *courses and to receive both secondary and post-*
10 *secondary academic credit;*

11 “(D) *worksite satellite schools, in which*
12 *State or local educational agencies form partner-*
13 *ships with public or private employers, to create*
14 *public schools at parents’ places of employment;*
15 *and*

16 “(E) *approaches to school desegregation that*
17 *provide students and parents choice through*
18 *strategies other than magnet schools.*

19 “(b) *LIMITATIONS.—Funds under this part—*

20 “(1) *shall supplement, and not supplant, non-*
21 *Federal funds expended for existing programs;*

22 “(2) *may not be used for transportation; and*

23 “(3) *may not be used to fund projects that are*
24 *specifically authorized under part A of title V, or*
25 *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 re-
15 sponsibilities;

16 “(4) a description of the policies and procedures
17 the applicant will use to ensure—

18 “(A) its accountability for results, including
19 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 a*
5 *priority to applications demonstrating that the appli-*
6 *cant 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 be*
14 *necessary for each of the 4 succeeding fiscal years.*

15 “(b) *RESERVATION FOR EVALUATION, TECHNICAL AS-*
16 *SISTANCE, AND DISSEMINATION.*—*From the amount appro-*
17 *priated under subsection (a) for any fiscal year, the Sec-*
18 *retary may reserve not more than 5 percent to carry out*
19 *evaluations under subsection (c), to provide technical assist-*
20 *ance, and to disseminate information.*

21 “(c) *EVALUATIONS.*—*The Secretary may use funds re-*
22 *served under subsection (b) to carry out one or more evalua-*
23 *tions of programs assisted under this part, which shall, at*
24 *a minimum, address—*

1 “(1) how, and the extent to which, the programs
2 supported with funds under this part promote edu-
3 cational 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 AGEN-*
13 *CY.—The term ‘high-poverty local educational agency’*
14 *means a local educational agency in which—*

15 “(A) *the percentage of children, ages 5 to*
16 *17, from families with incomes below the poverty*
17 *line (as defined by the Office of Management and*
18 *Budget and revised annually in accordance with*
19 *section 673(2) of the Community Services Block*
20 *Grant Act (42 U.S.C. 9902(2))) applicable to a*
21 *family of the size involved for the most recent fis-*
22 *cal year for which satisfactory data are available*
23 *is 20 percent or greater; or*

24 “(B) *the number of such children exceeds*
25 *10,000.*

1 “(2) *OTHER TERMS.*—Other terms used in this
2 *part shall have the meaning given such terms in sec-*
3 *tion 14101 (20 U.S.C. 8801).”.*

4 **SEC. 202. CONTINUATION OF AWARDS.**

5 *Notwithstanding the amendment made by section 201,*
6 *any local educational agency or consortium of such agencies*
7 *that was awarded a grant under section 5111 of the Ele-*
8 *mentary and Secondary Education Act of 1965 (20 U.S.C.*
9 *7211) prior to the date of the enactment of this Act shall*
10 *continue to receive funds in accordance with the terms of*
11 *such award until the date on which the award period termi-*
12 *nates under such terms.*

13 **TITLE III—TEACHER LIABILITY**
14 **PROTECTION**

15 **SEC. 301. TEACHER LIABILITY PROTECTION.**

16 *The Elementary and Secondary Education Act of 1965*
17 *(20 U.S.C 6301 et seq.) is amended by adding at the end*
18 *the following:*

19 **“TITLE XV—TEACHER LIABILITY**
20 **PROTECTION**

21 **“SEC. 15001. SHORT TITLE.**

22 *“This title may be cited as the ‘Teacher Liability Pro-*
23 *tection Act of 1999’.*

1 **“SEC. 15002. FINDINGS AND PURPOSE.**

2 “(a) *FINDINGS.*—Congress makes the following find-
3 *ings:*

4 “(1) *The ability of teachers, principals and other*
5 *school professionals to teach, inspire and shape the in-*
6 *tellect of our Nation’s elementary and secondary*
7 *school students is deterred and hindered by frivolous*
8 *lawsuits and litigation.*

9 “(2) *Each year more and more teachers, prin-*
10 *cipals and other school professionals face lawsuits for*
11 *actions undertaken as part of their duties to provide*
12 *millions of school children quality educational oppor-*
13 *tunities.*

14 “(3) *Too many teachers, principals and other*
15 *school professionals face increasingly severe and ran-*
16 *dom acts of violence in the classroom and in schools.*

17 “(4) *Providing teachers, principals and other*
18 *school professionals a safe and secure environment is*
19 *an important part of the effort to improve and ex-*
20 *pand educational opportunities.*

21 “(5) *Clarifying and limiting the liability of*
22 *teachers, principals and other school professionals*
23 *who undertake reasonable actions to maintain order,*
24 *discipline and an appropriate educational environ-*
25 *ment is an appropriate subject of Federal legislation*
26 *because—*

1 “(A) *the scope of the problems created by the*
2 *legitimate fears of teachers, principals and other*
3 *school professionals about frivolous, arbitrary or*
4 *capricious lawsuits against teachers is of na-*
5 *tional importance; and*

6 “(B) *millions of children and their families*
7 *across the Nation depend on teachers, principals*
8 *and other school professionals for the intellectual*
9 *development of children.*

10 “(b) *PURPOSE.—The purpose of this title is to provide*
11 *teachers, principals and other school professionals the tools*
12 *they need to undertake reasonable actions to maintain*
13 *order, discipline and an appropriate educational environ-*
14 *ment.*

15 “**SEC. 15003. PREEMPTION AND ELECTION OF STATE NON-**
16 **APPLICABILITY.**

17 “(a) *PREEMPTION.—This title preempts the laws of*
18 *any State to the extent that such laws are inconsistent with*
19 *this title, except that this title shall not preempt any State*
20 *law that provides additional protection from liability relat-*
21 *ing to teachers.*

22 “(b) *ELECTION OF STATE REGARDING NONAPPLICA-*
23 *BILITY.—This title shall not apply to any civil action in*
24 *a State court against a teacher in which all parties are*

1 *citizens of the State if such State enacts a statute in accord-*
2 *ance with State requirements for enacting legislation—*

3 *“(1) citing the authority of this subsection;*

4 *“(2) declaring the election of such State that this*
5 *title shall not apply, as of a date certain, to such civil*
6 *action in the State; and*

7 *“(3) containing no other provisions.*

8 **“SEC. 15004. LIMITATION ON LIABILITY FOR TEACHERS.**

9 *“(a) LIABILITY PROTECTION FOR TEACHERS.—Except*
10 *as provided in subsections (b) and (c), no teacher in a school*
11 *shall be liable for harm caused by an act or omission of*
12 *the teacher on behalf of the school if—*

13 *“(1) the teacher was acting within the scope of*
14 *the teacher’s employment or responsibilities related to*
15 *providing educational services;*

16 *“(2) the actions of the teacher were carried out*
17 *in conformity with local, state, or federal laws, rules*
18 *or regulations in furtherance of efforts to control, dis-*
19 *cipline, expel, or suspend a student or maintain order*
20 *or control in the classroom or school;*

21 *“(3) if appropriate or required, the teacher was*
22 *properly licensed, certified, or authorized by the ap-*
23 *propriate authorities for the activities or practice in*
24 *the State in which the harm occurred, where the ac-*

1 *tivities were or practice was undertaken within the*
2 *scope of the teacher’s responsibilities;*

3 “(4) *the harm was not caused by willful or*
4 *criminal misconduct, gross negligence, reckless mis-*
5 *conduct, or a conscious, flagrant indifference to the*
6 *rights or safety of the individual harmed by the teach-*
7 *er; and*

8 “(5) *the harm was not caused by the teacher op-*
9 *erating a motor vehicle, vessel, aircraft, or other vehi-*
10 *cle for which the State requires the operator or the*
11 *owner of the vehicle, craft, or vessel to—*

12 “(A) *possess an operator’s license; or*

13 “(B) *maintain insurance.*

14 “(b) *CONCERNING RESPONSIBILITY OF TEACHERS TO*
15 *SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this*
16 *section shall be construed to affect any civil action brought*
17 *by any school or any governmental entity against any*
18 *teacher of such school.*

19 “(c) *EXCEPTIONS TO TEACHER LIABILITY PROTEC-*
20 *TION.—If the laws of a State limit teacher liability subject*
21 *to one or more of the following conditions, such conditions*
22 *shall not be construed as inconsistent with this section:*

23 “(1) *A State law that requires a school or gov-*
24 *ernmental entity to adhere to risk management proce-*
25 *dures, including mandatory training of teachers.*

1 “(2) *A State law that makes the school or gov-*
2 *ernmental entity liable for the acts or omissions of its*
3 *teachers to the same extent as an employer is liable*
4 *for the acts or omissions of its employees.*

5 “(3) *A State law that makes a limitation of li-*
6 *ability inapplicable if the civil action was brought by*
7 *an officer of a State or local government pursuant to*
8 *State or local law.*

9 “(d) *LIMITATION ON PUNITIVE DAMAGES BASED ON*
10 *THE ACTIONS OF TEACHERS.—*

11 “(1) *GENERAL RULE.—Punitive damages may*
12 *not be awarded against a teacher in an action*
13 *brought for harm based on the action of a teacher act-*
14 *ing within the scope of the teacher’s responsibilities to*
15 *a school or governmental entity unless the claimant*
16 *establishes by clear and convincing evidence that the*
17 *harm was proximately caused by an action of such*
18 *teacher which constitutes willful or criminal mis-*
19 *conduct, or a conscious, flagrant indifference to the*
20 *rights or safety of the individual harmed.*

21 “(2) *CONSTRUCTION.—Paragraph (1) does not*
22 *create a cause of action for punitive damages and*
23 *does not preempt or supersede any Federal or State*
24 *law to the extent that such law would further limit*
25 *the award of punitive damages.*

1 “(e) *EXCEPTIONS TO LIMITATIONS ON LIABILITY.*—

2 “(1) *IN GENERAL.*—*The limitations on the liability*
3 *of a teacher under this title shall not apply to any*
4 *misconduct that—*

5 “(A) *constitutes a crime of violence (as that*
6 *term is defined in section 16 of title 18, United*
7 *States Code) or act of international terrorism (as*
8 *that term is defined in section 2331 of title 18,*
9 *United States Code) for which the defendant has*
10 *been convicted in any court;*

11 “(B) *involves a sexual offense, as defined by*
12 *applicable State law, for which the defendant has*
13 *been convicted in any court;*

14 “(C) *involves misconduct for which the de-*
15 *fendant has been found to have violated a Fed-*
16 *eral or State civil rights law; or*

17 “(D) *where the defendant was under the in-*
18 *fluence (as determined pursuant to applicable*
19 *State law) of intoxicating alcohol or any drug at*
20 *the time of the misconduct.*

21 “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*
22 *subsection shall be construed to effect subsection (a)(3)*
23 *or (d).*

1 **“SEC. 15005. LIABILITY FOR NONECONOMIC LOSS.**

2 “(a) *GENERAL RULE.*—*In any civil action against a*
3 *teacher, based on an action of a teacher acting within the*
4 *scope of the teacher’s responsibilities to a school or govern-*
5 *mental entity, the liability of the teacher for noneconomic*
6 *loss shall be determined in accordance with subsection (b).*

7 “(b) *AMOUNT OF LIABILITY.*—

8 “(1) *IN GENERAL.*—*Each defendant who is a*
9 *teacher, shall be liable only for the amount of non-*
10 *economic loss allocated to that defendant in direct*
11 *proportion to the percentage of responsibility of that*
12 *defendant (determined in accordance with paragraph*
13 *(2)) for the harm to the claimant with respect to*
14 *which that defendant is liable. The court shall render*
15 *a separate judgment against each defendant in an*
16 *amount determined pursuant to the preceding sen-*
17 *tence.*

18 “(2) *PERCENTAGE OF RESPONSIBILITY.*—*For*
19 *purposes of determining the amount of noneconomic*
20 *loss allocated to a defendant who is a teacher under*
21 *this section, the trier of fact shall determine the per-*
22 *centage of responsibility of that defendant for the*
23 *claimant’s harm.*

24 **“SEC. 15006. DEFINITIONS.**

25 *For purposes of this title:*

1 “(1) *ECONOMIC LOSS*.—The term ‘economic loss’
2 means any pecuniary loss resulting from harm (in-
3 cluding the loss of earnings or other benefits related
4 to employment, medical expense loss, replacement
5 services loss, loss due to death, burial costs, and loss
6 of business or employment opportunities) to the extent
7 recovery for such loss is allowed under applicable
8 State law.

9 “(2) *HARM*.—The term ‘harm’ includes physical,
10 nonphysical, economic, and noneconomic losses.

11 “(3) *NONECONOMIC LOSSES*.—The term ‘non-
12 economic losses’ means losses for physical and emo-
13 tional pain, suffering, inconvenience, physical im-
14 pairment, mental anguish, disfigurement, loss of en-
15 joyment of life, loss of society and companionship,
16 loss of consortium (other than loss of domestic serv-
17 ice), hedonic damages, injury to reputation and all
18 other nonpecuniary losses of any kind or nature.

19 “(4) *SCHOOL*.—The term ‘school’ means a public
20 or private kindergarten, a public or private elemen-
21 tary school or secondary school (as defined in section
22 14101, or a home school.

23 “(5) *STATE*.—The term ‘State’ means each of the
24 several States of the United States, the District of Co-
25 lumbia, the Commonwealth of Puerto Rico, the

1 *United States Virgin Islands, Guam, American*
2 *Samoa, the Commonwealth of the Northern Mariana*
3 *Islands, any other territory or possession of the*
4 *United States, or any political subdivision of any*
5 *such State, territory, or possession.*

6 “(6) *TEACHER.*—*The term ‘teacher’ means a*
7 *teacher, instructor, principal, administrator, or other*
8 *educational professional that works in a school, a*
9 *local school board and any member of such board,*
10 *and a local educational agency and any employee of*
11 *such agency.*

12 **“SEC. 15007. EFFECTIVE DATE.**

13 “(a) *IN GENERAL.*—*This title shall take effect 90 days*
14 *after the date of enactment of the Student Results Act of*
15 *1999.*

16 “(b) *APPLICATION.*—*This title applies to any claim for*
17 *harm caused by an act or omission of a teacher if that claim*
18 *is filed on or after the effective date of the Student Results*
19 *Act of 1999, without regard to whether the harm that is*
20 *the subject of the claim or the conduct that caused the harm*
21 *occurred before such effective date.”.*

1 **TITLE IV—INDIAN, NATIVE HA-**
2 **WAIAN, AND ALASKA NATIVE**
3 **EDUCATION**

4 **Subtitle A—Elementary and**
5 **Secondary Education Act of 1965**

6 **SEC. 401. AMENDMENTS.**

7 *Part A of title IX of the Elementary and Secondary*
8 *Education Act of 1965 (20 U.S.C. 7801 et seq.) is amended*
9 *to read as follows:*

10 **“PART A—INDIAN EDUCATION**

11 **“SEC. 9101. FINDINGS.**

12 *“Congress finds that—*

13 *“(1) the Federal Government has a special re-*
14 *sponsibility to ensure that educational programs for*
15 *all American Indian and Alaska Native children and*
16 *adults—*

17 *“(A) are based on high-quality, internation-*
18 *ally competitive content standards and student*
19 *performance standards and build on Indian cul-*
20 *ture and the Indian community;*

21 *“(B) assist local educational agencies, In-*
22 *dian tribes, and other entities and individuals in*
23 *providing Indian students the opportunity to*
24 *achieve such standards; and*

1 “(C) meet the unique educational and cul-
2 turally related academic needs of American In-
3 dian and Alaska Native students;

4 “(2) since the date of enactment of the initial In-
5 dian Education Act in 1972, the level of involvement
6 of Indian parents in the planning, development, and
7 implementation of educational programs that affect
8 such parents and their children has increased signifi-
9 cantly, and schools should continue to foster such in-
10 volvement;

11 “(3) although the number of Indian teachers, ad-
12 ministrators, and university professors has increased
13 since 1972, teacher training programs are not recruit-
14 ing, training, or retraining a sufficient number of In-
15 dian individuals as educators to meet the needs of a
16 growing Indian student population in elementary,
17 secondary, vocational, adult, and higher education;

18 “(4) the dropout rate for Indian students is un-
19 acceptably high; 9 percent of Indian students who
20 were eighth graders in 1988 had dropped out of school
21 by 1990;

22 “(5) during the period from 1980 to 1990, the
23 percentage of Indian individuals living at or below
24 the poverty level increased from 24 percent to 31 per-
25 cent, and the readiness of Indian children to learn is

1 *hampered by the high incidence of poverty, unemploy-*
2 *ment, and health problems among Indian children*
3 *and their families; and*

4 *“(6) research related specifically to the education*
5 *of Indian children and adults is very limited, and*
6 *much of the research is of poor quality or is focused*
7 *on limited local or regional issues.*

8 **“SEC. 9102. PURPOSE.**

9 *“(a) PURPOSE.—It is the purpose of this part to sup-*
10 *port the efforts of local educational agencies, Indian tribes*
11 *and organizations, postsecondary institutions, and other*
12 *entities to meet the unique educational and culturally re-*
13 *lated academic needs of American Indians and Alaska Na-*
14 *tives, so that such students can achieve to the same chal-*
15 *lenging State performance standards expected of all other*
16 *students.*

17 *“(b) PROGRAMS.—This part carries out the purpose*
18 *described in subsection (a) by authorizing programs of di-*
19 *rect assistance for—*

20 *“(1) meeting the unique educational and cul-*
21 *turally related academic needs of American Indians*
22 *and Alaska Natives;*

23 *“(2) the education of Indian children and adults;*

1 “(3) *the training of Indian persons as educators*
2 *and counselors, and in other professions serving In-*
3 *dian people; and*

4 “(4) *research, evaluation, data collection, and*
5 *technical assistance.*

6 **“Subpart 1—Formula Grants to Local Educational**
7 **Agencies**

8 **“SEC. 9111. PURPOSE.**

9 *“It is the purpose of this subpart to support local edu-*
10 *cational agencies in their efforts to reform elementary and*
11 *secondary school programs that serve Indian students in*
12 *order to ensure that such programs—*

13 “(1) *are based on challenging State content*
14 *standards and State student performance standards*
15 *that are used for all students; and*

16 “(2) *are designed to assist Indian students in*
17 *meeting those standards and assist the Nation in*
18 *reaching the National Education Goals.*

19 **“SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

20 “(a) *IN GENERAL.—*

21 “(1) *ENROLLMENT REQUIREMENTS.—A local*
22 *educational agency shall be eligible for a grant under*
23 *this subpart for any fiscal year if the number of In-*
24 *dian children eligible under section 9117 and who*
25 *were enrolled in the schools of the agency, and to*

1 whom the agency provided free public education, dur-
2 ing the preceding fiscal year—

3 “(A) was at least 10; or

4 “(B) constituted not less than 25 percent of
5 the total number of individuals enrolled in the
6 schools of such agency.

7 “(2) *EXCLUSION.*—The requirement of para-
8 graph (1) shall not apply in Alaska, California, or
9 Oklahoma, or with respect to any local educational
10 agency located on, or in proximity to, a reservation.

11 “(b) *INDIAN TRIBES.*—

12 “(1) *IN GENERAL.*—If a local educational agency
13 that is eligible for a grant under this subpart does not
14 establish a parent committee under section 9114(c)(4)
15 for such grant, an Indian tribe that represents not
16 less than one-half of the eligible Indian children who
17 are served by such local educational agency may
18 apply for such grant.

19 “(2) *SPECIAL RULE.*—The Secretary shall treat
20 each Indian tribe applying for a grant pursuant to
21 paragraph (1) as if such Indian tribe were a local
22 educational agency for purposes of this subpart, ex-
23 cept that any such tribe is not subject to section
24 9114(c)(4), section 9118(c), or section 9119.

1 **“SEC. 9113. AMOUNT OF GRANTS.**

2 “(a) *AMOUNT OF GRANT AWARDS.*—

3 “(1) *IN GENERAL.*—*Except as provided in sub-*
4 *section (b) and paragraph (2), the Secretary shall al-*
5 *locate to each local educational agency which has an*
6 *approved application under this subpart an amount*
7 *equal to the product of—*

8 “(A) *the number of Indian children who are*
9 *eligible under section 9117 and served by such*
10 *agency; and*

11 “(B) *the greater of—*

12 “(i) *the average per-pupil expenditure*
13 *of the State in which such agency is located;*
14 *or*

15 “(ii) *80 percent of the average per-*
16 *pupil expenditure in the United States.*

17 “(2) *REDUCTION.*—*The Secretary shall reduce*
18 *the amount of each allocation determined under para-*
19 *graph (1) in accordance with subsection (e).*

20 “(b) *MINIMUM GRANT.*—

21 “(1) *IN GENERAL.*—*Notwithstanding subsection*
22 *(e), a local educational agency or an Indian tribe (as*
23 *authorized under section 9112(b)) that is eligible for*
24 *a grant under section 9112, and a school that is oper-*
25 *ated or supported by the Bureau of Indian Affairs*
26 *that is eligible for a grant under subsection (d), that*

1 *submits an application that is approved by the Sec-*
2 *retary, shall, subject to appropriations, receive a*
3 *grant under this subpart in an amount that is not*
4 *less than \$3,000.*

5 *“(2) CONSORTIA.—Local educational agencies*
6 *may form a consortium for the purpose of obtaining*
7 *grants under this subpart.*

8 *“(3) INCREASE.—The Secretary may increase*
9 *the minimum grant under paragraph (1) to not more*
10 *than \$4,000 for all grantees if the Secretary deter-*
11 *mines such increase is necessary to ensure the quality*
12 *of the programs provided.*

13 *“(c) DEFINITION.—For the purpose of this section, the*
14 *term ‘average per-pupil expenditure of a State’ means an*
15 *amount equal to—*

16 *“(1) the sum of the aggregate current expendi-*
17 *tures of all the local educational agencies in the State,*
18 *plus any direct current expenditures by the State for*
19 *the operation of such agencies, without regard to the*
20 *sources of funds from which such local or State ex-*
21 *penditures were made, during the second fiscal year*
22 *preceding the fiscal year for which the computation is*
23 *made; divided by*

24 *“(2) the aggregate number of children who were*
25 *included in average daily attendance for whom such*

1 *agencies provided free public education during such*
2 *preceding fiscal year.*

3 *“(d) SCHOOLS OPERATED OR SUPPORTED BY THE BU-*
4 *REAU OF INDIAN AFFAIRS.—(1) Subject to subsection (e),*
5 *in addition to the grants awarded under subsection (a), the*
6 *Secretary shall allocate to the Secretary of the Interior an*
7 *amount equal to the product of—*

8 *“(A) the total number of Indian children en-*
9 *rolled in schools that are operated by—*

10 *“(i) the Bureau of Indian Affairs; or*

11 *“(ii) an Indian tribe, or an organization*
12 *controlled or sanctioned by an Indian tribal gov-*
13 *ernment, for the children of that tribe under a*
14 *contract with, or grant from, the Department of*
15 *the Interior under the Indian Self-Determination*
16 *Act or the Tribally Controlled Schools Act of*
17 *1988; and*

18 *“(B) the greater of—*

19 *“(i) the average per-pupil expenditure of the*
20 *State in which the school is located; or*

21 *“(ii) 80 percent of the average per-pupil ex-*
22 *penditure in the United States.*

23 *“(2) Any school described in paragraph (1)(A) that*
24 *wishes to receive an allocation under this subpart shall sub-*
25 *mit an application in accordance with section 9114, and*

1 *shall otherwise be treated as a local educational agency for*
2 *the purpose of this subpart, except that such school shall*
3 *not be subject to section 9114(c)(4), section 9118(c), or sec-*
4 *tion 9119.*

5 “(e) *RATABLE REDUCTIONS.*—*If the sums appro-*
6 *priated for any fiscal year under section 9162(a) are insuf-*
7 *ficient to pay in full the amounts determined for local edu-*
8 *cational agencies under subsection (a)(1) and for the Sec-*
9 *retary of the Interior under subsection (d), each of those*
10 *amounts shall be ratably reduced.*

11 **“SEC. 9114. APPLICATIONS.**

12 “(a) *APPLICATION REQUIRED.*—*Each local edu-*
13 *cational agency that desires to receive a grant under this*
14 *subpart shall submit an application to the Secretary at*
15 *such time, in such manner, and containing such informa-*
16 *tion as the Secretary may reasonably require.*

17 “(b) *COMPREHENSIVE PROGRAM REQUIRED.*—*Each*
18 *application submitted under subsection (a) shall include a*
19 *comprehensive program for meeting the needs of Indian*
20 *children served by the local educational agency, including*
21 *the language and cultural needs of the children, that—*

22 “(1) *provides programs and activities to meet the*
23 *culturally related academic needs of American Indian*
24 *and Alaska Native students;*

1 “(2)(A) is consistent with State and local plans
2 under other provisions of this Act; and

3 “(B) includes academic content and student per-
4 formance goals for such children, and benchmarks for
5 attaining such goals, that are based on the chal-
6 lenging State standards under title I;

7 “(3) explains how Federal, State, and local pro-
8 grams, especially under title I, will meet the needs of
9 such students;

10 “(4) demonstrates how funds made available
11 under this subpart will be used for activities described
12 in section 9115;

13 “(5) describes the professional development op-
14 portunities that will be provided, as needed, to ensure
15 that—

16 “(A) teachers and other school professionals
17 who are new to the Indian community are pre-
18 pared to work with Indian children; and

19 “(B) all teachers who will be involved in
20 programs assisted under this subpart have been
21 properly trained to carry out such programs;
22 and

23 “(6) describes how the local educational
24 agency—

1 “(A) will periodically assess the progress of
2 all Indian children enrolled in the schools of the
3 local educational agency, including Indian chil-
4 dren who do not participate in programs as-
5 sisted under this subpart, in meeting the goals
6 described in paragraph (2);

7 “(B) will provide the results of each assess-
8 ment referred to in subparagraph (A) to—

9 “(i) the committee of parents described
10 in subsection (c)(4); and

11 “(ii) the community served by the local
12 educational agency; and

13 “(C) is responding to findings of any pre-
14 vious assessments that are similar to the assess-
15 ments described in subparagraph (A).

16 “(c) ASSURANCES.—Each application submitted
17 under subsection (a) shall include assurances that—

18 “(1) the local educational agency will use funds
19 received under this subpart only to supplement the
20 level of funds that, in the absence of the Federal funds
21 made available under this subpart, such agency would
22 make available for the education of Indian children,
23 and not to supplant such funds;

24 “(2) the local educational agency will submit
25 such reports to the Secretary, in such form and con-

1 *taining such information, as the Secretary may re-*
2 *quire to—*

3 *“(A) carry out the functions of the Sec-*
4 *retary under this subpart; and*

5 *“(B) determine the extent to which funds*
6 *provided to the local educational agency under*
7 *this subpart are effective in improving the edu-*
8 *cational achievement of Indian students served*
9 *by such agency;*

10 *“(3) the program for which assistance is*
11 *sought—*

12 *“(A) is based on a comprehensive local as-*
13 *essment and prioritization of the unique edu-*
14 *cational and culturally related academic needs of*
15 *the American Indian and Alaska Native students*
16 *to whom the local educational agency is pro-*
17 *viding an education;*

18 *“(B) will use the best available talents and*
19 *resources, including individuals from the Indian*
20 *community; and*

21 *“(C) was developed by such agency in open*
22 *consultation with parents of Indian children and*
23 *teachers, and, if appropriate, Indian students*
24 *from secondary schools, including public hear-*
25 *ings held by such agency to provide the individ-*

1 uals described in this subparagraph a full oppor-
2 tunity to understand the program and to offer
3 recommendations regarding the program; and

4 “(4) the local educational agency developed the
5 program with the participation and written approval
6 of a committee—

7 “(A) that is composed of, and selected by—

8 “(i) parents of Indian children in the
9 local educational agency’s schools and
10 teachers; and

11 “(ii) if appropriate, Indian students
12 attending secondary schools;

13 “(B) a majority of whose members are par-
14 ents of Indian children;

15 “(C) that sets forth such policies and proce-
16 dures, including policies and procedures relating
17 to the hiring of personnel, as will ensure that the
18 program for which assistance is sought will be
19 operated and evaluated in consultation with, and
20 with the involvement of, parents of the children,
21 and representatives of the area, to be served;

22 “(D) with respect to an application describ-
23 ing a schoolwide program in accordance with
24 section 9115(c), has—

1 “(i) reviewed in a timely fashion the
2 program; and

3 “(ii) determined that the program will
4 not diminish the availability of culturally
5 related activities for American Indian and
6 Alaskan Native students; and

7 “(E) has adopted reasonable bylaws for the
8 conduct of the activities of the committee and
9 abides by such bylaws.

10 **“SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.**

11 “(a) *GENERAL REQUIREMENTS.*—Each local edu-
12 cational agency that receives a grant under this subpart
13 shall use the grant funds, in a manner consistent with the
14 purpose specified in section 9111, for services and activities
15 that—

16 “(1) are designed to carry out the comprehensive
17 program of the local educational agency for Indian
18 students, and described in the application of the local
19 educational agency submitted to the Secretary under
20 section 9114(b);

21 “(2) are designed with special regard for the lan-
22 guage and cultural needs of the Indian students; and

23 “(3) supplement and enrich the regular school
24 program of such agency.

1 “(b) *PARTICULAR ACTIVITIES.*—*The services and ac-*
2 *tivities referred to in subsection (a) may include—*

3 “(1) *culturally related activities that support the*
4 *program described in the application submitted by*
5 *the local educational agency;*

6 “(2) *early childhood and family programs that*
7 *emphasize school readiness;*

8 “(3) *enrichment programs that focus on problem*
9 *solving and cognitive skills development and directly*
10 *support the attainment of challenging State content*
11 *standards and State student performance standards;*

12 “(4) *integrated educational services in combina-*
13 *tion with other programs that meet the needs of In-*
14 *Indian children and their families;*

15 “(5) *career preparation activities to enable In-*
16 *Indian students to participate in programs such as the*
17 *programs supported by the Carl D. Perkins Voca-*
18 *tional and Technical Education Act of 1998, includ-*
19 *ing programs for tech-prep, mentoring, and appren-*
20 *ticeship;*

21 “(6) *activities to educate individuals concerning*
22 *substance abuse and to prevent substance abuse;*

23 “(7) *the acquisition of equipment, but only if the*
24 *acquisition of the equipment is essential to meet the*
25 *purposes described in section 9111; and*

1 “(8) *family literacy services.*

2 “(c) *SCHOOLWIDE PROGRAMS.—Notwithstanding any*
3 *other provision of law, a local educational agency may use*
4 *funds made available to such agency under this subpart to*
5 *support a schoolwide program under section 1114 if—*

6 “(1) *the committee composed of parents estab-*
7 *lished pursuant to section 9114(c)(4) approves the use*
8 *of the funds for the schoolwide program; and*

9 “(2) *the schoolwide program is consistent with*
10 *the purposes described in section 9111.*

11 “(d) *LIMITATION ON ADMINISTRATIVE COSTS.—Not*
12 *more than 5 percent of the funds provided to a grantee*
13 *under this subpart for any fiscal year may be used for ad-*
14 *ministrative purposes.*

15 **“SEC. 9116. INTEGRATION OF SERVICES AUTHORIZED.**

16 “(a) *PLAN.—An entity receiving funds under this sub-*
17 *part may submit a plan to the Secretary for the integration*
18 *of education and related services provided to Indian stu-*
19 *dents.*

20 “(b) *COORDINATION OF PROGRAMS.—Upon the receipt*
21 *of an acceptable plan, the Secretary, in cooperation with*
22 *each Federal agency providing grants for the provision of*
23 *education and related services to the applicant, shall au-*
24 *thorize the applicant to coordinate, in accordance with such*
25 *plan, its federally funded education and related services*

1 *programs, or portions thereof, serving Indian students in*
2 *a manner that integrates the program services involved into*
3 *a single, coordinated, comprehensive program and reduces*
4 *administrative costs by consolidating administrative func-*
5 *tions.*

6 “(c) *PROGRAMS AFFECTED.*—*The funds that may be*
7 *consolidated in a demonstration project under any such*
8 *plan referred to in subsection (b) shall include any Federal*
9 *program, or portion thereof, under which the applicant is*
10 *eligible for receipt of funds under a statutory or adminis-*
11 *trative formula for the purposes of providing education and*
12 *related services which would be used to serve Indian stu-*
13 *dents.*

14 “(d) *PLAN REQUIREMENTS.*—*For a plan to be accept-*
15 *able pursuant to subsection (b), it shall—*

16 “(1) *identify the programs or funding sources to*
17 *be consolidated;*

18 “(2) *be consistent with the purposes of this sec-*
19 *tion authorizing the services to be integrated in a*
20 *demonstration project;*

21 “(3) *describe a comprehensive strategy which*
22 *identifies the full range of potential educational op-*
23 *portunities and related services to be provided to as-*
24 *sist Indian students to achieve the goals set forth in*
25 *this subpart;*

1 “(4) describe the way in which services are to be
2 integrated and delivered and the results expected from
3 the plan;

4 “(5) identify the projected expenditures under
5 the plan in a single budget;

6 “(6) identify the local, State, or tribal agency or
7 agencies to be involved in the delivery of the services
8 integrated under the plan;

9 “(7) identify any statutory provisions, regula-
10 tions, policies, or procedures that the applicant be-
11 lieves need to be waived in order to implement its
12 plan;

13 “(8) set forth measures of student achievement
14 and performance goals designed to be met within a
15 specified period of time; and

16 “(9) be approved by a parent committee formed
17 in accordance with section 9114(c)(4), if such a com-
18 mittee exists.

19 “(e) *PLAN REVIEW*.—Upon receipt of the plan from
20 an eligible entity, the Secretary shall consult with the Sec-
21 retary of each Federal department providing funds to be
22 used to implement the plan, and with the entity submitting
23 the plan. The parties so consulting shall identify any waiv-
24 ers of statutory requirements or of Federal departmental
25 regulations, policies, or procedures necessary to enable the

1 applicant to implement its plan. Notwithstanding any
2 other provision of law, the Secretary of the affected depart-
3 ment or departments shall have the authority to waive any
4 regulation, policy, or procedure promulgated by that de-
5 partment that has been so identified by the applicant or
6 department, unless the Secretary of the affected department
7 determines that such a waiver is inconsistent with the in-
8 tent of this subpart or those provisions of the statute from
9 which the program involved derives its authority which are
10 specifically applicable to Indian students.

11 “(f) *PLAN APPROVAL.*—Within 90 days after the re-
12 ceipt of an applicant’s plan by the Secretary, the Secretary
13 shall inform the applicant, in writing, of the Secretary’s
14 approval or disapproval of the plan. If the plan is dis-
15 approved, the applicant shall be informed, in writing, of
16 the reasons for the disapproval and shall be given an oppor-
17 tunity to amend its plan or to petition the Secretary to
18 reconsider such disapproval.

19 “(g) *RESPONSIBILITIES OF DEPARTMENT OF EDU-*
20 *CATION.*—Not later than 180 days after the date of enact-
21 ment of the Student Results Act of 1999, the Secretary of
22 Education, the Secretary of the Interior, and the head of
23 any other Federal department or agency identified by the
24 Secretary of Education, shall enter into an interdepart-
25 mental memorandum of agreement providing for the imple-

1 *mentation of the demonstration projects authorized under*
2 *this section. The lead agency head for a demonstration pro-*
3 *gram under this section shall be—*

4 “(1) *the Secretary of the Interior, in the case of*
5 *applicant meeting the definition of contract or grant*
6 *school under title XI of the Education Amendments of*
7 *1978; or*

8 “(2) *the Secretary of Education, in the case of*
9 *any other applicant.*

10 “(h) *RESPONSIBILITIES OF LEAD AGENCY.—The re-*
11 *sponsibilities of the lead agency shall include—*

12 “(1) *the use of a single report format related to*
13 *the plan for the individual project which shall be used*
14 *by an eligible entity to report on the activities under-*
15 *taken under the project;*

16 “(2) *the use of a single report format related to*
17 *the projected expenditures for the individual project*
18 *which shall be used by an eligible entity to report on*
19 *all project expenditures;*

20 “(3) *the development of a single system of Fed-*
21 *eral oversight for the project, which shall be imple-*
22 *mented by the lead agency; and*

23 “(4) *the provision of technical assistance to an*
24 *eligible entity appropriate to the project, except that*
25 *an eligible entity shall have the authority to accept or*

1 *reject the plan for providing such technical assistance*
2 *and the technical assistance provider.*

3 “(i) *REPORT REQUIREMENTS.*—*A single report format*
4 *shall be developed by the Secretary, consistent with the re-*
5 *quirements of this section. Such report format, together with*
6 *records maintained on the consolidated program at the local*
7 *level, shall contain such information as will allow a deter-*
8 *mination that the eligible entity has complied with the re-*
9 *quirements incorporated in its approved plan, including*
10 *the demonstration of student achievement, and will provide*
11 *assurances to each Secretary that the eligible entity has*
12 *complied with all directly applicable statutory requirements*
13 *and with those directly applicable regulatory requirements*
14 *which have not been waived.*

15 “(j) *NO REDUCTION IN AMOUNTS.*—*In no case shall*
16 *the amount of Federal funds available to an eligible entity*
17 *involved in any demonstration project be reduced as a re-*
18 *sult of the enactment of this section.*

19 “(k) *INTERAGENCY FUND TRANSFERS AUTHORIZED.*—
20 *The Secretary is authorized to take such action as may be*
21 *necessary to provide for an interagency transfer of funds*
22 *otherwise available to an eligible entity in order to further*
23 *the purposes of this section.*

24 “(l) *ADMINISTRATION OF FUNDS.*—

1 “(1) *IN GENERAL.*—*Program funds shall be ad-*
2 *ministered in such a manner as to allow for a deter-*
3 *mination that funds from specific a program or pro-*
4 *grams are spent on allowable activities authorized*
5 *under such program, except that the eligible entity*
6 *shall determine the proportion of the funds granted*
7 *which shall be allocated to such program.*

8 “(2) *SEPARATE RECORDS NOT REQUIRED.*—
9 *Nothing in this section shall be construed as requiring*
10 *the eligible entity to maintain separate records trac-*
11 *ing any services or activities conducted under its ap-*
12 *proved plan to the individual programs under which*
13 *funds were authorized, nor shall the eligible entity be*
14 *required to allocate expenditures among such indi-*
15 *vidual programs.*

16 “(m) *OVERAGE.*—*All administrative costs may be*
17 *commingled and participating entities shall be entitled to*
18 *the full amount of such costs (under each program or de-*
19 *partment’s regulations), and no overage shall be counted for*
20 *Federal audit purposes, provided that the overage is used*
21 *for the purposes provided for under this section.*

22 “(n) *FISCAL ACCOUNTABILITY.*—*Nothing in this part*
23 *shall be construed so as to interfere with the ability of the*
24 *Secretary or the lead agency to fulfill the responsibilities*

1 *for the safeguarding of Federal funds pursuant to the Single*
2 *Audit Act of 1984.*

3 “(o) *REPORT ON STATUTORY OBSTACLES TO PROGRAM*
4 *INTEGRATION.—*

5 “(1) *PRELIMINARY REPORT.—Not later than 2*
6 *years after the date of the enactment of the Student*
7 *Results Act of 1999, the Secretary of Education shall*
8 *submit a preliminary report to the Committee on*
9 *Health, Education, Labor, and Pensions of the Senate*
10 *and the Committee on Education and the Workforce*
11 *of the House of Representatives on the status of the*
12 *implementation of the demonstration program au-*
13 *thorized under this section.*

14 “(2) *FINAL REPORT.—Not later than 5 years*
15 *after the date of the enactment of the Student Results*
16 *Act of 1999, the Secretary of Education shall submit*
17 *a report to the Committee on Health, Education,*
18 *Labor, and Pensions of the Senate and the Committee*
19 *on Education and the Workforce of the House of Rep-*
20 *resentatives on the results of the implementation of*
21 *the demonstration program authorized under this sec-*
22 *tion. Such report shall identify statutory barriers to*
23 *the ability of participants to integrate more effectively*
24 *their education and related services to Indian stu-*

1 *dents in a manner consistent with the purposes of this*
2 *section.*

3 “(p) *DEFINITIONS.*—*For the purposes of this section,*
4 *the term ‘Secretary’ means—*

5 “(1) *the Secretary of the Interior, in the case of*
6 *applicant meeting the definition of contract or grant*
7 *school under title XI of the Education Amendments of*
8 *1978; or*

9 “(2) *the Secretary of Education, in the case of*
10 *any other applicant.*

11 **“SEC. 9117. STUDENT ELIGIBILITY FORMS.**

12 “(a) *IN GENERAL.*—*The Secretary shall require that,*
13 *as part of an application for a grant under this subpart,*
14 *each applicant shall maintain a file, with respect to each*
15 *Indian child for whom the local educational agency pro-*
16 *vides a free public education, that contains a form that sets*
17 *forth information establishing the status of the child as an*
18 *Indian child eligible for assistance under this subpart and*
19 *that otherwise meets the requirements of subsection (b).*

20 “(b) *FORMS.*—

21 “(1) *IN GENERAL.*—*The form described in sub-*
22 *section (a) shall include—*

23 “(A) *either—*

24 “(i)(I) *the name of the tribe or band of*
25 *Indians (as described in section 9161(3))*

1 *with respect to which the child claims mem-*
2 *bership;*

3 “*(II) the enrollment number estab-*
4 *lishing the membership of the child (if read-*
5 *ily available); and*

6 “*(III) the name and address of the or-*
7 *ganization that maintains updated and ac-*
8 *curate membership data for such tribe or*
9 *band of Indians; or*

10 “*(ii) if the child is not a member of a*
11 *tribe or band of Indians, the name, the en-*
12 *rollment number (if readily available), and*
13 *the organization (and address thereof) re-*
14 *sponsible for maintaining updated and ac-*
15 *curate membership rolls of the tribe of any*
16 *parent or grandparent of the child from*
17 *whom the child claims eligibility;*

18 “*(B) a statement of whether the tribe or*
19 *band of Indians with respect to which the child,*
20 *parent, or grandparent of the child claims mem-*
21 *bership is federally recognized;*

22 “*(C) the name and address of the parent or*
23 *legal guardian of the child;*

1 “(D) a signature of the parent or legal
2 guardian of the child that verifies the accuracy
3 of the information supplied; and

4 “(E) any other information that the Sec-
5 retary considers necessary to provide an accurate
6 program profile.

7 “(2) *MINIMUM INFORMATION.*—In order for a
8 child to be eligible to be counted for the purpose of
9 computing the amount of a grant award made under
10 section 9113, an eligibility form prepared pursuant to
11 this section for a child shall include—

12 “(A) the name of the child;

13 “(B) the name of the tribe or band of Indi-
14 ans (as described in section 9161(3)) with re-
15 spect to which the child claims eligibility; and

16 “(C) the dated signature of the parent or
17 guardian of the child.

18 “(3) *FAILURE.*—The failure of an applicant to
19 furnish any information described in this subsection
20 other than the information described in paragraph
21 (2) with respect to any child shall have no bearing on
22 the determination of whether the child is an eligible
23 Indian child for the purposes of determining the
24 amount of a grant award made under section 9113.

1 “(c) *STATUTORY CONSTRUCTION.*—*Nothing in this sec-*
2 *tion shall be construed to affect a definition contained in*
3 *section 9161.*

4 “(d) *FORMS AND STANDARDS OF PROOF.*—*The forms*
5 *and the standards of proof (including the standard of good*
6 *faith compliance) that were in use during the 1985–1986*
7 *academic year to establish the eligibility of a child for enti-*
8 *tlement under the Indian Elementary and Secondary*
9 *School Assistance Act shall be the forms and standards of*
10 *proof used—*

11 “(1) *to establish such eligibility; and*

12 “(2) *to meet the requirements of subsection (a).*

13 “(e) *DOCUMENTATION.*—*For purposes of determining*
14 *whether a child is eligible to be counted for the purpose of*
15 *computing the amount of a grant under section 9113, the*
16 *membership of the child, or any parent or grandparent of*
17 *the child, in a tribe or band of Indians may be established*
18 *by proof other than an enrollment number, notwithstanding*
19 *the availability of an enrollment number for a member of*
20 *such tribe or band. Nothing in subsection (b) shall be con-*
21 *strued to require the furnishing of an enrollment number.*

22 “(f) *MONITORING AND EVALUATION REVIEW.*—

23 “(1) *IN GENERAL.*—(A) *For each fiscal year, in*
24 *order to provide such information as is necessary to*
25 *carry out the responsibility of the Secretary to pro-*

1 *vide technical assistance under this subpart, the Sec-*
2 *retary shall conduct a monitoring and evaluation re-*
3 *view of a sampling of the recipients of grants under*
4 *this subpart. The sampling conducted under this sub-*
5 *paragraph shall take into account the size of the local*
6 *educational agency and the geographic location of*
7 *such agency.*

8 *“(B) A local educational agency may not be held*
9 *liable to the United States or be subject to any pen-*
10 *alty, by reason of the findings of an audit that relates*
11 *to the date of completion, or the date of submission,*
12 *of any forms used to establish, before April 28, 1988,*
13 *the eligibility of a child for entitlement under the In-*
14 *dian Elementary and Secondary School Assistance*
15 *Act.*

16 *“(2) FALSE INFORMATION.—Any local edu-*
17 *cational agency that provides false information in an*
18 *application for a grant under this subpart shall—*

19 *“(A) be ineligible to apply for any other*
20 *grant under this part; and*

21 *“(B) be liable to the United States for any*
22 *funds that have not been expended.*

23 *“(3) EXCLUDED CHILDREN.—A student who pro-*
24 *vides false information for the form required under*

1 *subsection (a) shall not be counted for the purpose of*
2 *computing the amount of a grant under section 9113.*

3 “(g) *TRIBAL GRANT AND CONTRACT SCHOOLS.—Not-*
4 *withstanding any other provision of this section, in award-*
5 *ing funds under this subpart to a tribal school that receives*
6 *a grant or contract from the Bureau of Indian Affairs, the*
7 *Secretary shall use only one of the following, as selected by*
8 *the school:*

9 “(1) *A count of the number of students in those*
10 *schools certified by the Bureau.*

11 “(2) *A count of the number of students for whom*
12 *the school has eligibility forms that comply with this*
13 *section.*

14 “(h) *TIMING OF CHILD COUNTS.—For purposes of de-*
15 *termining the number of children to be counted in calcu-*
16 *lating the amount of a local educational agency’s grant*
17 *under this subpart (other than in the case described in sub-*
18 *section (g)(1)), the local educational agency shall—*

19 “(1) *establish a date on, or a period not longer*
20 *than 31 consecutive days during which, the agency*
21 *counts those children, so long as that date or period*
22 *occurs before the deadline established by the Secretary*
23 *for submitting an application under section 9114;*
24 *and*

1 “(2) *determine that each such child was enrolled,*
2 *and receiving a free public education, in a school of*
3 *the agency on that date or during that period, as the*
4 *case may be.*

5 **“SEC. 9118. PAYMENTS.**

6 “(a) *IN GENERAL.—Subject to subsections (b) and (c),*
7 *the Secretary shall pay to each local educational agency*
8 *that submits an application that is approved by the Sec-*
9 *retary under this subpart the amount determined under sec-*
10 *tion 9113. The Secretary shall notify the local educational*
11 *agency of the amount of the payment not later than June*
12 *1 of the year for which the Secretary makes the payment.*

13 “(b) *PAYMENTS TAKEN INTO ACCOUNT BY THE*
14 *STATE.—The Secretary may not make a grant under this*
15 *subpart to a local educational agency for a fiscal year if,*
16 *for such fiscal year, the State in which the local educational*
17 *agency is located takes into consideration payments made*
18 *under this subpart in determining the eligibility of the local*
19 *educational agency for State aid, or the amount of the State*
20 *aid, with respect to the free public education of children*
21 *during such fiscal year or the preceding fiscal year.*

22 “(c) *REDUCTION OF PAYMENT FOR FAILURE TO MAIN-*
23 *TAIN FISCAL EFFORT.—*

24 “(1) *IN GENERAL.—The Secretary may not pay*
25 *a local educational agency the full amount of a grant*

1 *award determined under section 9113 for any fiscal*
2 *year unless the State educational agency notifies the*
3 *Secretary, and the Secretary determines that, with re-*
4 *spect to the provision of free public education by the*
5 *local educational agency for the preceding fiscal year,*
6 *the combined fiscal effort of the local educational*
7 *agency and the State, computed on either a per stu-*
8 *dent or aggregate expenditure basis, was not less than*
9 *90 percent of the amount of the combined fiscal effort,*
10 *computed on the same basis, for the second preceding*
11 *fiscal year.*

12 *“(2) FAILURE TO MAINTAIN EFFORT.—If, for any*
13 *fiscal year, the Secretary determines that a local edu-*
14 *cational agency failed to maintain the fiscal effort of*
15 *such agency at the level specified in paragraph (1),*
16 *the Secretary shall—*

17 *“(A) reduce the amount of the grant that*
18 *would otherwise be made to such agency under*
19 *this subpart in the exact proportion of such*
20 *agency’s failure to maintain its fiscal effort at*
21 *such level; and*

22 *“(B) not use the reduced amount of the*
23 *agency’s expenditures for the preceding year to*
24 *determine compliance with paragraph (1) for*
25 *any succeeding fiscal year, but shall use the*

1 *amount of expenditures that would have been re-*
2 *quired to comply with paragraph (1).*

3 “(3) *WAIVER.—(A) The Secretary may waive the*
4 *requirement of paragraph (1), for not more than 1*
5 *year at a time, if the Secretary determines that the*
6 *failure to comply with such requirement is due to ex-*
7 *ceptional or uncontrollable circumstances, such as a*
8 *natural disaster or a precipitous and unforeseen de-*
9 *cline in the agency’s financial resources.*

10 “(B) *The Secretary shall not use the reduced*
11 *amount of such agency’s expenditures for the fiscal*
12 *year preceding the fiscal year for which a waiver is*
13 *granted to determine compliance with paragraph (1)*
14 *for any succeeding fiscal year, but shall use the*
15 *amount of expenditures that would have been required*
16 *to comply with paragraph (1) in the absence of the*
17 *waiver.*

18 “(d) *REALLOCATIONS.—The Secretary may reallocate,*
19 *in a manner that the Secretary determines will best carry*
20 *out the purpose of this subpart, any amounts that—*

21 “(1) *based on estimates made by local edu-*
22 *cational agencies or other information, the Secretary*
23 *determines will not be needed by such agencies to*
24 *carry out approved programs under this subpart; or*

1 “(2) otherwise become available for reallocation
2 under this subpart.

3 **“SEC. 9119. STATE EDUCATIONAL AGENCY REVIEW.**

4 “Before submitting an application to the Secretary
5 under section 9114, a local educational agency shall submit
6 the application to the State educational agency, which may
7 comment on such application. If the State educational
8 agency comments on the application, it shall comment on
9 all applications submitted by local educational agencies in
10 the State and shall provide those comments to the respective
11 local educational agencies, with an opportunity to respond.

12 **“Subpart 2—Special Programs and Projects To Im-**
13 **prove Educational Opportunities for Indian Chil-**
14 **dren**

15 **“SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-**
16 **TIES FOR INDIAN CHILDREN.**

17 “(a) PURPOSE.—

18 “(1) IN GENERAL.—It is the purpose of this sec-
19 tion to support projects to develop, test, and dem-
20 onstrate the effectiveness of services and programs to
21 improve educational opportunities and achievement of
22 Indian children.

23 “(2) COORDINATION.—The Secretary shall take
24 such actions as are necessary to achieve the coordina-
25 tion of activities assisted under this subpart with—

1 “(A) other programs funded under this Act;
2 and

3 “(B) other Federal programs operated for
4 the benefit of American Indian and Alaska Na-
5 tive children.

6 “(b) *ELIGIBLE ENTITIES*.—For the purpose of this sec-
7 tion, the term ‘eligible entity’ means a State educational
8 agency, local educational agency, Indian tribe, Indian or-
9 ganization, federally supported elementary and secondary
10 school for Indian students, Indian institution, including an
11 Indian institution of higher education, or a consortium of
12 such institutions.

13 “(c) *GRANTS AUTHORIZED*.—

14 “(1) *IN GENERAL*.—The Secretary shall award
15 grants to eligible entities to enable such entities to
16 carry out activities that meet the purpose specified in
17 subsection (a)(1), including—

18 “(A) innovative programs related to the
19 educational needs of educationally disadvantaged
20 children;

21 “(B) educational services that are not avail-
22 able to such children in sufficient quantity or
23 quality, including remedial instruction, to raise
24 the achievement of Indian children in one or
25 more of the core academic subjects of English,

1 *mathematics, science, foreign languages, art, his-*
2 *tory, and geography;*

3 “(C) *bilingual and bicultural programs and*
4 *projects;*

5 “(D) *special health and nutrition services,*
6 *and other related activities, that address the*
7 *unique health, social, and psychological problems*
8 *of Indian children;*

9 “(E) *special compensatory and other pro-*
10 *grams and projects designed to assist and en-*
11 *courage Indian children to enter, remain in, or*
12 *reenter school, and to increase the rate of sec-*
13 *ondary school graduation;*

14 “(F) *comprehensive guidance, counseling,*
15 *and testing services;*

16 “(G) *early childhood and kindergarten pro-*
17 *grams, including family-based preschool pro-*
18 *grams that emphasize school readiness and pa-*
19 *rental skills, and the provision of services to In-*
20 *Indian children with disabilities;*

21 “(H) *partnership projects between local edu-*
22 *cational agencies and institutions of higher edu-*
23 *cation that allow secondary school students to*
24 *enroll in courses at the postsecondary level to aid*

1 *such students in the transition from secondary*
2 *school to postsecondary education;*

3 “(I) *partnership projects between schools*
4 *and local businesses for career preparation pro-*
5 *grams designed to provide Indian youth with the*
6 *knowledge and skills such youth need to make an*
7 *effective transition from school to a high-skill,*
8 *high-wage career;*

9 “(J) *programs designed to encourage and*
10 *assist Indian students to work toward, and gain*
11 *entrance into, an institution of higher education;*

12 “(K) *family literacy services; or*

13 “(L) *other services that meet the purpose de-*
14 *scribed in subsection (a)(1).*

15 “(2) *PROFESSIONAL DEVELOPMENT.—Profes-*
16 *sional development of teaching professionals and*
17 *paraprofessional may be a part of any program as-*
18 *sisted under this section.*

19 “(d) *GRANT REQUIREMENTS AND APPLICATIONS.—*

20 “(1) *GRANT REQUIREMENTS.—(A) The Secretary*
21 *may make multiyear grants under this section for the*
22 *planning, development, pilot operation, or demonstra-*
23 *tion of any activity described in subsection (c) for a*
24 *period not to exceed 5 years.*

1 “(B) *In making multiyear grants under this sec-*
2 *tion, the Secretary shall give priority to applications*
3 *that present a plan for combining two or more of the*
4 *activities described in subsection (c) over a period of*
5 *more than 1 year.*

6 “(C) *The Secretary shall make a grant payment*
7 *to an eligible entity after the initial year of the*
8 *multiyear grant only if the Secretary determines that*
9 *the eligible entity has made substantial progress in*
10 *carrying out the activities assisted under the grant in*
11 *accordance with the application submitted under*
12 *paragraph (2) and any subsequent modifications to*
13 *such application.*

14 “(D)(i) *In addition to awarding the multiyear*
15 *grants described in subparagraph (A), the Secretary*
16 *may award grants to eligible entities for the dissemi-*
17 *nation of exemplary materials or programs assisted*
18 *under this section.*

19 “(ii) *The Secretary may award a dissemination*
20 *grant under this subparagraph if, prior to awarding*
21 *the grant, the Secretary determines that the material*
22 *or program to be disseminated has been adequately*
23 *reviewed and has demonstrated—*

24 “(I) *educational merit; and*

25 “(II) *the ability to be replicated.*

1 “(2) *APPLICATION.—(A) Any eligible entity that*
2 *desires to receive a grant under this section shall sub-*
3 *mit an application to the Secretary at such time and*
4 *in such manner as the Secretary may require.*

5 “(B) *Each application submitted to the Sec-*
6 *retary under subparagraph (A), other than an appli-*
7 *cation for a dissemination grant under paragraph*
8 *(1)(D), shall contain—*

9 “(i) *a description of how parents of Indian*
10 *children and representatives of Indian tribes*
11 *have been, and will be, involved in developing*
12 *and implementing the activities for which assist-*
13 *ance is sought;*

14 “(ii) *assurances that the applicant will par-*
15 *ticipate, at the request of the Secretary, in any*
16 *national evaluation of activities assisted under*
17 *this section;*

18 “(iii) *information demonstrating that the*
19 *proposed program is either a research-based pro-*
20 *gram (which may be a research-based program*
21 *that has been modified to be culturally appro-*
22 *priate for the students who will be served);*

23 “(iv) *a description of how the applicant*
24 *will incorporate the proposed services into the*

1 ongoing school program once the grant period is
2 over; and

3 “(v) such other assurances and information
4 as the Secretary may reasonably require.

5 “(e) *ADMINISTRATIVE COSTS.*—Not more than 5 per-
6 cent of the funds provided to a grantee under this subpart
7 for any fiscal year may be used for administrative pur-
8 poses.

9 **“SEC. 9122. PROFESSIONAL DEVELOPMENT FOR TEACHERS
10 AND EDUCATION PROFESSIONALS.**

11 “(a) *PURPOSES.*—The purposes of this section are—

12 “(1) to increase the number of qualified Indian
13 individuals in teaching or other education professions
14 that serve Indian people;

15 “(2) to provide training to qualified Indian in-
16 dividuals to enable such individuals to become teach-
17 ers, administrators, teacher aides, social workers, and
18 ancillary educational personnel; and

19 “(3) to improve the skills of qualified Indian in-
20 dividuals who serve in the capacities described in
21 paragraph (2).

22 “(b) *ELIGIBLE ENTITIES.*—For the purpose of this sec-
23 tion, the term ‘eligible entity’ means—

24 “(1) an institution of higher education, includ-
25 ing an Indian institution of higher education;

1 “(2) a State or local educational agency, in con-
2 sortium with an institution of higher education; and

3 “(3) an Indian tribe or organization, in consor-
4 tium with an institution of higher education.

5 “(c) PROGRAM AUTHORIZED.—The Secretary is au-
6 thorized to award grants to eligible entities having applica-
7 tions approved under this section to enable such entities to
8 carry out the activities described in subsection (d).

9 “(d) AUTHORIZED ACTIVITIES.—

10 “(1) IN GENERAL.—Grant funds under this sec-
11 tion shall be used to provide support and training for
12 Indian individuals in a manner consistent with the
13 purposes of this section. Such activities may include
14 but are not limited to, continuing programs,
15 symposia, workshops, conferences, and direct finan-
16 cial support.

17 “(2) SPECIAL RULES.—(A) For education per-
18 sonnel, the training received pursuant to a grant
19 under this section may be inservice or preservice
20 training.

21 “(B) For individuals who are being trained to
22 enter any field other than teaching, the training re-
23 ceived pursuant to a grant under this section shall be
24 in a program that results in a graduate degree.

1 “(e) *APPLICATION.*—*Each eligible entity desiring a*
2 *grant under this section shall submit an application to the*
3 *Secretary at such time, in such manner and accompanied*
4 *by such information, as the Secretary may reasonably re-*
5 *quire.*

6 “(f) *SPECIAL RULE.*—*In making grants under this*
7 *section, the Secretary—*

8 “(1) *shall consider the prior performance of the*
9 *eligible entity; and*

10 “(2) *may not limit eligibility to receive a grant*
11 *under this section on the basis of—*

12 “(A) *the number of previous grants the Sec-*
13 *retary has awarded such entity; or*

14 “(B) *the length of any period during which*
15 *such entity received such grants.*

16 “(g) *GRANT PERIOD.*—*Each grant under this section*
17 *shall be awarded for a period of not more than 5 years.*

18 “(h) *SERVICE OBLIGATION.*—

19 “(1) *IN GENERAL.*—*The Secretary shall require,*
20 *by regulation, that an individual who receives train-*
21 *ing pursuant to a grant made under this section—*

22 “(A) *perform work—*

23 “(i) *related to the training received*
24 *under this section; and*

25 “(ii) *that benefits Indian people; or*

1 “(B) repay all or a prorated part of the as-
2 sistance received.

3 “(2) *REPORTING.*—The Secretary shall establish,
4 by regulation, a reporting procedure under which a
5 grant recipient under this section shall, not later than
6 12 months after the date of completion of the train-
7 ing, and periodically thereafter, provide information
8 concerning the compliance of such recipient with the
9 work requirement under paragraph (1).

10 **“Subpart 3—National Research Activities**

11 **“SEC. 9141. NATIONAL ACTIVITIES.**

12 “(a) *AUTHORIZED ACTIVITIES.*—The Secretary may
13 use funds made available under section 9162(b) for each
14 fiscal year to—

15 “(1) conduct research related to effective ap-
16 proaches for the education of Indian children and
17 adults;

18 “(2) evaluate federally assisted education pro-
19 grams from which Indian children and adults may
20 benefit;

21 “(3) collect and analyze data on the educational
22 status and needs of Indians; and

23 “(4) carry out other activities that are consistent
24 with the purpose of this part.

1 “(b) *ELIGIBILITY.*—*The Secretary may carry out any*
2 *of the activities described in subsection (a) directly or*
3 *through grants to, or contracts or cooperative agreements*
4 *with Indian tribes, Indian organizations, State educational*
5 *agencies, local educational agencies, institutions of higher*
6 *education, including Indian institutions of higher edu-*
7 *cation, and other public and private agencies and*
8 *institutions.*

9 “(c) *COORDINATION.*—*Research activities supported*
10 *under this section—*

11 “(1) *shall be carried out in consultation with the*
12 *Office of Educational Research and Improvement to*
13 *assure that such activities are coordinated with and*
14 *enhance the research and development activities sup-*
15 *ported by the Office; and*

16 “(2) *may include collaborative research activities*
17 *which are jointly funded and carried out by the Office*
18 *of Indian Education Programs and the Office of Edu-*
19 *cational Research and Improvement.*

20 **“Subpart 4—Federal Administration**

21 **“SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDU-**
22 **CATION.**

23 “(a) *MEMBERSHIP.*—*There is established a National*
24 *Advisory Council on Indian Education (hereafter in this*
25 *section referred to as the ‘Council’), which shall—*

1 “(1) consist of 15 Indian members, who shall be
2 appointed by the President from lists of nominees fur-
3 nished, from time to time, by Indian tribes and orga-
4 nizations; and

5 “(2) represent different geographic areas of the
6 United States.

7 “(b) DUTIES.—The Council shall—

8 “(1) advise the Secretary concerning the funding
9 and administration (including the development of
10 regulations and administrative policies and practices)
11 of any program, including any program established
12 under this part—

13 “(A) with respect to which the Secretary has
14 jurisdiction; and

15 “(B)(i) that includes Indian children or
16 adults as participants; or

17 “(ii) that may benefit Indian children or
18 adults;

19 “(2) make recommendations to the Secretary for
20 filling the position of Director of Indian Education
21 whenever a vacancy occurs; and

22 “(3) submit to the Congress, not later than June
23 30 of each year, a report on the activities of the Coun-
24 cil, including—

1 “(A) any recommendations that the Council
2 considers appropriate for the improvement of
3 Federal education programs that include Indian
4 children or adults as participants, or that may
5 benefit Indian children or adults; and

6 “(B) recommendations concerning the fund-
7 ing of any program described in subparagraph
8 (A).

9 **“SEC. 9152. PEER REVIEW.**

10 “The Secretary may use a peer review process to re-
11 view applications submitted to the Secretary under subpart
12 2 or 3.

13 **“SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.**

14 “In making grants under subpart 2 or 3, the Secretary
15 shall give a preference to Indian tribes, organizations, and
16 institutions of higher education under any program with
17 respect to which Indian tribes, organizations, and institu-
18 tions are eligible to apply for grants.

19 **“SEC. 9154. MINIMUM GRANT CRITERIA.**

20 “The Secretary may not approve an application for
21 a grant under subpart 2 unless the application is for a
22 grant that is—

23 “(1) of sufficient size, scope, and quality to
24 achieve the purpose or objectives of such grant; and

25 “(2) based on relevant research findings.

1 **“Subpart 5—Definitions; Authorizations of**
2 **Appropriations**

3 **“SEC. 9161. DEFINITIONS.**

4 *“For the purposes of this part:*

5 *“(1) ADULT.—The term ‘adult’ means an indi-*
6 *vidual who—*

7 *“(A) has attained the age of 16 years; or*

8 *“(B) has attained an age that is greater*
9 *than the age of compulsory school attendance*
10 *under an applicable State law.*

11 *“(2) FREE PUBLIC EDUCATION.—The term ‘free*
12 *public education’ means education that is—*

13 *“(A) provided at public expense, under pub-*
14 *lic supervision and direction, and without tui-*
15 *tion charge; and*

16 *“(B) provided as elementary or secondary*
17 *education in the applicable State or to preschool*
18 *children.*

19 *“(3) INDIAN.—The term ‘Indian’ means an indi-*
20 *vidual who is—*

21 *“(A) a member of an Indian tribe or band,*
22 *as membership is defined by the tribe or band,*
23 *including—*

24 *“(i) any tribe or band terminated since*
25 *1940; and*

1 “(ii) any tribe or band recognized by
2 the State in which the tribe or band resides;

3 “(B) a descendant, in the first or second de-
4 gree, of an individual described in subparagraph
5 (A);

6 “(C) considered by the Secretary of the Inte-
7 rior to be an Indian for any purpose;

8 “(D) an Eskimo, Aleut, or other Alaska Na-
9 tive; or

10 “(E) a member of an organized Indian
11 group that received a grant under the Indian
12 Education Act of 1988 as it was in effect the day
13 preceding the date of enactment of the Improving
14 America’s Schools Act of 1994.

15 **“SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.**

16 “(a) *SUBPART 1.*—For the purpose of carrying out
17 subpart 1 of this part, there are authorized to be appro-
18 priated \$62,000,000 for fiscal year 2000, and such sums
19 as may be necessary for each of fiscal years 2001 through
20 2004.

21 “(b) *SUBPARTS 2 AND 3.*—For the purpose of carrying
22 out subparts 2 and 3 of this part, there are authorized to
23 be appropriated \$4,000,000 for fiscal year 2000, and such
24 sums as may be necessary for each of the fiscal years 2001
25 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 repealed.*

5 **PART C—ALASKA NATIVE EDUCATION**

6 **SEC. 403. ALASKA NATIVE EDUCATION.**

7 *Part C of title IX of the Elementary and Secondary*
8 *Education Act of 1965 (20 U.S.C. 7931 et seq.) is*
9 *amended—*

10 (1) *by repealing sections 9304 through 9306 and*
11 *inserting the following:*

12 **“SEC. 9304. PROGRAM AUTHORIZED.**

13 “(a) *GENERAL AUTHORITY.—*

14 “(1) *PROGRAM AUTHORIZED.—The Secretary is*
15 *authorized to make grants to, or enter into contracts*
16 *with, Alaska Native organizations, educational enti-*
17 *ties with experience in developing or operating Alaska*
18 *Native programs or programs of instruction con-*
19 *ducted in Alaska Native languages, and consortia of*
20 *such organizations and entities to carry out programs*
21 *that meet the purpose of this part.*

22 “(2) *PERMISSIBLE ACTIVITIES.—Programs under*
23 *this part may include—*

24 “(A) *the development and implementation*
25 *of plans, methods, and strategies to improve the*
26 *education of Alaska Natives;*

1 “(B) the development of curricula and edu-
2 cational programs that address the educational
3 needs of Alaska Native students, including—

4 “(i) curriculum materials that reflect
5 the cultural diversity or the contributions of
6 Alaska Natives;

7 “(ii) instructional programs that make
8 use of Native Alaskan languages; and

9 “(iii) networks that introduce success-
10 ful programs, materials, and techniques to
11 urban and rural schools;

12 “(C) professional development activities for
13 educators, including—

14 “(i) programs to prepare teachers to
15 address the cultural diversity and unique
16 needs of Alaska Native students;

17 “(ii) in-service programs to improve
18 the ability of teachers to meet the unique
19 needs of Alaska Native students; and

20 “(iii) recruiting and preparing teach-
21 ers who are Alaska Natives, reside in com-
22 munities with high concentrations of Alaska
23 Native students, or are likely to succeed as
24 teachers in isolated, rural communities and
25 engage in cross-cultural instruction;

1 “(D) the development and operation of home
2 instruction programs for Alaska Native preschool
3 children, the purpose of which is to ensure the
4 active involvement of parents in their children’s
5 education from the earliest ages;

6 “(E) family Literacy Services;

7 “(F) the development and operation of stu-
8 dent enrichment programs in science and mathe-
9 matics that—

10 “(i) are designed to prepare Alaska
11 Native students from rural areas, who are
12 preparing to enter high school, to excel in
13 science and math; and

14 “(ii) provide appropriate support serv-
15 ices to the families of such students that are
16 needed to enable such students to benefit
17 from the program;

18 “(G) research and data collection activities
19 to determine the educational status and needs of
20 Alaska Native children and adults;

21 “(H) other research and evaluation activi-
22 ties related to programs under this part; and

23 “(I) other activities, consistent with the
24 purposes of this part, to meet the educational
25 needs of Alaska Native children and adults.

1 “(3) *HOME INSTRUCTION PROGRAMS.*—*Home in-*
2 *struction programs for Alaska Native preschool chil-*
3 *dren under paragraph (2)(D) may include—*

4 “(A) *programs for parents and their in-*
5 *fant, from prenatal through age three;*

6 “(B) *preschool programs; and*

7 “(C) *training, education, and support for*
8 *parents in such areas as reading readiness, ob-*
9 *servaion, story-telling, and critical thinking.—*

10 “(b) *LIMITATION ON ADMINISTRATIVE COSTS.*—*Not*
11 *more than 5 percent of funds provided to a grantee under*
12 *this section for any fiscal year may be used for administra-*
13 *tive purposes.*

14 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
15 *authorized to be appropriated \$10,000,000 for fiscal year*
16 *2000, and such sums as may be necessary for each of the*
17 *fiscal years 2001 through 2004 to carry out this part.”;*

18 (2) *in section 9307—*

19 (A) *by amending subsection (b) to read as*
20 *follows:*

21 “(b) *APPLICATIONS.*—*State and local educational*
22 *agencies may apply for an award under this part only as*
23 *part of a consortium involving an Alaska Native organiza-*
24 *tion. This consortium may include other eligible appli-*
25 *cants.”;*

1 (B) by amending subsection (d) to read as
2 follows:

3 “(d) *LOCAL EDUCATIONAL AGENCY COORDINATION.*—
4 *Each applicant for an award under this part shall inform*
5 *each local educational agency serving students who would*
6 *participate in the project about its application.*”; and

7 (C) by striking subsection (e); and

8 (3) by redesignating sections 9307 and 9308 as
9 sections 9305 and 9306, respectively.

10 ***Subtitle B—Amendments to the***
11 ***Education Amendments of 1978***

12 ***SEC. 410. AMENDMENTS TO THE EDUCATIONS AMEND-***
13 ***MENTS OF 1978.***

14 *Part B of title XI of the Education Amendments of*
15 *1978 (25 U.S.C. 2001 et seq.) is amended to read as follows:*

16 ***“PART B—BUREAU OF INDIAN AFFAIRS***
17 ***PROGRAMS***

18 ***“SEC. 1120. FINDING AND POLICY.***

19 *“(a) FINDING.—Congress finds and recognizes that the*
20 *Federal Government has the sole responsibility for the oper-*
21 *ation and financial support of the Bureau of Indian Affairs*
22 *funded school system that it has established on or near In-*
23 *dian reservations and Indian trust lands throughout the*
24 *Nation for Indian children.*

1 “(b) *POLICY.*—*It is the policy of the United States to*
2 *work in full cooperation with Indian tribes toward the goal*
3 *of assuring that the programs of the Bureau of Indian Af-*
4 *airs funded school system are of the highest quality and*
5 *meet the unique educational and cultural needs of Indian*
6 *children.*

7 “**SEC. 1121. ACCREDITATION AND STANDARDS FOR THE**
8 **BASIC EDUCATION OF INDIAN CHILDREN IN**
9 **BUREAU OF INDIAN AFFAIRS SCHOOLS.**

10 “(a) *PURPOSE; DECLARATIONS OF PURPOSES.*—

11 “(1) *PURPOSE.*—*The purpose of the standards*
12 *implemented under this section shall be to afford In-*
13 *dian students being served by a school funded by the*
14 *Bureau of Indian Affairs the same opportunities as*
15 *all other students in the United States to achieve the*
16 *same challenging State performance standards ex-*
17 *pected of all students.*

18 “(2) *DECLARATIONS OF PURPOSES.*—*Local*
19 *school boards for schools operated by the Bureau of*
20 *Indian Affairs, in cooperation and consultation with*
21 *their tribal governing bodies and their communities,*
22 *are encouraged to adopt declarations of purposes of*
23 *education for their communities taking into account*
24 *the implications of such purposes on education in*
25 *their communities and for their schools. In adopting*

1 *such declarations of purpose, the school boards shall*
2 *consider the effect those declarations may have on the*
3 *motivation of students and faculties. Such declara-*
4 *tions shall represent the aspirations of the community*
5 *for the kinds of people the community would like its*
6 *children to become, and shall include assurances that*
7 *all learners will become accomplished in things and*
8 *ways important to them and respected by their par-*
9 *ents and communities, shaping worthwhile and satis-*
10 *fying lives for themselves, exemplifying the best values*
11 *of the community and humankind, and becoming in-*
12 *creasingly effective in shaping the character and qual-*
13 *ity of the world all learners share. These declarations*
14 *of purpose shall influence the standards for accredita-*
15 *tion to be accepted by the schools.*

16 “(b) *STUDIES AND SURVEYS RELATING TO STAND-*
17 *ARDS.—Not later than 1 year after the date of the enact-*
18 *ment of the Student Results Act of 1999, the Secretary, in*
19 *consultation with the Secretary of Education, consortia of*
20 *education organizations, and Indian organizations and*
21 *tribes, and making the fullest use possible of other existing*
22 *studies, surveys, and plans, shall carry out by contract with*
23 *an Indian organization, studies and surveys to establish*
24 *and revise standards for the basic education of Indian chil-*
25 *dren attending Bureau funded schools. Such studies and*

1 *surveys shall take into account factors such as academic*
2 *needs, local cultural differences, type and level of language*
3 *skills, geographic isolation, and appropriate teacher-student*
4 *ratios for such children, and shall be directed toward the*
5 *attainment of equal educational opportunity for such chil-*
6 *dren.*

7 “(c) *REVISION OF MINIMUM ACADEMIC STANDARDS.—*

8 “(1) *IN GENERAL.—Not later than 1 year after*
9 *the date of the enactment of the Student Results Act*
10 *of 1999, the Secretary shall—*

11 “(A) *propose revisions to the minimum aca-*
12 *demically standards published in the Federal Reg-*
13 *ister on September 9, 1995 (50 Fed. Reg. 174)*
14 *for the basic education of Indian children at-*
15 *tending Bureau funded schools in accordance*
16 *with the purpose described in subsection (a) and*
17 *the findings of the studies and surveys conducted*
18 *under subsection (b);*

19 “(B) *publish such proposed revisions to such*
20 *standards in the Federal Register for the purpose*
21 *of receiving comments from the tribes, tribal*
22 *school boards, Bureau funded schools, and other*
23 *interested parties; and*

24 “(C) *consistent with the provisions of this*
25 *section and section 1131, take such actions as*

1 *are necessary to coordinate standards imple-*
2 *mented under this section with the Comprehen-*
3 *sive School Reform Plan developed by the Bu-*
4 *reau and—*

5 *“(i) with the standards of the improve-*
6 *ment plans for the States in which any*
7 *school operated by the Bureau of Indian Af-*
8 *airs is located; or*

9 *“(ii) in the case where schools operated*
10 *by the Bureau are within the boundaries of*
11 *reservation land of 1 tribe but within the*
12 *boundaries of more than 1 State, with the*
13 *standards of the State improvement plan of*
14 *1 such State selected by the tribe.*

15 *“(2) FURTHER REVISIONS.—Not later than 6*
16 *months after the close of the comment period, the Sec-*
17 *retary shall establish final standards, distribute such*
18 *standards to all tribes and publish such final stand-*
19 *ards in the Federal Register. The Secretary shall re-*
20 *visе such standards periodically as necessary. Prior to*
21 *any revision of such final standards, the Secretary*
22 *shall distribute such proposed revision to all the*
23 *tribes, and publish such proposed revision in the Fed-*
24 *eral Register, for the purpose of receiving comments*
25 *from the tribes and other interested parties.*

1 “(3) *APPLICABILITY OF STANDARDS.*—*Except as*
2 *provided in subsection (e), the final standards pub-*
3 *lished under paragraph (2) shall apply to all Bureau*
4 *funded schools not accredited under subsection (f),*
5 *and may also serve as a model for educational pro-*
6 *grams for Indian children in public schools.*

7 “(4) *CONSIDERATIONS WHEN ESTABLISHING AND*
8 *REVISING STANDARDS.*—*In establishing and revising*
9 *such standards, the Secretary shall take into account*
10 *the unique needs of Indian students and support and*
11 *reinforcement of the specific cultural heritage of each*
12 *tribe.*

13 “(d) *ALTERNATIVE OR MODIFIED STANDARDS.*—*The*
14 *Secretary shall provide alternative or modified standards*
15 *in lieu of the standards established under subsection (c),*
16 *where necessary, so that the programs of each school are*
17 *in compliance with the minimum accreditation standards*
18 *required for schools in the State or region where the school*
19 *is located.*

20 “(e) *WAIVER OF STANDARDS; ALTERNATIVE STAND-*
21 *ARDS.*—*A tribal governing body, or the local school board*
22 *so designated by the tribal governing body, shall have the*
23 *local authority to waive, in part or in whole, the standards*
24 *established under subsection (c) and (d) if such standards*
25 *are deemed by such body to be inappropriate. The tribal*

1 *governing body or designated school board shall, not later*
2 *than 60 days after a waiver under this subsection, submit*
3 *to the Secretary a proposal for alternative standards that*
4 *take into account the specific needs of the tribe's children.*
5 *Such alternative standards shall be established by the Sec-*
6 *retary unless specifically rejected by the Secretary for good*
7 *cause and in writing to the affected tribes or local school*
8 *board, which rejection shall be final and not subject to re-*
9 *view.*

10 “(f) *ACCREDITATION AND IMPLEMENTATION OF*
11 *STANDARDS.—*

12 “(1) *DEADLINE FOR MEETING STANDARDS.—Not*
13 *later the second academic year after publication of the*
14 *standards, to the extent necessary funding is pro-*
15 *vided, all Bureau funded schools shall meet the stand-*
16 *ards established under subsections (c) and (d) or shall*
17 *be accredited—*

18 “(A) *by a tribal accrediting body, if the ac-*
19 *creditation standards of the tribal accrediting*
20 *body have been accepted by formal action of the*
21 *tribal governing body and are equal to or exceed*
22 *the accreditation standards of the State or region*
23 *in which the school is located;*

24 “(B) *by a regional accreditation agency; or*

1 “(C) by State accreditation standards for
2 the State in which it is located.

3 “(2) DETERMINATION OF STANDARDS TO BE AP-
4 PLIED.—The accreditation type or standards applied
5 for each school shall be determined by the school board
6 of the school, in consultation with the Administrator
7 of the school, provided that in the case where the
8 School Board and the Administrator fail to agree on
9 the type of accreditation and standards to apply, the
10 decision of the school board with the approval of the
11 tribal governing body shall be final.

12 “(3) ASSISTANCE TO SCHOOL BOARDS.—The Sec-
13 retary, through contracts and grants, shall assist
14 school boards of contract or grant schools in imple-
15 mentation of the standards established under sub-
16 sections (c) and (d), if the school boards request that
17 such standards, in part or in whole, be implemented.

18 “(4) FISCAL CONTROL AND FUND ACCOUNTING
19 STANDARDS.—The Bureau shall, either directly or
20 through contract with an Indian organization, estab-
21 lish a consistent system of reporting standards for fis-
22 cal control and fund accounting for all contract and
23 grant schools. Such standards shall provide data com-
24 parable to those used by Bureau operated schools.

1 “(g) *ANNUAL PLAN FOR MEETING OF STANDARDS.*—
2 *Except as provided in subsections (e) and (f), the Secretary*
3 *shall begin to implement the standards established under*
4 *this section immediately upon the date of their establish-*
5 *ment. On an annual basis, the Secretary shall submit to*
6 *the appropriate committees of Congress, all Bureau funded*
7 *schools, and the tribal governing bodies of such schools a*
8 *detailed plan to bring all Bureau schools and contract or*
9 *grant schools up to the level required by the applicable*
10 *standards established under this section. Such plan shall*
11 *include detailed information on the status of each school’s*
12 *educational program in relation to the applicable standards*
13 *established under this section, specific cost estimates for*
14 *meeting such standards at each school and specific timelines*
15 *for bringing each school up to the level required by such*
16 *standards.*

17 “(h) *CLOSURE OR CONSOLIDATION OF SCHOOLS.*—

18 “(1) *IN GENERAL.*—*Except as specifically re-*
19 *quired by statute, no school or peripheral dormitory*
20 *operated by the Bureau on or after January 1, 1992,*
21 *may be closed or consolidated or have its program*
22 *substantially curtailed unless done according to the*
23 *requirements of this subsection.*

24 “(2) *EXCEPTIONS.*—*This subsection shall not*
25 *apply—*

1 “(A) *in those cases where the tribal gov-*
2 *erning body, or the local school board concerned*
3 *(if so designated by the tribal governing body),*
4 *requests closure or consolidation; or*

5 “(B) *when a temporary closure, consolida-*
6 *tion, or substantial curtailment is required by*
7 *plant conditions which constitute an immediate*
8 *hazard to health and safety.*

9 “(3) *REGULATIONS.—The Secretary shall, by*
10 *regulation, promulgate standards and procedures for*
11 *the closure, transfer to another authority, consolida-*
12 *tion, or substantial curtailment of Bureau schools, in*
13 *accordance with the requirements of this subsection.*

14 “(4) *NOTICE.—Whenever closure, transfer to an-*
15 *other authority, consolidation, or substantial curtail-*
16 *ment of a school is under active consideration or re-*
17 *view by any division of the Bureau or the Depart-*
18 *ment of the Interior, the affected tribe, tribal gov-*
19 *erning body, and designated local school board, will*
20 *be notified immediately, kept fully and currently in-*
21 *formed, and afforded an opportunity to comment with*
22 *respect to such consideration or review. When a for-*
23 *mal decision is made to close, transfer to another au-*
24 *thority, consolidate, or substantially curtail a school,*
25 *the affected tribe, tribal governing body, and des-*

1 *ignated school board shall be notified at least 6*
2 *months prior to the end of the school year preceding*
3 *the proposed closure date. Copies of any such notices*
4 *and information shall be transmitted promptly to the*
5 *appropriate committees of Congress and published in*
6 *the Federal Register.*

7 *“(5) REPORT.—The Secretary shall make a re-*
8 *port to the appropriate committees of Congress, the*
9 *affected tribe, and the designated school board describ-*
10 *ing the process of the active consideration or review*
11 *referred to in paragraph (4). The report shall include*
12 *a study of the impact of such action on the student*
13 *population, identify those students with particular*
14 *educational and social needs, and ensure that alter-*
15 *native services are available to such students. Such*
16 *report shall include the description of the consultation*
17 *conducted between the potential service provider, cur-*
18 *rent service provider, parents, tribal representatives*
19 *and the tribe or tribes involved, and the Director of*
20 *the Office of Indian Education Programs within the*
21 *Bureau regarding such students.*

22 *“(6) LIMITATION ON CERTAIN ACTIONS.—No ir-*
23 *revocable action may be taken in furtherance of any*
24 *such proposed school closure, transfer to another au-*
25 *thority, consolidation or substantial curtailment (in-*

1 *cluding any action which would prejudice the per-*
2 *sonnel or programs of such school) prior to the end*
3 *of the first full academic year after such report is*
4 *made.*

5 “(7) *TRIBAL GOVERNING BODY APPROVAL RE-*
6 *QUIRED FOR CERTAIN ACTIONS.—The Secretary may*
7 *terminate, contract, transfer to any other authority,*
8 *consolidate, or substantially curtail the operation or*
9 *facilities of—*

10 “(A) *any Bureau funded school that is oper-*
11 *ated on or after of January 1, 1999;*

12 “(B) *any program of such a school that is*
13 *operated on or after January 1, 1999; or*

14 “(C) *any school board of a school operated*
15 *under a grant under the Tribally Controlled*
16 *Schools Act of 1988,*

17 *only if the tribal governing body approves such ac-*
18 *tion.*

19 “(i) *APPLICATION FOR CONTRACTS OR GRANTS FOR*
20 *NON-BUREAU FUNDED SCHOOLS OR EXPANSION OF BU-*
21 *REAU FUNDED SCHOOLS.—*

22 “(1) *IN GENERAL.—(A)(i) The Secretary shall*
23 *only consider the factors described in subparagraph*
24 *(B) in reviewing—*

1 “(I) applications from any tribe for the
2 awarding of a contract or grant for a school that
3 is not a Bureau funded school; and

4 “(II) applications from any tribe or school
5 board of any Bureau funded school for—

6 “(aa) a school which is not a Bureau
7 funded school; or

8 “(bb) the expansion of a Bureau fund-
9 ed school which would increase the amount
10 of funds received by the Indian tribe or
11 school board under section 1127.

12 “(ii) With respect to applications described in
13 this subparagraph, the Secretary shall give consider-
14 ation to all the factors described in subparagraph (B),
15 but no such application shall be denied based pri-
16 marily upon the geographic proximity of comparable
17 public education.

18 “(B) With respect to applications described in
19 subparagraph (A) the Secretary shall consider the fol-
20 lowing factors relating to the program and services
21 that are the subject of the application:

22 “(i) The adequacy of the facilities or the po-
23 tential to obtain or provide adequate facilities.

24 “(ii) Geographic and demographic factors
25 in the affected areas.

1 “(iii) *The adequacy of the applicant’s pro-*
2 *gram plans or, in the case of a Bureau funded*
3 *school, of projected needs analysis done either by*
4 *the tribe or the Bureau.*

5 “(iv) *Geographic proximity of comparable*
6 *public education.*

7 “(v) *The stated needs of all affected parties,*
8 *including students, families, tribal governments*
9 *at both the central and local levels, and school*
10 *organizations.*

11 “(vi) *Adequacy and comparability of pro-*
12 *grams already available.*

13 “(vii) *Consistency of available programs*
14 *with tribal educational codes or tribal legislation*
15 *on education.*

16 “(viii) *The history and success of these serv-*
17 *ices for the proposed population to be served, as*
18 *determined from all factors, including but not*
19 *limited to standardized examination perform-*
20 *ance.*

21 “(2) *DETERMINATION ON APPLICATION.—(A) The*
22 *Secretary shall make a determination of whether to*
23 *approve any application described in paragraph*
24 *(1)(A) not later than 180 days after such application*
25 *is submitted to the Secretary.*

1 “(B) *If the Secretary fails to make the deter-*
2 *mination with respect to an application by the date*
3 *described in subparagraph (A), the application shall*
4 *be treated as having been approved by the Secretary.*

5 “(3) *REQUIREMENTS FOR APPLICATIONS.—(A)*
6 *Notwithstanding paragraph (2)(B), an application*
7 *described in paragraph (1)(A) may be approved by*
8 *the Secretary only if—*

9 “(i) *the application has been approved by*
10 *the tribal governing body of the students served*
11 *by (or to be served by) the school or program*
12 *that is the subject of the application, and*

13 “(ii) *written evidence of such approval is*
14 *submitted with the application.*

15 “(B) *Each application described in paragraph*
16 *(1)(A) shall provide information concerning each of*
17 *the factors described in paragraph (1)(B).*

18 “(4) *DENIAL OF APPLICATIONS.—Whenever the*
19 *Secretary makes a determination to deny approval of*
20 *any application described in paragraph (1)(A), the*
21 *Secretary shall—*

22 “(A) *state the objections in writing to the*
23 *applicant not later 180 days after the applica-*
24 *tion is submitted to the Secretary;*

1 “(B) provide assistance to the applicant to
2 overcome stated objections; and

3 “(C) provide the applicant a hearing, under
4 the same rules and regulations pertaining to the
5 Indian Self-Determination and Education As-
6 sistance Act and an opportunity to appeal the
7 objections raised by the Secretary.

8 “(5) *EFFECTIVE DATE OF A SUBJECT APPLICA-*
9 *TION.—(A) Except as otherwise provided in this*
10 *paragraph, the action which is the subject of any ap-*
11 *plication described in paragraph (1)(A) that is ap-*
12 *proved by the Secretary shall become effective at the*
13 *beginning of the academic year following the fiscal*
14 *year in which the application is approved, or at an*
15 *earlier date determined by the Secretary.*

16 “(B) *If an application is treated as having been*
17 *approved by the Secretary under paragraph (2)(B),*
18 *the action that is the subject of the application shall*
19 *become effective on the date that is 18 months after*
20 *the date on which the application is submitted to the*
21 *Secretary, or at an earlier date determined by the*
22 *Secretary.*

23 “(6) *STATUTORY CONSTRUCTION.—Nothing in*
24 *this section shall be read so as to preclude the expan-*
25 *sion of grades and related facilities at a Bureau fund-*

1 *ed school where such expansion and the maintenance*
2 *of such expansion is occasioned or paid for with non-*
3 *Bureau funds.*

4 “(j) *GENERAL USE OF FUNDS.—Funds received by*
5 *Bureau funded schools from the Bureau of Indian Affairs*
6 *and under any program from the Department of Education*
7 *or any other Federal agency for the purpose of providing*
8 *education or related services may be used for schoolwide*
9 *projects to improve the educational program for all Indian*
10 *students.*

11 “(k) *STUDY ON ADEQUACY OF FUNDS AND FOR-*
12 *MULAS.—The Comptroller General shall conduct a study,*
13 *in consultation with Indian tribes and local school boards,*
14 *to determine the adequacy of funding, and formulas used*
15 *by the Bureau to determine funding, for programs operated*
16 *by Bureau funded schools, taking into account unique cir-*
17 *cumstances applicable to Bureau funded schools, as well as*
18 *expenditures for comparable purposes in public schools na-*
19 *tionally. Upon completion of the study, the Secretary of the*
20 *Interior shall take such action as necessary to ensure dis-*
21 *tribution of the findings of the study to all affected Indian*
22 *tribes, local school boards, and associations of local school*
23 *boards.*

1 **“SEC. 1122. NATIONAL CRITERIA FOR HOME LIVING SITUA-**
2 **TIONS.**

3 “(a) *IN GENERAL.*—*The Secretary, in consultation*
4 *with the Secretary of Education, Indian organizations and*
5 *tribes, and Bureau funded schools, shall revise the national*
6 *standards for home-living (dormitory) situations to include*
7 *such factors as heating, lighting, cooling, adult-child ratios,*
8 *needs for counselors (including special needs related to off-*
9 *reservation home-living (dormitory) situations), thera-*
10 *peutic programs, space, and privacy. Such standards shall*
11 *be implemented in Bureau operated schools, and shall serve*
12 *as minimum standards for contract or grant schools. Once*
13 *established, any revisions of such standards shall be devel-*
14 *oped according to the requirements established under section*
15 *1138A.*

16 “(b) *IMPLEMENTATION.*—*The Secretary shall imple-*
17 *ment the revised standards established under this section*
18 *immediately upon their completion.*

19 “(c) *PLAN.*—*At the time of each annual budget submis-*
20 *sion for Bureau educational services is presented, the Sec-*
21 *retary shall submit to the appropriate committees of Con-*
22 *gress, the tribes, and the affected schools, and publish in*
23 *the Federal Register, a detailed plan to bring all Bureau*
24 *funded schools that provide home-living (dormitory) situa-*
25 *tions up to the standards established under this section.*
26 *Such plan shall include a statement of the relative needs*

1 of each Bureau funded home-living (dormitory) school, pro-
2 jected future needs of each Bureau funded home-living (dor-
3 mitory) school, detailed information on the status of each
4 school in relation to the standards established under this
5 section, specific cost estimates for meeting each standard for
6 each such school, aggregate cost estimates for bringing all
7 such schools into compliance with the criteria established
8 under this section, and specific timelines for bringing each
9 school into compliance with such standards.

10 “(d) *WAIVER.*—The criteria established under this sec-
11 tion may be waived in the same manner as the standards
12 provided under section 1121(c) may be waived.

13 “(e) *CLOSURE FOR FAILURE TO MEET STANDARDS*
14 *PROHIBITED.*—No school in operation on or before January
15 1, 1987 (regardless of compliance or noncompliance with
16 the criteria established under this section), may be closed,
17 transferred to another authority, consolidated, or have its
18 program substantially curtailed for failure to meet the cri-
19 teria.

20 “**SEC. 1123. REGULATIONS.**

21 “(a) *PART 32 OF TITLE 25 OF CODE OF FEDERAL*
22 *REGULATIONS.*—The provisions of part 32 of title 25 of the
23 Code of Federal Regulations, as in effect on January 1,
24 1987, are incorporated into this Act and shall be treated
25 as though such provisions are set forth in this subsection.

1 *Such provisions may be altered only by means of an Act*
2 *of Congress. To the extent that such provisions of part 32*
3 *do not conform with this Act or any statutory provision*
4 *of law enacted before November 1, 1978, the provisions of*
5 *this Act and the provisions of such other statutory law shall*
6 *govern.*

7 “(b) *REGULATION DEFINED.*—*For purposes of this*
8 *part, the term ‘regulation’ means any rules, regulations,*
9 *guidelines, interpretations, orders, or requirements of gen-*
10 *eral applicability prescribed by any officer or employee of*
11 *the executive branch.*

12 **“SEC. 1124. SCHOOL BOUNDARIES.**

13 “(a) *ESTABLISHMENT BY SECRETARY.*—*The Secretary*
14 *shall establish, by regulation, separate geographical attend-*
15 *ance areas for each Bureau funded school.*

16 “(b) *ESTABLISHMENT BY TRIBAL BODY.*—*In any*
17 *case where there is more than 1 Bureau funded school lo-*
18 *cated on an Indian reservation, at the direction of the tribal*
19 *governing body, the relevant school boards of the Bureau*
20 *funded schools on the reservation may, by mutual consent,*
21 *establish the relevant attendance areas for such schools, sub-*
22 *ject to the approval of the tribal governing body. Any such*
23 *boundaries so established shall be accepted by the Secretary.*

24 “(c) *BOUNDARY REVISIONS.*—

1 “(1) *IN GENERAL.*—On or after July 1, 1999, no
2 *geographical attendance area shall be revised or estab-*
3 *lished with respect to any Bureau funded school un-*
4 *less the tribal governing body or the local school board*
5 *concerned (if so designated by the tribal governing*
6 *body) has been afforded—*

7 “(A) *at least 6 months notice of the inten-*
8 *tion of the Bureau to revise or establish such at-*
9 *tendance area; and*

10 “(B) *the opportunity to propose alternative*
11 *boundaries.*

12 *Any tribe may petition the Secretary for revision of*
13 *existing attendance area boundaries. The Secretary*
14 *shall accept such proposed alternative or revised*
15 *boundaries unless the Secretary finds, after consulta-*
16 *tion with the affected tribe or tribes, that such revised*
17 *boundaries do not reflect the needs of the Indian stu-*
18 *dents to be served or do not provide adequate stability*
19 *to all of the affected programs. The Secretary shall*
20 *cause such revisions to be published in the Federal*
21 *Register.*

22 “(2) *TRIBAL RESOLUTION DETERMINATION.*—
23 *Nothing in this section shall be interpreted as denying*
24 *a tribal governing body the authority, on a con-*
25 *tinuing basis, to adopt a tribal resolution allowing*

1 *parents the choice of the Bureau funded school their*
2 *children may attend, regardless of the attendance*
3 *boundaries established under this section.*

4 “(d) *FUNDING RESTRICTIONS.—The Secretary shall*
5 *not deny funding to a Bureau funded school for any eligible*
6 *Indian student attending the school solely because that stu-*
7 *dent’s home or domicile is outside of the geographical at-*
8 *tendance area established for that school under this section.*
9 *No funding shall be made available without tribal author-*
10 *ization to enable a school to provide transportation for any*
11 *student to or from the school and a location outside the ap-*
12 *proved attendance area of the school.*

13 “(e) *RESERVATION AS BOUNDARY.—In any case where*
14 *there is only 1 Bureau funded program located on an In-*
15 *dian reservation, the attendance area for the program shall*
16 *be the boundaries (established by treaty, agreement, legisla-*
17 *tion, court decisions, or executive decisions and as accepted*
18 *by the tribe) of the reservation served, and those students*
19 *residing near the reservation shall also receive services from*
20 *such program.*

21 “(f) *OFF-RESERVATION HOME-LIVING (DORMITORY)*
22 *SCHOOLS.—Notwithstanding any geographical attendance*
23 *areas, attendance at off-reservation home-living (dormitory)*
24 *schools shall include students requiring special emphasis*
25 *programs to be implemented at each off-reservation home-*

1 *living (dormitory) school. Such attendance shall be coordi-*
2 *nated between education line officers, the family, and the*
3 *referring and receiving programs.*

4 **“SEC. 1125. FACILITIES CONSTRUCTION.**

5 “(a) *COMPLIANCE WITH HEALTH AND SAFETY STAND-*
6 *ARDS.—The Secretary shall immediately begin to bring all*
7 *schools, dormitories, and other Indian education-related fa-*
8 *cilities operated by the Bureau or under contract or grant*
9 *with the Bureau into compliance with all applicable tribal,*
10 *Federal, or State health and safety standards, whichever*
11 *provides greater protection (except that the tribal standards*
12 *to be applied shall be no greater than any otherwise appli-*
13 *cable Federal or State standards), with section 504 of the*
14 *Rehabilitation Act of 1973, and with the Americans with*
15 *Disabilities Act of 1990. Nothing in this section shall re-*
16 *quire termination of the operations of any facility which*
17 *does not comply with such provisions and which is in use*
18 *on the date of enactment of the Student Results Act of 1999.*

19 “(b) *COMPLIANCE PLAN.—At the time that the annual*
20 *budget request for Bureau educational services is presented,*
21 *the Secretary shall submit to the appropriate committees*
22 *of Congress a detailed plan to bring all facilities covered*
23 *under subsection (a) of this section into compliance with*
24 *the standards referred to in subsection (a). Such plan shall*
25 *include detailed information on the status of each facility’s*

1 *compliance with such standards, specific cost estimates for*
2 *meeting such standards at each school, and specific*
3 *timelines for bringing each school into compliance with*
4 *such standards.*

5 “(c) *CONSTRUCTION PRIORITIES.*—

6 “(1) *SYSTEM TO ESTABLISH PRIORITIES.*—*On*
7 *an annual basis the Secretary shall submit to the ap-*
8 *propriate committees of Congress and cause to be pub-*
9 *lished in the Federal Register, the system used to es-*
10 *tablish priorities for replacement and construction*
11 *projects for Bureau funded schools and home-living*
12 *schools, including boarding schools and dormitories.*
13 *At the time any budget request for education is pre-*
14 *sented, the Secretary shall publish in the Federal Reg-*
15 *ister and submit with the budget request the current*
16 *list of all Bureau funded school construction prior-*
17 *ities.*

18 “(2) *LONG-TERM CONSTRUCTION AND REPLACE-*
19 *MENT LIST.*—*In addition to the plan submitted under*
20 *subsection (b), the Secretary shall—*

21 “(A) *not later than 18 months after the date*
22 *of enactment of the Student Results Act of 1999,*
23 *establish a long-term construction and replace-*
24 *ment list for all Bureau funded schools;*

1 “(B) using the list prepared under subpara-
2 graph (A), propose a list for the orderly replace-
3 ment of all Bureau funded education-related fa-
4 cilities over a period of 40 years to enable plan-
5 ning and scheduling of budget requests;

6 “(C) cause the list prepared under sub-
7 section (B) to be published in the *Federal Reg-*
8 *ister* and allow a period of not less than 120
9 days for public comment;

10 “(D) make such revisions to the list pre-
11 pared under subparagraph (B) as are appro-
12 priate based on the comments received; and

13 “(E) cause the final list to be published in
14 the *Federal Register*.

15 “(3) *EFFECT ON OTHER LIST*.—Nothing in this
16 section shall be construed as interfering with or
17 changing in any way the construction priority list as
18 it exists on the date of the enactment of the *Student*
19 *Results Act of 1999*.

20 “(d) *HAZARDOUS CONDITION AT BUREAU SCHOOL*.—

21 “(1) *CLOSURE OR CONSOLIDATION*.—A Bureau
22 funded school may be closed or consolidated, and the
23 programs of a Bureau funded school may be substan-
24 tially curtailed by reason of plant conditions that
25 constitute an immediate hazard to health and safety

1 *only if a health and safety officer of the Bureau deter-*
2 *mines that such conditions exist at the Bureau funded*
3 *school.*

4 “(2) *INSPECTION.*—(A) *After making a deter-*
5 *mination described in paragraph (1), the Bureau*
6 *health and safety officer shall conduct an inspection*
7 *of the condition of such plant accompanied by an ap-*
8 *propriate tribal, county, municipal, or State health*
9 *and safety officer in order to determine whether con-*
10 *ditions at such plant constitute an immediate hazard*
11 *to health and safety. Such inspection shall be com-*
12 *pleted by not later than the date that is 30 days after*
13 *the date on which the action described in paragraph*
14 *(1) is taken. No further negative action may be taken*
15 *unless the findings are concurred in by the second,*
16 *non-Bureau of Indian Affairs inspector.*

17 “(B) *If the health and safety officer conducting*
18 *the inspection of a plant required under subpara-*
19 *graph (A) determines that conditions at the plant do*
20 *not constitute an immediate hazard to health and*
21 *safety, any consolidation or curtailment that was*
22 *made under paragraph (1) shall immediately cease*
23 *and any school closed by reason of conditions at the*
24 *plant shall be reopened immediately.*

1 “(C) *If a Bureau funded school is temporarily*
2 *closed or consolidated or the programs of a Bureau*
3 *funded school are substantially curtailed under this*
4 *subsection and the Secretary determines that the clo-*
5 *sure, consolidation, or curtailment will exceed 1 year,*
6 *the Secretary shall submit to the Congress, by not*
7 *later than 6 months after the date on which the clo-*
8 *sure, consolidation, or curtailment was initiated, a*
9 *report which sets forth the reasons for such temporary*
10 *actions, the actions the Secretary is taking to elimi-*
11 *nate the conditions that constitute the hazard, and an*
12 *estimated date by which such actions will be con-*
13 *cluded.*

14 “(e) *FUNDING REQUIREMENT.—*

15 “(1) *DISTRIBUTION OF FUNDS.—Beginning with*
16 *the fiscal year following the year of the date of the en-*
17 *actment of the Student Results Act of 1999, all funds*
18 *appropriated for the operations and maintenance of*
19 *Bureau funded schools shall be distributed by formula*
20 *to the schools. No funds from this account may be re-*
21 *tained or segregated by the Bureau to pay for admin-*
22 *istrative or other costs of any facilities branch or of-*
23 *fice, at any level of the Bureau.*

24 “(2) *REQUIREMENTS FOR CERTAIN USES.—No*
25 *funds shall be withheld from the distribution to the*

1 *budget of any school operated under contract or grant*
 2 *by the Bureau for maintenance or any other facilities*
 3 *or road related purpose, unless such school has con-*
 4 *sentied, as a modification to the contract or in writing*
 5 *for grants schools, to the withholding of such funds,*
 6 *including the amount thereof, the purpose for which*
 7 *the funds will be used, and the timeline for the serv-*
 8 *ices to be provided. The school may, at the end of any*
 9 *fiscal year, cancel an agreement under this paragraph*
 10 *upon giving the Bureau 30 days notice of its intent*
 11 *to do so.*

12 “(f) *NO REDUCTION IN FEDERAL FUNDING.—Nothing*
 13 *in this section shall be construed to diminish any Federal*
 14 *funding due to the receipt by the school of funding for facili-*
 15 *ties improvement or construction from a State or any other*
 16 *source.*

17 **“SEC. 1126. BUREAU OF INDIAN AFFAIRS EDUCATION FUNC-**
 18 **TIONS.**

19 “(a) *FORMULATION AND ESTABLISHMENT OF POLICY*
 20 *AND PROCEDURE; SUPERVISION OF PROGRAMS AND EX-*
 21 *PENDITURES.—The Secretary shall vest in the Assistant*
 22 *Secretary for Indian Affairs all functions with respect to*
 23 *formulation and establishment of policy and procedure and*
 24 *supervision of programs and expenditures of Federal funds*
 25 *for the purpose of Indian education administered by the*

1 *Bureau. The Assistant Secretary shall carry out such func-*
2 *tions through the Director of the Office of Indian Education*
3 *Programs.*

4 “(b) *DIRECTION AND SUPERVISION OF PERSONNEL*
5 *OPERATIONS.*—*Not later than 6 months after the date of*
6 *the enactment of the Student Results Act of 1999, the Direc-*
7 *tor of the Office of Indian Education Programs shall direct*
8 *and supervise the operations of all personnel directly and*
9 *substantially involved in the provision of education services*
10 *by the Bureau, including school or institution custodial or*
11 *maintenance personnel, facilities management, contracting,*
12 *procurement, and finance personnel. The Assistant Sec-*
13 *retary for Indian Affairs shall coordinate the transfer of*
14 *functions relating to procurement, contracts, operation, and*
15 *maintenance to schools and other support functions to the*
16 *Director.*

17 “(c) *EVALUATION OF PROGRAMS; SERVICES AND SUP-*
18 *PORT FUNCTIONS; TECHNICAL AND COORDINATING ASSIST-*
19 *ANCE.*—*Education personnel who are under the direction*
20 *and supervision of the Director of the Office of Indian Edu-*
21 *cation Programs in accordance with the first sentence of*
22 *subsection (b) shall—*

23 “(1) *monitor and evaluate Bureau education*
24 *programs;*

1 “(2) *provide all services and support functions*
2 *for education programs with respect to personnel mat-*
3 *ters involving staffing actions and functions; and*

4 “(3) *provide technical and coordinating assist-*
5 *ance in areas such as procurement, contracting, budg-*
6 *eting, personnel, curriculum, and operation and*
7 *maintenance of school facilities.*

8 “(d) *CONSTRUCTION, IMPROVEMENT, OPERATION, AND*
9 *MAINTENANCE OF FACILITIES.—*

10 “(1) *PLAN FOR CONSTRUCTION.—The Assistant*
11 *Secretary shall submit in the annual budget a plan—*

12 “(A) *for school facilities to be constructed*
13 *under section 1125(c);*

14 “(B) *for establishing priorities among*
15 *projects and for the improvement and repair of*
16 *educational facilities, which together shall form*
17 *the basis for the distribution of appropriated*
18 *funds; and*

19 “(C) *for capital improvements to be made*
20 *over the 5 succeeding years.*

21 “(2) *PROGRAM FOR OPERATION AND MAINTEN-*
22 *NANCE.—*

23 “(A) *IN GENERAL.—The Assistant Secretary*
24 *shall establish a program, including the distribu-*
25 *tion of appropriated funds, for the operation and*

1 *maintenance of education facilities. Such pro-*
2 *gram shall include—*

3 “(i) a method of computing the
4 amount necessary for each educational facil-
5 ity;

6 “(ii) similar treatment of all Bureau
7 funded schools;

8 “(iii) a notice of an allocation of ap-
9 propriated funds from the Director of the
10 Office of Indian Education Programs di-
11 rectly to the education line officers and ap-
12 propriate school officials;

13 “(iv) a method for determining the
14 need for, and priority of, facilities repair
15 and maintenance projects, both major and
16 minor. In making such determination, the
17 Assistant Secretary shall cause to be con-
18 ducted a series of meetings at the agency
19 and area level with representatives of the
20 Bureau funded schools in those areas and
21 agencies to receive comment on the lists and
22 prioritization of such projects; and

23 “(v) a system for the conduct of routine
24 preventive maintenance.

1 “(B) *The appropriate education line officers*
2 *shall make arrangements for the maintenance of*
3 *education facilities with the local supervisors of*
4 *the Bureau maintenance personnel. The local su-*
5 *pervisors of Bureau maintenance personnel shall*
6 *take appropriate action to implement the deci-*
7 *sions made by the appropriate education line of-*
8 *ficers, except that no funds under this chapter*
9 *may be authorized for expenditure unless such*
10 *appropriate education line officer is assured that*
11 *the necessary maintenance has been, or will be,*
12 *provided in a reasonable manner.*

13 “(3) *IMPLEMENTATION.—The requirements of*
14 *this subsection shall be implemented as soon as prac-*
15 *ticable after the date of the enactment of the Student*
16 *Results Act of 1999.*

17 “(e) *ACCEPTANCE OF GIFTS AND BEQUESTS.—Not-*
18 *withstanding any other provision of law, the Director shall*
19 *promulgate guidelines for the establishment of mechanisms*
20 *for the acceptance of gifts and bequests for the use and ben-*
21 *efit of particular schools or designated Bureau operated*
22 *education programs, including, where appropriate, the es-*
23 *tablishment and administration of trust funds. When a Bu-*
24 *reau operated program is the beneficiary of such a gift or*
25 *bequest, the Director shall make provisions for monitoring*

1 *its use and shall report to the appropriate committees of*
2 *Congress the amount and terms of such gift or bequest, the*
3 *manner in which such gift or bequest shall be used, and*
4 *any results achieved by such action.*

5 “(f) *FUNCTIONS CLARIFIED.*—*For the purpose of this*
6 *section, the term ‘functions’ includes powers and duties.*

7 **“SEC. 1127. ALLOTMENT FORMULA.**

8 “(a) *FACTORS CONSIDERED; REVISION TO REFLECT*
9 *STANDARDS.*—

10 “(1) *FORMULA.*—*The Secretary shall establish,*
11 *by regulation adopted in accordance with section*
12 *1138A, a formula for determining the minimum an-*
13 *ual amount of funds necessary to sustain each Bu-*
14 *reau funded school. In establishing such formula, the*
15 *Secretary shall consider—*

16 “(A) *the number of eligible Indian students*
17 *served and total student population of the school;*

18 “(B) *special cost factors, such as—*

19 “(i) *the isolation of the school;*

20 “(ii) *the need for special staffing,*
21 *transportation, or educational programs;*

22 “(iii) *food and housing costs;*

23 “(iv) *maintenance and repair costs as-*
24 *sociated with the physical condition of the*
25 *educational facilities;*

1 “(v) special transportation and other
2 costs of isolated and small schools;

3 “(vi) the costs of home-living (dor-
4 mitory) arrangements, where determined
5 necessary by a tribal governing body or des-
6 ignated school board;

7 “(vii) costs associated with greater
8 lengths of service by education personnel;

9 “(viii) the costs of therapeutic pro-
10 grams for students requiring such programs;
11 and

12 “(ix) special costs for gifted and tal-
13 ented students;

14 “(C) the cost of providing academic services
15 which are at least equivalent to those provided
16 by public schools in the State in which the school
17 is located; and

18 “(D) such other relevant factors as the Sec-
19 retary determines are appropriate.

20 “(2) REVISION OF FORMULA.—Upon the estab-
21 lishment of the standards required in sections 1121
22 and 1122, the Secretary shall revise the formula es-
23 tablished under this subsection to reflect the cost of
24 funding such standards. Not later than January 1,
25 2001, the Secretary shall review the formula estab-

1 *lished under this section and shall take such steps as*
2 *are necessary to increase the availability of coun-*
3 *seling and therapeutic programs for students in off-*
4 *reservation home-living (dormitory) schools and other*
5 *Bureau operated residential facilities. Concurrent*
6 *with such action, the Secretary shall review the stand-*
7 *ards established under section 1122 to be certain that*
8 *adequate provision is made for parental notification*
9 *regarding, and consent for, such counseling and*
10 *therapeutic programs.*

11 “(b) *PRO RATA ALLOTMENT.*—*Notwithstanding any*
12 *other provision of law, Federal funds appropriated for the*
13 *general local operation of Bureau funded schools shall be*
14 *allotted pro rata in accordance with the formula established*
15 *under subsection (a).*

16 “(c) *ANNUAL ADJUSTMENT; RESERVATION OF AMOUNT*
17 *FOR SCHOOL BOARD ACTIVITIES.*—

18 “(1) *ANNUAL ADJUSTMENT.*—*For fiscal year*
19 *2001, and for each subsequent fiscal year, the Sec-*
20 *retary shall adjust the formula established under sub-*
21 *section (a) to—*

22 “(A) *use a weighted unit of 1.2 for each eli-*
23 *gible Indian student enrolled in the seventh and*
24 *eighth grades of the school in considering the*

1 *number of eligible Indian students served by the*
2 *school;*

3 “(B) *consider a school with an enrollment*
4 *of less than 50 eligible Indian students as having*
5 *an average daily attendance of 50 eligible Indian*
6 *students for purposes of implementing the adjust-*
7 *ment factor for small schools;*

8 “(C) *take into account the provision of resi-*
9 *dential services on less than a 9-month basis at*
10 *a school when the school board and supervisor of*
11 *the school determine that a less than 9-month*
12 *basis will be implemented for the school year in-*
13 *volved;*

14 “(D) *use a weighted unit of 2.0 for each eli-*
15 *gible Indian student that—*

16 “(i) *is gifted and talented; and*

17 “(ii) *is enrolled in the school on a full-*
18 *time basis,*

19 *in considering the number of eligible Indian stu-*
20 *dents served by the school; and*

21 “(E) *use a weighted unit of 0.25 for each el-*
22 *igible Indian student who is enrolled in a year-*
23 *long credit course in an Indian or Native lan-*
24 *guage as part of the regular curriculum of a*

1 *school, in considering the number of eligible In-*
2 *Indian students served by such school.*

3 *The adjustment required under subparagraph (E)*
4 *shall be used for such school after—*

5 *“(i) the certification of the Indian or Native*
6 *language curriculum by the school board of such*
7 *school to the Secretary, together with an estimate*
8 *of the number of full-time students expected to be*
9 *enrolled in the curriculum in the second school*
10 *year for which the certification is made; and*

11 *(ii) the funds appropriated for allotment*
12 *under this section are designated by the appro-*
13 *priations Act appropriating such funds as the*
14 *amount necessary to implement such adjustment*
15 *at such school without reducing allotments made*
16 *under this section to any school by virtue of such*
17 *adjustment.*

18 *“(2) RESERVATION OF AMOUNT.—*

19 *“(A) IN GENERAL.—From the funds allotted*
20 *in accordance with the formula established under*
21 *subsection (a) for each Bureau school, the local*
22 *school board of such school may reserve an*
23 *amount which does not exceed the greater of—*

24 *“(i) \$8,000; or*

25 *“(ii) the lesser of—*

1 “(I) \$15,000; or
2 “(II) 1 percent of such allotted
3 funds,
4 for school board activities for such school, includ-
5 ing (notwithstanding any other provision of law)
6 meeting expenses and the cost of membership in,
7 and support of, organizations engaged in activi-
8 ties on behalf of Indian education.

9 “(B) TRAINING.—Each school board shall
10 see that each new member of the school board re-
11 ceives, within 12 months of the individual’s as-
12 suming a position on the school board, 40 hours
13 of training relevant to that individual’s service
14 on the board. Such training may include legal
15 issues pertaining to schools funded by the Bu-
16 reau, legal issues pertaining to school boards,
17 ethics, and other topics deemed appropriate by
18 the school board.

19 “(d) RESERVATION OF AMOUNT FOR EMERGENCIES.—
20 The Secretary shall reserve from the funds available for dis-
21 tribution for each fiscal year under this section an amount
22 which, in the aggregate, shall equal 1 percent of the funds
23 available for such purpose for that fiscal year. Such funds
24 shall be used, at the discretion of the Director of the Office
25 of Indian Education Programs, to meet emergencies and

1 *unforeseen contingencies affecting the education programs*
2 *funded under this section. Funds reserved under this sub-*
3 *section may only be expended for education services or pro-*
4 *grams, including emergency repairs of educational facili-*
5 *ties, at a schoolsite (as defined by section 5204(c)(2) of the*
6 *Tribally Controlled Schools Act of 1988). Funds reserved*
7 *under this subsection shall remain available without fiscal*
8 *year limitation until expended. However, the aggregate*
9 *amount available from all fiscal years may not exceed 1*
10 *percent of the current year funds. Whenever, the Secretary*
11 *makes funds available under this subsection, the Secretary*
12 *shall report such action to the appropriate committees of*
13 *Congress within the annual budget submission.*

14 “(e) *SUPPLEMENTAL APPROPRIATIONS.—Supple-*
15 *mental appropriations enacted to meet increased pay costs*
16 *attributable to school level personnel shall be distributed*
17 *under this section.*

18 “(f) *ELIGIBLE INDIAN STUDENT DEFINED.—For the*
19 *purpose of this section, the term ‘eligible Indian student’*
20 *means a student who—*

21 “(1) *is a member of or is at least 1/4 degree In-*
22 *dian blood descendant of a member of an Indian tribe*
23 *which is eligible for the special programs and services*
24 *provided by the United States through the Bureau be-*
25 *cause of their status as Indians; and*

1 “(2) resides on or near an Indian reservation or
2 meets the criteria for attendance at a Bureau off-res-
3 ervation home-living (dormitory) school.

4 “(g) TUITION.—

5 “(1) IN GENERAL.—An eligible Indian student
6 may not be charged tuition for attendance at a Bu-
7 reau school or contract or grant school. A student at-
8 tending a Bureau school under paragraph (2)(C) may
9 not be charged tuition for attendance at such a school.

10 “(2) ATTENDANCE OF NON-INDIAN STUDENTS AT
11 BUREAU SCHOOLS.—The Secretary may permit the
12 attendance at a Bureau school of a student who is not
13 an eligible Indian student if—

14 “(A) the Secretary determines that the stu-
15 dent’s attendance will not adversely affect the
16 school’s program for eligible Indian students be-
17 cause of cost, overcrowding, or violation of stand-
18 ards or accreditation;

19 “(B) the school board consents;

20 “(C) the student is a dependent of a Bu-
21 reau, Indian Health Service, or tribal govern-
22 ment employee who lives on or near the school
23 site; or

24 “(D) a tuition is paid for the student that
25 is not more than that charged by the nearest

1 *public school district for out-of-district students,*
2 *and shall be in addition to the school's allocation*
3 *under this section.*

4 “(3) *ATTENDANCE OF NON-INDIAN STUDENTS AT*
5 *CONTRACT AND GRANT SCHOOLS.—The school board of*
6 *a contract or grant school may permit students who*
7 *are not eligible Indian students under this subsection*
8 *to attend its contract school or grant school and any*
9 *tuition collected for those students shall be in addition*
10 *to funding received under this section.*

11 “(h) *FUNDS AVAILABLE WITHOUT FISCAL YEAR LIM-*
12 *TATION.—Notwithstanding any other provision of law, at*
13 *the election of the school board of a Bureau school made*
14 *at any time during the fiscal year, a portion equal to not*
15 *more than 15 percent of the funds allocated with respect*
16 *to a school under this section for any fiscal year shall re-*
17 *main available to the school for expenditure without fiscal*
18 *year limitation. The Assistant Secretary shall take steps as*
19 *may be necessary to implement this provision.*

20 “(i) *STUDENTS AT RICHFIELD DORMITORY, RICH-*
21 *FIELD, UTAH.—Tuition for out-of-State Indian students in*
22 *home-living (dormitory) arrangements at the Richfield dor-*
23 *mitory in Richfield, Utah, who attend Sevier County high*
24 *schools in Richfield, Utah, shall be paid from the Indian*
25 *school equalization program funds authorized in this sec-*

1 *tion and section 1130 at a rate not to exceed the amounts*
2 *per weighted student unit for that year for the instruction*
3 *of such students. No additional administrative cost funds*
4 *shall be added to the grant.*

5 **“SEC. 1128. ADMINISTRATIVE COST GRANTS.**

6 “(a) *GRANTS; EFFECT UPON APPROPRIATED*
7 *AMOUNTS.—*

8 “(1) *GRANTS.—Subject to the availability of ap-*
9 *propriated funds, the Secretary shall provide grants*
10 *to each tribe or tribal organization operating a con-*
11 *tract school or grant school in the amount determined*
12 *under this section with respect to the tribe or tribal*
13 *organization for the purpose of paying the adminis-*
14 *trative and indirect costs incurred in operating con-*
15 *tract or grant schools, provided that no school oper-*
16 *ated as a stand-alone institution shall receive less*
17 *than \$200,000.00 per year for these purposes, in order*
18 *to—*

19 “(A) *enable tribes and tribal organizations*
20 *operating such schools, without reducing direct*
21 *program services to the beneficiaries of the pro-*
22 *gram, to provide all related administrative over-*
23 *head services and operations necessary to meet*
24 *the requirements of law and prudent manage-*
25 *ment practice; and*

1 “(B) carry out other necessary support
2 functions which would otherwise be provided by
3 the Secretary or other Federal officers or employ-
4 ees, from resources other than direct program
5 funds, in support of comparable Bureau operated
6 programs.

7 “(2) EFFECT UPON APPROPRIATED AMOUNTS.—
8 Amounts appropriated to fund the grants provided
9 under this section shall be in addition to, and shall
10 not reduce, the amounts appropriated for the program
11 being administered by the contract or grant school.

12 “(b) DETERMINATION OF GRANT AMOUNT.—

13 “(1) IN GENERAL.—The amount of the grant
14 provided to each tribe or tribal organization under
15 this section for each fiscal year shall be determined by
16 applying the administrative cost percentage rate of
17 the tribe or tribal organization to the aggregate of the
18 Bureau elementary and secondary functions operated
19 by the tribe or tribal organization for which funds are
20 received from or through the Bureau. The administra-
21 tive cost percentage rate determined under subsection
22 (c) does not apply to other programs operated by the
23 tribe or tribal organization.

24 “(2) DIRECT COST BASE FUNDS.—The Secretary
25 shall—

1 “(A) reduce the amount of the grant deter-
2 mined under paragraph (1) to the extent that
3 payments for administrative costs are actually
4 received by an Indian tribe or tribal organiza-
5 tion under any Federal education program in-
6 cluded in the direct cost base of the tribe or trib-
7 al organization; and

8 “(B) take such actions as may be necessary
9 to be reimbursed by any other department or
10 agency of the Federal Government for the portion
11 of grants made under this section for the costs of
12 administering any program for Indians that is
13 funded by appropriations made to such other de-
14 partment or agency.

15 “(c) *ADMINISTRATIVE COST PERCENTAGE RATE.*—

16 “(1) *IN GENERAL.*—For purposes of this section,
17 the administrative cost percentage rate for a contract
18 or grant school for a fiscal year is equal to the per-
19 centage determined by dividing—

20 “(A) the sum of—

21 “(i) the amount equal to—

22 “(I) the direct cost base of the
23 tribe or tribal organization for the fis-
24 cal year, multiplied by

25 “(II) the minimum base rate; plus

1 “(ii) the amount equal to—

2 “(I) the standard direct cost base;
3 multiplied by

4 “(II) the maximum base rate; by
5 “(B) the sum of—

6 “(i) the direct cost base of the tribe or
7 tribal organization for the fiscal year; plus

8 “(ii) the standard direct cost base.

9 “(2) *ROUNDING.*—The administrative cost per-
10 centage rate shall be determined to the $\frac{1}{100}$ of a dec-
11 imal point.

12 “(d) *COMBINING FUNDS.*—

13 “(1) *IN GENERAL.*—Funds received by a tribe or
14 contract or grant school as grants under this section
15 for tribal elementary or secondary educational pro-
16 grams may be combined by the tribe or contract or
17 grant school into a single administrative cost account
18 without the necessity of maintaining separate funding
19 source accounting.

20 “(2) *INDIRECT COST FUNDS.*—Indirect cost funds
21 for programs at the school which share common ad-
22 ministrative services with tribal elementary or sec-
23 ondary educational programs may be included in the
24 administrative cost account described in paragraph
25 (1).

1 “(e) *AVAILABILITY OF FUNDS.*—*Funds received as*
2 *grants under this section with respect to tribal elementary*
3 *or secondary education programs shall remain available to*
4 *the contract or grant school without fiscal year limitation*
5 *and without diminishing the amount of any grants other-*
6 *wise payable to the school under this section for any fiscal*
7 *year beginning after the fiscal year for which the grant is*
8 *provided.*

9 “(f) *TREATMENT OF FUNDS.*—*Funds received as*
10 *grants under this section for Bureau funded programs oper-*
11 *ated by a tribe or tribal organization under a contract or*
12 *agreement shall not be taken into consideration for purposes*
13 *of indirect cost underrecovery and overrecovery determina-*
14 *tions by any Federal agency for any other funds, from*
15 *whatever source derived.*

16 “(g) *TREATMENT OF ENTITY OPERATING OTHER PRO-*
17 *GRAMS.*—*In applying this section and section 105 of the*
18 *Indian Self-Determination and Education Assistance Act*
19 *with respect to an Indian tribe or tribal organization*
20 *that—*

21 “(1) *receives funds under this section for admin-*
22 *istrative costs incurred in operating a contract or*
23 *grant school or a school operated under the Tribally*
24 *Controlled Schools Act of 1988; and*

1 “(2) operates 1 or more other programs under a
2 contract or grant provided under the Indian Self-De-
3 termination and Education Assistance Act;
4 the Secretary shall ensure that the Indian tribe or tribal
5 organization is provided with the full amount of the admin-
6 istrative costs that are associated with operating the con-
7 tract or grant school, and of the indirect costs, that are asso-
8 ciated with all of such other programs, provided that funds
9 appropriated for implementation of this section shall be
10 used only to supply the amount of the grant required to
11 be provided by this section.

12 “(h) DEFINITIONS.—For purposes of this section:

13 “(1) ADMINISTRATIVE COST.—(A) The term ‘ad-
14 ministrative cost’ means the costs of necessary admin-
15 istrative functions which—

16 “(i) the tribe or tribal organization incurs
17 as a result of operating a tribal elementary or
18 secondary educational program;

19 “(ii) are not customarily paid by com-
20 parable Bureau operated programs out of direct
21 program funds; and

22 “(iii) are either—

23 “(I) normally provided for comparable
24 Bureau programs by Federal officials using

1 *resources other than Bureau direct program*
2 *funds; or*

3 *“(II) are otherwise required of tribal*
4 *self-determination program operators by*
5 *law or prudent management practice.*

6 *“(B) The term ‘administrative cost’ may*
7 *include—*

8 *“(i) contract or grant (or other agreement)*
9 *administration;*

10 *“(ii) executive, policy, and corporate leader-*
11 *ship and decisionmaking;*

12 *“(iii) program planning, development, and*
13 *management;*

14 *“(iv) fiscal, personnel, property, and pro-*
15 *curement management;*

16 *“(v) related office services and record keep-*
17 *ing; and*

18 *“(vi) costs of necessary insurance, auditing,*
19 *legal, safety and security services.*

20 *“(2) BUREAU ELEMENTARY AND SECONDARY*
21 *FUNCTIONS.—The term ‘Bureau elementary and sec-*
22 *ondary functions’ means—*

23 *“(A) all functions funded at Bureau schools*
24 *by the Office;*

25 *“(B) all programs—*

1 “(i) funds for which are appropriated
2 to other agencies of the Federal Government;
3 and

4 “(ii) which are administered for the
5 benefit of Indians through Bureau schools;
6 and

7 “(C) all operation, maintenance, and repair
8 funds for facilities and government quarters used
9 in the operation or support of elementary and
10 secondary education functions for the benefit of
11 Indians, from whatever source derived.

12 “(3) DIRECT COST BASE.—(A) Except as other-
13 wise provided in subparagraph (B), the direct cost
14 base of a tribe or tribal organization for the fiscal
15 year is the aggregate direct cost program funding for
16 all tribal elementary or secondary educational pro-
17 grams operated by the tribe or tribal organization
18 during—

19 “(i) the second fiscal year preceding such
20 fiscal year; or

21 “(ii) if such programs have not been oper-
22 ated by the tribe or tribal organization during
23 the 2 preceding fiscal years, the first fiscal year
24 preceding such fiscal year.

1 “(B) *In the case of Bureau elementary or sec-*
2 *ondary education functions which have not previously*
3 *been operated by a tribe or tribal organization under*
4 *contract, grant, or agreement with the Bureau, the di-*
5 *rect cost base for the initial year shall be the projected*
6 *aggregate direct cost program funding for all Bureau*
7 *elementary and secondary functions to be operated by*
8 *the tribe or tribal organization during that fiscal*
9 *year.*

10 “(4) *MAXIMUM BASE RATE.—The term ‘max-*
11 *imum base rate’ means 50 percent.*

12 “(5) *MINIMUM BASE RATE.—The term ‘min-*
13 *imum base rate’ means 11 percent.*

14 “(6) *STANDARD DIRECT COST BASE.—The term*
15 *‘standard direct cost base’ means \$600,000.*

16 “(7) *TRIBAL ELEMENTARY OR SECONDARY EDU-*
17 *CATIONAL PROGRAMS.—The term ‘tribal elementary*
18 *or secondary educational programs’ means all Bureau*
19 *elementary and secondary functions, together with*
20 *any other Bureau programs or portions of programs*
21 *(excluding funds for social services that are appro-*
22 *priated to agencies other than the Bureau and are ex-*
23 *pended through the Bureau, funds for major sub-*
24 *contracts, construction, and other major capital ex-*
25 *penditures, and unexpended funds carried over from*

1 *prior years) which share common administrative cost*
2 *functions, that are operated directly by a tribe or*
3 *tribal organization under a contract, grant, or agree-*
4 *ment with the Bureau.*

5 *“(i) STUDIES FOR DETERMINATION OF FACTORS AF-*
6 *FECTING COSTS; BASE RATES LIMITS; STANDARD DIRECT*
7 *COST BASE; REPORT TO CONGRESS.—*

8 *“(1) STUDIES.—Not later than 120 days after*
9 *the date of enactment of the Student Results Act of*
10 *1999, the Director of the Office of Indian Education*
11 *Programs shall—*

12 *“(A) conduct such studies as may be needed*
13 *to establish an empirical basis for determining*
14 *relevant factors substantially affecting required*
15 *administrative costs of tribal elementary and*
16 *secondary education programs, using the for-*
17 *mula set forth in subsection (c); and*

18 *“(B) conduct a study to determine—*

19 *“(i) a maximum base rate which ensures*
20 *that the amount of the grants provided under*
21 *this section will provide adequate (but not exces-*
22 *sive) funding of the administrative costs of the*
23 *smallest tribal elementary or secondary edu-*
24 *cational programs;*

1 “(ii) a minimum base rate which ensures
2 that the amount of the grants provided under
3 this section will provide adequate (but not exces-
4 sive) funding of the administrative costs of the
5 largest tribal elementary or secondary edu-
6 cational programs; and

7 “(iii) a standard direct cost base which is
8 the aggregate direct cost funding level for which
9 the percentage determined under subsection (c)
10 will—

11 “(I) be equal to the median between the
12 maximum base rate and the minimum base
13 rate; and

14 “(II) ensure that the amount of the
15 grants provided under this section will pro-
16 vide adequate (but not excessive) funding of
17 the administrative costs of tribal elementary
18 or secondary educational programs closest
19 to the size of the program.

20 “(2) *GUIDELINES.*—The studies required under
21 paragraph (1) shall—

22 “(A) be conducted in full consultation (in
23 accordance with section 1131) with—

1 “(i) the tribes and tribal organizations
2 that are affected by the application of the
3 formula set forth in subsection (c); and

4 “(ii) all national and regional Indian
5 organizations of which such tribes and trib-
6 al organizations are typically members;

7 “(B) be conducted onsite with a representa-
8 tive statistical sample of the tribal elementary or
9 secondary educational programs under a con-
10 tract entered into with a nationally reputable
11 public accounting and business consulting firm;

12 “(C) take into account the availability of
13 skilled labor; commodities, business and auto-
14 matic data processing services, related Indian
15 preference and Indian control of education re-
16 quirements, and any other market factors found
17 substantially to affect the administrative costs
18 and efficiency of each such tribal elementary or
19 secondary educational program studied in order
20 to assure that all required administrative activi-
21 ties can reasonably be delivered in a cost effective
22 manner for each such program, given an admin-
23 istrative cost allowance generated by the values,
24 percentages, or other factors found in the studies
25 to be relevant in such formula;

1 “(D) identify, and quantify in terms of per-
2 centages of direct program costs, any general fac-
3 tors arising from geographic isolation, or num-
4 bers of programs administered, independent of
5 program size factors used to compute a base ad-
6 ministrative cost percentage in such formula;
7 and

8 “(E) identify any other incremental cost
9 factors substantially affecting the costs of re-
10 quired administrative cost functions at any of
11 the tribal elementary or secondary educational
12 programs studied and determine whether the fac-
13 tors are of general applicability to other such
14 programs, and (if so) how the factors may effec-
15 tively be incorporated into such formula.

16 “(3) CONSULTATION WITH INSPECTOR GEN-
17 ERAL.—In carrying out the studies required under
18 this subsection, the Director shall obtain the input of,
19 and afford an opportunity to participate to, the In-
20 spector General of the Department of the Interior.

21 “(4) CONSIDERATION OF DELIVERY OF ADMINIS-
22 TRATIVE SERVICES.—Determinations described in
23 paragraph (2)(C) shall be based on what is prac-
24 ticable at each location studied, given prudent man-
25 agement practice, irrespective of whether required ad-

1 *ministrative services were actually or fully delivered*
2 *at these sites, or whether other services were delivered*
3 *instead, during the period of the study.*

4 “(5) *REPORT.*—Upon completion of the studies
5 *conducted under paragraph (1), the Director shall*
6 *submit to Congress a report on the findings of the*
7 *studies, together with determinations based upon such*
8 *studies that would affect the definitions set forth*
9 *under subsection (e) that are used in the formula set*
10 *forth in subsection (c).*

11 “(6) *PROJECTION OF COSTS.*—The Secretary
12 *shall include in the Bureau’s justification for each*
13 *appropriations request beginning in the first fiscal*
14 *year after the completion of the studies conducted*
15 *under paragraph (1), a projection of the overall costs*
16 *associated with the formula set forth in subsection (c)*
17 *for all tribal elementary or secondary education pro-*
18 *grams which the Secretary expects to be funded in the*
19 *fiscal year for which the appropriations are sought.*

20 “(7) *DETERMINATION OF PROGRAM SIZE.*—For
21 *purposes of this subsection, the size of tribal elemen-*
22 *tary or secondary educational programs is determined*
23 *by the aggregate direct cost program funding level for*
24 *all Bureau funded programs which share common ad-*
25 *ministrative cost functions.*

1 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—

2 “(1) *IN GENERAL.*—*There are authorized to be*
3 *appropriated such sums as necessary to carry out this*
4 *section.*

5 “(2) *REDUCTIONS.*—*If the total amount of funds*
6 *necessary to provide grants to tribes and tribal orga-*
7 *nizations in the amounts determined under subsection*
8 *(b) for a fiscal year exceeds the amount of funds ap-*
9 *propriated to carry out this section for such fiscal*
10 *year, the Secretary shall reduce the amount of each*
11 *grant determined under subsection (b) for such fiscal*
12 *year by an amount that bears the same relationship*
13 *to such excess as the amount of such grants deter-*
14 *mined under subsection (b) bears to the total of all*
15 *grants determined under subsection (b) section for all*
16 *tribes and tribal organizations for such fiscal year.*

17 “(k) *APPLICABILITY TO SCHOOLS OPERATING UNDER*
18 *TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.*—*The pro-*
19 *visions of this section shall also apply to those schools oper-*
20 *ating under the Tribally Controlled Schools Act of 1988.*

21 “**SEC. 1129. DIVISION OF BUDGET ANALYSIS.**

22 “(a) *ESTABLISHMENT.*—*Not later than 12 months*
23 *after the date of the enactment of the Student Results Act*
24 *of 1999, the Secretary shall establish within the Office of*
25 *Indian Education Programs a Division of Budget Analysis*

1 *(hereinafter referred to as the 'Division'). Such Division*
2 *shall be under the direct supervision and control of the Di-*
3 *rector of the Office.*

4 “(b) *FUNCTIONS.*—*In consultation with the tribal gov-*
5 *erning bodies and tribal school boards, the Director of the*
6 *Office, through the Division, shall conduct studies, surveys,*
7 *or other activities to gather demographic information on*
8 *Bureau funded schools and project the amount necessary to*
9 *provide Indian students in such schools the educational pro-*
10 *gram set forth in this part.*

11 “(c) *ANNUAL REPORTS.*—*Not later than the date that*
12 *the Assistant Secretary for Indian Affairs makes the annual*
13 *budget submission, for each fiscal year after the date of the*
14 *enactment of the Student Results Act of 1999, the Director*
15 *of the Office shall submit to the appropriate committees of*
16 *Congress (including the Appropriations committees), all*
17 *Bureau funded schools, and the tribal governing bodies of*
18 *such schools, a report which shall contain—*

19 “(1) *projections, based upon the information*
20 *gathered pursuant to subparagraph (b) and any other*
21 *relevant information, of amounts necessary to provide*
22 *Indian students in Bureau funded schools the edu-*
23 *cational program set forth in this part;*

1 “(2) a description of the methods and formulas
2 used to calculate the amounts projected pursuant to
3 paragraph (1); and

4 “(3) such other information as the Director of
5 the Office considers appropriate.

6 “(d) *USE OF REPORTS.*—The Director of the Office
7 and the Assistant Secretary for Indian Affairs shall use the
8 annual report required by subsection (c) when preparing
9 their annual budget submissions.

10 **“SEC. 1130. UNIFORM DIRECT FUNDING AND SUPPORT.**

11 “(a) *ESTABLISHMENT OF SYSTEM AND FORWARD*
12 *FUNDING.*—

13 “(1) *IN GENERAL.*—The Secretary shall establish,
14 by regulation adopted in accordance with section
15 1138, a system for the direct funding and support of
16 all Bureau funded schools. Such system shall allot
17 funds in accordance with section 1127. All amounts
18 appropriated for distribution under this section may
19 be made available under paragraph (2).

20 “(2) *TIMING FOR USE OF FUNDS.*—(A) For the
21 purposes of affording adequate notice of funding
22 available pursuant to the allotments made under sec-
23 tion 1127, amounts appropriated in an appropria-
24 tions Act for any fiscal year shall become available
25 for obligation by the affected schools on July 1 of the

1 *fiscal year in which such amounts are appropriated*
2 *without further action by the Secretary, and shall re-*
3 *main available for obligation through the succeeding*
4 *fiscal year.*

5 “(B) *The Secretary shall, on the basis of the*
6 *amount appropriated in accordance with this*
7 *paragraph—*

8 “(i) *publish, not later than July 1 of the*
9 *fiscal year for which the funds are appropriated,*
10 *allotments to each affected school made under*
11 *section 1127 of 85 percent of such appropriation;*
12 *and*

13 “(ii) *publish, not later than September 30*
14 *of such fiscal year, the allotments to be made*
15 *under section 1127 of the remaining 15 percent*
16 *of such appropriation, adjusted to reflect the ac-*
17 *tual student attendance.*

18 “(3) *LIMITATION.—(A) Notwithstanding any*
19 *other provision of law or regulation, the supervisor of*
20 *a Bureau funded school may expend an aggregate of*
21 *not more than \$50,000 of the amount allotted the*
22 *school under section 1127 to acquire materials, sup-*
23 *plies, equipment, services, operation, and mainte-*
24 *nance for the school without competitive bidding if—*

1 “(i) the cost for any single item purchased
2 does not exceed \$15,000;

3 “(ii) the school board approves the procure-
4 ment;

5 “(iii) the supervisor certifies that the cost is
6 fair and reasonable;

7 “(iv) the documents relating to the procure-
8 ment executed by the supervisor or other school
9 staff cite this paragraph as authority for the
10 procurement; and

11 “(v) the transaction is documented in a
12 journal maintained at the school clearly identi-
13 fying when the transaction occurred, what was
14 acquired and from whom, the price paid, the
15 quantities acquired, and any other information
16 the supervisor or school board considers relevant.

17 “(B) Not later than 6 months after the date of
18 enactment of the Student Results Act of 1999, the Sec-
19 retary shall cause to be sent to each supervisor of a
20 Bureau operated program and school board chair-
21 person, the education line officer or officers of each
22 agency and area, and the Bureau Division in charge
23 of procurement, at both the local and national levels,
24 notice of this paragraph.

1 “(C) *The Director shall be responsible for deter-*
2 *mining the application of this paragraph, including*
3 *the authorization of specific individuals to carry out*
4 *this paragraph, and shall be responsible for the provi-*
5 *sion of guidelines on the use of this paragraph and*
6 *adequate training on such guidelines.*

7 “(4) *EFFECT OF SEQUESTRATION ORDER.—If a*
8 *sequestration order issued under the Balanced Budget*
9 *and Emergency Deficit Control Act of 1985 reduces*
10 *the amount of funds available for allotment under sec-*
11 *tion 1127 for any fiscal year by more than 7 percent*
12 *of the amount of funds available for allotment under*
13 *such section during the preceding fiscal year—*

14 “(A) *to fund allotments under section 1127,*
15 *the Secretary, notwithstanding any other law,*
16 *may use—*

17 “(i) *funds appropriated for the oper-*
18 *ation of any Bureau school that is closed or*
19 *consolidated; and*

20 “(ii) *funds appropriated for any pro-*
21 *gram that has been curtailed at any Bureau*
22 *school; and*

23 “(B) *the Secretary may waive the applica-*
24 *tion of the provisions of section 1121(h) with re-*
25 *spect to the closure or consolidation of a school,*

1 *or the curtailment of a program at a school, dur-*
2 *ing such fiscal year if the funds described in*
3 *clauses (i) and (ii) of subparagraph (A) with re-*
4 *spect to such school are used to fund allotments*
5 *made under section 1127 for such fiscal year.*

6 *“(b) LOCAL FINANCIAL PLANS FOR EXPENDITURE OF*
7 *FUNDS.—*

8 *“(1) PLAN REQUIRED.—(A) In the case of all*
9 *Bureau operated schools, allotted funds shall be ex-*
10 *pended on the basis of local financial plans which en-*
11 *sure meeting the accreditation requirements or stand-*
12 *ards for the school established pursuant to section*
13 *1121 and which shall be prepared by the local school*
14 *supervisor in active consultation with the local school*
15 *board for each school. The local school board for each*
16 *school shall have the authority to ratify, reject, or*
17 *amend such financial plan, and expenditures there-*
18 *under, and, on its own determination or in response*
19 *to the supervisor of the school, to revise such financial*
20 *plan to meet needs not foreseen at the time of prepa-*
21 *ration of the financial plan.*

22 *“(B) The supervisor—*

23 *“(i) shall put into effect the decisions of the*
24 *school board;*

1 “(ii) shall provide the appropriate local
2 union representative of the education employees
3 with copies of proposed draft financial plans
4 and all amendments or modifications thereto, at
5 the same time such copies are submitted to the
6 local school board; and

7 “(iii) may appeal any such action of the
8 local school board to the appropriate education
9 line officer of the Bureau agency by filing a
10 written statement describing the action and the
11 reasons the supervisor believes such action should
12 be overturned. A copy of such statement shall be
13 submitted to the local school board and such
14 board shall be afforded an opportunity to re-
15 spond, in writing, to such appeal. After review-
16 ing such written appeal and response, the appro-
17 priate education line officer may, for good cause,
18 overturn the action of the local school board. The
19 appropriate education line officer shall transmit
20 the determination of such appeal in the form of
21 a written opinion to such board and to such su-
22 pervisor identifying the reasons for overturning
23 such action.

24 “(c) USE OF SELF-DETERMINATION GRANTS
25 FUNDS.—Funds for self-determination grants under section

1 103(a)(2) of the Indian Self-Determination and Education
2 Assistance Act shall not be used for providing technical as-
3 sistance and training in the field of education by the Bu-
4 reau unless such services are provided in accordance with
5 a plan, agreed to by the tribe or tribes affected and the Bu-
6 reau, under which control of education programs is in-
7 tended to be transferred to such tribe or tribes within a spe-
8 cific period of time negotiated under such agreement. The
9 Secretary may approve applications for funding tribal di-
10 visions of education and development of tribal codes of edu-
11 cation from funds appropriated pursuant to section 104(a)
12 of such Act.

13 “(d) *TECHNICAL ASSISTANCE AND TRAINING.*—In the
14 exercise of its authority under this section, a local school
15 board may request technical assistance and training from
16 the Secretary, and the Secretary shall, to the greatest extent
17 possible, provide such services, and make appropriate provi-
18 sions in the budget of the Office for such services.

19 “(e) *SUMMER PROGRAM OF ACADEMIC AND SUPPORT*
20 *SERVICES.*—

21 “(1) *IN GENERAL.*—A financial plan under sub-
22 section (b) for a school may include, at the discretion
23 of the local administrator and the school board of
24 such school, a provision for a summer program of
25 academic and support services for students of the

1 *school. Any such program may include activities re-*
2 *lated to the prevention of alcohol and substance abuse.*
3 *The Assistant Secretary for Indian Affairs shall pro-*
4 *vide for the utilization of any such school facility*
5 *during any summer in which such utilization is re-*
6 *quested.*

7 “(2) *USE OF OTHER FUNDS.—Notwithstanding*
8 *any other provision of law, funds authorized under*
9 *the Act of April 16, 1934, and this Act may be used*
10 *to augment the services provided in each summer pro-*
11 *gram at the option, and under the control, of the tribe*
12 *or Indian controlled school receiving such funds.*

13 “(3) *TECHNICAL ASSISTANCE AND PROGRAM CO-*
14 *ORDINATION.—The Assistant Secretary for Indian Af-*
15 *airs, acting through the Director of the Office, shall*
16 *provide technical assistance and coordination for any*
17 *program described in paragraph (1) and shall, to the*
18 *extent possible, encourage the coordination of such*
19 *programs with any other summer programs that*
20 *might benefit Indian youth, regardless of the funding*
21 *source or administrative entity of any such program.*

22 “(f) *COOPERATIVE AGREEMENTS.—*

23 “(1) *IN GENERAL.—From funds allotted to a Bu-*
24 *reau school under section 1127, the Secretary shall, if*
25 *specifically requested by the tribal governing body (as*

1 *defined in section 1141), implement any cooperative*
2 *agreement entered into between the tribe, the Bureau*
3 *school board, and the local public school district*
4 *which meets the requirements of paragraph (2) and*
5 *involves the school. The tribe, the Bureau school*
6 *board, and the local public school district shall deter-*
7 *mine the terms of the agreement. Such agreement may*
8 *encompass coordination of all or any part of the fol-*
9 *lowing:*

10 *“(A) Academic program and curriculum,*
11 *unless the Bureau school is currently accredited*
12 *by a State or regional accrediting entity and*
13 *would not continue to be so accredited.*

14 *“(B) Support services, including procure-*
15 *ment and facilities maintenance.*

16 *“(C) Transportation.*

17 *“(2) EQUAL BENEFIT AND BURDEN.—Each*
18 *agreement entered into pursuant to the authority pro-*
19 *vided in paragraph (1) shall confer a benefit upon the*
20 *Bureau school commensurate with the burden as-*
21 *sumed, though this requirement shall not be construed*
22 *so as to require equal expenditures or an exchange of*
23 *similar services.*

24 *“(g) PRODUCT OR RESULT OF STUDENT PROJECTS.—*
25 *Notwithstanding any other provision of law, where there*

1 *is agreement on action between the superintendent and the*
2 *school board of a Bureau funded school, the product or re-*
3 *sult of a project conducted in whole or in major part by*
4 *a student may be given to that student upon the completion*
5 *of such project.*

6 “(h) *NOT CONSIDERED FEDERAL FUNDS FOR MATCH-*
7 *ING REQUIREMENTS.—Notwithstanding any other provi-*
8 *sion of law, funds received by a Bureau funded school under*
9 *this title shall not be considered Federal funds for the pur-*
10 *poses of meeting a matching funds requirement for any Fed-*
11 *eral program.*

12 **“SEC. 1131. POLICY FOR INDIAN CONTROL OF INDIAN EDU-**
13 **CATION.**

14 “(a) *FACILITATION OF INDIAN CONTROL.—It shall be*
15 *the policy of the Secretary and the Bureau, in carrying out*
16 *the functions of the Bureau, to facilitate tribal control of*
17 *Indian affairs in all matters relating to education.*

18 “(b) *CONSULTATION WITH TRIBES.—*

19 “(1) *IN GENERAL.—All actions under this Act*
20 *shall be done with active consultation with tribes.*

21 “(2) *REQUIREMENTS.—The consultation re-*
22 *quired under paragraph (1) means a process involv-*
23 *ing the open discussion and joint deliberation of all*
24 *options with respect to potential issues or changes be-*
25 *tween the Bureau and all interested parties. During*

1 *such discussions and joint deliberations, interested*
2 *parties (including tribes and school officials) shall be*
3 *given an opportunity to present issues including pro-*
4 *posals regarding changes in current practices or pro-*
5 *grams which will be considered for future action by*
6 *the Bureau. All interested parties shall be given an*
7 *opportunity to participate and discuss the options*
8 *presented or to present alternatives, with the views*
9 *and concerns of the interested parties given effect un-*
10 *less the Secretary determines, from information avail-*
11 *able from or presented by the interested parties dur-*
12 *ing 1 or more of the discussions and deliberations,*
13 *that there is a substantial reason for another course*
14 *of action. The Secretary shall submit to any Member*
15 *of Congress, within 18 days of the receipt of a written*
16 *request by such Member, a written explanation of any*
17 *decision made by the Secretary which is not con-*
18 *sistent with the views of the interested parties.*

19 **“SEC. 1132. INDIAN EDUCATION PERSONNEL.**

20 *“(a) IN GENERAL.—Chapter 51, subchapter III of*
21 *chapter 53, and chapter 63 of title 5, United States Code,*
22 *relating to classification, pay and leave, respectively, and*
23 *the sections of such title relating to the appointment, pro-*
24 *motion, hours of work, and removal of civil service employ-*

1 *ees, shall not apply to educators or to education positions*
 2 *(as defined in subsection (p)).*

3 “(b) *REGULATIONS.—Not later than 60 days after the*
 4 *date of enactment of the Student Results Act of 1999, the*
 5 *Secretary shall prescribe regulations to carry out this sec-*
 6 *tion. Such regulations shall include—*

7 “(1) *the establishment of education positions;*

8 “(2) *the establishment of qualifications for edu-*
 9 *cators and education personnel;*

10 “(3) *the fixing of basic compensation for edu-*
 11 *cators and education positions;*

12 “(4) *the appointment of educators;*

13 “(5) *the discharge of educators;*

14 “(6) *the entitlement of educators to compensa-*
 15 *tion;*

16 “(7) *the payment of compensation to educators;*

17 “(8) *the conditions of employment of educators;*

18 “(9) *the leave system for educators;*

19 “(10) *the annual leave and sick leave for edu-*
 20 *cators and*

21 “(11) *such matters as may be appropriate.*

22 “(c) *QUALIFICATIONS OF EDUCATORS.—*

23 “(1) *REQUIREMENTS.—In prescribing regula-*
 24 *tions to govern the qualifications of educators, the*
 25 *Secretary shall require—*

1 “(A)(i) that lists of qualified and inter-
2 viewed applicants for education positions be
3 maintained in each agency and area office of the
4 Bureau from among individuals who have ap-
5 plied at the agency or area level for an education
6 position or who have applied at the national
7 level and have indicated in such application an
8 interest in working in certain areas or agencies;
9 and

10 “(ii) that a list of qualified and interviewed
11 applicants for education positions be maintained
12 in the Office from among individuals who have
13 applied at the national level for an education
14 position and who have expressed interest in
15 working in an education position anywhere in
16 the United States;

17 “(B) that a local school board shall have the
18 authority to waive on a case-by-case basis, any
19 formal education or degree qualifications estab-
20 lished by regulation pursuant to subsection
21 (b)(2), in order for a tribal member to be hired
22 in an education position to teach courses on trib-
23 al culture and language and that subject to sub-
24 section (e)(2), a determination by a school board

1 *that such a person be hired shall be instituted*
2 *supervisor; and*

3 “(C) *that it shall not be a prerequisite to*
4 *the employment of an individual in an edu-*
5 *cation position at the local level that such indi-*
6 *vidual’s name appear on the national list main-*
7 *tained pursuant to subparagraph (A)(ii) or that*
8 *such individual has applied at the national level*
9 *for an education position.*

10 “(2) *EXCEPTION FOR CERTAIN TEMPORARY EM-*
11 *PLOYMENT.—The Secretary may authorize the tem-*
12 *porary employment in an education position of an*
13 *individual who has not met the certification stand-*
14 *ards established pursuant to regulations, if the Sec-*
15 *retary determines that failure to do so would result*
16 *in that position remaining vacant.*

17 “(d) *HIRING OF EDUCATORS.—*

18 “(1) *REQUIREMENTS.—In prescribing regula-*
19 *tions to govern the appointment of educators, the Sec-*
20 *retary shall require—*

21 “(A)(i) *that educators employed in a Bu-*
22 *reau operated school (other than the supervisor of*
23 *the school) shall be hired by the supervisor of the*
24 *school. In cases where there are no qualified ap-*
25 *plicants available, such supervisor may consult*

1 *the national list maintained pursuant to sub-*
2 *section (c)(1)(A)(ii);*

3 *“(ii) each school supervisor shall be hired by*
4 *the education line officer of the agency office of*
5 *the Bureau in which the school is located;*

6 *“(iii) educators employed in an agency of-*
7 *fice of the Bureau shall be hired by the super-*
8 *intendent for education of the agency office; and*

9 *“(iv) each education line officer and edu-*
10 *cators employed in the Office of the Director of*
11 *Indian Education Programs shall be hired by*
12 *the Director;*

13 *“(B) that before an individual is employed*
14 *in an education position in a school by the su-*
15 *pervisor of a school (or with respect to the posi-*
16 *tion of supervisor, by the appropriate agency*
17 *education line officer), the local school board for*
18 *the school shall be consulted. A determination by*
19 *such school board that such individual should or*
20 *should not be so employed shall be instituted by*
21 *the supervisor (or with respect to the position of*
22 *supervisor, by the agency superintendent for edu-*
23 *cation);*

24 *“(C) that before an individual may be em-*
25 *ployed in an education position at the agency*

1 *level, the appropriate agency school board shall*
2 *be consulted, and that a determination by such*
3 *school board that such individual should or*
4 *should not be employed shall be instituted by the*
5 *agency superintendent for education; and*

6 *“(D) that before an individual may be em-*
7 *ployed in an education position in the Office of*
8 *the Director (other than the position of Director),*
9 *the national school boards representing all Bu-*
10 *reau schools shall be consulted.*

11 *“(2) INFORMATION REGARDING APPLICATION AT*
12 *NATIONAL LEVEL.—Any individual who applies at the*
13 *local level for an education position shall state on*
14 *such individual’s application whether or not such in-*
15 *dividual has applied at the national level for an edu-*
16 *cation position in the Bureau. If such individual is*
17 *employed at the local level, such individual’s name*
18 *shall be immediately forwarded to the Secretary, who*
19 *shall, as soon as practicable but in no event in more*
20 *than 30 days, ascertain the accuracy of the statement*
21 *made by such individual pursuant to the first sen-*
22 *tence of this paragraph. Notwithstanding subsection*
23 *(e), if the individual’s statement is found to have been*
24 *false, such individual, at the Secretary’s discretion,*
25 *may be disciplined or discharged. If the individual*

1 *has applied at the national level for an education po-*
2 *sition in the Bureau, the appointment of such indi-*
3 *vidual at the local level shall be conditional for a pe-*
4 *riod of 90 days, during which period the Secretary*
5 *may appoint a more qualified individual (as deter-*
6 *mined by the Secretary) from the list maintained at*
7 *the national level pursuant to subsection (c)(1)(A)(ii)*
8 *to the position to which such individual was ap-*
9 *pointed.*

10 “(3) *STATUTORY CONSTRUCTION.—Except as ex-*
11 *pressly provided, nothing in this section shall be con-*
12 *strued as conferring upon local school boards author-*
13 *ity over, or control of, educators at Bureau funded*
14 *schools or the authority to issue management deci-*
15 *sions.*

16 “(e) *DISCHARGE AND CONDITIONS OF EMPLOYMENT*
17 *OF EDUCATORS.—*

18 “(1) *REGULATIONS.—In prescribing regulations*
19 *to govern the discharge and conditions of employment*
20 *of educators, the Secretary shall require—*

21 “(A) *that procedures be established for the*
22 *rapid and equitable resolution of grievances of*
23 *educators;*

24 “(B) *that no educator may be discharged*
25 *without notice of the reasons therefore and op-*

1 *portunity for a hearing under procedures that*
2 *comport with the requirements of due process;*
3 *and*

4 *“(C) that educators employed in Bureau*
5 *schools be notified 30 days prior to the end of the*
6 *school year whether their employment contract*
7 *will be renewed for the following year.*

8 *“(2) PROCEDURES FOR DISCHARGE.—The super-*
9 *visor of a Bureau school may discharge (subject to*
10 *procedures established under paragraph (1)(B)) for*
11 *cause (as determined under regulations prescribed by*
12 *the Secretary) any educator employed in such school.*
13 *Upon giving notice of proposed discharge to an educa-*
14 *tor, the supervisor involved shall immediately notify*
15 *the local school board for the school of such action. A*
16 *determination by the local school board that such edu-*
17 *cator shall not be discharged shall be followed by the*
18 *supervisor. The supervisor shall have the right to ap-*
19 *peal such action to the education line officer of the*
20 *appropriate agency office of the Bureau. Upon such*
21 *an appeal, the agency education line officer may, for*
22 *good cause and in writing to the local school board,*
23 *overturn the determination of the local school board*
24 *with respect to the employment of such individual.*

1 “(3) *RECOMMENDATIONS OF SCHOOL BOARDS*
2 *FOR DISCHARGE.*—*Each local school board for a Bu-*
3 *reau school shall have the right—*

4 “(A) *to recommend to the supervisor of such*
5 *school that an educator employed in the school be*
6 *discharged; and*

7 “(B) *to recommend to the education line of-*
8 *ficer of the appropriate agency office of the Bu-*
9 *reau and to the Director of the Office, that the*
10 *supervisor of the school be discharged.*

11 “(f) *APPLICABILITY OF INDIAN PREFERENCE LAWS.*—

12 “(1) *IN GENERAL.*—*Notwithstanding any provi-*
13 *sion of the Indian preference laws, such laws shall not*
14 *apply in the case of any personnel action under this*
15 *section respecting an applicant or employee not enti-*
16 *tled to Indian preference if each tribal organization*
17 *concerned grants a written waiver of the application*
18 *of such laws with respect to such personnel action and*
19 *states that such waiver is necessary. This paragraph*
20 *shall not relieve the Bureau’s responsibility to issue*
21 *timely and adequate announcements and advertise-*
22 *ments concerning any such personnel action if such*
23 *action is intended to fill a vacancy (no matter how*
24 *such vacancy is created).*

1 “(2) *TRIBAL ORGANIZATION DEFINED.*—*For pur-*
2 *poses of this subsection, the term ‘tribal organization’*
3 *means—*

4 “(A) *the recognized governing body of any*
5 *Indian tribe, band, nation, pueblo, or other orga-*
6 *nized community, including a Native village (as*
7 *defined in section 3(c) of the Alaska Native*
8 *Claims Settlement Act); or*

9 “(B) *in connection with any personnel ac-*
10 *tion referred to in this subsection, any local*
11 *school board as defined in section 1141 which*
12 *has been delegated by such governing body the*
13 *authority to grant a waiver under this sub-*
14 *section with respect to personnel action.*

15 “(3) *INDIAN PREFERENCE LAW DEFINED.*—*The*
16 *term ‘Indian preference laws’ means section 12 of the*
17 *Act of June 18, 1934 or any other provision of law*
18 *granting a preference to Indians in promotions and*
19 *other personnel actions. Such term shall not include*
20 *section 7(b) of the Indian Self-Determination and*
21 *Education Assistance Act.*

22 “(g) *COMPENSATION OR ANNUAL SALARY.*—

23 “(1) *IN GENERAL.*—(A) *Except as otherwise pro-*
24 *vided in this section, the Secretary shall fix the basic*
25 *compensation for educators and education positions*

1 *at rates in effect under the General Schedule for indi-*
2 *viduals with comparable qualifications, and holding*
3 *comparable positions, to whom chapter 51 of title 5,*
4 *United States Code, is applicable or on the basis of*
5 *the Federal Wage System schedule in effect for the lo-*
6 *cality, and for the comparable positions, the rates of*
7 *compensation in effect for the senior executive service.*

8 *“(B) The Secretary shall establish the rate of*
9 *basic compensation, or annual salary rates, for the*
10 *positions of teachers and counselors (including dor-*
11 *mitory counselors and home-living counselors) at the*
12 *rates of basic compensation applicable (on the date of*
13 *enactment of the Student Results Act of 1999 and*
14 *thereafter) to comparable positions in the overseas*
15 *schools under the Defense Department Overseas*
16 *Teachers Pay Act. The Secretary shall allow the local*
17 *school boards authority to implement only the aspects*
18 *of the Defense Department Overseas Teacher pay pro-*
19 *visions that are considered essential for recruitment*
20 *and retention. Implementation of such provisions*
21 *shall not be construed to require the implementation*
22 *of the Act in its entirety.*

23 *“(C)(i) Beginning with the fiscal year following*
24 *the date of enactment of the Student Results Act of*
25 *1999, each school board may set the rate of compensa-*

1 *tion or annual salary rate for teachers and counselors*
2 *(including academic counselors) who are new hires at*
3 *the school and who have not worked at the school on*
4 *the date of implementation of this provision, at rates*
5 *consistent with the rates paid for individuals in the*
6 *same positions, with the same tenure and training, in*
7 *any other school within whose boundaries the Bureau*
8 *school lies. In instances where the adoption of such*
9 *rates cause a reduction in the payment of compensa-*
10 *tion from that which was in effect for the fiscal year*
11 *following the date of enactment of the Student Results*
12 *Act of 1999, the new rate may be applied to the com-*
13 *penetration of employees of the school who worked at*
14 *the school on of the date of enactment of that Act by*
15 *applying those rates to each contract renewal such*
16 *that the reduction takes effect in three equal install-*
17 *ments. Where adoption of such rates lead to an in-*
18 *crease in the payment of compensation from that*
19 *which was in effect for the fiscal year following the*
20 *date of enactment of the Student Results Act of 1999,*
21 *the school board may make such rates applicable at*
22 *the next contract renewal such that either—*
23 *“(I) the increase occurs in its entirety; or*
24 *“(II) the increase is applied in 3 equal in-*
25 *stallments.*

1 “(ii) *The establishment of rates of basic com-*
2 *ensation and annual salary rates under subpara-*
3 *graphs (B) and (C) shall not preclude the use of regu-*
4 *lations and procedures used by the Bureau prior to*
5 *April 28, 1988, in making determinations regarding*
6 *promotions and advancements through levels of pay*
7 *that are based on the merit, education, experience, or*
8 *tenure of the educator.*

9 “(D) *The establishment of rates of basic com-*
10 *ensation and annual salary rates under subpara-*
11 *graphs (B) and (C) shall not affect the continued em-*
12 *ployment or compensation of an educator who was*
13 *employed in an education position on October 31,*
14 *1979, and who did not make an election under sub-*
15 *section (p) is in effect on January 1, 1990.*

16 “(2) *POST-DIFFERENTIAL RATES.—(A) The Sec-*
17 *retary may pay a post-differential rate not to exceed*
18 *25 percent of the rate of basic compensation, on the*
19 *basis of conditions of environment or work which*
20 *warrant additional pay as a recruitment and reten-*
21 *tion 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 author-*
25 *ization to provide 1 or more post-differentials under*

1 *subparagraph (A) unless the Secretary determines for*
2 *clear and convincing reasons (and advises the board*
3 *in writing of those reasons) that certain of the re-*
4 *quested post-differentials should be disapproved or de-*
5 *creased because there is no disparity of compensation*
6 *for the involved employees or positions in the Bureau*
7 *school, as compared with the nearest public school,*
8 *that is either—*

9 *“(I) at least 5 percent, or*

10 *“(II) less than 5 percent and affects the re-*
11 *ruitment or retention of employees at the school.*

12 *“(ii) A request under clause (i) shall be deemed*
13 *granted at the end of the 60th day after the request*
14 *is received in the Central Office of the Bureau unless*
15 *before that time the request is approved, approved*
16 *with modification, or disapproved by the Secretary.*

17 *“(iii) The Secretary or the supervisor of a Bu-*
18 *reau school may discontinue or decrease a post-dif-*
19 *ferential authorized under this subparagraph at the*
20 *beginning of a school year if—*

21 *“(I) the local school board requests that such*
22 *differential be discontinued or decreased; or*

23 *“(II) the Secretary or the supervisor deter-*
24 *mines for clear and convincing reasons (and ad-*
25 *vises the board in writing of those reasons) that*

1 *there is no disparity of compensation that would*
2 *affect the recruitment or retention of employees*
3 *at the school after the differential is discontinued*
4 *or decreased.*

5 “(iv) *On or before February 1 of each year, the*
6 *Secretary shall submit to Congress a report describing*
7 *the requests and grants of authority under this sub-*
8 *paragraph during the previous year and listing the*
9 *positions contracted under those grants of authority.*

10 “(h) *LIQUIDATION OF REMAINING LEAVE UPON*
11 *TERMINATION.—Upon termination of employment*
12 *with the Bureau, any annual leave remaining to the*
13 *credit of an individual within the purview of this sec-*
14 *tion shall be liquidated in accordance with sections*
15 *5551(a) and 6306 of title 5, United States Code, ex-*
16 *cept that leave earned or accrued under regulations*
17 *prescribed pursuant to subsection (b)(10) of this sec-*
18 *tion shall not be so liquidated.*

19 “(i) *TRANSFER OF REMAINING SICK LEAVE UPON*
20 *TRANSFER, PROMOTION, OR REEMPLOYMENT.—In the case*
21 *of any educator who is transferred, promoted, or re-*
22 *appointed, without break in service, to a position in the*
23 *Federal Government under a different leave system, any re-*
24 *maining leave to the credit of such person earned or credited*
25 *under the regulations prescribed pursuant to subsection*

1 *(b)(10) shall be transferred to such person's credit in the*
2 *employing agency on an adjusted basis in accordance with*
3 *regulations which shall be prescribed by the Office of Per-*
4 *sonnel Management.*

5 “(j) *INELIGIBILITY FOR EMPLOYMENT OF VOLUN-*
6 *TARILY TERMINATED EDUCATORS.—An educator who vol-*
7 *untarily terminates employment with the Bureau before the*
8 *expiration of the existing employment contract between such*
9 *educator and the Bureau shall not be eligible to be employed*
10 *in another education position in the Bureau during the re-*
11 *mainder of the term of such contract.*

12 “(k) *DUAL COMPENSATION.—In the case of any educa-*
13 *tor employed in an education position described in sub-*
14 *section (l)(1)(A) who—*

15 “(1) *is employed at the close of a school year,*

16 “(2) *agrees in writing to serve in such position*
17 *for the next school year, and*

18 “(3) *is employed in another position during the*
19 *recess period immediately preceding such next school*
20 *year, or during such recess period receives additional*
21 *compensation referred to in section 5533 of title 5,*
22 *United States Code, relating to dual compensation,*
23 *shall not apply to such educator by reason of any such em-*
24 *ployment during a recess period for any receipt of addi-*
25 *tional compensation.*

1 “(l) *VOLUNTARY SERVICES.*—Notwithstanding section
2 1342 of title 31, United States Code, the Secretary may,
3 subject to the approval of the local school board concerned,
4 accept voluntary services on behalf of Bureau schools. Not-
5 ing in this title shall be construed to require Federal em-
6 ployees to work without compensation or to allow the use
7 of volunteer services to displace or replace Federal employ-
8 ees. An individual providing volunteer services under this
9 section is a Federal employee only for purposes of chapter
10 81 of title 5, United States Code, and chapter 171 of title
11 28, United States Code.

12 “(m) *PRORATION OF PAY.*—

13 “(1) *ELECTION OF EMPLOYEE.*—Notwithstanding
14 any other provision of law, including laws relating to
15 dual compensation, the Secretary, at the election of
16 the employee, shall prorate the salary of an employee
17 employed in an education position for the academic
18 school year over the entire 12-month period. Each ed-
19 ucator employed for the academic school year shall
20 annually elect to be paid on a 12-month basis or for
21 those months while school is in session. No educator
22 shall suffer a loss of pay or benefits, including benefits
23 under unemployment or other Federal or federally as-
24 sisted programs, because of such election.

1 “(2) *CHANGE OF ELECTION.*—During the course
2 of such year the employee may change election once.

3 “(3) *LUMP SUM PAYMENT.*—That portion of the
4 employee’s pay which would be paid between aca-
5 demic school years may be paid in a lump sum at
6 the election of the employee.

7 “(4) *DEFINITIONS.*—For purposes of this sub-
8 section, the terms ‘educator’ and ‘education position’
9 have the meanings contained in paragraphs (1) and
10 (2) of subsection (o). This subsection applies to those
11 individuals employed under the provisions of section
12 1132 of this title or title 5, United States Code.

13 “(n) *EXTRACURRICULAR ACTIVITIES.*—

14 “(1) *STIPEND.*—Notwithstanding any other pro-
15 vision of law, the Secretary may provide, for each
16 Bureau area, a stipend in lieu of overtime premium
17 pay or compensatory time off. Any employee of the
18 Bureau who performs additional activities to provide
19 services to students or otherwise support the school’s
20 academic and social programs may elect to be com-
21 pensated for all such work on the basis of the stipend.
22 Such stipend shall be paid as a supplement to the em-
23 ployee’s base pay.

24 “(2) *ELECTION NOT TO RECEIVE STIPEND.*—If
25 an employee elects not to be compensated through the

1 *stipend established by this subsection, the appropriate*
2 *provisions of title 5, United States Code, shall apply.*

3 “(3) *APPLICABILITY OF SUBSECTION.*—*This sub-*
4 *section applies to all Bureau employees, whether em-*
5 *ployed under section 1132 of this title or title 5,*
6 *United States Code.*

7 “(o) *DEFINITIONS.*—*For the purpose of this section—*

8 “(1) *EDUCATION POSITION.*—*The term ‘edu-*
9 *cation position’ means a position in the Bureau the*
10 *duties and responsibilities of which—*

11 “(A) *are performed on a school-year basis*
12 *principally in a Bureau school and involve—*

13 “(i) *classroom or other instruction or*
14 *the supervision or direction of classroom or*
15 *other instruction;*

16 “(ii) *any activity (other than teaching)*
17 *which requires academic credits in edu-*
18 *cational theory and practice equal to the*
19 *academic credits in educational theory and*
20 *practice required for a bachelor’s degree in*
21 *education from an accredited institution of*
22 *higher education;*

23 “(iii) *any activity in or related to the*
24 *field of education notwithstanding that aca-*
25 *demie credits in educational theory and*

1 *practice are not a formal requirement for*
2 *the conduct of such activity; or*

3 *“(iv) support services at, or associated*
4 *with, the site of the school; or*

5 *“(B) are performed at the agency level of*
6 *the Bureau and involve the implementation of*
7 *education-related programs other than the posi-*
8 *tion for agency superintendent for education.*

9 *“(2) EDUCATOR.—The term ‘educator’ means an*
10 *individual whose services are required, or who is em-*
11 *ployed, in an education position.*

12 *“(p) COVERED INDIVIDUALS; ELECTION.—This section*
13 *shall apply with respect to any educator hired after Novem-*
14 *ber 1, 1979 (and to any educator who elected for coverage*
15 *under that provision after November 1, 1979) and to the*
16 *position in which such individual is employed. The enact-*
17 *ment of this section shall not affect the continued employ-*
18 *ment of an individual employed on October 31, 1979 in*
19 *an education position, or such person’s right to receive the*
20 *compensation attached to such position.*

21 **“SEC. 1133. COMPUTERIZED MANAGEMENT INFORMATION**
22 **SYSTEM.**

23 *“(a) ESTABLISHMENT OF SYSTEM.—Not later than*
24 *July 1, 2001, the Secretary shall establish within the Office,*
25 *a computerized management information system, which*

1 *shall provide processing and information to the Office. The*
2 *information provided shall include information*
3 *regarding—*

4 “(1) *student enrollment;*

5 “(2) *curriculum;*

6 “(3) *staffing;*

7 “(4) *facilities;*

8 “(5) *community demographics;*

9 “(6) *student assessment information;*

10 “(7) *information on the administrative and pro-*
11 *gram costs attributable to each Bureau program, di-*
12 *vided into discreet elements;*

13 “(8) *relevant reports;*

14 “(9) *personnel records;*

15 “(10) *finance and payroll; and*

16 “(11) *such other items as the Secretary deems*
17 *appropriate.*

18 “(b) *IMPLEMENTATION OF SYSTEM.—Not later than*
19 *July 1, 2002, the Secretary shall complete implementation*
20 *of such a system at each field office and Bureau funded*
21 *school.*

22 **“SEC. 1134. UNIFORM EDUCATION PROCEDURES AND PRAC-**
23 **TICES.**

24 *“The Secretary shall cause the various divisions of the*
25 *Bureau to formulate uniform procedures and practices with*

1 *respect to such concerns of those divisions as relate to edu-*
2 *cation, and shall report such practices and procedures to*
3 *the Congress.*

4 **“SEC. 1135. RECRUITMENT OF INDIAN EDUCATORS.**

5 *“The Secretary shall institute a policy for the recruit-*
6 *ment of qualified Indian educators and a detailed plan to*
7 *promote employees from within the Bureau. Such plan shall*
8 *include opportunities for acquiring work experience prior*
9 *to actual work assignment.*

10 **“SEC. 1136. BIENNIAL REPORT; AUDITS.**

11 *“(a) BIENNIAL REPORTS.—The Secretary shall submit*
12 *to each appropriate committee of Congress, all Bureau*
13 *funded schools, and the tribal governing bodies of such*
14 *schools, a detailed biennial report on the state of education*
15 *within the Bureau and any problems encountered in Indian*
16 *education during the 2-year period covered by the report.*
17 *Such report shall contain suggestions for the improvement*
18 *of the Bureau educational system and for increasing tribal*
19 *or local Indian control of such system. Such report shall*
20 *also include the current status of tribally controlled commu-*
21 *nity colleges. The annual budget submission for the Bu-*
22 *reau’s education programs shall include—*

23 *“(1) information on the funds provided to pre-*
24 *viously private schools under section 208 of the In-*
25 *dian Self-Determination and Education Assistance*

1 *Act, and recommendations with respect to the future*
2 *use of such funds;*

3 *“(2) the needs and costs of operations and main-*
4 *tenance of tribally controlled community colleges eli-*
5 *gible for assistance under the Tribally Controlled*
6 *Community College Assistance Act of 1978 and rec-*
7 *ommendations with respect to meeting such needs and*
8 *costs; and*

9 *“(3) the plans required by sections 1121 (g),*
10 *1122(c), and 1125(b).*

11 *“(b) FINANCIAL AND COMPLIANCE AUDITS.—The In-*
12 *spector General of the Department of the Interior shall es-*
13 *tablish a system to ensure that financial and compliance*
14 *audits are conducted of each Bureau operated school at least*
15 *once in every 3 years. Audits of Bureau schools shall be*
16 *based upon the extent to which such school has complied*
17 *with its local financial plan under section 1130.*

18 **“SEC. 1137. RIGHTS OF INDIAN STUDENTS.**

19 *“The Secretary shall prescribe such rules and regula-*
20 *tions as are necessary to ensure the constitutional and civil*
21 *rights of Indian students attending Bureau funded schools,*
22 *including such students’ right to privacy under the laws*
23 *of the United States, such students’ right to freedom of reli-*
24 *gion and expression, and such students’ right to due process*

1 *in connection with disciplinary actions, suspensions, and*
2 *expulsions.*

3 **“SEC. 1138. REGULATIONS.**

4 “(a) *IN GENERAL.—The Secretary is authorized to*
5 *issue only such regulations as are necessary to ensure com-*
6 *pliance with the specific provision of this Act. The Sec-*
7 *retary shall publish proposed regulations in the Federal*
8 *Register, shall provide a period of not less than 90 days*
9 *for public comment thereon, and shall place in parentheses*
10 *after each regulatory section the citation to any statutory*
11 *provision providing authority to promulgate such regu-*
12 *latory provision.*

13 “(b) *MISCELLANEOUS.—*

14 “(1) *CONSTRUCTION.—The provisions of this Act*
15 *shall supersede any conflicting provisions of law (in-*
16 *cluding any conflicting regulations) in effect on the*
17 *day before the date of enactment of this Act and the*
18 *Secretary is authorized to repeal any regulation in-*
19 *consistent with the provisions of this Act.*

20 “(2) *GENERAL APPLICABILITY OF CERTAIN*
21 *RULES; LEGAL AUTHORITY TO BE STATED.—Regula-*
22 *tions required to be adopted under sections 2006*
23 *through 2018 and any revisions of the standards de-*
24 *veloped under section 2001 or 2002 shall be deemed*
25 *rules of general applicability prescribed for the ad-*

1 *ministrations of an applicable program for the pur-*
2 *poses of section 437 of the Elementary and Secondary*
3 *Education Amendments of 1967 and shall be promul-*
4 *gated, submitted for congressional review, and take ef-*
5 *fect in accordance with the provisions of such section.*
6 *Such regulations shall contain, immediately following*
7 *each substantive provision of such regulations, cita-*
8 *tions to the particular section or sections of statutory*
9 *law or other legal authority upon which provision is*
10 *based.*

11 **“SEC. 1138A. REGIONAL MEETINGS AND NEGOTIATED RULE-**
12 **MAKING.**

13 *“(a) MEETINGS.—*

14 *“(1) IN GENERAL.—The Secretary shall obtain*
15 *tribal involvement in the development of proposed reg-*
16 *ulations under this part and the Tribally Controlled*
17 *Schools Act of 1988. The Secretary shall obtain the*
18 *advice of and recommendations from representatives*
19 *of Indian tribes with Bureau-funded schools on their*
20 *reservations, Indian tribes whose children attend Bu-*
21 *reau funded off-reservation boarding schools, school*
22 *boards, administrators or employees of Bureau-funded*
23 *schools, and parents and teachers of students enrolled*
24 *in Bureau-funded 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 such*
19 *regulations to a negotiated rulemaking process. Par-*
20 *ticipants in the negotiations process shall be chosen*
21 *by the Secretary from individuals nominated by the*
22 *entities described in subsection (a)(1). To the max-*
23 *imum extent possible, the Secretary shall ensure that*
24 *the tribal representative membership chosen pursuant*
25 *to the preceding sentence reflects the proportionate*

1 *share of students from tribes served by the Bureau-*
2 *funded school system. The negotiation process shall be*
3 *conducted in a timely manner in order that the final*
4 *regulations may issued by the Secretary no later than*
5 *18 months after enactment of this section, provided*
6 *that the authority of the Secretary to promulgate reg-*
7 *ulations under this part and the Tribally Controlled*
8 *Schools Act of 1988 shall expire if final regulations*
9 *are not promulgated within the time stated in this*
10 *sentence. If the Secretary determines that an exten-*
11 *sion of the deadline in the preceding sentence is nec-*
12 *essary, the Secretary may submit proposed legislation*
13 *to Congress for extension of such deadline.*

14 “(2) *EXPANSION OF NEGOTIATED RULE-*
15 *MAKING.—All regulations pertaining to this part and*
16 *the Tribally Controlled Schools Act of 1988 that are*
17 *promulgated after the date of enactment of this sub-*
18 *section shall be subject to a negotiated rulemaking*
19 *(including the selection of the regulations to be nego-*
20 *tiated), unless the Secretary determines that applying*
21 *such a requirement with respect to given regulations*
22 *is impracticable, unnecessary, or contrary to the pub-*
23 *lic interest (within the meaning of section*
24 *553(b)(3)(B) of title 5), and publishes the basis for*
25 *such determination in the Federal Register at the*

1 *same time as the proposed regulations in question are*
2 *first published. All published proposed regulations*
3 *shall conform to agreements resulting from such nego-*
4 *tiated rulemaking unless the Secretary reopens the ne-*
5 *gotiated rulemaking process or provides a written ex-*
6 *planation to the participants in that process why the*
7 *Secretary has decided to depart from such agreements.*
8 *Such negotiated rulemaking shall be conducted in ac-*
9 *cordance with the provisions of subsection (a), and*
10 *the Secretary shall ensure that a clear and reliable*
11 *record of agreements reached during the negotiation*
12 *process is maintained.*

13 “(c) *APPLICABILITY OF FEDERAL ADVISORY COM-*
14 *MITTEE ACT.*—*The Federal Advisory Committee Act shall*
15 *apply to activities carried out under this section.*

16 **“SEC. 1139. EARLY CHILDHOOD DEVELOPMENT PROGRAM.**

17 “(a) *IN GENERAL.*—*The Secretary shall provide grants*
18 *to tribes, tribal organizations, and consortia of tribes and*
19 *tribal organizations to fund early childhood development*
20 *programs that are operated by such tribes, organizations,*
21 *or consortia.*

22 “(b) *AMOUNT OF GRANTS.*—

23 “(1) *IN GENERAL.*—*The total amount of the*
24 *grants provided under subsection (a) with respect to*
25 *each tribe, tribal organization, or consortium of tribes*

1 *or tribal organizations for each fiscal year shall be*
2 *equal to the amount which bears the same relation-*
3 *ship to the total amount appropriated under the au-*
4 *thority of subsection (g) for such fiscal year (less*
5 *amounts provided under subsection (f)) as—*

6 *“(A) the total number of children under 6*
7 *years of age who are members of—*

8 *“(i) such tribe;*

9 *“(ii) the tribe that authorized such*
10 *tribal organization; or*

11 *“(iii) any tribe that—*

12 *“(I) is a member of such consor-*
13 *tium; or*

14 *“(II) authorizes any tribal orga-*
15 *nization that is a member of such con-*
16 *sortium; bears to*

17 *“(B) the total number of all children under*
18 *6 years of age who are members of any tribe*
19 *that—*

20 *“(i) is eligible to receive funds under*
21 *subsection (a);*

22 *“(ii) is a member of a consortium that*
23 *is eligible to receive such funds; or*

24 *“(iii) authorizes a tribal organization*
25 *that is eligible to receive such funds.*

1 “(2) *LIMITATION.*—No grant may be provided
2 under subsection (a)—

3 “(A) to any tribe that has less than 500
4 members;

5 “(B) to any tribal organization which is
6 authorized—

7 “(i) by only 1 tribe that has less than
8 500 members; or

9 “(ii) by 1 or more tribes that have a
10 combined total membership of less than 500
11 members; or

12 “(C) to any consortium composed of tribes,
13 or tribal organizations authorized by tribes, that
14 have a combined total tribal membership of less
15 than 500 members.

16 “(c) *APPLICATION.*

17 “(1) *IN GENERAL.*—A grant may be provided
18 under subsection (a) to a tribe, tribal organization, or
19 consortia of tribes and tribal organizations only if the
20 tribe, organization, or consortia submits to the Sec-
21 retary an application for the grant at such time and
22 in such form as the Secretary shall prescribe.

23 “(2) *CONTENTS.*—Applications submitted under
24 paragraph (1) shall set forth the early childhood de-

1 *velopment program that the applicant desires to oper-*
2 *ate.*

3 “(d) *REQUIREMENT OF PROGRAMS FUNDED.—The*
4 *early childhood development programs that are funded by*
5 *grants provided under subsection (a)—*

6 “(1) *shall coordinate existing programs and may*
7 *provide services that meet identified needs of parents*
8 *and children under 6 years of age which are not being*
9 *met by existing programs, including—*

10 “(A) *prenatal care;*

11 “(B) *nutrition education;*

12 “(C) *health education and screening;*

13 “(D) *family literacy services;*

14 “(E) *educational testing; and*

15 “(F) *other educational services;*

16 “(2) *may include instruction in the language,*
17 *art, and culture of the tribe; and*

18 “(3) *shall provide for periodic assessment of the*
19 *program.*

20 “(e) *COORDINATION OF FAMILY LITERACY PRO-*
21 *GRAMS.—Family literacy programs operated under this*
22 *section or other similar programs operated by the Bureau*
23 *shall coordinate with family literacy programs for Indian*
24 *children under part B of title I of the Elementary and Sec-*
25 *ondary Education Act of 1965 in order to avoid duplication*

1 *and to encourage the dissemination of information on qual-*
2 *ity family literacy programs serving Indians.*

3 “(f) *ADMINISTRATIVE COSTS.*—*The Secretary shall,*
4 *out of funds appropriated under subsection (g), include in*
5 *the grants provided under subsection (a) amounts for ad-*
6 *ministrative costs incurred by the tribe, tribal organization,*
7 *or consortium of tribes in establishing and maintaining the*
8 *early childhood development program.*

9 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*For the*
10 *purpose of carrying out the provisions of this section, there*
11 *are authorized to be appropriated \$10,000,000 for fiscal*
12 *year 2000 and such sums as may be necessary for each of*
13 *the fiscal years 2001, 2002, 2003, and 2004.*

14 **“SEC. 1140. TRIBAL DEPARTMENTS OR DIVISIONS OF EDU-**
15 **CATION.**

16 “(a) *IN GENERAL.*—*Subject to the availability of ap-*
17 *propriations, the Secretary shall provide grants and tech-*
18 *nical assistance to tribes for the development and operation*
19 *of tribal departments of education for the purpose of plan-*
20 *ning and coordinating all educational programs of the*
21 *tribe.*

22 “(b) *GRANTS.*—*Grants provided under this section*
23 *shall—*

24 “(1) *be based on applications from the governing*
25 *body of the tribe;*

1 “(2) reflect factors such as geographic and popu-
2 lation diversity;

3 “(3) facilitate tribal control in all matters relat-
4 ing to the education of Indian children on Indian res-
5 ervations (and on former Indian reservations in
6 Oklahoma);

7 “(4) provide for the development of coordinated
8 educational programs on Indian reservations (and on
9 former Indian reservations in Oklahoma) (including
10 all preschool, elementary, secondary, and higher or
11 vocational educational programs funded by tribal,
12 Federal, or other sources) by encouraging tribal ad-
13 ministrative support of all Bureau funded edu-
14 cational programs as well as encouraging tribal co-
15 operation and coordination with all educational pro-
16 grams receiving financial support from State agen-
17 cies, other Federal agencies, or private entities;

18 “(5) provide for the development and enforce-
19 ment of tribal educational codes, including tribal edu-
20 cational policies and tribal standards applicable to
21 curriculum, personnel, students, facilities, and sup-
22 port programs; and

23 “(6) otherwise comply with regulations for
24 grants under section 103(a) of the Indian Self-Deter-
25 mination and Educational Assistance Act that are in

1 *effect on the date that application for such grants are*
2 *made.*

3 “(c) *PRIORITIES.*—

4 “(1) *IN GENERAL.*—*In making grants under this*
5 *section, the Secretary shall give priority to any appli-*
6 *cation that—*

7 “(A) *includes assurances from the majority*
8 *of Bureau funded schools located within the*
9 *boundaries of the reservation of the applicant*
10 *that the tribal department of education to be*
11 *funded under this section will provide coordi-*
12 *nating services and technical assistance to all of*
13 *such schools, including the submission to each*
14 *applicable agency of a unified application for*
15 *funding for all of such schools which provides*
16 *that—*

17 “(i) *no administrative costs other than*
18 *those attributable to the individual pro-*
19 *grams of such schools will be associated*
20 *with the unified application; and*

21 “(ii) *the distribution of all funds re-*
22 *ceived under the unified application will be*
23 *equal to the amount of funds provided by*
24 *the applicable agency to which each of such*
25 *schools is entitled under law;*

1 “(B) includes assurances from the tribal
2 governing body that the tribal department of
3 education funded under this section will admin-
4 ister all contracts or grants (except those covered
5 by the other provisions of this title and the Trib-
6 ally Controlled Community College Assistance
7 Act of 1978) for education programs adminis-
8 tered by the tribe and will coordinate all of the
9 programs to the greatest extent possible;

10 “(C) includes assurances for the monitoring
11 and auditing by or through the tribal depart-
12 ment of education of all education programs for
13 which funds are provided by contract or grant to
14 ensure that the programs meet the requirements
15 of law; and

16 “(D) provides a plan and schedule for—

17 “(i) the assumption over the term of
18 the grant by the tribal department of edu-
19 cation of all assets and functions of the Bu-
20 reau agency office associated with the tribe,
21 insofar as those responsibilities relate to
22 education; and

23 “(ii) the termination by the Bureau of
24 such operations and office at the time of
25 such assumption;

1 *except that when mutually agreeable between the*
2 *tribal governing body and the Assistant Sec-*
3 *retary, the period in which such assumption is*
4 *to occur may be modified, reduced, or extended*
5 *after the initial year of the grant.*

6 “(2) *TIME PERIOD OF GRANT.*—Subject to the
7 *availability of appropriated funds, grants provided*
8 *under this section shall be provided for a period of 3*
9 *years and the grant may, if performance by the*
10 *grantee is satisfactory to the Secretary, be renewed for*
11 *additional 3-year terms.*

12 “(d) *TERMS, CONDITIONS, OR REQUIREMENTS.*—The
13 *Secretary shall not impose any terms, conditions, or re-*
14 *quirements on the provision of grants under this section*
15 *that are not specified in this section.*

16 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—For the
17 *purpose of carrying out the provisions of this section, there*
18 *are authorized to be appropriated \$2,000,000 for fiscal year*
19 *2000 and such sums as may be necessary for each of the*
20 *fiscal years 2001, 2002, 2003, and 2004.*

21 **“SEC. 1141. DEFINITIONS.**

22 *“For the purposes of this part, unless otherwise speci-*
23 *fied:*

24 “(1) *AGENCY SCHOOL BOARD.*—The term ‘agency
25 *school board’ means a body, the members of which are*

1 *appointed by all of the school boards of the schools lo-*
2 *cated within an agency, including schools operated*
3 *under contract or grant, and the number of such*
4 *members shall be determined by the Secretary in con-*
5 *sultation with the affected tribes, except that, in agen-*
6 *cies serving a single school, the school board of such*
7 *school shall fulfill these duties, and in agencies having*
8 *schools or a school operated under contract or grant,*
9 *one such member at least shall be from such a school.*

10 “(2) *BUREAU.*—*The term ‘Bureau’ means the*
11 *Bureau of Indian Affairs of the Department of the In-*
12 *terior.*

13 “(3) *BUREAU FUNDED SCHOOL.*—*The term ‘Bu-*
14 *reau funded school’ means—*

15 “(A) *a Bureau school;*

16 “(B) *a contract or grant school; or*

17 “(C) *a school for which assistance is pro-*
18 *vided under the Tribally Controlled Schools Act*
19 *of 1988.*

20 “(4) *BUREAU SCHOOL.*—*The term ‘Bureau*
21 *school’ means a Bureau operated elementary or sec-*
22 *ondary day or boarding school or a Bureau operated*
23 *dormitory for students attending a school other than*
24 *a Bureau school.*

1 “(5) *CONTRACT OR GRANT SCHOOL*.—The term
2 ‘contract or grant school’ means an elementary or sec-
3 ondary school or dormitory which receives financial
4 assistance for its operation under a contract, grant or
5 agreement with the Bureau under section 102, 103(a),
6 or 208 of the Indian Self-Determination and Edu-
7 cation Assistance Act, or under the Tribally Con-
8 trolled Schools Act of 1988.

9 “(6) *EDUCATION LINE OFFICER*.—The term ‘edu-
10 cation line officer’ means education personnel under
11 the supervision of the Director, whether located in the
12 central, area, or agency offices.

13 “(7) *FINANCIAL PLAN*.—The term ‘financial
14 plan’ means a plan of services provided by each Bu-
15 reau school.

16 “(8) *INDIAN ORGANIZATION*.—the term ‘Indian
17 organization’ means any group, association, partner-
18 ship, corporation, or other legal entity owned or con-
19 trolled by a federally recognized Indian tribe or
20 tribes, or a majority of whose members are members
21 of federally recognized tribes.

22 “(9) *LOCAL EDUCATIONAL AGENCY*.—The term
23 ‘local educational agency’ means a board of education
24 or other legally constituted local school authority hav-
25 ing administrative control and direction of free public

1 *education in a county, township, independent, or*
2 *other school district located within a State, and in-*
3 *cludes any State agency which directly operates and*
4 *maintains facilities for providing free public edu-*
5 *cation.*

6 “(10) *LOCAL SCHOOL BOARD.*—*The term ‘local*
7 *school board’, when used with respect to a Bureau*
8 *school, means a body chosen in accordance with the*
9 *laws of the tribe to be served or, in the absence of such*
10 *laws, elected by the parents of the Indian children at-*
11 *tending the school, except that in schools serving a*
12 *substantial number of students from different tribes,*
13 *the members shall be appointed by the governing bod-*
14 *ies of the tribes affected, and the number of such*
15 *members shall be determined by the Secretary in con-*
16 *sultation with the affected tribes.*

17 “(11) *OFFICE.*—*The term ‘Office’ means the Of-*
18 *fice of Indian Education Programs within the Bu-*
19 *reau.*

20 “(12) *SECRETARY.*—*The term ‘Secretary’ means*
21 *the Secretary of the Interior.*

22 “(13) *SUPERVISOR.*—*The term ‘supervisor’*
23 *means the individual in the position of ultimate au-*
24 *thority at a Bureau school.*

1 “(14) *TRIBAL GOVERNING BODY.*—*The term*
2 *‘tribal governing body’ means, with respect to any*
3 *school, the tribal governing body, or tribal governing*
4 *bodies, that represent at least 90 percent of the stu-*
5 *dents served by such school.*

6 “(15) *TRIBE.*—*The term ‘tribe’ means any In-*
7 *Indian tribe, band, nation, or other organized group or*
8 *community, including any Alaska Native village or*
9 *regional or village corporation as defined in or estab-*
10 *lished pursuant to the Alaska Native Claims Settle-*
11 *ment Act, which is recognized as eligible for the spe-*
12 *cial programs and services provided by the United*
13 *States to Indians because of their status as Indians.”.*

14 ***Subtitle C—Tribally Controlled***
15 ***Schools Act of 1988***

16 ***SEC. 420. TRIBALLY CONTROLLED SCHOOLS.***

17 *Sections 5202 through 5212 of Public Law 100–297*
18 *(25 U.S.C. 2501 et seq.) are amended to read as follows:*

19 ***“SEC. 5202. FINDINGS.***

20 *“Congress, after careful review of the Federal Govern-*
21 *ment’s historical and special legal relationship with, and*
22 *resulting responsibilities to, Indians, finds that—*

23 *“(1) the Indian Self-Determination and Edu-*
24 *cation Assistance Act, which was a product of the le-*
25 *gitimate aspirations and a recognition of the inherent*

1 *authority of Indian nations, was and is a crucial*
2 *positive step towards tribal and community control;*

3 *“(2) the Bureau of Indian Affairs’ administra-*
4 *tion and domination of the contracting process under*
5 *such Act has not provided the full opportunity to de-*
6 *velop leadership skills crucial to the realization of*
7 *self-government and has denied Indians an effective*
8 *voice in the planning and implementation of pro-*
9 *grams for the benefit of Indians which are responsive*
10 *to the true needs of Indian communities;*

11 *“(3) Indians will never surrender their desire to*
12 *control their relationships both among themselves and*
13 *with non-Indian governments, organizations, and*
14 *persons;*

15 *“(4) true self-determination in any society of*
16 *people is dependent upon an educational process*
17 *which will ensure the development of qualified people*
18 *to fulfill meaningful leadership roles;*

19 *“(5) the Federal administration of education for*
20 *Indian children has not effected the desired level of*
21 *educational achievement or created the diverse oppor-*
22 *tunities and personal satisfaction that education can*
23 *and should provide;*

24 *“(6) true local control requires the least possible*
25 *Federal interference; and*

1 “(7) *the time has come to enhance the concepts*
2 *made manifest in the Indian Self-Determination and*
3 *Education Assistance Act.*

4 **“SEC. 5203. DECLARATION OF POLICY.**

5 “(a) *RECOGNITION.*—Congress recognizes the obliga-
6 *tion of the United States to respond to the strong expression*
7 *of the Indian people for self-determination by assuring*
8 *maximum Indian participation in the direction of edu-*
9 *cational services so as to render such services more respon-*
10 *sive to the needs and desires of those communities.*

11 “(b) *COMMITMENT.*—Congress declares its commitment
12 *to the maintenance of the Federal Government’s unique and*
13 *continuing trust relationship with and responsibility to the*
14 *Indian people through the establishment of a meaningful*
15 *Indian self-determination policy for education which will*
16 *deter further perpetuation of Federal bureaucratic domina-*
17 *tion of programs.*

18 “(c) *NATIONAL GOAL.*—Congress declares that a major
19 *national goal of the United States is to provide the re-*
20 *sources, processes, and structure which will enable tribes*
21 *and local communities to effect the quantity and quality*
22 *of educational services and opportunities which will permit*
23 *Indian children to compete and excel in the life areas of*
24 *their choice and to achieve the measure of self-determination*
25 *essential to their social and economic well-being.*

1 “(d) *EDUCATIONAL NEEDS.*—Congress affirms the re-
2 *ality of the special and unique educational needs of Indian*
3 *peoples, including the need for programs to meet the lin-*
4 *guistic and cultural aspirations of Indian tribes and com-*
5 *munities. These may best be met through a grant process.*

6 “(e) *FEDERAL RELATIONS.*—Congress declares its
7 *commitment to these policies and its support, to the full*
8 *extent of its responsibility, for Federal relations with the*
9 *Indian Nations.*

10 “(f) *TERMINATION.*—Congress hereby repudiates and
11 *rejects House Resolution 108 of the 83d Congress and any*
12 *policy of unilateral termination of Federal relations with*
13 *any Indian Nation.*

14 **“SEC. 5204. GRANTS AUTHORIZED.**

15 “(a) *IN GENERAL.*—

16 “(1) *ELIGIBILITY.*—The Secretary shall provide
17 *grants to Indian tribes, and tribal organizations*
18 *that—*

19 “(A) *operate contract schools under title XI*
20 *of the Education Amendments of 1978 and no-*
21 *tify the Secretary of their election to operate the*
22 *schools with assistance under this part rather*
23 *than continuing as contract school;*

24 “(B) *operate other tribally controlled schools*
25 *eligible for assistance under this part and submit*

1 *applications (which are approved by their tribal*
2 *governing bodies) to the Secretary for such*
3 *grants; or*

4 “(C) *elect to assume operation of Bureau*
5 *funded schools with the assistance under this*
6 *part and submit applications (which are ap-*
7 *proved by their tribal governing bodies) to the*
8 *Secretary for such grants.*

9 “(2) *DEPOSIT OF FUNDS.—Grants provided*
10 *under this part shall be deposited into the general op-*
11 *erating fund of the tribally controlled school with re-*
12 *spect to which the grant is made.*

13 “(3) *USE OF FUNDS.—(A) Except as otherwise*
14 *provided in this paragraph, grants provided under*
15 *this part shall be used to defray, at the discretion of*
16 *the school board of the tribally controlled school with*
17 *respect to which the grant is provided, any expendi-*
18 *tures for education related activities for which any*
19 *funds that compose the grant may be used under the*
20 *laws described in section 5205(a), including, but not*
21 *limited to, expenditures for—*

22 “(i) *school operations, academic, edu-*
23 *cational, residential, guidance and counseling,*
24 *and administrative purposes; and*

1 “(i) support services for the school, includ-
2 ing transportation.

3 “(B) Grants provided under this part may, at
4 the discretion of the school board of the tribally con-
5 trolled school with respect to which such grant is pro-
6 vided, be used to defray operations and maintenance
7 expenditures for the school if any funds for the oper-
8 ation and maintenance of the school are allocated to
9 the school under the provisions of any of the laws de-
10 scribed in section 5205(a).

11 “(b) LIMITATIONS.—

12 “(1) 1 GRANT PER TRIBE OR ORGANIZATION PER
13 FISCAL YEAR.—Not more than 1 grant may be pro-
14 vided under this part with respect to any Indian
15 tribe or tribal organization for any fiscal year.

16 “(2) NONSECTARIAN USE.—Funds provided
17 under any grant made under this part may not be
18 used in connection with religious worship or sec-
19 tarian instruction.

20 “(3) ADMINISTRATIVE COSTS LIMITATION.—
21 Funds provided under any grant under this part may
22 not be expended for administrative costs (as defined
23 in section 1128(h)(1) of the Education Amendments
24 of 1978) in excess of the amount generated for such
25 costs under section 1128 of such Act.

1 “(c) *LIMITATION ON TRANSFER OF FUNDS AMONG*
2 *SCHOOLSITES.*—

3 “(1) *IN GENERAL.*—*In the case of a grantee that*
4 *operates schools at more than one schoolsite, the*
5 *grantee may expend not more than the lesser of—*

6 “(A) *10 percent of the funds allocated for*
7 *such schoolsite under section 1128 of the Edu-*
8 *cation Amendments of 1978; or*

9 “(B) *\$400,000 of such funds, at any other*
10 *schoolsite.*

11 “(2) *DEFINITION OF SCHOOLSITE.*—*For purposes*
12 *of this subsection, the term ‘schoolsite’ means the*
13 *physical location and the facilities of an elementary*
14 *or secondary educational or residential program oper-*
15 *ated by, or under contract or grant with, the Bureau*
16 *for which a discreet student count is identified under*
17 *the funding formula established under section 1127 of*
18 *the Education Amendments of 1978.*

19 “(d) *NO REQUIREMENT TO ACCEPT GRANTS.*—*Noth-*
20 *ing in this part may be construed—*

21 “(1) *to require a tribe or tribal organization to*
22 *apply for or accept; or*

23 “(2) *to allow any person to coerce any tribe or*
24 *tribal organization to apply for, or accept,*

1 a grant under this part to plan, conduct, and administer
2 all of, or any portion of, any Bureau program. Such appli-
3 cations and the timing of such applications shall be strictly
4 voluntary. Nothing in this part may be construed as allow-
5 ing or requiring any grant with any entity other than the
6 entity to which the grant is provided.

7 “(e) *NO EFFECT ON FEDERAL RESPONSIBILITY.*—
8 Grants provided under this part shall not terminate, mod-
9 ify, suspend, or reduce the responsibility of the Federal Gov-
10 ernment to provide a program.

11 “(f) *RETROCESSION.*—

12 “(1) *IN GENERAL.*—Whenever a tribal governing
13 body requests retrocession of any program for which
14 assistance is provided under this part, such retroces-
15 sion shall become effective upon a date specified by
16 the Secretary that is not later than 120 days after the
17 date on which the tribal governing body requests the
18 retrocession. A later date as may be specified if mutu-
19 ally agreed upon by the Secretary and the tribal gov-
20 erning body. If such a program is retroceded, the Sec-
21 retary shall provide to any Indian tribe served by
22 such program at least the same quantity and quality
23 of services that would have been provided under such
24 program at the level of funding provided under this
25 part prior to the retrocession.

1 “(2) *STATUS AFTER RETROCESSION.*—*The tribe*
2 *requesting retrocession shall specify whether the ret-*
3 *rocession is to status as a Bureau operated school or*
4 *as a school operated under contract under title XI of*
5 *the Education Amendments of 1978.*

6 “(3) *TRANSFER OF EQUIPMENT AND MATE-*
7 *RIALS.*—*Except as otherwise determined by the Sec-*
8 *retary, the tribe or tribal organization operating the*
9 *program to be retroceded must transfer to the Sec-*
10 *retary (or to the tribe or tribal organization which*
11 *will operate the program as a contract school) the ex-*
12 *isting equipment and materials which were*
13 *acquired—*

14 “(A) *with assistance under this part; or*

15 “(B) *upon assumption of operation of the*
16 *program under this part if the school was a Bu-*
17 *reau funded school under title XI of the Edu-*
18 *cation Amendments of 1978 before receiving as-*
19 *sistance under this part.*

20 “(g) *PROHIBITION OF TERMINATION FOR ADMINISTRA-*
21 *TIVE CONVENIENCE.*—*Grants provided under this part may*
22 *not be terminated, modified, suspended, or reduced solely*
23 *for the convenience of the administering agency.*

1 **“SEC. 5205. COMPOSITION OF GRANTS.**

2 “(a) *IN GENERAL.*—*The grant provided under this*
3 *part to an Indian tribe or tribal organization for any fiscal*
4 *year shall consist of—*

5 “(1) *the total amount of funds allocated for such*
6 *fiscal year under sections 1127 and 1128 of the Edu-*
7 *cation Amendments of 1978 with respect to the trib-*
8 *ally controlled schools eligible for assistance under*
9 *this part which are operated by such Indian tribe or*
10 *tribal organization, including, but not limited to,*
11 *funds provided under such sections, or under any*
12 *other provision of law, for transportation costs;*

13 “(2) *to the extent requested by such Indian tribe*
14 *or tribal organization, the total amount of funds pro-*
15 *vided from operations and maintenance accounts and,*
16 *notwithstanding section 105 of the Indian Self-Deter-*
17 *mination Act, or any other provision of law, other fa-*
18 *cilities accounts for such schools for such fiscal year*
19 *(including but not limited to those referenced under*
20 *section 1126(d) of the Education Amendments of 1978*
21 *or any other law); and*

22 “(3) *the total amount of funds that are allocated*
23 *to such schools for such fiscal year under—*

24 “(A) *title I of the Elementary and Sec-*
25 *ondary Education Act of 1965;*

1 “(B) *the Individuals with Disabilities Edu-*
2 *cation Act; and*

3 “(C) *any other Federal education law, that*
4 *are allocated to such schools for such fiscal year.*

5 “(b) *SPECIAL RULES.—*

6 “(1) *IN GENERAL.—(A) Funds allocated to a*
7 *tribally controlled school by reason of paragraph (1)*
8 *or (2) of subsection (a) shall be subject to the provi-*
9 *sions of this part and shall not be subject to any ad-*
10 *ditional restriction, priority, or limitation that is im-*
11 *posed by the Bureau with respect to funds provided*
12 *under—*

13 “(i) *title I of the Elementary and Sec-*
14 *ondary Education Act of 1965;*

15 “(ii) *the Individuals with Disabilities Edu-*
16 *cation Act; or*

17 “(iii) *any Federal education law other than*
18 *title XI of the Education Amendments of 1978.*

19 “(B) *Indian tribes and tribal organizations to*
20 *which grants are provided under this part, and trib-*
21 *ally controlled schools for which such grants are pro-*
22 *vided, shall not be subject to any requirements, obliga-*
23 *tions, restrictions, or limitations imposed by the Bu-*
24 *reau that would otherwise apply solely by reason of*

1 *the receipt of funds provided under any law referred*
2 *to in clause (i), (ii) or (iii) of subparagraph (A).*

3 “(2) *SCHOOLS CONSIDERED CONTRACT*
4 *SCHOOLS.—Tribally controlled schools for which*
5 *grants are provided under this part shall be treated*
6 *as contract schools for the purposes of allocation of*
7 *funds under sections 1126(d), 1127, and 1128 of the*
8 *Education Amendments of 1978.*

9 “(3) *SCHOOLS CONSIDERED BUREAU*
10 *SCHOOLS.—Tribally controlled schools for which*
11 *grants are provided under this chapter shall be treat-*
12 *ed as Bureau schools for the purposes of allocation of*
13 *funds provided under—*

14 *“(A) title I of the Elementary and Sec-*
15 *ondary Education Act of 1965;*

16 *“(B) the Individuals with Disabilities Edu-*
17 *cation Act; and*

18 *“(C) any other Federal education law, that*
19 *are distributed through the Bureau.*

20 “(4) *ACCOUNTS; USE OF CERTAIN FUNDS.—(A)*
21 *Notwithstanding section 5204(a)(2), with respect to*
22 *funds from facilities improvement and repair, alter-*
23 *ation and renovation (major or minor), health and*
24 *safety, or new construction accounts included in the*
25 *grant under section 5204(a), the grantee shall main-*

1 *tain a separate account for such funds. At the end of*
2 *the period designated for the work covered by the*
3 *funds received, the grantee shall submit to the Sec-*
4 *retary a separate accounting of the work done and the*
5 *funds expended to the Secretary. Funds received from*
6 *these accounts may only be used for the purpose for*
7 *which they were appropriated and for the work en-*
8 *compassed by the application or submission under*
9 *which they were received.*

10 *“(B) Notwithstanding subparagraph (A), a*
11 *school receiving a grant under this part for facilities*
12 *improvement and repair may use such grant funds*
13 *for new construction if the tribal government or other*
14 *organization provides funding for the new construc-*
15 *tion equal to at least 25 percent of the total cost of*
16 *such new construction.*

17 *“(C) Where the appropriations measure or the*
18 *application submission does not stipulate a period for*
19 *the work covered by the funds so designated, the Sec-*
20 *retary and the grantee shall consult and determine*
21 *such a period prior to the transfer of the funds. A pe-*
22 *riod so determined may be extended upon mutual*
23 *agreement of the Secretary and the grantee.*

24 *“(5) ENFORCEMENT OF REQUEST TO INCLUDE*
25 *FUNDS.—If the Secretary fails to carry out a request*

1 *made under subsection (a)(2) within 180 days of a*
2 *request filed by an Indian tribe or tribal organization*
3 *to include in such tribe or organization's grant the*
4 *funds described in subsection (a)(2), the Secretary*
5 *shall be deemed to have approved such request and the*
6 *Secretary shall immediately amend the grant accord-*
7 *ingly. Such tribe or organization may enforce its*
8 *rights under subsection (a)(2) and this paragraph, in-*
9 *cluding any denial or failure to act on such tribe or*
10 *organization's request, pursuant to the disputes au-*
11 *thority described in section 5209(e).*

12 **“SEC. 5206. ELIGIBILITY FOR GRANTS.**

13 “(a) *RULES.—*

14 “(1) *IN GENERAL.—A tribally controlled school*
15 *is eligible for assistance under this part if the*
16 *school—*

17 “(A) *on April 28, 1988, was a contract*
18 *school under title XI of the Education Amend-*
19 *ments of 1978 and the tribe or tribal organiza-*
20 *tion operating the school submits to the Sec-*
21 *retary a written notice of election to receive a*
22 *grant under this part;*

23 “(B) *was a Bureau operated school under*
24 *title XI of the Education Amendments of 1978*
25 *and has met the requirements of subsection (b);*

1 “(C) is a school for which the Bureau has
2 not provided funds, but which has met the re-
3 quirements of subsection (c); or

4 “(D) is a school with respect to which an
5 election has been made under paragraph (2) and
6 which has met the requirements of subsection (b).

7 “(2) NEW SCHOOLS.—Any application which
8 has been submitted under the Indian Self-Determina-
9 tion and Education Assistance Act by an Indian tribe
10 for a school which is not in operation on the date of
11 enactment of the Student Results Act of 1999 shall be
12 reviewed under the guidelines and regulations for ap-
13 plications submitted under the Indian Self-Deter-
14 mination and Education Assistance Act that were in
15 effect at the time the application was submitted, un-
16 less the Indian tribe or tribal organization elects to
17 have the application reviewed under the provisions of
18 subsection (b).

19 “(b) ADDITIONAL REQUIREMENTS FOR BUREAU FUND-
20 ED SCHOOLS AND CERTAIN ELECTING SCHOOLS.—

21 “(1) BUREAU FUNDED SCHOOLS.—A school that
22 was a Bureau funded school under title XI of the
23 Education Amendments of 1978 on the date of enact-
24 ment of the Student Results Act of 1999, and any
25 school with respect to which an election is made

1 *under subsection (a)(2), meets the requirements of this*
2 *subsection if—*

3 *“(A) the Indian tribe or tribal organization*
4 *that operates, or desires to operate, the school*
5 *submits to the Secretary an application request-*
6 *ing that the Secretary—*

7 *“(i) transfer operation of the school to*
8 *the Indian tribe or tribal organization, if*
9 *the Indian tribe or tribal organization is*
10 *not already operating the school; and*

11 *“(ii) make a determination as to*
12 *whether the school is eligible for assistance*
13 *under this part; and*

14 *“(B) the Secretary makes a determination*
15 *that the school is eligible for assistance under*
16 *this part.*

17 *“(2) CERTAIN ELECTING SCHOOLS.—(A) By not*
18 *later than the date that is 120 days after the date on*
19 *which an application is submitted to the Secretary*
20 *under paragraph (1)(A), the Secretary shall*
21 *determine—*

22 *“(i) in the case of a school which is not*
23 *being operated by the Indian tribe or tribal or-*
24 *ganization, whether to transfer operation of the*

1 *school to the Indian tribe or tribal organization;*
2 *and*

3 “(i) *whether the school is eligible for assist-*
4 *ance under this part.*

5 “(B) *In considering applications submitted*
6 *under paragraph (1)(A), the Secretary—*

7 “(i) *shall transfer operation of the school to*
8 *the Indian tribe or tribal organization, if the*
9 *tribe or tribal organization is not already oper-*
10 *ating the school; and*

11 “(i) *shall determine that the school is eligi-*
12 *ble for assistance under this part, unless the Sec-*
13 *retary finds by clear and convincing evidence*
14 *that the services to be provided by the Indian*
15 *tribe or tribal organization will be deleterious to*
16 *the welfare of the Indians served by the school.*

17 “(C) *In considering applications submitted*
18 *under paragraph (1)(A), the Secretary shall consider*
19 *whether the Indian tribe or tribal organization would*
20 *be deficient in operating the school with respect to—*

21 “(i) *equipment;*

22 “(ii) *bookkeeping and accounting proce-*
23 *dures;*

24 “(iii) *ability to adequately manage a school;*

25 *or*

1 “(iv) adequately trained personnel.

2 “(c) *ADDITIONAL REQUIREMENTS FOR A SCHOOL*
3 *WHICH IS NOT A BUREAU FUNDED SCHOOL.—*

4 “(1) *IN GENERAL.—A school which is not a Bu-*
5 *reau funded school under title XI of the Education*
6 *Amendments of 1978 meets the requirements of this*
7 *subsection if—*

8 “(A) *the Indian tribe or tribal organization*
9 *that operates, or desires to operate, the school*
10 *submits to the Secretary an application request-*
11 *ing a determination by the Secretary as to*
12 *whether the school is eligible for assistance under*
13 *this part; and*

14 “(B) *the Secretary makes a determination*
15 *that a school is eligible for assistance under this*
16 *part.*

17 “(2) *DEADLINE FOR DETERMINATION BY SEC-*
18 *RETARY.—(A) By not later than the date that is 180*
19 *days after the date on which an application is sub-*
20 *mitted to the Secretary under paragraph (1)(A), the*
21 *Secretary shall determine whether the school is eligible*
22 *for assistance under this part.*

23 “(B) *In making the determination under sub-*
24 *paragraph (A), the Secretary shall give equal consid-*
25 *eration to each of the following factors:*

1 “(i) with respect to the applicant’s
2 proposal—

3 “(I) the adequacy of facilities or the
4 potential to obtain or provide adequate fa-
5 cilities;

6 “(II) geographic and demographic fac-
7 tors in the affected areas;

8 “(III) adequacy of the applicant’s pro-
9 gram plans;

10 “(IV) geographic proximity of com-
11 parable public education; and

12 “(V) the needs as expressed by all af-
13 fected parties, including but not limited to
14 students, families, tribal governments at
15 both the central and local levels, and school
16 organizations; and

17 “(ii) with respect to all education services
18 already available—

19 “(I) geographic and demographic fac-
20 tors in the affected areas;

21 “(II) adequacy and comparability of
22 programs already available;

23 “(III) consistency of available pro-
24 grams with tribal education codes or tribal
25 legislation on education; and

1 “(IV) *the history and success of these*
2 *services for the proposed population to be*
3 *served, as determined from all factors in-*
4 *cluding, if relevant, standardized examina-*
5 *tion performance.*

6 “(C) *The Secretary may not make a*
7 *determination under this paragraph that is*
8 *primarily based upon the geographic prox-*
9 *imity of comparable public education.*

10 “(D) *Applications submitted under*
11 *paragraph (1)(A) shall include information*
12 *on the factors described in subparagraph*
13 *(B)(i), but the applicant may also provide*
14 *the Secretary such information relative to*
15 *the factors described in subparagraph*
16 *(B)(ii) as the applicant considers appro-*
17 *priate.*

18 “(E) *If the Secretary fails to make a*
19 *determination under subparagraph (A) with*
20 *respect to an application within 180 days*
21 *after the date on which the Secretary re-*
22 *ceived the application, the Secretary shall*
23 *be treated as having made a determination*
24 *that the tribally controlled school is eligible*
25 *for assistance under the title and the grant*

1 *shall become effective 18 months after the*
2 *date on which the Secretary received the ap-*
3 *plication, or on an earlier date, at the Sec-*
4 *retary's discretion.*

5 “(d) *FILING OF APPLICATIONS AND REPORTS.*—

6 “(1) *IN GENERAL.*—*All applications and reports*
7 *submitted to the Secretary under this part, and any*
8 *amendments to such applications or reports, shall be*
9 *filed with the education line officer designated by the*
10 *Director of the Office of Indian Education Programs*
11 *of the Bureau of Indian Affairs. The date on which*
12 *such filing occurs shall, for purposes of this part, be*
13 *treated as the date on which the application or*
14 *amendment was submitted to the Secretary.*

15 “(2) *SUPPORTING DOCUMENTATION.*—*Any appli-*
16 *cation that is submitted under this chapter shall be*
17 *accompanied by a document indicating the action*
18 *taken by the tribal governing body in authorizing*
19 *such application.*

20 “(e) *EFFECTIVE DATE FOR APPROVED APPLICA-*
21 *TIONS.*—*Except as provided by subsection (c)(2)(E), a*
22 *grant provided under this part, and any transfer of the op-*
23 *eration of a Bureau school made under subsection (b), shall*
24 *become effective beginning the academic year succeeding the*

1 *fiscal year in which the application for the grant or transfer*
2 *is made, or at an earlier date determined by the Secretary.*

3 “(f) *DENIAL OF APPLICATIONS.*—

4 “(1) *IN GENERAL.*—Whenever the Secretary re-
5 fuses to approve a grant under this chapter, to trans-
6 fer operation of a Bureau school under subsection (b),
7 or determines that a school is not eligible for assist-
8 ance under this part, the Secretary shall—

9 “(A) *state the objections in writing to the*
10 *tribe or tribal organization within the allotted*
11 *time;*

12 “(B) *provide assistance to the tribe or tribal*
13 *organization to overcome all stated objections.*

14 “(C) *at the request of the tribe or tribal or-*
15 *ganization, provide the tribe or tribal organiza-*
16 *tion a hearing on the record under the same*
17 *rules and regulations that apply under the In-*
18 *dian Self-Determination and Education Assist-*
19 *ance Act; and*

20 “(D) *provide an opportunity to appeal the*
21 *objection raised.*

22 “(2) *TIMELINE FOR RECONSIDERATION OF*
23 *AMENDED APPLICATIONS.*—The Secretary shall recon-
24 sider any amended application submitted under this

1 *part within 60 days after the amended application is*
2 *submitted to the Secretary.*

3 “(g) *REPORT.—The Bureau shall submit an annual*
4 *report to the Congress on all applications received, and ac-*
5 *tions taken (including the costs associated with such ac-*
6 *tions), under this section at the same time that the Presi-*
7 *dent is required to submit to Congress the budget under sec-*
8 *tion 1105 of title 31.*

9 **“SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION.**

10 “(a) *IN GENERAL.—If the Secretary determines that*
11 *a tribally controlled school is eligible for assistance under*
12 *this part, the eligibility determination shall remain in effect*
13 *until the determination is revoked by the Secretary, and*
14 *the requirements of subsection (b) or (c) of section 5206,*
15 *if applicable, shall be considered to have been met with re-*
16 *spect to such school until the eligibility determination is*
17 *revoked by the Secretary.*

18 “(b) *ANNUAL REPORTS.—*

19 “(1) *IN GENERAL.—Each recipient of a grant*
20 *provided under this part shall complete an annual re-*
21 *port which shall be limited to—*

22 “(A) *an annual financial statement report-*
23 *ing revenue and expenditures as defined by the*
24 *cost accounting established by the grantee;*

1 “(B) an annual financial audit conducted
2 pursuant to the standards of the Single Audit
3 Act of 1984;

4 “(C) an annual submission to the Secretary
5 of the number of students served and a brief de-
6 scription of programs offered under the grant;
7 and

8 “(D) a program evaluation conducted by an
9 impartial evaluation review team, to be based on
10 the standards established for purposes of sub-
11 section (c)(1)(A)(ii).

12 “(2) *EVALUATION REVIEW TEAMS.*—Where ap-
13 propriate, other tribally controlled schools and rep-
14 resentatives of tribally controlled community colleges
15 shall make up members of the evaluation review
16 teams.

17 “(3) *EVALUATIONS.*—In the case of a school
18 which is accredited, evaluations will be conducted at
19 intervals under the terms of accreditation.

20 “(4) *SUBMISSION OF REPORT.*—

21 “(A) *TO TRIBALLY GOVERNING BODY.*—
22 Upon completion of the report required under
23 paragraph (a), the recipient of the grant shall
24 send (via first class mail, return receipt re-
25 quested) a copy of such annual report to the trib-

1 *al governing body (as defined in section 1132(f)*
2 *of the Education Amendments of 1978) of the*
3 *tribally controlled school.*

4 “(B) *TO SECRETARY.*—*Not later than 30*
5 *days after receiving written confirmation that*
6 *the tribal governing body has received the report*
7 *send pursuant to subsection (A), the recipient of*
8 *the grant shall send a copy of the report to the*
9 *Secretary.*

10 “(c) *REVOCAION OF ELIGIBILITY.*—

11 “(1) *IN GENERAL.*—(A) *The Secretary shall not*
12 *revoke a determination that a school is eligible for as-*
13 *sistance under this part if—*

14 “(i) *the Indian tribe or tribal organization*
15 *submits the reports required under subsection (b)*
16 *with respect to the school; and*

17 “(ii) *at least one of the following subclauses*
18 *applies with respect to the school:*

19 “(I) *The school is certified or accred-*
20 *ited by a State or regional accrediting asso-*
21 *ciation or is a candidate in good standing*
22 *for such accreditation under the rules of the*
23 *State or regional accrediting association,*
24 *showing that credits achieved by the stu-*
25 *dents within the education programs are, or*

1 *will be, accepted at grade level by a State*
2 *certified or regionally accredited institution.*

3 “(II) *A determination made by the*
4 *Secretary that there is a reasonable expecta-*
5 *tion that the accreditation described in sub-*
6 *clause (I), or the candidacy in good stand-*
7 *ing for such accreditation, will be reached*
8 *by the school within 3 years and that the*
9 *program offered by the school is beneficial to*
10 *the Indian students.*

11 “(III) *The school is accredited by a*
12 *tribal department of education if such ac-*
13 *creditation is accepted by a generally recog-*
14 *nized regional or State accreditation agen-*
15 *cy.*

16 “(IV) *The schools accept the standards*
17 *promulgated under section 1121 of the Edu-*
18 *cation Amendments of 1978 and an evalua-*
19 *tion of performance is conducted under this*
20 *section in conformance with the regulations*
21 *pertaining to Bureau operated schools by*
22 *an impartial evaluator chosen by the grant-*
23 *ee, but no grantee shall be required to com-*
24 *ply with these standards to a higher degree*
25 *than a comparable Bureau operated school.*

1 “(V) *A positive evaluation of the school*
2 *is conducted by an impartial evaluator*
3 *agreed upon by the Secretary and the grant-*
4 *ee every 2 years under standards adopted*
5 *by the contractor under a contract for a*
6 *school entered into under the Indian Self-*
7 *Determination and Education Assistance*
8 *Act (or revisions of such standards agreed to*
9 *by the Secretary and the grantee) prior to*
10 *the date of enactment of this Act. If the Sec-*
11 *retary and the grantee other than the tribal*
12 *governing body fail to agree on such an*
13 *evaluator, the tribal governing body shall*
14 *choose the evaluator or perform the evalua-*
15 *tion. If the Secretary and a grantee which*
16 *is the tribal governing body fail to agree on*
17 *such an evaluator, this subclause shall not*
18 *apply.*

19 “(B) *The choice of standards employed for the*
20 *purpose of subparagraph (A)(ii) shall be consistent*
21 *with section 1121(e) of the Education Amendments of*
22 *1978.*

23 “(2) *NOTICE REQUIREMENTS FOR REVOCA-*
24 *TION.—The Secretary shall not revoke a determina-*
25 *tion that a school is eligible for assistance under this*

1 *part, or reassume control of a school that was a Bu-*
2 *reau school prior to approval of an application sub-*
3 *mitted under section 5206(b)(1)(A) until the*
4 *Secretary—*

5 *“(A) provides notice to the tribally con-*
6 *trolled school and the tribal governing body*
7 *(within the meaning of section 1141(14) of the*
8 *Education Amendments of 1978) of the tribally*
9 *controlled school which states—*

10 *“(i) the specific deficiencies that led to*
11 *the revocation or resumption determination;*
12 *and*

13 *“(ii) the actions that are needed to*
14 *remedy such deficiencies; and*

15 *“(B) affords such authority an opportunity*
16 *to effect the remedial actions.*

17 *“(3) TECHNICAL ASSISTANCE.—The Secretary*
18 *shall provide such technical assistance as is prac-*
19 *ticable to effect such remedial actions. Such notice*
20 *and technical assistance shall be in addition to a*
21 *hearing and appeal to be conducted pursuant to the*
22 *regulations described in section 5206(f)(1)(C).*

23 *“(d) APPLICABILITY OF SECTION PURSUANT TO ELEC-*
24 *TION UNDER SECTION 5209(b).—With respect to a tribally*

1 *controlled school which receives assistance under this part*
2 *pursuant to an election made under section 5209(b)—*

3 *“(1) subsection (b) of this section shall apply;*
4 *and*

5 *“(2) the Secretary may not revoke eligibility for*
6 *assistance under this part except in conformance with*
7 *subsection (c) of this section.*

8 **“SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS.**

9 *“(a) PAYMENTS.—*

10 *“(1) IN GENERAL.—Except as otherwise provided*
11 *in this subsection, the Secretary shall make payments*
12 *to grantees under this part in 2 payments, of which—*

13 *“(A) the first payment shall be made not*
14 *later than July 15 of each year in an amount*
15 *equal to 85 percent of the amount which the*
16 *grantee was entitled to receive during the pre-*
17 *ceding academic year; and;*

18 *“(B) the second payment, consisting of the*
19 *remainder to which the grantee is entitled for the*
20 *academic year, shall be made not later than De-*
21 *cember 1 of each year.*

22 *“(2) NEWLY FUNDED SCHOOLS.—For any school*
23 *for which no payment under this part was made from*
24 *Bureau funds in the preceding academic year, full*
25 *payment of the amount computed for the first aca-*

1 *ademic year of eligibility under this part shall be made*
2 *not later than December 1 of the academic year.*

3 “(3) *LATE FUNDING.*—*With regard to funds for*
4 *grantees that become available for obligation on Octo-*
5 *ber 1 of the fiscal year for which such funds are ap-*
6 *propriated, the Secretary shall make payments to*
7 *grantees not later than December 1 of the fiscal year.*

8 “(4) *APPLICABILITY OF CERTAIN TITLE 31 PROVI-*
9 *SIONS.*—*The provisions of chapter 39 of Title 31,*
10 *United States Code, shall apply to the payments re-*
11 *quired to be made by paragraphs (1), (2), and (3).*

12 “(5) *RESTRICTIONS.*—*Paragraphs (1), (2), and*
13 *(3) shall be subject to any restriction on amounts of*
14 *payments under this part that are imposed by a con-*
15 *tinuing resolution or other Act appropriating the*
16 *funds involved.*

17 “(b) *INVESTMENT OF FUNDS.*—

18 “(1) *TREATMENT OF INTEREST AND INVESTMENT*
19 *INCOME.*—*Notwithstanding any other provision of*
20 *law, any interest or investment income that accrues*
21 *to any funds provided under this part after such*
22 *funds are paid to the Indian tribe or tribal organiza-*
23 *tion and before such funds are expended for the pur-*
24 *pose for which such funds were provided under this*
25 *part shall be the property of the Indian tribe or tribal*

1 *organization and shall not be taken into account by*
2 *any officer or employee of the Federal Government in*
3 *determining whether to provide assistance, or the*
4 *amount of assistance, under any provision of Federal*
5 *law. Such interest income shall be spent on behalf of*
6 *the school.*

7 *“(2) PERMISSIBLE INVESTMENTS.—Funds pro-*
8 *vided under this part may be invested by the Indian*
9 *tribe or tribal organization before such funds are ex-*
10 *pende*d *for the purposes of this part so long as such*
11 *funds are—*

12 *“(A) invested by the Indian tribe or tribal*
13 *organization only in obligations of the United*
14 *States, or in obligations or securities that are*
15 *guaranteed or insured by the United States, or*
16 *mutual (or other) funds registered with the Secu-*
17 *rities and Exchange Commission and which only*
18 *invest in obligations of the United States, or se-*
19 *curities that are guaranteed or insured by the*
20 *United States; or*

21 *“(B) deposited only into accounts that are*
22 *insure by and agency or instrumentality of the*
23 *United States, or are fully collateralized to en-*
24 *sure protection of the funds, even in the event of*
25 *a bank failure.*

1 “(c) *RECOVERIES.*—*For the purposes of underrecovery*
2 *and overrecovery determinations by any Federal agency for*
3 *any other funds, from whatever source derived, funds re-*
4 *ceived under this part shall not be taken into consideration.*

5 “**SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-**
6 **DETERMINATION AND EDUCATION ASSIST-**
7 **ANCE ACT.**

8 “(a) *CERTAIN PROVISIONS TO APPLY TO GRANTS.*—
9 *The following provisions of the Indian Self-Determination*
10 *and Education Assistance Act (and any subsequent revi-*
11 *sions thereto or renumbering thereof), shall apply to grants*
12 *provided under this part:*

13 “(1) *Section 5(f) (relating to single agency*
14 *audit).*

15 “(2) *Section 6 (relating to criminal activities;*
16 *penalties).*

17 “(3) *Section 7 (relating to wage and labor stand-*
18 *ards).*

19 “(4) *Section 104 (relating to retention of Federal*
20 *employee coverage).*

21 “(5) *Section 105(f) (relating to Federal prop-*
22 *erty).*

23 “(6) *Section 105(k) (relating to access to Federal*
24 *sources of supply).*

1 “(7) Section 105(l) (relating to lease of facility
2 used for administration and delivery of services).

3 “(8) Section 106(f) (relating to limitation on
4 remedies relating to cost allowances).

5 “(9) Section 106(j) (relating to use of funds for
6 matching or cost participation requirements).

7 “(10) Section 106(k) (relating to allowable uses
8 of funds).

9 “(11) Section 108(c) (Model Agreements provi-
10 sions (1)(a)(5) (relating to limitations of costs),
11 (1)(a)(7) (relating to records and monitoring),
12 (1)(a)(8) (relating to property), and (a)(1)(9) (relat-
13 ing to availability of funds).

14 “(12) Section 109 (relating to reassumption).

15 “(13) Section 111 (relating to sovereign immu-
16 nity and trusteeship rights unaffected).

17 “(b) ELECTION FOR GRANT IN LIEU OF CONTRACT.—

18 “(1) IN GENERAL.—Contractors for activities to
19 which this part applies who have entered into a con-
20 tract under the Indian Self-Determination and Edu-
21 cation Assistance Act that is in effect upon the date
22 of enactment of the Student Results Act of 1999 may,
23 by giving notice to the Secretary, elect to have the
24 provisions of this part apply to such activity in lieu
25 of such contract.

1 “(2) *EFFECTIVE DATE OF ELECTION.*—Any elec-
2 tion made under paragraph (1) shall take effect on
3 the later of—

4 “(A) October 1 of the fiscal year succeeding
5 the fiscal year in which such election is made; or

6 “(B) 60 days after the date of such election.

7 “(3) *EXCEPTION.*—In any case in which the 60-
8 day period referred to in paragraph (2)(B) is less
9 than 60 days before the beginning of the succeeding
10 fiscal year, such election shall not take effect until the
11 fiscal year after the fiscal year succeeding the election.

12 “(c) *NO DUPLICATION.*—No funds may be provided
13 under any contract entered into under the Indian Self-De-
14 termination and Education Assistance Act to pay any ex-
15 penses incurred in providing any program or services if
16 a grant has been made under this part to pay such expenses.

17 “(d) *TRANSFERS AND CARRYOVERS.*—

18 “(1) *BUILDINGS, EQUIPMENT, SUPPLIES, MATE-*
19 *RIALS.*—A tribe or tribal organization assuming the
20 operation of—

21 “(A) a Bureau school with assistance under
22 this part shall be entitled to the transfer or use
23 of buildings, equipment, supplies, and materials
24 to the same extent as if it were contracting under

1 *the Indian Self-Determination and Education*
2 *Assistance Act; or*

3 “(B) *a contract school with assistance under*
4 *this part shall be entitled to the transfer or use*
5 *of buildings, equipment, supplies and materials*
6 *that were used in the operation of the contract*
7 *school to the same extent as if it were contracting*
8 *under the Indian Self-Determination and Edu-*
9 *cation Assistance Act*

10 “(2) *FUNDS.—Any tribe or tribal organization*
11 *which assumes operation of a Bureau school with as-*
12 *sistance under this part and any tribe or tribal orga-*
13 *nization which elects to operate a school with assist-*
14 *ance under this part rather than to continue as a con-*
15 *tract school shall be entitled to any funds which*
16 *would carryover from the previous fiscal year as if*
17 *such school were operated as a contract school.*

18 “(e) *EXCEPTIONS, PROBLEMS, AND DISPUTES.—Any*
19 *exception or problem cited in an audit conducted pursuant*
20 *to section 5207(b)(2), any dispute regarding a grant au-*
21 *thorized to be made pursuant to this part or any amend-*
22 *ment to such grant, and any dispute involving an adminis-*
23 *trative cost grant under section 1128 of the Education*
24 *Amendments of 1978 shall be administered under the provi-*
25 *sions governing such exceptions, problems, or disputes in*

1 *the case of contracts under the Indian Self-Determination*
2 *and Education Assistance Act of 1975. The Equal Access*
3 *to Justice Act shall apply to administrative appeals filed*
4 *after September 8, 1988, by grantees regarding a grant*
5 *under this part, including an administrative cost grant.*

6 **“SEC. 5210. ROLE OF THE DIRECTOR.**

7 *“Applications for grants under this part, and all ap-*
8 *plication modifications, shall be reviewed and approved by*
9 *personnel under the direction and control of the Director*
10 *of the Office of Indian Education Programs. Required re-*
11 *ports shall be submitted to education personnel under the*
12 *direction and control of the Director of such Office.*

13 **“SEC. 5211. REGULATIONS.**

14 *“The Secretary is authorized to issue regulations relat-*
15 *ing to the discharge of duties specifically assigned to the*
16 *Secretary by this part. In all other matters relating to the*
17 *details of planning, development, implementing, and evalu-*
18 *ating grants under this part, the Secretary shall not issue*
19 *regulations. Regulations issued pursuant to this part shall*
20 *not have the standing of a Federal statute for the purposes*
21 *of judicial review.*

22 **“SEC. 5212. THE TRIBALLY CONTROLLED GRANT SCHOOL**
23 ****ENDOWMENT PROGRAM.****

24 *“(a) IN GENERAL.—*

1 “(1) *Each school receiving grants under this part*
2 *may establish, at a Federally insured banking and*
3 *savings institution, a trust fund for the purposes of*
4 *this section.*

5 “(2) *The school may provide—*

6 “(A) *for the deposit into the trust fund, only*
7 *funds from non-Federal sources, except that the*
8 *interest on funds received from grants under this*
9 *part may be used for this purpose;*

10 “(B) *for the deposit in the account of any*
11 *earnings on funds deposited in the account; and*

12 “(C) *for the sole use of the school any*
13 *noncash, in-kind contributions of real or per-*
14 *sonal property, such property may at any time*
15 *be converted to cash.*

16 “(b) *INTEREST.—Interest from the fund established*
17 *under subsection (a) may periodically be withdrawn and*
18 *used, at the discretion of the school, to defray any expenses*
19 *associated with the operation of the school.*

20 **“SEC. 5213. DEFINITIONS.**

21 *“For the purposes of this part:*

22 “(1) *BUREAU.—The term ‘Bureau’ means the*
23 *Bureau of Indian Affairs of the Department of the In-*
24 *terior.*

1 “(2) *ELIGIBLE INDIAN STUDENT.*—The term ‘*eli-*
2 *gible Indian student*’ has the meaning of such term in
3 *section 1127(f) of the Education Amendments of 1978.*

4 “(3) *INDIAN TRIBE.*—The term ‘*Indian tribe*’
5 *means any Indian tribe, band, nation, or other orga-*
6 *nized group or community, including Alaska Native*
7 *Village or regional corporations (as defined in or es-*
8 *tablished pursuant to the Alaskan Native Claims Set-*
9 *tlement Act, which is recognized as eligible for the*
10 *special programs and services provided by the United*
11 *States to Indians because of their status as Indians.*

12 “(4) *LOCAL EDUCATIONAL AGENCY.*—The term a
13 ‘*local educational agency*’ means a public board of
14 *education or other public authority legally constituted*
15 *within a State for either administrative control or di-*
16 *rection of, or to perform a service function for, public*
17 *elementary or secondary schools in a city, county,*
18 *township, school district, or other political subdivi-*
19 *sion of a State or such combination of school districts*
20 *or counties as are recognized in a State as an admin-*
21 *istrative agency for its public elementary or sec-*
22 *ondary schools. Such term includes any other public*
23 *institution or agency having administrative control*
24 *and direction of a public elementary or secondary*
25 *school.*

1 “(5) *SECRETARY*.—*The term ‘Secretary’ means*
2 *the Secretary of the Interior.*

3 “(6) *TRIBAL ORGANIZATION*.—(A) *The term*
4 *‘tribal organization’ means—*

5 “(i) *the recognized governing body of any*
6 *Indian tribe; or*

7 “(ii) *any legally established organization of*
8 *Indians which—*

9 “(I) *is controlled, sanctioned, or char-*
10 *tered by such governing body or is demo-*
11 *cratically elected by the adult members of*
12 *the Indian community to be served by such*
13 *organization; and*

14 “(II) *includes the maximum participa-*
15 *tion of Indians in all phases of its activi-*
16 *ties.*

17 “(B) *In any case in which a grant is provided*
18 *under this part to an organization to provide services*
19 *benefiting more than one Indian tribe, the approval*
20 *of the governing bodies of Indian tribes representing*
21 *80 percent of those students attending the tribally*
22 *controlled school shall be considered a sufficient tribal*
23 *authorization for such grant.*

24 “(7) *TRIBALLY CONTROLLED SCHOOL*.—*The term*
25 *‘tribally controlled school’ means a school operated by*

1 *a tribe or a tribal organization, enrolling students in*
 2 *kindergarten through grade 12, including preschools,*
 3 *which is not a local educational agency and which is*
 4 *not directly administered by the Bureau of Indian Af-*
 5 *fairs.”.*

6 **TITLE V—GIFTED AND**
 7 **TALENTED CHILDREN**

8 **SEC. 501. AMENDMENT TO ESEA RELATING TO GIFTED AND**
 9 **TALENTED CHILDREN.**

10 *Part B of title X of the Elementary and Secondary*
 11 *Education Act of 1965 (20 U.S.C. 8031 et seq.) is amended*
 12 *to read as follows:*

13 **“PART B—GIFTED AND TALENTED CHILDREN**

14 **“SEC. 10201. SHORT TITLE.**

15 *“This part may be cited as the ‘Jacob K. Javits Gifted*
 16 *and Talented Students Education Act of 1999’.*

17 **“SEC. 10202. FINDINGS.**

18 *“The Congress finds the following:*

19 *“(1) While the families or communities of some*
 20 *gifted students can provide private programs with ap-*
 21 *propriately trained staff to supplement public edu-*
 22 *cational offerings, most high-ability students, espe-*
 23 *cially those from inner cities, rural communities, or*
 24 *low-income families, must rely on the services and*
 25 *personnel provided by public schools. Therefore, gifted*

1 *education programs, provided by qualified profes-*
2 *sionals in the public schools, are needed to provide*
3 *equal educational opportunities.*

4 *“(2) Due to the wide dispersal of students who*
5 *are gifted and talented and the national interest in*
6 *a well-educated populace, the Federal Government can*
7 *most effectively and appropriately conduct scientif-*
8 *ically based research and development to provide an*
9 *infrastructure and to ensure that there is a national*
10 *capacity to educate students who are gifted and tal-*
11 *ented to meet the needs of the 21st century.*

12 *“(3) State and local educational agencies often*
13 *lack the specialized resources and trained personnel to*
14 *consistently plan and implement effective programs*
15 *for the identification of gifted and talented students*
16 *and for the provision of educational services and pro-*
17 *grams appropriate for their needs.*

18 *“(4) Because gifted and talented students gen-*
19 *erally are more advanced academically, are able to*
20 *learn more quickly, and study in more depth and*
21 *complexity than others their age, their educational*
22 *needs require opportunities and experiences that are*
23 *different from those generally available in regular*
24 *education programs.*

1 “(5) *Typical elementary school students who are*
2 *academically gifted and talented already have mas-*
3 *tered 35 to 50 percent of the school year’s content in*
4 *several subject areas before the year begins. Without*
5 *an advanced and challenging curriculum, they often*
6 *lose their motivation and develop poor study habits*
7 *that are difficult to break.*

8 “(6) *Elementary and secondary teachers have*
9 *students in their classrooms with a wide variety of*
10 *traits, characteristics, and needs. Most teachers re-*
11 *ceive some training to meet the needs of these stu-*
12 *dents, such as students with limited English pro-*
13 *ficiency, students with disabilities, and students from*
14 *diverse cultural and racial backgrounds. However,*
15 *most teachers do not receive training on meeting the*
16 *needs of students who are gifted and talented.*

17 **“SEC. 10203. CONDITIONS ON EFFECTIVENESS OF SUB-**
18 **PARTS 1 AND 2.**

19 “(a) *SUBPART 1.—Subpart 1 shall be in effect only*
20 *for a fiscal year for which subpart 2 is not in effect.*

21 “(b) *SUBPART 2.—*

22 “(1) *IN GENERAL.—Subpart 2 shall be in effect*
23 *only for—*

1 “(A) the first fiscal year for which the
2 amount appropriated to carry out this part
3 equals or exceeds \$50,000,000; and

4 “(B) all succeeding fiscal years.

5 “(2) CONTINUATION OF AWARDS.—Notwith-
6 standing any other provision of this part, a State re-
7 ceiving a grant under subpart 2—

8 “(A) shall give special consideration to a re-
9 quest for the continuation of an award within
10 the State, made by any public or private agency,
11 institution, or organization that was awarded a
12 grant or contract under subpart 1 for a fiscal
13 year for which such subpart was in effect; and

14 “(B) may use funds received under such
15 grant for the purpose of permitting the agency,
16 institution, or organization to continue to receive
17 funds in accordance with the terms of such
18 award until the date on which the award period
19 terminates under such terms.

20 **“Subpart 1—Discretionary Grant Program**

21 **“SEC. 10211. PURPOSE.**

22 “The purpose of this subpart is to initiate a coordi-
23 nated program of scientifically based research, demonstra-
24 tion projects, innovative strategies, and similar activities
25 designed to build a nationwide capability in elementary

1 *and secondary schools to meet the special educational needs*
2 *of gifted and talented students.*

3 **“SEC. 10212. GRANTS TO MEET EDUCATIONAL NEEDS OF**
4 **GIFTED AND TALENTED STUDENTS.**

5 *“(a) ESTABLISHMENT OF PROGRAM.—*

6 *“(1) IN GENERAL.—Subject to section 10203,*
7 *from the sums available to carry out this subpart in*
8 *any fiscal year, the Secretary (after consultation with*
9 *experts in the field of the education of gifted and tal-*
10 *ented students) shall make grants to, or enter into*
11 *contracts with, State educational agencies, local edu-*
12 *cational agencies, institutions of higher education,*
13 *other public agencies, and other private agencies and*
14 *organizations (including Indian tribes and Indian*
15 *organizations (as such terms are defined in section 4*
16 *of the Indian Self-Determination and Education As-*
17 *sistance Act (25 U.S.C. 450b)) and Native Hawaiian*
18 *organizations) to assist such agencies, institutions,*
19 *and organizations in carrying out programs or*
20 *projects authorized by this subpart that are designed*
21 *to meet the educational needs of gifted and talented*
22 *students, including the training of personnel in the*
23 *education of gifted and talented students and in the*
24 *use, where appropriate, of gifted and talented services,*
25 *materials, and methods for all students.*

1 “(2) *APPLICATION.*—*Each entity desiring assist-*
2 *ance under this subpart shall submit an application*
3 *to the Secretary at such time, in such manner, and*
4 *containing such information as the Secretary may*
5 *reasonably require. Each such application shall de-*
6 *scribe how—*

7 “(A) *the proposed gifted and talented serv-*
8 *ices, materials, and methods can be adapted, if*
9 *appropriate, for use by all students; and*

10 “(B) *the proposed programs can be evalu-*
11 *ated.*

12 “(b) *USES OF FUNDS.*—*Programs and projects as-*
13 *sisted under this subpart may include the following:*

14 “(1) *Carrying out—*

15 “(A) *scientifically based research on meth-*
16 *ods and techniques for identifying and teaching*
17 *gifted and talented students, and for using gifted*
18 *and talented programs and methods to serve all*
19 *students; and*

20 “(B) *program evaluations, surveys, and the*
21 *collection, analysis, and development of informa-*
22 *tion needed to accomplish the purpose of this*
23 *subpart.*

24 “(2) *Professional development (including fellow-*
25 *ships) for personnel (including leadership personnel)*

1 *involved in the education of gifted and talented stu-*
2 *dents.*

3 *“(3) Establishment and operation of model*
4 *projects and exemplary programs for serving gifted*
5 *and talented students, including innovative methods*
6 *for identifying and educating students who may not*
7 *be served by traditional gifted and talented programs,*
8 *including summer programs, mentoring programs,*
9 *service learning programs, and cooperative programs*
10 *involving business, industry, and education.*

11 *“(4) Implementing innovative strategies, such as*
12 *cooperative learning, peer tutoring and service learn-*
13 *ing.*

14 *“(5) Programs of technical assistance and infor-*
15 *mation dissemination, including assistance and infor-*
16 *mation with respect to how gifted and talented pro-*
17 *grams and methods, where appropriate, may be*
18 *adapted for use by all students.*

19 *“(c) COORDINATION.—Scientifically based research ac-*
20 *tivities supported under this subpart—*

21 *“(1) shall be carried out in consultation with the*
22 *Office of Educational Research and Improvement to*
23 *ensure that such activities are coordinated with and*
24 *enhance the research and development activities sup-*
25 *ported by such Office; and*

1 “(2) may include collaborative scientifically
2 based research activities which are jointly funded and
3 carried out with such Office.

4 **“SEC. 10213. PROGRAM PRIORITIES.**

5 “(a) *GENERAL PRIORITY.*—In the administration of
6 this subpart, the Secretary shall give highest priority to
7 programs and projects designed to develop new information
8 that—

9 “(1) improves the capability of schools to plan,
10 conduct, and improve programs to identify and serve
11 gifted and talented students; and

12 “(2) assists schools in the identification of, and
13 provision of services to, gifted and talented students
14 who may not be identified and served through tradi-
15 tional assessment methods (including economically
16 disadvantaged individuals, individuals of limited
17 English proficiency, and individuals with disabili-
18 ties).

19 “(b) *SERVICE PRIORITY.*—In approving applications
20 for assistance under section 10212(a)(2), the Secretary shall
21 ensure that in each fiscal year at least $\frac{1}{2}$ of the applications
22 approved under such section address the priority described
23 in subsection (a)(2).

24 “(c) *SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES*
25 *FOR AUTHORIZED ACTIVITIES.*—

1 “(1) *IN GENERAL.*—For fiscal year 2001 and
2 succeeding fiscal years, the Secretary shall ensure that
3 a percentage of the excess amount described in para-
4 graph (2) is used to increase (in proportion to any
5 increases in such excess amounts) the number and size
6 of the grants under this subpart to State educational
7 agencies to begin implementing activities described in
8 section 10222(b) through competitive subgrants to
9 local educational agencies.

10 “(2) *EXCESS AMOUNT.*—For purposes of para-
11 graph (1), the excess amount described in this para-
12 graph is, for fiscal year 2001 and succeeding fiscal
13 years, the amount (if any) by which the funds appro-
14 priated to carry out this subpart for the year exceed
15 such funds for fiscal year 2000.

16 **“SEC. 10214. GENERAL PROVISIONS FOR SUBPART.**

17 “(a) *REVIEW, DISSEMINATION, AND EVALUATION.*—
18 *The Secretary—*

19 “(1) *shall use a peer review process in reviewing*
20 *applications under this subpart;*

21 “(2) *shall ensure that information on the activi-*
22 *ties and results of programs and projects funded*
23 *under this subpart is disseminated to appropriate*
24 *State and local educational agencies and other appro-*

1 *appropriate organizations, including nonprofit private or-*
2 *ganizations; and*

3 *“(3) shall evaluate the effectiveness of programs*
4 *under this subpart in accordance with section 14701,*
5 *both in terms of the impact on students traditionally*
6 *served in separate gifted and talented programs and*
7 *on other students, and submit the results of such eval-*
8 *uation to the Congress not later than 2 years after the*
9 *date of the enactment of the Student Results Act of*
10 *1999.*

11 *“(b) PROGRAM OPERATIONS.—The Secretary shall en-*
12 *sure that the programs under this subpart are administered*
13 *within the Department by a person who has recognized pro-*
14 *fessional qualifications and experience in the field of the*
15 *education of gifted and talented students and who—*

16 *“(1) shall administer and coordinate the programs au-*
17 *thorized under this subpart;*

18 *“(2) shall serve as a focal point of national lead-*
19 *ership and information on the educational needs of*
20 *gifted and talented students and the availability of*
21 *educational services and programs designed to meet*
22 *such needs; and*

23 *“(3) shall assist the Assistant Secretary of the*
24 *Office of Educational Research and Improvement in*

1 *identifying research priorities which reflect the needs*
2 *of gifted and talented students.*

3 **“Subpart 2—Formula Grant Program**

4 **“SEC. 10221. PURPOSE.**

5 *“The purpose of this subpart is to provide grants to*
6 *States to support programs, teacher preparation, and other*
7 *services designed to meet the needs of the Nation’s gifted*
8 *and talented students in elementary and secondary schools.*

9 **“SEC. 10222. ESTABLISHMENT OF PROGRAM; USE OF FUNDS.**

10 *“(a) IN GENERAL.—In the case of each State that in*
11 *accordance with section 10224 submits to the Secretary an*
12 *application for a fiscal year, subject to section 10203, the*
13 *Secretary shall make a grant for the year to the State for*
14 *the uses specified in subsection (b). The grant shall consist*
15 *of the allotment determined for the State under section*
16 *10223.*

17 *“(b) AUTHORIZED ACTIVITIES.—Each State receiving*
18 *a grant under this subpart shall use the funds provided*
19 *under the grant to assist local educational agencies to de-*
20 *velop or expand gifted and talented education programs*
21 *through one or more of the following activities:*

22 *“(1) Development and implementation of pro-*
23 *grams to address State and local needs for in-service*
24 *training programs for general educators, specialists*
25 *in gifted and talented education, administrators, or*

1 *other personnel at the elementary and secondary lev-*
2 *els.*

3 *“(2) Making materials and services available*
4 *through State regional educational service centers, in-*
5 *stitutions of higher education, or other entities.*

6 *“(3) Supporting innovative approaches and cur-*
7 *ricula used by local educational agencies (or consortia*
8 *of such agencies) or schools or (consortia of schools).*

9 *“(4) Providing funds for challenging, high-level*
10 *course work, disseminated through new and emerging*
11 *technologies (including distance learning), for indi-*
12 *vidual students or groups of students in schools and*
13 *local educational agencies that do not have the re-*
14 *sources otherwise to provide such course work.*

15 *“(c) COMPETITIVE PROCESS.—A State receiving a*
16 *grant under this subpart shall distribute at least 95 percent*
17 *of the amount of the grant to local educational agencies*
18 *through a competitive process that results in an equitable*
19 *distribution by geographic area within the State.*

20 *“(d) LIMITATIONS ON USE OF FUNDS.—*

21 *“(1) COURSE WORK PROVIDED THROUGH*
22 *EMERGING TECHNOLOGIES.—Activities under sub-*
23 *section (b)(4) may include development of curriculum*
24 *packages, compensation of distance-learning edu-*
25 *cators, or other relevant activities, but funds provided*

1 *under this subpart may not be used for the purchase*
2 *or upgrading of technological hardware.*

3 *“(2) ADMINISTRATIVE COSTS.—A State receiving*
4 *a grant under this subpart may use not more than*
5 *5 percent of the amount of the grant for State admin-*
6 *istrative costs.*

7 **“SEC. 10223. ALLOTMENTS TO STATES.**

8 *“(a) RESERVATION OF FUNDS.—From the amount*
9 *made available to carry out this subpart for any fiscal year,*
10 *the Secretary shall reserve $\frac{1}{2}$ of 1 percent for the Secretary*
11 *of the Interior for programs under this subpart for teachers,*
12 *other staff, and administrators in schools operated or fund-*
13 *ed by the Bureau of Indian Affairs.*

14 *“(b) STATE ALLOTMENTS.—*

15 *“(1) IN GENERAL.—Except as provided in para-*
16 *graph (2), the Secretary shall allot the total amount*
17 *made available to carry out this subpart for any fis-*
18 *cal year and not reserved under subsection (a) to the*
19 *50 States, the District of Columbia, and the Common-*
20 *wealth of Puerto Rico on the basis of their relative*
21 *populations of individuals aged 5 through 17, as de-*
22 *termined by the Secretary on the basis of the most re-*
23 *cent satisfactory data.*

24 *“(2) MINIMUM GRANT AMOUNT.—No State re-*
25 *ceiving an allotment under paragraph (1) may re-*

1 *ceive less than 1/4 of 1 percent of the total amount al-*
2 *lotted under such paragraph.*

3 *“(c) REALLOTMENT.—If any State does not apply for*
4 *an allotment under this section for any fiscal year, the Sec-*
5 *retary shall reallocate such amount to the remaining States*
6 *in accordance with this section.*

7 **“SEC. 10224. APPLICATION.**

8 *“(a) IN GENERAL.—To be eligible to receive a grant*
9 *under this subpart, a State shall submit an application to*
10 *the Secretary at such time, in such manner, and containing*
11 *such information as the Secretary may reasonably require.*

12 *“(b) CONTENTS.—Each application under this section*
13 *shall include assurances that—*

14 *“(1) funds received under this subpart will be*
15 *used to support gifted and talented students in public*
16 *schools and public charter schools, including students*
17 *from all economic, ethnic, and racial backgrounds,*
18 *students of limited English proficiency, students with*
19 *disabilities, and highly gifted students;*

20 *“(2) not less than 95 percent of the amount of*
21 *the funds provided under the grant shall be used for*
22 *the purpose of making, in accordance with this sub-*
23 *part and on a competitive basis, subgrants to local*
24 *educational agencies;*

1 “(3) funds received under this subpart shall be
2 used only to supplement, but not supplant, the
3 amount of State and local funds expended for special-
4 ized education and related services provided for the
5 education of gifted and talented students; and

6 “(4) the State shall develop procedures to evalu-
7 ate program effectiveness.

8 “(c) *APPROVAL.*—To the extent funds are made avail-
9 able for this subpart, the Secretary shall approve an appli-
10 cation of a State if such application meets the requirements
11 of this section.

12 **“SEC. 10225. ANNUAL REPORTING.**

13 “Beginning 1 year after the date of the enactment of
14 the Student Results Act of 1999, a State receiving a grant
15 under this subpart shall submit an annual report to the
16 Secretary that describes the number of students served and
17 the activities supported with funds provided under this sub-
18 part. The report shall include a description of the measures
19 taken to comply with paragraphs (1) and (4) of section
20 10224(b). To the extent practicable and otherwise author-
21 ized by law, this report shall be submitted as part of any
22 consolidated State performance report for State formula
23 grant programs under this Act.

1 **“Subpart 3—National Center for Research and Devel-**
2 **opment in the Education of Gifted and Talented**
3 **Children and Youth**

4 **“SEC. 10231. CENTER FOR RESEARCH AND DEVELOPMENT.**

5 *“(a) IN GENERAL.—The Secretary (after consultation*
6 *with experts in the field of the education of gifted and tal-*
7 *ented students) shall establish a National Center for Re-*
8 *search and Development in the Education of Gifted and*
9 *Talented Children and Youth through grants to or contracts*
10 *with one or more institutions of higher education or State*
11 *educational agencies, or a combination or consortium of*
12 *such institutions and agencies and other public or private*
13 *agencies and organizations, for the purpose of carrying out*
14 *activities described in section 10212(b)(1).*

15 *“(b) DIRECTOR.—Such National Center shall have a*
16 *Director. The Secretary may authorize the Director to carry*
17 *out such functions of the National Center as may be agreed*
18 *upon through arrangements with institutions of higher edu-*
19 *cation, State or local educational agencies, or other public*
20 *or private agencies and organizations.*

21 *“(c) COORDINATION.—Scientifically based research ac-*
22 *tivities supported under this subpart—*

23 *“(1) shall be carried out in consultation with the*
24 *Office of Educational Research and Improvement to*
25 *ensure that such activities are coordinated with and*

1 *enhance the research and development activities sup-*
2 *ported by such Office; and*

3 *“(2) may include collaborative scientifically*
4 *based research activities which are jointly funded and*
5 *carried out with such Office.*

6 **“Subpart 4—General Provisions**

7 **“SEC. 10241. CONSTRUCTION.**

8 *“Nothing in this part shall be construed to prohibit*
9 *a recipient of funds under this part from serving gifted and*
10 *talented students simultaneously with students with similar*
11 *educational needs, in the same educational settings where*
12 *appropriate.*

13 **“SEC. 10242. PARTICIPATION OF PRIVATE SCHOOL CHIL-**
14 **DREN AND TEACHERS.**

15 *“In making grants and entering into contracts under*
16 *this part, the Secretary shall ensure, where appropriate,*
17 *that provision is made for the equitable participation of*
18 *students and teachers in private nonprofit elementary and*
19 *secondary schools, including the participation of teachers*
20 *and other personnel in professional development programs*
21 *serving such children.*

22 **“SEC. 10243. DEFINITIONS.**

23 *“For purposes of this part:*

24 *“(1) The term ‘scientifically based research’—*

1 “(A) means the application of rigorous, sys-
2 tematic, and objective procedures to obtain valid
3 knowledge relevant to the education of gifted and
4 talented children; and

5 “(B) shall include research that—

6 “(i) employs systematic, empirical
7 methods that draw on observation or experi-
8 ment;

9 “(ii) involves rigorous data analyses
10 that are adequate to test the stated
11 hypotheses and justify the general conclu-
12 sions drawn;

13 “(iii) relies on measurements or obser-
14 vational methods that provide valid data
15 across evaluators and observers and across
16 multiple measurements and observations;
17 and

18 “(iv) has been accepted by a peer-re-
19 viewed journal or approved by a panel of
20 independent experts through a comparably
21 rigorous, objective, and scientific review.

22 “(2) STATE.—The term ‘State’ means each of the
23 50 States, the District of Columbia, and the Common-
24 wealth of Puerto Rico.

1 **“SEC. 10244. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) *SUBPART 1 OR 2.—Subject to section 10203, there*
 3 *are authorized to be appropriated \$10,000,000 to carry out*
 4 *subpart 1 or 2 for fiscal year 2000 and such sums as may*
 5 *be necessary for each of fiscal years 2001 through 2004.*

6 “(c) *SUBPART 3.—There are authorized to be appro-*
 7 *priated to carry out subpart 3 \$1,950,000 for each of fiscal*
 8 *years 2000 through 2004.”.*

9 **TITLE VI—RURAL EDUCATION**
 10 **ASSISTANCE**

11 **SEC. 601. RURAL EDUCATION.**

12 *Part J of title X of the Elementary and Secondary*
 13 *Education Act of 1965 (20 U.S.C. 8271 et seq.) is amended*
 14 *to read as follows:*

15 **“PART J—RURAL EDUCATION INITIATIVE**

16 **“SEC. 10951. SHORT TITLE.**

17 *“This part may be cited as the ‘Rural Education Ini-*
 18 *tiative Act of 1999’.*

19 **“SEC. 10952. FINDINGS.**

20 *“Congress finds the following:*

21 *“(1) The National Center for Educational Statis-*
 22 *tics reports that 46 percent of our Nation’s public*
 23 *schools serve rural areas.*

24 *“(2) While there are rural education initiatives*
 25 *identified at the State and local level, no Federal edu-*

1 *cation policy focuses on the specific and unique needs*
2 *of rural school districts and schools.*

3 *“(3) Small school districts often cannot use Fed-*
4 *eral grant funds distributed by formula because the*
5 *formula allocation does not provide enough revenue to*
6 *carry out the program the grant is intended to fund.*

7 *“(4) Rural schools often cannot compete for Fed-*
8 *eral funding distributed by competitive grants because*
9 *the schools lack the personnel needed to prepare grant*
10 *applications and the resources to hire specialists in*
11 *the writing of Federal grant proposals.*

12 *“(5) A critical problem for rural school districts*
13 *involves the hiring and retention of qualified admin-*
14 *istrators and certified teachers (especially in reading,*
15 *science, and mathematics). As a result, teachers in*
16 *rural schools are almost twice as likely to provide in-*
17 *struction in 3 or more subject areas than teachers in*
18 *urban schools. Rural schools also face other tough*
19 *challenges, such as shrinking local tax bases, high*
20 *transportation costs, aging buildings, limited course*
21 *offerings, and limited resources.*

22 **“Subpart 1—Small and Rural School Program**

23 **“SEC. 10961. FORMULA GRANT PROGRAM AUTHORIZED.**

24 *“(a) ALTERNATIVE USES.—*

1 “(1) *IN GENERAL.*—*Notwithstanding any other*
2 *provision of law, an eligible local educational agency*
3 *may use the applicable funding, that the agency is el-*
4 *igible to receive from the State educational agency for*
5 *a fiscal year, to support local or statewide education*
6 *reform efforts intended to improve the academic*
7 *achievement of elementary school and secondary*
8 *school students and the quality of instruction pro-*
9 *vided for the students.*

10 “(2) *NOTIFICATION.*—*An eligible local edu-*
11 *cational agency shall notify the State educational*
12 *agency of the local educational agency’s intention to*
13 *use the applicable funding in accordance with para-*
14 *graph (1) not later than a date that is established by*
15 *the State educational agency for the notification.*

16 “(b) *ELIGIBILITY.*—

17 “(1) *IN GENERAL.*—*A local educational agency*
18 *shall be eligible to use the applicable funding in ac-*
19 *cordance with subsection (a) if—*

20 “(A)(i) *the total number of students in aver-*
21 *age daily attendance at all of the schools served*
22 *by the local educational agency is less than 600;*
23 *and*

24 “(ii) *all of the schools served by the local*
25 *educational agency are located in a community*

1 with a Rural-Urban Continuum Code of 6, 7, 8,
2 or 9, as determined by the Secretary of Agri-
3 culture; or

4 “(B) the agency meets the criteria established in
5 subparagraph (A)(i) and the Secretary, in accordance
6 with paragraph (2), grants the local educational
7 agency’s request to waive the criteria described in
8 subparagraph (A)(ii).

9 “(2) CERTIFICATION.—The Secretary shall deter-
10 mine whether or not to waive the criteria described in
11 paragraph (1)(A)(ii) based on certification provided
12 by the local educational agency, or the State edu-
13 cational agency on behalf of the local educational
14 agency, that the local educational agency is located in
15 an area defined as rural by a governmental agency
16 of the State.

17 “(c) APPLICABLE FUNDING.—In this section, the term
18 ‘applicable funding’ means funds provided under each of
19 titles II, IV, VI, parts A and C of title VII, and part I
20 of title X.

21 “(d) DISBURSAL.—Each State educational agency that
22 receives applicable funding for a fiscal year shall disburse
23 the applicable funding to local educational agencies for al-
24 ternative uses under this section for the fiscal year at the
25 same time that the State educational agency disburses the

1 *applicable funding to local educational agencies that do not*
2 *intend to use the applicable funding for such alternative*
3 *uses for the fiscal year.*

4 “(e) *SUPPLEMENT NOT SUPPLANT.—Funds used*
5 *under this section shall be used to supplement and not sup-*
6 *plant any other Federal, State, or local education funds*
7 *that would otherwise be available for the purpose of this*
8 *subpart.*

9 “(f) *SPECIAL RULE.—References in Federal law to*
10 *funds for the provisions of law set forth in subsection (c)*
11 *may be considered to be references to funds for this section.*

12 **“SEC. 10962. PROGRAM AUTHORIZED.**

13 “(a) *IN GENERAL.—The Secretary is authorized to*
14 *award grants to eligible local educational agencies to enable*
15 *the local educational agencies to support local or statewide*
16 *education reform efforts intended to improve the academic*
17 *achievement of elementary school and secondary school stu-*
18 *dents and the quality of instruction provided for the stu-*
19 *dents.*

20 “(b) *ELIGIBILITY.—*

21 “(1) *IN GENERAL.—A local educational agency*
22 *shall be eligible to receive a grant under this section*
23 *if—*

24 “(A)(i) *the total number of students in aver-*
25 *age daily attendance at all of the schools served*

1 *by the local educational agency is less than 600;*
2 *and*

3 “(i) *all of the schools served by the local*
4 *educational agency are located in a community*
5 *with a Rural-Urban Continuum Code of 6, 7, 8,*
6 *or 9, as determined by the Secretary of Agri-*
7 *culture; or*

8 “(B) *the agency meets the criteria established in*
9 *subparagraph (A)(i) and the Secretary, in accordance*
10 *with paragraph (2), grants the local educational*
11 *agency’s request to waive the criteria described in*
12 *subparagraph (A)(ii).*

13 “(2) *CERTIFICATION.—The Secretary shall deter-*
14 *mine whether or not to waive the criteria described in*
15 *paragraph (1)(A)(ii) based on certification provided*
16 *by the local educational agency, or the State edu-*
17 *cational agency on behalf of the local educational*
18 *agency, that the local educational agency is located in*
19 *an area defined as rural by a governmental agency*
20 *of the State.*

21 “(c) *ALLOCATION.—*

22 “(1) *IN GENERAL.—Except as provided in para-*
23 *graph (3), the Secretary shall award a grant to an*
24 *eligible local educational agency for a fiscal year in*
25 *an amount equal to the initial amount determined*

1 *under paragraph (2) for the fiscal year minus the*
2 *total amount received under the provisions of law de-*
3 *scribed under section 10961(c) for the preceding fiscal*
4 *year.*

5 “(2) *DETERMINATION OF THE INITIAL*
6 *AMOUNT.—The initial amount referred to in para-*
7 *graph (1) is equal to \$100 multiplied by the total*
8 *number of students, over 50 students, in average daily*
9 *attendance in such eligible agency plus \$20,000, ex-*
10 *cept that the initial amount may not exceed \$60,000.*

11 “(3) *RATABLE ADJUSTMENT.—*

12 “(A) *IN GENERAL.—If the amount made*
13 *available for this subpart for any fiscal year is*
14 *not sufficient to pay in full the amounts that*
15 *local educational agencies are eligible to receive*
16 *under paragraph (1) for such year, the Secretary*
17 *shall ratably reduce such amounts for such year.*

18 “(B) *ADDITIONAL AMOUNTS.—If additional*
19 *funds become available for making payments*
20 *under paragraph (1) for such fiscal year, pay-*
21 *ments that were reduced under subparagraph (A)*
22 *shall be increased on the same basis as such pay-*
23 *ments were reduced.*

24 “(5) *CENSUS DETERMINATION.—*

1 “(A) *IN GENERAL.*—*Each local educational*
2 *agency desiring a grant under this section shall*
3 *conduct a census not later than December 1 of*
4 *each year to determine the number of kinder-*
5 *garten through grade 12 students in average*
6 *daily attendance at the schools served by the*
7 *local educational agency.*

8 “(B) *SUBMISSION.*—*Each local educational*
9 *agency shall submit the number described in sub-*
10 *paragraph (A) to the Secretary not later than*
11 *March 1 of each year.*

12 “(d) *DISBURSAL.*—*The Secretary shall disburse the*
13 *funds awarded to a local educational agency under this sec-*
14 *tion for a fiscal year not later than July 1 of that year.*

15 “(e) *SPECIAL RULE.*—*A local educational agency that*
16 *is eligible to receive a grant under this subpart for a fiscal*
17 *year shall be ineligible to receive funds for such fiscal year*
18 *under subpart 2.*

19 “(f) *SUPPLEMENT NOT SUPPLANT.*—*Funds made*
20 *available under this section shall be used to supplement and*
21 *not supplant any other Federal, State or local education*
22 *funds.*

23 “**SEC. 10963. ACCOUNTABILITY.**

24 “(a) *ACADEMIC ACHIEVEMENT.*—

1 “(1) *IN GENERAL.*—*Each local educational agen-*
2 *cy that uses or receives funds under section 10961 or*
3 *10962 for a fiscal year shall administer an assess-*
4 *ment consistent with section 1111 of title I.*

5 “(2) *SPECIAL RULE.*—*Each local educational*
6 *agency that uses or receives funds under section 10961*
7 *or 10962 shall use the same assessment described in*
8 *paragraph (1) for each year of participation in the*
9 *program under such section.*

10 “(b) *STATE EDUCATIONAL AGENCY DETERMINATION*
11 *REGARDING CONTINUING PARTICIPATION.*—*Each State*
12 *educational agency that receives funding under the provi-*
13 *sions of law described in section 10961(c) shall—*

14 “(1) *after the 2d year that a local educational*
15 *agency participates in a program under section*
16 *10961 or 10962 and on the basis of the results of the*
17 *assessments described in subsection (a), determine*
18 *whether the students served by the local educational*
19 *agency participating in the program performed in ac-*
20 *cordance with section 1111 of title I; and*

21 “(2) *only permit those local educational agencies*
22 *that so participated and met the requirements of sec-*
23 *tion 1111(b)(2) of title I to continue to so participate.*

1 **“Subpart 2—Low-Income And Rural School Program**

2 **“SEC. 10971. PROGRAM AUTHORIZED.**

3 “(a) *RESERVATIONS.*—From amounts appropriated
4 under section 10982 for this subpart for a fiscal year, the
5 Secretary shall reserve $\frac{1}{2}$ of 1 percent to make awards to
6 elementary or secondary schools operated or supported by
7 the Bureau of Indian Affairs to carry out the purpose of
8 this subpart.

9 “(b) *GRANTS TO STATES.*—

10 “(1) *IN GENERAL.*—From amounts appropriated
11 under section 10982 for this subpart that are not re-
12 served under subsection (a), the Secretary shall award
13 grants for a fiscal year to State educational agencies
14 that have applications approved under section 10973
15 to enable the State educational agencies to award sub-
16 grants to eligible local educational agencies for local
17 authorized activities described in subsection (c)(2).

18 “(2) *ALLOCATION.*—From amounts appropriated
19 for this subpart, the Secretary shall allocate to each
20 State educational agency for a fiscal year an amount
21 that bears the same ratio to the amount of funds ap-
22 propriated under section 10982 for this subpart that
23 are not reserved under subsection (a) as the number
24 of students in average daily attendance served by eli-
25 gible local educational agencies in the State bears to

1 *the number of all such students served by eligible local*
2 *educational agencies in all States for that fiscal year.*

3 “(3) *DIRECT AWARDS TO SPECIALLY QUALIFIED*
4 *AGENCIES.—*

5 “(A) *NONPARTICIPATING STATE.—If a State*
6 *educational agency elects not to participate in*
7 *the program under this subpart or does not have*
8 *an application approved under section 10973 a*
9 *specially qualified agency in such State desiring*
10 *a grant under this subpart shall apply directly*
11 *to the Secretary to receive an award under this*
12 *subpart.*

13 “(B) *DIRECT AWARDS TO SPECIALLY QUALI-*
14 *FIED AGENCIES.—The Secretary may award, on*
15 *a competitive basis, the amount the State edu-*
16 *cational agency is eligible to receive under para-*
17 *graph (2) directly to specially qualified agencies*
18 *in the State.*

19 “(c) *LOCAL AWARDS.—*

20 “(1) *ELIGIBILITY.—A local educational agency*
21 *shall be eligible to receive funds under this subpart*
22 *if—*

23 “(A) *20 percent or more of the children aged*
24 *5 to 17, inclusive, served by the local educational*

1 *agency are from families with incomes below the*
2 *poverty line; and*

3 “(B) *all of the schools served by the agency*
4 *are located in a community with a Rural-Urban*
5 *Continuum Code of 6, 7, 8, or 9, as determined*
6 *by the Secretary of Agriculture.*

7 “(2) *USES OF FUNDS.—Grant funds awarded to*
8 *local educational agencies or made available to*
9 *schools under this subpart shall be used for—*

10 “(1) *educational technology, including software*
11 *and hardware;*

12 “(2) *professional development;*

13 “(3) *technical assistance;*

14 “(4) *teacher recruitment and retention;*

15 “(5) *parental involvement activities; or*

16 “(6) *academic enrichment programs.*

17 **“SEC. 10972. STATE DISTRIBUTION OF FUNDS.**

18 “(a) *AWARD BASIS.—A State educational agency shall*
19 *award grants to eligible local educational agencies—*

20 “(1) *on a competitive basis; or*

21 “(2) *according to a formula based on the number*
22 *of students in average daily attendance served by the*
23 *eligible local educational agencies or schools (as ap-*
24 *propriate) in the State, as determined by the State.*

1 “(b) *ADMINISTRATIVE COSTS.*—A State educational
2 agency receiving a grant under this subpart may not use
3 more than 5 percent of the amount of the grant for State
4 administrative costs.

5 **“SEC. 10973. APPLICATIONS.**

6 “Each State educational agency and specially quali-
7 fied agency desiring to receive a grant under this subpart
8 shall submit an application to the Secretary at such time,
9 in such manner, and accompanied by such information as
10 the Secretary may require. Such application shall include
11 specific measurable goals and objectives to be achieved
12 which may include specific educational goals and objectives
13 relating to increased student academic achievement, de-
14 creased student drop-out rates, or such other factors that
15 the State educational agency or specially qualified agency
16 may choose to measure.

17 **“SEC. 10974. REPORTS.**

18 “(a) *STATE REPORTS.*—Each State educational agen-
19 cy that receives a grant under this subpart shall provide
20 an annual report to the Secretary. The report shall
21 describe—

22 “(1) the method the State educational agency
23 used to award grants to eligible local educational
24 agencies and to provide assistance to schools under
25 this subpart;

1 “(2) *how local educational agencies and schools*
2 *used funds provided under this subpart; and*

3 “(3) *the degree to which progress has been made*
4 *toward meeting the goals and objectives described in*
5 *the application submitted under section 10973.*

6 “(b) *SPECIALLY QUALIFIED AGENCY REPORT.—Each*
7 *pecially qualified agency that receives a grant under this*
8 *subpart shall provide an annual report to the Secretary.*
9 *Such report shall describe—*

10 “(1) *how such agency uses funds provided under*
11 *this subpart; and*

12 “(2) *the degree to which progress has been made*
13 *toward meeting the goals and objectives described in*
14 *the application submitted under section*
15 *10971(b)(4)(A).*

16 “(c) *REPORT TO CONGRESS.—The Secretary shall pre-*
17 *pare and submit to the Committee on Education and the*
18 *Workforce for the House of Representatives and the Com-*
19 *mittee on Health, Education, Labor, and Pensions for the*
20 *Senate an annual report. The report shall describe—*

21 “(1) *the methods the State educational agency*
22 *used to award grants to eligible local educational*
23 *agencies and to provide assistance to schools under*
24 *this subpart;*

1 “(2) how eligible local educational agencies and
2 schools used funds provided under this subpart; and

3 “(3) progress made in meeting specific measur-
4 able educational goals and objectives.

5 **“SEC. 10975. DEFINITIONS.**

6 *“For the purposes of this subpart—*

7 “(1) The term ‘poverty line’ means the poverty
8 line (as defined by the Office of Management and
9 Budget, and revised annually in accordance with sec-
10 tion 673(2) of the Community Services Block Grant
11 Act (42 U.S.C. 9902(2))) applicable to a family of the
12 size involved.

13 “(2) The term ‘specially qualified agency’ means
14 an eligible local educational agency, located in a
15 State that does not participate in a program under
16 this subpart in a fiscal year, that may apply directly
17 to the Secretary for a grant in such year in accord-
18 ance with section 10971(b)(4).

19 **“Subpart 3—General Provisions**

20 **“SEC. 10981. DEFINITION.**

21 *“For the purposes of this part, the term ‘State’ means*
22 *each of the 50 States, the District of Columbia, and the*
23 *Commonwealth of Puerto Rico.*

1 **“SEC. 10982. AUTHORIZATION OF APPROPRIATIONS.**

2 *“There are authorized to be appropriated to carry out*
3 *this part \$125,000,000 for fiscal year 2000 and such sums*
4 *as may be necessary for each of 4 succeeding fiscal years*
5 *to be distributed equally between subparts 1 and 2.”.*

6 **TITLE VII—MCKINNEY HOME-**
7 **LESS EDUCATION IMPROVE-**
8 **MENTS ACT OF 1999**

9 **SEC. 701. SHORT TITLE.**

10 *This title may be cited as the “Stewart B. McKinney*
11 *Homeless Education Assistance Improvements Act of 1999”.*

12 **SEC. 702. FINDINGS.**

13 *Congress makes the following findings:*

14 *(1) An estimated 1,000,000 children in the*
15 *United States will experience homelessness this year.*

16 *(2) Homelessness has a devastating impact on*
17 *the educational opportunities of children and youth;*
18 *homeless children go hungry at more than twice the*
19 *rate of other children; have 4 times the rate of delayed*
20 *development; and are twice as likely to repeat a*
21 *grade.*

22 *(3) Despite steady progress in school enrollment*
23 *and attendance resulting from the passage in 1987 of*
24 *the Stewart B. McKinney Homeless Assistance Act,*
25 *homeless students still face numerous barriers to edu-*
26 *cation, including residency, guardianship and reg-*

1 *istration requirements, as well as delays in the trans-*
2 *fer of school records, and inadequate transportation*
3 *service.*

4 *(4) School is one of the few secure factors in the*
5 *lives of homeless children and youth, providing sta-*
6 *bility, structure, and accomplishment during a time*
7 *of great upheaval.*

8 *(5) Homeless children and youth need to remain*
9 *in school so that they acquire the skills necessary to*
10 *escape poverty and lead productive, healthy lives as*
11 *adults.*

12 *(6) In the 12 years since the passage of the*
13 *McKinney Act, educators and service providers have*
14 *learned much about policies and practices which help*
15 *remove the barriers described.*

16 **SEC. 703. PURPOSE.**

17 *The purpose of this title is to strengthen subtitle B of*
18 *title VII of the Stewart B. McKinney Homeless Assistance*
19 *Act (42 U.S.C. 11431 et seq.) by amending it—*

20 *(1) to include innovative practices, proven to be*
21 *effective in helping homeless children and youth en-*
22 *roll, attend, and succeed in school; and*

23 *(2) to help ensure that such individuals receive*
24 *a quality education and secure their chance for a*
25 *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 homeless*
12 *youth has equal access to the same free, public edu-*
13 *cation, 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 com-*
17 *pulsory school attendance laws or other laws, regula-*
18 *tions, practices, or policies that may act as a barrier*
19 *to the enrollment, attendance, or success in school of*
20 *homeless children and youth, the State review and*
21 *undertake steps to revise such laws, regulations, prac-*
22 *tices, or policies to ensure that homeless children and*
23 *youth are afforded the same free, public education as*
24 *provided to other children and youth;*

1 “(3) homelessness alone is not sufficient reason to
2 separate students from the mainstream school envi-
3 ronment; and

4 “(4) homeless children and youth should have ac-
5 cess to the education and other services that such chil-
6 dren and youth need to ensure that such children and
7 youth have an opportunity to meet the same chal-
8 lenging State student performance standards to which
9 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 author-
14 ized to make grants to States in accordance with the provi-
15 sions of this section to enable such States to carry out the
16 activities described in subsections (d), (e), (f), and (g).

17 “(b) *APPLICATION.*—No State may receive a grant
18 under this section unless the State educational agency sub-
19 mits an application to the Secretary at such time, in such
20 manner, and containing or accompanied by such informa-
21 tion as the Secretary may reasonably require.

22 “(c) *ALLOCATION AND RESERVATIONS.*—

23 “(1) *IN GENERAL.*—Subject to paragraph (2)
24 and section 724(c), from the amounts appropriated
25 for each fiscal year under section 726, the Secretary

1 *is authorized to allot to each State an amount that*
2 *bears the same ratio to the amount appropriated for*
3 *such year under section 726 as the amount allocated*
4 *under section 1122 of the Elementary and Secondary*
5 *Education Act of 1965 to the State for that year bears*
6 *to the total amount allocated under section 1122 to*
7 *all States for that year, except that no State shall re-*
8 *ceive less than \$100,000.*

9 *“(2) RESERVATION.—(A) The Secretary is au-*
10 *thorized to reserve 0.1 percent of the amount appro-*
11 *priated for each fiscal year under section 726 to be*
12 *allocated by the Secretary among the United States*
13 *Virgin Islands, Guam, American Samoa, and the*
14 *Commonwealth of the Northern Mariana Islands, ac-*
15 *cording to their respective need for assistance under*
16 *this subtitle, as determined by the Secretary.*

17 *“(B)(i) The Secretary shall transfer one percent*
18 *of the amount appropriated for each fiscal year under*
19 *section 726 to the Department of the Interior for pro-*
20 *grams for Indian students served by schools funded by*
21 *the Secretary of the Interior, as determined under the*
22 *Indian Self-Determination and Education Assistance*
23 *Act, that are consistent with the purposes of this Act.*

24 *“(ii) The Secretary and the Secretary of the In-*
25 *terior shall enter into an agreement, consistent with*

1 *the requirements of this part, for the distribution and*
2 *use of the funds described in clause (i) under terms*
3 *that the Secretary determines best meet the purposes*
4 *of the programs described in such clause. Such agree-*
5 *ment shall set forth the plans of the Secretary of the*
6 *Interior for the use of the amounts transferred, in-*
7 *cluding appropriate goals, objectives, and milestones.*

8 “(3) *DEFINITION.*—*As used in this subsection,*
9 *the term “State” shall not include the United States*
10 *Virgin Islands, Guam, American Samoa, and the*
11 *Commonwealth of the Northern Mariana Islands.*

12 “(d) *ACTIVITIES.*—*Grants under this section shall be*
13 *used—*

14 “(1) *to carry out the policies set forth in section*
15 *721 in the State;*

16 “(2) *to provide activities for, and services to,*
17 *homeless children, including preschool-aged homeless*
18 *children, and youth that enable such children and*
19 *youth to enroll in, attend, and succeed in school, or,*
20 *if appropriate, in preschool programs;*

21 “(3) *to establish or designate an Office of Coordi-*
22 *nator of Education of Homeless Children and Youth*
23 *in the State educational agency in accordance with*
24 *subsection (f);*

1 “(4) to prepare and carry out the State plan de-
2 scribed in subsection (g); and

3 “(5) to develop and implement professional de-
4 velopment programs for school personnel to heighten
5 their awareness of, and capacity to respond to, spe-
6 cific problems in the education of homeless children
7 and youth.

8 “(e) STATE AND LOCAL GRANTS.—

9 “(1) IN GENERAL.—(A) Subject to subparagraph
10 (B), if the amount allotted to the State educational
11 agency for any fiscal year under this subtitle exceeds
12 the amount such agency received for fiscal year 1990
13 under this subtitle, as the subtitle was then in effect,
14 such agency shall provide grants to local educational
15 agencies for purposes of section 723.

16 “(B) The State educational agency may reserve
17 not more than the greater of 5 percent of the amount
18 such agency receives under this subtitle for any fiscal
19 year, or the amount such agency received under this
20 subtitle, as the subtitle was then in effect, for fiscal
21 year 1990, to conduct activities under subsection (f)
22 directly or through grants or contracts.

23 “(2) SPECIAL RULE.—If the amount allotted to
24 a State educational agency for any fiscal year under
25 this subtitle is less than the amount such agency re-

1 *ceived for fiscal year 1990 under this subtitle, such*
2 *agency, at such agency's discretion, may provide*
3 *grants to local educational agencies in accordance*
4 *with section 723 or may conduct activities under sub-*
5 *section (f) directly or through grants or contracts.*

6 *“(3) PROHIBITION ON SEGREGATING HOMELESS*
7 *STUDENTS.—*

8 *“(A) IN GENERAL.—Except as provided in*
9 *subparagraph (B) and section 723(a)(2)(B)(i),*
10 *in providing a free, public education to a home-*
11 *less child or youth, no State receiving funds*
12 *under this subtitle shall segregate such child or*
13 *youth, either in a separate school, or in a sepa-*
14 *rate program within a school, based solely on*
15 *such child or youth's status as homeless.*

16 *“(B) EXCEPTION.—A State that has estab-*
17 *lished a separate school for homeless children in*
18 *the fiscal year preceding the date of the enact-*
19 *ment of the Stewart B. McKinney Homeless*
20 *Education Assistance Improvement Act of 1999*
21 *shall remain eligible to receive funds under this*
22 *subtitle for such program.*

23 *“(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—*
24 *The Coordinator of Education of Homeless Children and*
25 *Youth established in each State shall—*

1 “(1) gather, to the extent possible, reliable, valid,
2 and comprehensive information on the nature and ex-
3 tent of the problems homeless children and youth have
4 in gaining access to public preschool programs and to
5 public elementary and secondary schools, the difficul-
6 ties in identifying the special needs of such children
7 and youth, any progress made by the State edu-
8 cational agency and local educational agencies in the
9 State in addressing such problems and difficulties,
10 and the success of the program under this subtitle in
11 allowing homeless children and youth to enroll in, at-
12 tend, and succeed in, school;

13 “(2) develop and carry out the State plan de-
14 scribed in subsection (g);

15 “(3) collect and transmit to the Secretary, infor-
16 mation gathered pursuant to paragraphs (1) and (2),
17 at such time and in such manner as the Secretary
18 may require;

19 “(4) facilitate coordination between the State
20 educational agency, the State social services agency,
21 and other agencies providing services to homeless chil-
22 dren and youth, including homeless children and
23 youth who are preschool age, and families of such
24 children and youth; and

1 “(5) in order to improve the provision of com-
2 prehensive education and related services to homeless
3 children and youth and their families, coordinate and
4 collaborate with—

5 “(A) educators, including child development
6 and preschool program personnel;

7 “(B) providers of services to homeless and
8 runaway children and youth and homeless fami-
9 lies (including domestic violence agencies, shelter
10 operators, transitional housing facilities, run-
11 away and homeless youth centers, and transi-
12 tional living programs for homeless youth);

13 “(C) local educational agency liaisons for
14 homeless children and youth; and

15 “(D) community organizations and groups
16 representing homeless children and youth and
17 their families.

18 “(g) STATE PLAN.—

19 “(1) IN GENERAL.—Each State shall submit to
20 the Secretary a plan to provide for the education of
21 homeless children and youth within the State, which
22 plan shall describe how such children and youth are
23 or will be given the opportunity to meet the same
24 challenging State student performance standards all
25 students are expected to meet, shall describe the proce-

1 *dures the State educational agency will use to iden-*
2 *tify such children and youth in the State and to as-*
3 *sess their special needs, and shall—*

4 *“(A) describe procedures for the prompt res-*
5 *olution of disputes regarding the educational*
6 *placement of homeless children and youth;*

7 *“(B) describe programs for school personnel*
8 *(including principals, attendance officers, teach-*
9 *ers, enrollment personnel, and pupil services per-*
10 *sonnel) to heighten the awareness of such per-*
11 *sonnel of the specific needs of runaway and*
12 *homeless youth;*

13 *“(C) describe procedures that ensure that*
14 *homeless children and youth who meet the rel-*
15 *evant eligibility criteria are able to participate*
16 *in Federal, State, or local food programs;*

17 *“(D) describe procedures that ensure that—*

18 *“(i) homeless children have equal ac-*
19 *cess to the same public preschool programs,*
20 *administered by the State agency, as pro-*
21 *vided to other children; and*

22 *“(ii) homeless children and youth who*
23 *meet the relevant eligibility criteria are able*
24 *to participate in Federal, State, or local*
25 *before- and after-school care programs;*

1 “(E) address problems set forth in the re-
2 port provided to the Secretary under subsection
3 (f)(3);

4 “(F) address other problems with respect to
5 the education of homeless children and youth, in-
6 cluding problems caused by—

7 “(i) transportation issues; and

8 “(ii) enrollment delays that are caused
9 by—

10 “(I) immunization requirements;

11 “(II) residency requirements;

12 “(III) lack of birth certificates,
13 school records, or other documentation;

14 or

15 “(IV) guardianship issues;

16 “(G) demonstrate that the State educational
17 agency and local educational agencies in the
18 State have developed, and shall review and re-
19 vise, policies to remove barriers to the enrollment
20 and retention of homeless children and youth in
21 schools in the State; and

22 “(H) contain assurances that—

23 “(i) except as provided in subsection
24 (e)(3)(B), State and local educational agen-
25 cies will adopt policies and practices to en-

1 *sure that homeless children and youth are*
2 *not segregated solely on the basis of their*
3 *status as homeless; and*

4 “(i) *designate an appropriate staff*
5 *person, who may also be a coordinator for*
6 *other Federal programs, as a liaison for*
7 *homeless children and youth.*

8 “(2) *COMPLIANCE.—Each plan adopted under*
9 *this subsection shall also demonstrate how the State*
10 *will ensure that local educational agencies in the*
11 *State will comply with the requirements of para-*
12 *graphs (3) through (9).*

13 “(3) *LOCAL EDUCATIONAL AGENCY REQUIRE-*
14 *MENTS.—*

15 “(A) *IN GENERAL.—Each local educational*
16 *agency serving a homeless child or youth assisted*
17 *under this subtitle shall, according to the child’s*
18 *or youth’s best interest, either—*

19 “(i) *continue the child’s or youth’s edu-*
20 *cation in the school of origin—*

21 “(I) *for the duration of their*
22 *homelessness;*

23 “(II) *if the child becomes perma-*
24 *nently housed, for the remainder of the*
25 *academic year; or*

1 “(III) in any case in which a
2 family becomes homeless between aca-
3 demic years, for the following academic
4 year; or

5 “(ii) enroll the child or youth in any
6 public school that nonhomeless students who
7 live in the attendance area in which the
8 child or youth is actually living are eligible
9 to attend.

10 “(B) *BEST INTEREST.*—In determining the
11 best interest of the child or youth under subpara-
12 graph (A), the local educational agency shall
13 keep, to the extent feasible, a homeless child or
14 youth in the school of origin, except when doing
15 so is contrary to the wishes of the child’s or
16 youth’s parent or guardian.

17 “(C) *ENROLLMENT.*—(i) Except as provided
18 in clause (iii), a school that a homeless child
19 seeks to enroll in shall, in accordance with this
20 paragraph, immediately enroll the homeless child
21 or youth even if the child or youth is unable to
22 produce records normally required for enroll-
23 ment, such as previous academic records, proof of
24 residency, or other documentation.

1 “(ii) *The enrolling school shall immediately*
2 *contact the school last attended by the child or*
3 *youth to obtain relevant academic and other*
4 *records.*

5 “(iii) *A school described in clause (i) is not*
6 *required to accept a homeless child until the*
7 *school receives the immunization records for such*
8 *child. If the child or youth needs to obtain im-*
9 *munizations, the enrolling school shall promptly*
10 *refer parent or guardian of the child or youth to*
11 *the appropriate authorities. If a child is denied*
12 *enrollment because of the lack of immunization*
13 *records, the school denying such enrollment shall*
14 *refer the parents of the homeless child or youth*
15 *to the liaison in accordance with subparagraph*
16 *(E).*

17 “(D) *RECORDS.—Any record ordinarily*
18 *kept by the school, including immunization*
19 *records, academic records, birth certificates,*
20 *guardianship records, and evaluations for special*
21 *services or programs, of each homeless child or*
22 *youth shall be maintained—*

23 “(i) *so that the records are available,*
24 *in a timely fashion, when a child or youth*
25 *enters a new school district; and*

1 “(ii) in a manner consistent with sec-
2 tion 444 of the General Education Provi-
3 sions Act.

4 “(E) ENROLLMENT DISPUTES.—If there is a
5 dispute over school selection or enrollment—

6 “(i) except as provided in subpara-
7 graph (C)(iii), the child or youth shall be
8 immediately admitted to the school in which
9 enrollment is sought, pending resolution of
10 the dispute;

11 “(ii) the parent or guardian shall be
12 provided with a written explanation of the
13 school’s decision regarding enrollment, in-
14 cluding the right to appeal the decision; and

15 “(iii) the parent or guardian shall be
16 referred to the liaison, who shall carry out
17 the dispute resolution process as described
18 in paragraph (6)(D) as expeditiously as
19 possible, after receiving notice of the dis-
20 pute.

21 “(F) PLACEMENT CHOICE.—The choice re-
22 garding placement shall be made regardless of
23 whether the child or youth lives with the home-
24 less parents or has been temporarily placed else-
25 where by the parents.

1 “(G) *DEFINITION.*—*For purposes of this*
2 *paragraph, the term “school of origin” means the*
3 *school that the child or youth attended when per-*
4 *manently housed, or the school in which the child*
5 *or youth was last enrolled.*

6 “(H) *CONTACT INFORMATION.*—*Nothing in*
7 *this subtitle shall prohibit a local educational*
8 *agency from requiring a parent or guardian of*
9 *a homeless child to submit contact information*
10 *required by the local educational agency of a*
11 *parent or guardian of a nonhomeless child.*

12 “(4) *COMPARABLE SERVICES.*—*Each homeless*
13 *child or youth to be assisted under this subtitle shall*
14 *be provided services comparable to services offered to*
15 *other students in the school selected according to the*
16 *provisions of paragraph (3), including—*

17 “(A) *transportation services;*

18 “(B) *educational services for which the child*
19 *or youth meets the eligibility criteria, such as*
20 *services provided under title I of the Elementary*
21 *and Secondary Education Act of 1965 (20*
22 *U.S.C. 6301 et seq.) or similar State or local*
23 *programs, educational programs for children*
24 *with disabilities, and educational programs for*
25 *students with limited-English proficiency;*

1 “(C) *programs in vocational and technical*
2 *education;*

3 “(D) *programs for gifted and talented stu-*
4 *dents; and*

5 “(E) *school nutrition programs.*

6 “(5) *COORDINATION.—*

7 “(A) *IN GENERAL.—Each local educational*
8 *agency serving homeless children and youth that*
9 *receives assistance under this subtitle shall co-*
10 *ordinate the provision of services under this sub-*
11 *title with local social services agencies and other*
12 *agencies or programs providing services to home-*
13 *less children and youth and their families, in-*
14 *cluding services and programs funded under the*
15 *Runaway and Homeless Youth Act. (42 U.S.C.*
16 *5701 et seq.).*

17 “(B) *HOUSING ASSISTANCE.—If applicable,*
18 *each State and local educational agency that re-*
19 *ceives assistance under this subtitle shall coordi-*
20 *nate with State and local housing agencies re-*
21 *sponsible for developing the comprehensive hous-*
22 *ing affordability strategy described in section*
23 *105 of the Cranston-Gonzales National Afford-*
24 *able Housing Act (42 U.S.C. 12705) to minimize*

1 *educational disruption for children and youth*
2 *who become homeless.*

3 “(C) *COORDINATION PURPOSE.*—*The coordi-*
4 *nation required under subparagraphs (A) and*
5 *(B) shall be designed to—*

6 “(i) *ensure that homeless children and*
7 *youth have access to available education*
8 *and related support services; and*

9 “(ii) *raise the awareness of school per-*
10 *sonnel and service providers of the effects of*
11 *short-term stays in a shelter and other chal-*
12 *lenges associated with homeless children and*
13 *youth.*

14 “(6) *LIAISON.*—

15 “(A) *DUTIES.*—*Each local liaison for home-*
16 *less children and youth, designated pursuant to*
17 *subsection (g)(1)(H)(ii), shall ensure that—*

18 “(i) *homeless children and youth enroll*
19 *in, and have an equal opportunity to suc-*
20 *ceed in, schools of that agency;*

21 “(ii) *homeless families, children, and*
22 *youth receive educational services for which*
23 *such families, children, and youth are eligi-*
24 *ble, including Head Start and Even Start*
25 *programs and preschool programs adminis-*

1 *tered by the local educational agency, and*
2 *referrals to health care services, dental serv-*
3 *ices, mental health services, and other ap-*
4 *propriate services;*

5 *“(iii) the parents or guardians of*
6 *homeless children and youth are informed of*
7 *the education and related opportunities*
8 *available to their children and are provided*
9 *with meaningful opportunities to partici-*
10 *pate in the education of their children; and*

11 *“(iv) public notice of the educational*
12 *rights of homeless children and youth is dis-*
13 *seminated where such children and youth*
14 *receive services under this Act (such as fam-*
15 *ily shelters and soup kitchens).*

16 *“(B) NOTICE.—State coordinators and local*
17 *educational agencies shall inform school per-*
18 *sonnel, service providers, and advocates working*
19 *with homeless families of the duties of the liai-*
20 *sons.*

21 *“(C) LOCAL AND STATE COORDINATION.—*
22 *Local educational agency liaisons for homeless*
23 *children and youth shall, as a part of their du-*
24 *ties, coordinate and collaborate with State coor-*
25 *dinators and community and school personnel*

1 *responsible for the provision of education and re-*
2 *lated services to homeless children and youth.*

3 “(D) *DISPUTE RESOLUTION.*—*Unless an-*
4 *other individual is designated by State law, the*
5 *local educational agency liaisons for homeless*
6 *children and youth shall provide resource infor-*
7 *mation and assist in resolving disputes under*
8 *this subtitle, should they arise.*

9 “(7) *REVIEW AND REVISIONS.*—

10 “(A) *IN GENERAL.*—*Each State educational*
11 *agency and local educational agency that re-*
12 *ceives assistance under this subtitle, shall review*
13 *and revise any policies that may act as barriers*
14 *to the enrollment of homeless children and youth*
15 *in schools selected in accordance with paragraph*
16 *(3).*

17 “(B) *CONSIDERATION.*—*In reviewing and*
18 *revising such policies, consideration shall be*
19 *given to issues concerning transportation, immu-*
20 *nization, residency, birth certificates, school*
21 *records, and other documentation, and guardian-*
22 *ship.*

23 “(C) *SPECIAL ATTENTION.*—*Special atten-*
24 *tion shall be given to ensuring the enrollment*

1 *and attendance of homeless children and youth*
2 *who are not currently attending school.*

3 **“SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE**
4 **EDUCATION OF HOMELESS CHILDREN AND**
5 **YOUTH.**

6 “(a) *GENERAL AUTHORITY.*—

7 “(1) *IN GENERAL.*—*The State educational agen-*
8 *cy shall, in accordance with section 722(e) and from*
9 *amounts made available to such agency under section*
10 *726, make grants to local educational agencies for the*
11 *purpose of facilitating the enrollment, attendance,*
12 *and success in school of homeless children and youth.*

13 “(2) *SERVICES.*—

14 “(A) *IN GENERAL.*—*Services under para-*
15 *graph (1)—*

16 “(i) *may be provided through pro-*
17 *grams on school grounds or at other facili-*
18 *ties;*

19 “(ii) *shall, to the maximum extent*
20 *practicable, be provided through existing*
21 *programs and mechanisms that integrate*
22 *homeless children and youth with nonhome-*
23 *less children and youth; and*

24 “(iii) *shall be designed to expand or*
25 *improve services provided as part of a*

1 *school’s regular academic program, but not*
2 *replace that program.*

3 “(B) *SERVICES ON SCHOOL GROUNDS.—If*
4 *services under paragraph (1) are provided on*
5 *school grounds, schools—*

6 “(i) *may use funds under this subtitle*
7 *to provide the same services to other chil-*
8 *dren and youth who are determined by the*
9 *local educational agency to be at risk of*
10 *failing in, or dropping out of, schools, sub-*
11 *ject to the requirements of clause (ii).*

12 “(ii) *except as otherwise provided in*
13 *section 722(e)(3)(B), shall not provide serv-*
14 *ices in settings within a school that seg-*
15 *regates homeless children and youth from*
16 *other children and youth except as is nec-*
17 *essary for short periods of time—*

18 “(I) *for health and safety emer-*
19 *gencies; or*

20 “(II) *to provide temporary, spe-*
21 *cial, supplementary services to meet*
22 *the unique needs of homeless children*
23 *and youth.*

24 “(3) *REQUIREMENT.—Services provided under*
25 *this section shall not replace the regular academic*

1 *program and shall be designed to expand upon or im-*
2 *prove services provided as part of the school’s regular*
3 *academic program.*

4 *“(b) APPLICATION.—A local educational agency that*
5 *desires to receive a grant under this section shall submit*
6 *an application to the State educational agency at such*
7 *time, in such manner, and containing or accompanied by*
8 *such information as the State educational agency may rea-*
9 *sonably require. Each such application shall include—*

10 *“(1) an assessment of the educational and related*
11 *needs of homeless children and youth in such agency*
12 *(which may be undertaken as a part of needs assess-*
13 *ments for other disadvantaged groups);*

14 *“(2) a description of the services and programs*
15 *for which assistance is sought and the problems to be*
16 *addressed through the provision of such services and*
17 *programs;*

18 *“(3) an assurance that the local educational*
19 *agency’s combined fiscal effort per student or the ag-*
20 *gregate expenditures of that agency and the State*
21 *with respect to the provision of free public education*
22 *by such agency for the fiscal year preceding the fiscal*
23 *year for which the determination is made was not less*
24 *than 90 percent of such combined fiscal effort or ag-*
25 *gregate expenditures for the second fiscal year pre-*

1 ceding the fiscal year for which the determination is
2 made;

3 “(4) an assurance that the applicant complies
4 with, or will use requested funds to comply with,
5 paragraphs (3) through (7) of section 722(g); and

6 “(5) a description of policies and procedures,
7 consistent with section 722(e)(3)(B), that the agency
8 will implement to ensure that activities carried out
9 by the agency will not isolate or stigmatize homeless
10 children and youth.

11 “(c) AWARDS.—

12 “(1) IN GENERAL.—The State educational agen-
13 cy shall, in accordance with the requirements of this
14 subtitle and from amounts made available to it under
15 section 726, make competitive subgrants that result in
16 an equitable distribution of geographic areas within
17 the State to local educational agencies that submit
18 applications under subsection (b). Such subgrants
19 shall be awarded on the basis of the need of such
20 agencies for assistance under this subtitle and the
21 quality of the applications submitted.

22 “(2) NEED.—In determining need under para-
23 graph (1), the State educational agency may consider
24 the number of homeless children and youth enrolled in
25 preschool, elementary, and secondary schools within

1 *the area served by the agency, and shall consider the*
2 *needs of such children and youth and the ability of*
3 *the agency to meet such needs. Such agency may also*
4 *consider—*

5 *“(A) the extent to which the proposed use of*
6 *funds would facilitate the enrollment, retention,*
7 *and educational success of homeless children and*
8 *youth;*

9 *“(B) the extent to which the application re-*
10 *flects coordination with other local and State*
11 *agencies that serve homeless children and youth,*
12 *and meets the requirements of section 722(g)(3);*

13 *“(C) the extent to which the applicant ex-*
14 *hibits in the application and in current practice*
15 *a commitment to education for all homeless chil-*
16 *dren and youth; and*

17 *“(D) such other criteria as the State agency*
18 *determines appropriate.*

19 *“(3) QUALITY.—In determining the quality of*
20 *applications under paragraph (1), the State edu-*
21 *cational agency shall consider—*

22 *“(A) the applicant’s needs assessment under*
23 *subsection (b)(1) and the likelihood that the pro-*
24 *gram presented in the application will meet such*
25 *needs;*

1 “(B) the types, intensity, and coordination
2 of the services to be provided under the program;

3 “(C) the involvement of parents or guard-
4 ians;

5 “(D) the extent to which homeless children
6 and youth will be integrated within the regular
7 education program;

8 “(E) the quality of the applicant’s evalua-
9 tion plan for the program;

10 “(F) the extent to which services provided
11 under this subtitle will be coordinated with other
12 available services; and

13 “(G) such other measures as the State edu-
14 cational agency considers indicative of a high-
15 quality program.

16 “(4) DURATION OF GRANTS.—Grants awarded
17 under this section shall be for terms not to exceed
18 three years.

19 “(d) AUTHORIZED ACTIVITIES.—A local educational
20 agency may use funds awarded under this section for activi-
21 ties to carry out the purpose of this subtitle, including—

22 “(1) the provision of tutoring, supplemental in-
23 struction, and enriched educational services that are
24 linked to the achievement of the same challenging
25 State content standards and challenging State student

1 *performance standards the State establishes for other*
2 *children and youth;*

3 *“(2) the provision of expedited evaluations of the*
4 *strengths and needs of homeless children and youth,*
5 *including needs and eligibility for programs and serv-*
6 *ices (such as educational programs for gifted and tal-*
7 *ented students, children with disabilities, and stu-*
8 *dents with limited-English proficiency, services pro-*
9 *vided under title I of the Elementary and Secondary*
10 *Education Act of 1965 or similar State or local pro-*
11 *grams, programs in vocational and technical edu-*
12 *cation, and school nutrition programs);*

13 *“(3) professional development and other activi-*
14 *ties for educators and pupil services personnel that*
15 *are designed to heighten the understanding and sensi-*
16 *tivity of such personnel to the needs of homeless chil-*
17 *dren and youth, the rights of such children and youth*
18 *under this Act, and the specific educational needs of*
19 *runaway and homeless youth;*

20 *“(4) the provision of referral services to homeless*
21 *children and youth for medical, dental, mental, and*
22 *other health services;*

23 *“(5) the provision of assistance to defray the ex-*
24 *cess cost of transportation for students pursuant to*
25 *section 722(g)(4)(A), not otherwise provided through*

1 *Federal, State, or local funding, where necessary to*
2 *enable students to attend the school selected under sec-*
3 *tion 722(g)(3);*

4 “(6) *the provision of developmentally appro-*
5 *priate early childhood education programs, not other-*
6 *wise provided through Federal, State, or local fund-*
7 *ing, for preschool-aged children;*

8 “(7) *the provision of before- and after-school,*
9 *mentoring, and summer programs for homeless chil-*
10 *dren and youth in which a teacher or other qualified*
11 *individual provides tutoring, homework assistance,*
12 *and supervision of educational activities;*

13 “(8) *if necessary, the payment of fees and other*
14 *costs associated with tracking, obtaining, and trans-*
15 *ferring records necessary to enroll homeless children*
16 *and youth in school, including birth certificates, im-*
17 *munization records, academic records, guardianship*
18 *records, and evaluations for special programs or serv-*
19 *ices;*

20 “(9) *the provision of education and training to*
21 *the parents of homeless children and youth about the*
22 *rights of, and resources available to, such children*
23 *and youth;*

24 “(10) *the development of coordination between*
25 *schools and agencies providing services to homeless*

1 *children and youth, including programs funded under*
2 *the Runaway and Homeless Youth Act;*

3 *“(11) the provision of pupil services (including*
4 *violence prevention counseling) and referrals for such*
5 *services;*

6 *“(12) activities to address the particular needs of*
7 *homeless children and youth that may arise from do-*
8 *mestic violence;*

9 *“(13) the adaptation of space and purchase of*
10 *supplies for nonschool facilities made available under*
11 *subsection (a)(2) to provide services under this sub-*
12 *section;*

13 *“(14) the provision of school supplies, including*
14 *those supplies to be distributed at shelters or tem-*
15 *porary housing facilities, or other appropriate loca-*
16 *tions; and*

17 *“(15) the provision of other extraordinary or*
18 *emergency assistance needed to enable homeless chil-*
19 *dren and youth to attend school.*

20 **“SEC. 724. SECRETARIAL RESPONSIBILITIES.**

21 *“(a) REVIEW OF PLANS.—In reviewing the State plan*
22 *submitted by a State educational agency under section*
23 *722(g), the Secretary shall use a peer review process and*
24 *shall evaluate whether State laws, policies, and practices*
25 *described in such plans adequately address the problems of*

1 *homeless children and youth relating to access to education*
2 *and placement as described in such plans.*

3 “(b) *TECHNICAL ASSISTANCE.*—*The Secretary shall*
4 *provide support and technical assistance to the State edu-*
5 *cational agencies to assist such agencies to carry out their*
6 *responsibilities under this subtitle, if requested by the State*
7 *educational agency.*

8 “(c) *REPORT.*—*The Secretary shall develop and issue*
9 *not later than 60 days after the date of enactment of the*
10 *Stewart B. McKinney Homeless Education Assistance Im-*
11 *provements Act of 1999, a report to be made available to*
12 *States, local educational agencies, and other applicable*
13 *agencies regarding the following:*

14 “(1) *ENROLLMENT.*—*Such report shall review*
15 *successful ways in which a State may assist local*
16 *educational agencies to enroll homeless students on an*
17 *immediate basis. The report issued by the Secretary*
18 *shall—*

19 “(A) *clarify that enrollment includes a*
20 *homeless child’s or youth’s right to actually at-*
21 *tend school; and*

22 “(B) *clarify requirements that States are to*
23 *review immunization and medical or school*
24 *records and to make such revisions as appro-*

1 *priate and necessary in order to enroll homeless*
2 *students in school more quickly.*

3 “(2) *TRANSPORTATION.*—*The report shall also*
4 *address the transportation needs of homeless students.*
5 *The report issued by the Secretary shall—*

6 “(A) *explicitly state that the goal of the*
7 *transportation provisions contained in this Act*
8 *is to provide educational stability by reducing*
9 *mobility and therefore provide an effective learn-*
10 *ing environment for homeless children; and*

11 “(B) *encourage States to follow programs*
12 *implemented in State law that have successfully*
13 *addressed transportation barriers for homeless*
14 *children.*

15 “(d) *EVALUATION AND DISSEMINATION.*—*The Sec-*
16 *retary shall conduct evaluation and dissemination activi-*
17 *ties of programs designed to meet the educational needs of*
18 *homeless elementary and secondary school students, and*
19 *may use funds appropriated under section 726 to conduct*
20 *such activities.*

21 “(e) *SUBMISSION AND DISTRIBUTION.*—*The Secretary*
22 *shall require applications for grants under this subtitle to*
23 *be submitted to the Secretary not later than the expiration*
24 *of the 60-day period beginning on the date that funds are*
25 *available for purposes of making such grants and shall*

1 *make such grants not later than the expiration of the 120-*
2 *day period beginning on such date.*

3 “(f) *DETERMINATION BY SECRETARY.*—*The Secretary,*
4 *based on the information received from the States and infor-*
5 *mation gathered by the Secretary under subsection (e), shall*
6 *determine the extent to which State educational agencies are*
7 *ensuring that each homeless child and homeless youth has*
8 *access to a free appropriate public education as described*
9 *in section 721(1).*

10 “(g) *INFORMATION.*—

11 “(1) *IN GENERAL.*—*From funds appropriated*
12 *under section 726, the Secretary shall, either directly*
13 *or through grants, contracts, or cooperative agree-*
14 *ments, periodically collect and disseminate data and*
15 *information regarding—*

16 “(A) *the number and location of homeless*
17 *children and youth;*

18 “(B) *the education and related services such*
19 *children and youth receive;*

20 “(C) *the extent to which such needs are*
21 *being met; and*

22 “(D) *such other data and information as*
23 *the Secretary deems necessary and relevant to*
24 *carry out this subtitle.*

1 “(2) *COORDINATION.*—*The Secretary shall co-*
2 *ordinate such collection and dissemination with other*
3 *agencies and entities that receive assistance and ad-*
4 *minister programs under this subtitle.*

5 “(h) *REPORT.*—*Not later than 4 years after the date*
6 *of the enactment of the Stewart B. McKinney Homeless*
7 *Education Assistance Improvement Act of 1999, the Sec-*
8 *retary shall prepare and submit to the President and the*
9 *Committee on Education and the Workforce of the House*
10 *of Representatives and the Committee on Health, Edu-*
11 *cation, Labor, and Pensions of the Senate a report on the*
12 *status of education of homeless children and youth, which*
13 *shall include information on—*

14 “(1) *the education of homeless children and*
15 *youth; and*

16 “(2) *the effectiveness of the programs supported*
17 *under this subtitle.*

18 **“SEC. 725. DEFINITIONS.**

19 *“For the purpose of this subtitle, unless otherwise*
20 *stated—*

21 “(1) *the terms ‘local educational agency’ and*
22 *‘State educational agency’ have the same meanings*
23 *given such terms under section 14101, of the Elemen-*
24 *tary and Secondary Education Act of 1965 (20*
25 *U.S.C. 8801);*

1 “(2) the term “Secretary” means the Secretary of
2 Education; and

3 “(3) the term “State” means each of the 50
4 States, the District of Columbia, and the Common-
5 wealth of Puerto Rico.

6 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

7 *“For the purpose of carrying out this subtitle, there
8 are authorized to be appropriated \$36,000,000 for fiscal
9 year 2000 and such sums as may be necessary for each of
10 the fiscal years 2001 through 2004.”.*

11 **TITLE VIII—SCHOOLWIDE**
12 **PROGRAM ADJUSTMENT**

13 **SEC. 801. SCHOOLWIDE FUNDS.**

14 *The Act is amended by adding at the end the following:*

15 **“TITLE XVI—SCHOOLWIDE**
16 **PROGRAM ADJUSTMENT**

17 **“SEC. 16001. SCHOOLWIDE PROGRAM ADJUSTMENT.**

18 *“Notwithstanding the provisions of section 1114, a
19 local educational agency may consolidate funds under part
20 A of title I, together with other Federal, State, and local
21 funds, in order to upgrade the entire educational program
22 of a school that serves an eligible school attendance area
23 in which not less than 40 percent of the children are from
24 low-income families, or not less than 40 percent of the chil-
25 dren enrolled in the school are from such families.”.*