

SETTING NEW PRIORITIES IN EDUCATION SPENDING ACT

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JUNE 14, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 1891]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 1891) to repeal ineffective or unnecessary education programs in order to restore the focus of Federal programs on quality elementary and secondary education programs for disadvantaged students, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Setting New Priorities in Education Spending Act”.

**SEC. 2. ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.**

(a) **REPEALS.**—The following provisions of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) are repealed:

(1) Subpart 2 of part B of title I (20 U.S.C. 6371 et seq.; relating to Early Reading First).

(2) Subpart 3 of part B of title I (20 U.S.C. 6381 et seq.; relating to the William F. Goodling Even Start Family Literacy programs).

(3) Subpart 4 of part B of title I (20 U.S.C. 6383; relating to improving literacy through school libraries).

(4) Section 1502 (20 U.S.C. 6492; relating to demonstrations of innovative practices).

(5) Section 1504 (20 U.S.C. 6494; relating to the Close Up Fellowship program).

- (6) Part F of title I (20 U.S.C. 6511 et seq.; relating to comprehensive school reform).
- (7) Part H of title I (20 U.S.C. 6551 et seq.; relating to school dropout prevention).
- (8) Section 2151(b) (20 U.S.C. 6651(b); relating to school leadership).
- (9) Section 2151(c) (20 U.S.C. 6651(c); relating to advanced certification or advanced credentialing).
- (10) Section 2151(d) (20 U.S.C. 6651(d); relating to special education teacher training).
- (11) Section 2151(e) (20 U.S.C. 6651(e); relating to early childhood educator professional development).
- (12) Section 2151(f) (20 U.S.C. 6651(f); relating to teacher mobility).
- (13) Subpart 2 of part C of title II (20 U.S.C. 6701 et seq.; relating to the National Writing Project).
- (14) Subpart 4 of part C of title II (20 U.S.C. 6721 et seq.; relating to the teaching of traditional American history).
- (15) Part D of title II (20 U.S.C. 6751 et seq.; relating to enhancing education through technology).
- (16) Part B of title III (20 U.S.C. 6891 et seq.; commonly referred to as the “Improving Language Instruction Educational Programs for Academic Achievement Act”).
- (17) Section 4003(1) (20 U.S.C. 7103(1); relating to subpart 1 of part A of title IV).
- (18) Subpart 1 of part A of title IV (20 U.S.C. 7111 et seq.; relating to State grants for safe and drug-free schools and communities).
- (19) Section 4129 (20 U.S.C. 7139; relating to grants to reduce alcohol abuse).
- (20) Section 4130 (20 U.S.C. 7140; relating to mentoring programs).
- (21) Subpart 2 of part D of title V (20 U.S.C. 7245; relating to elementary and secondary school counseling programs).
- (22) Subpart 3 of part D of title V (20 U.S.C. 7247; relating to partnerships in character education).
- (23) Subpart 4 of part D of title V (20 U.S.C. 7249; relating to smaller learning communities).
- (24) Subpart 5 of part D of title V (20 U.S.C. 7251; relating to the Reading is Fundamental—Inexpensive Book Distribution program).
- (25) Subpart 6 of part D of title V (20 U.S.C. 7253 et seq.; relating to gifted and talented students).
- (26) Subpart 7 of part D of title V (20 U.S.C. 7255 et seq.; commonly referred to as the “Star Schools Act”).
- (27) Subpart 8 of part D of title V (20 U.S.C. 7257 et seq.; relating to the Ready to Teach program).
- (28) Subpart 9 of part D of title V (20 U.S.C. 7259 et seq.; commonly referred to as the “Foreign Language Assistance Act of 2001”).
- (29) Subpart 10 of part D of title V (20 U.S.C. 7261 et seq.; commonly referred to as the “Carol M. White Physical Education Program”).
- (30) Subpart 11 of part D of title V (20 U.S.C. 7263 et seq.; relating to community technology centers).
- (31) Subpart 12 of part D of title V (20 U.S.C. 7265 et seq.; relating to educational, cultural, apprenticeship, and exchange programs for Alaska Natives, Native Hawaiians, and their historical whaling and trading partners in Massachusetts).
- (32) Subpart 13 of part D of title V (20 U.S.C. 7267 et seq.; commonly referred to as the “Excellence in Economic Education Act of 2001”).
- (33) Subpart 14 of part D of title V (20 U.S.C. 7269 et seq.; relating to grants to improve the mental health of children).
- (34) Subpart 15 of part D of title V (20 U.S.C. 7271; relating to arts in education).
- (35) Subpart 17 of part D of title V (20 U.S.C. 7275; relating to combatting domestic violence).
- (36) Subpart 18 of part D of title V (20 U.S.C. 7277 et seq.; relating to healthy, high-performance schools).
- (37) Subpart 20 of part D of title V (20 U.S.C. 7281 et seq.; relating to additional assistance for certain local educational agencies impacted by Federal property acquisition).
- (38) Subpart 21 of part D of title V (20 U.S.C. 7283 et seq.; commonly referred to as the “Women’s Educational Equity Act of 2001”).
- (39) Part B of title VII (20 U.S.C. 7511 et seq.; commonly referred to as the “Native Hawaiian Education Act”).

- (40) Part C of title VII (20 U.S.C. 7541 et seq.; commonly referred to as the “Alaska Native Educational Equity, Support, and Assistance Act”).
- (b) CONFORMING AMENDMENTS.—
- (1) TITLE I.—
- (A) SECTION 1002.—Section 1002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302) is amended—
- (i) in subsection (b)—
- (I) by striking paragraphs (2) through (4); and
- (II) by striking the following:
- “(b) READING FIRST.—
- “(1) READING FIRST.—For”, and inserting the following:
- “(b) READING FIRST.—For”;
- (ii) in subsection (e)—
- (I) by striking paragraph (2); and
- (II) by striking the following:
- “(e) FEDERAL ACTIVITIES.—
- “(1) SECTIONS 1501 AND 1502.—For the purpose of carrying out sections 1501 and 1502.”, and inserting the following:
- “(e) FEDERAL ACTIVITIES.—For the purpose of carrying out section 1501,”;
- (iii) by striking subsection (f);
- (iv) by redesignating subsections (g) through (i) as subsections (f) through (h), respectively;
- (v) by striking subsection (g) (as so redesignated); and
- (vi) by redesignating subsection (h) (as so redesignated) as subsection (g).
- (B) SECTION 1116.—Section 1116(b)(3)(A)(i) of such Act (20 U.S.C. 6316(b)(3)(A)(i)) is amended by striking “, and may include” and all that follows through “part F”.
- (C) SECTION 1202.—Section 1202 of such Act (20 U.S.C. 6362) is amended—
- (i) in subsection (a)(1), by striking “section 1002(b)(1)” and inserting “section 1002(b)”; and
- (ii) in subsection (c)(7)(A)(vii), by striking “, including coordination” and all that follows through “where applicable”.
- (D) SECTION 1703.—Section 1703 of such Act (20 U.S.C. 6533) is amended by striking “section 1002(g)” and inserting “section 1002(f)”.
- (2) TITLE II.—
- (A) SECTION 2103.—Section 2103 of such Act (20 U.S.C. 6603) is amended—
- (i) in subsection (a), by striking “subpart 5” and inserting “section 2151(a)”; and
- (ii) in subsection (b), by striking “subpart 5” and inserting “section 2151(a)”.
- (B) SECTION 2123.—Section 2123(a)(5)(A) of such Act (20 U.S.C. 6623(a)(5)(A)) is amended by striking “, and are coordinated” and all that follows through “part D”.
- (3) TITLE III.—Section 3001 of such Act (20 U.S.C. 6801) is amended—
- (A) in subsection (a)—
- (i) in paragraph (1), by striking “, except for subpart 4 of part B”;
- (ii) by striking paragraph (2); and
- (iii) by striking the following:
- “(a) AUTHORIZATION OF APPROPRIATIONS.—
- “(1) IN GENERAL.—Subject”, and inserting the following:
- “(a) AUTHORIZATION OF APPROPRIATIONS.—Subject”;
- (B) in subsection (b)—
- (i) in paragraph (1), by striking “paragraphs (1) and (2) of”;
- (ii) by striking paragraph (2); and
- (iii) by striking the following:
- “(b) CONDITIONS ON EFFECTIVENESS OF PARTS A AND B.—
- “(1) PART A.—Part A”, and inserting the following:
- “(b) CONDITIONS ON EFFECTIVENESS OF PART A.—Part A”; and
- (C) by striking subsection (c).
- (4) TITLE IV.—Section 4003 of such Act (20 U.S.C. 7103) (as amended by subsection (a)(17)), is further amended by striking “appropriated—” and all that follows through “such” and inserting “appropriated such”.
- (5) TITLE VI.—Section 6222(a)(3) of such Act (20 U.S.C. 7351a(a)(3)) is amended by striking “, as described in part D of title II”.
- (6) TITLE IX.—

(A) SECTION 9101.—Section 9101 of such Act (20 U.S.C. 7801) is amended—

(i) by amending paragraph (13) to read as follows:

“(13) COVERED PROGRAM.—The term ‘covered program’ means each of the programs authorized by—

“(A) part A of title I;

“(B) part C of title I;

“(C) part D of title I;

“(D) part A of title II;

“(E) part A of title III;

“(F) part A of title IV;

“(G) part B of title IV;

“(H) part A of title V; and

“(I) subpart 2 of part B of title VI.”; and

(ii) by amending paragraph (34)(A)(vii)(I) by striking “(except” and all that follows through “part D of title II”.

(B) SECTION 9501.—Paragraph (1) of section 9501(b) of such Act (20 U.S.C. 7881(b)(1)) is amended to read as follows:

“(1) IN GENERAL.—This section applies to programs under—

“(A) subpart 1 of part B of title I;

“(B) part C of title I;

“(C) part A of title II, to the extent provided in paragraph (3);

“(D) part B of title II;

“(E) part A of title III;

“(F) part A of title IV; and

“(G) part B of title IV.”.

## H.R. 1891, THE SETTING NEW PRIORITIES IN EDUCATION SPENDING ACT COMMITTEE REPORT

### PURPOSE

H.R. 1891, the Setting New Priorities in Education Spending Act, begins the process of reforming our nation’s broken public education system. The bill repeals the authorization of more than 40 wasteful education programs, reducing by half the number of federal education programs under the Elementary and Secondary Education Act. The bill reduces the federal government’s footprint in K–12 classrooms and ensures taxpayer dollars are not wasted on unnecessary, inefficient elementary and secondary education programs. Ultimately, the bill will help restore fiscal discipline and promote a more appropriate federal role in education.

### COMMITTEE ACTION

This bill begins the Committee on Education and the Workforce’s effort to reform the Elementary and Secondary Education Act (ESEA) in the 112th Congress. As the Committee begins the reauthorization process, it is committed to examining the federal investment in education and evaluating elementary and secondary education programs.

### 109TH CONGRESS

#### *Legislative action*

On October 7, 2005, Rep. John Boehner (R–OH), Rep. Tom DeLay (R–TX), Rep. Roy Blunt (R–MO), Rep. Sam Johnson (R–TX), Rep. John Kline (R–MN), Rep. Kenny Marchant (R–TX), Rep. Virginia Foxx (R–NC), Rep. Chris Chocola (R–IN), Rep. John Doolittle (R–CA), Rep. Jeff Flake (R–AZ), Rep. Trent Franks (R–AZ), Rep. Patrick McHenry (R–NC), Rep. Mike Pence (R–IN), Rep. Pete Sessions (R–TX), Rep. John Shadegg (R–AZ), and Rep. Todd Tiahrt

(R-KS) introduced H.R. 4018, the Setting Priorities in Spending Act of 2005. This bill repealed 14 programs from six federal education laws. Nine of the repealed programs are authorized under the Elementary and Secondary Education Act; most of which are included in H.R. 1891. Those programs include: Ready to Learn Television; Star Schools Act; Ready to Teach; Foreign Language Assistance Act of 2001; Community Technology Centers; Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and their Historical Whaling and Trading Partners in Massachusetts; Arts in Education; and Women's Educational Equity.

#### 111TH CONGRESS

##### *Legislative action*

On May 6, 2009, Rep. Howard P. "Buck" McKeon (R-CA), Rep. John Boehner (R-OH), Rep. Eric Cantor (R-VA), Rep. Mike Pence (R-IN), Rep. Pete Hoekstra (R-MI), Rep. John Kline (R-MN), Rep. Rob Bishop (R-UT), Rep. Tom McClintock (R-CA), Rep. Duncan Hunter (R-CA), Rep. Sam Johnson (R-TX), Rep. Roscoe Bartlett (R-MD), Rep. John Linder (R-GA), Rep. Sue Myrick (R-NC), Rep. Jeb Hensarling (R-TX), Rep. John Culberson (R-TX), Rep. Kenny Marchant (R-TX), Rep. Michele Bachmann (R-MN), Rep. Doug Lamborn (R-CO), and Rep. Jason Chaffetz (R-UT) introduced H.R. 2274, the Priorities in Education Spending Act. This bill repealed 70 programs across 15 federal education laws. Thirty of these programs are authorized under the Elementary and Secondary Education Act, and all of those programs are included in H.R. 1891. Those programs include: William F. Goodling Even Start Family Literacy Program; Improving Literacy Through School Libraries; Close Up Fellowship; Comprehensive School Reform; School Leadership; Advanced Certification or Advanced Credentialing; National Writing Project; Teaching of Traditional American History; Enhancing Education Through Technology; Ready to Learn Television; Bilingual and Emergency Immigrant Education; Grants to Reduce Alcohol Abuse; Mentoring Program; Elementary and Secondary School Counseling; Smaller Learning Communities; Reading is Fundamental; Star Schools Act; Ready to Teach; Foreign Language Assistance Program; Carol M. White Physical Education Program; Community Technology Centers; Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and their Historical Whaling and Trading Partners in Massachusetts; Mental Health Integration and Foundations for Learning; Arts in Education; Healthy, High-Performance Schools; Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition; Women's Educational Equity; Native Hawaiian Education; and Alaska Native Education Equity.

#### 112TH CONGRESS

##### *Hearings*

On Thursday, February 10, 2011, the Committee on Education and the Workforce held a hearing in Washington, DC, on "Education in the Nation: Examining the Challenges and Opportunities Facing America's Classrooms." The purpose of the hearing was to learn what challenges states face in developing a high-quality edu-

cation system, explore innovative policies that are being proposed and implemented at the state and local level, and examine the federal investment in education and its limited impact on student achievement. Testifying before the Committee were: Dr. Tony Bennett, Superintendent of Public Instruction, Indiana Department of Education, Indianapolis, IN; Ms. Lisa Graham Keegan, Founder, Education Breakthrough Network, Phoenix, AZ; Mr. Andrew Coulson, Director, Center for Educational Freedom, CATO Institute, Seattle, WA; and Mr. Ted Mitchell, President and CEO, New Schools Venture Fund, San Francisco, CA.

On Tuesday, March 1, 2011, the Committee on Education and the Workforce held a hearing in Washington, DC, on “Education Regulations: Weighing the Burden on Schools and Students.” The purpose of the hearing was to examine the burden of federal, state, and local regulations on the nation’s education system and to learn whether these time consuming and duplicative requirements ultimately improve student achievement. Testifying before the Committee were: Mr. Gene Wilhoit, Executive Director, Council of Chief State School Officers, Washington, DC; Dr. Edgar Hatrick, Superintendent, Loudoun County Public Schools, Ashburn, VA; Mr. Christopher B. Nelson, President, St. John’s College, Annapolis, MD; and Ms. Kati Haycock, President, The Education Trust, Washington, DC.

On Wednesday, March 9, 2011, the Committee on Education and the Workforce held a hearing in Washington, DC, on “The Budget and Policy Proposals of the U.S. Department of Education.” The purpose of the hearing was to discuss the Department’s budget request for Fiscal Year 2012. Testifying before the Committee was The Honorable Arne Duncan, Secretary, U.S. Department of Education, Washington, DC.

On Tuesday, March 15, 2011, the Committee on Education and the Workforce, Subcommittee on Early Childhood, Elementary, and Secondary Education, held a hearing on “Education Regulations: Burying Schools in Paperwork.” The purpose of the hearing was to hear from local officials representing elementary and secondary schools about the paperwork burden that bureaucratic regulations impose on their schools and school districts. Testifying before the Subcommittee were: Mr. Robert P. “Bob” Grimesey, Jr., Superintendent, Orange County Public Schools, Orange, VA; Mr. James Willcox, CEO, Aspire Public Schools, Oakland, CA; Ms. Jennifer A. Marshall, Director of Domestic Policy Studies, Heritage Foundation, Washington, DC; and Mr. Chuck Grable, Assistant Superintendent for Instruction, Huntington County Community School Corporation, Huntington, IN.

On Wednesday, April 6, 2011, the Committee on Education and the Workforce held a hearing on “Streamlining Federal Education and Workforce Programs: A Look at the GAO Report on Government Waste.” The purpose of this hearing was to examine wasteful government spending as outlined in the March 2011 Government Accountability Office (GAO) report entitled, “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue.” This report found several instances of overlapping federal programs, including 82 individual teacher quality programs administered by multiple agencies. Testifying before

the Committee was The Honorable Gene Dodaro, Comptroller General, U.S. Government Accountability Office, Washington, DC.

On Thursday, April 7, 2011, the Committee on Education and the Workforce held a hearing on “Education Reforms: Promoting Flexibility and Innovation.” The purpose of the hearing was to discuss the appropriate federal role in K–12 education and explore the work of state and local education leaders who are pushing for innovative approaches to education reform and greater state and local flexibility. Testifying before the Committee were: Dr. Janet Barresi, Oklahoma State Superintendent of Public Instruction, Oklahoma City, OK; Dr. Gary Amoroso, Superintendent, Lakeville Area Public Schools, Lakeville, MN; Mr. Yohance Maqubela, Chief Operating Officer, Howard University Middle School of Mathematics and Science, Washington, DC; and Dr. Terry Grier, Superintendent, Houston Independent School District, Houston, TX.

#### *Legislative action*

On May 13, 2011, Rep. Duncan Hunter (R–CA), Rep. John Kline (R–MN), and Rep. Howard P. “Buck” McKeon (R–CA) introduced H.R. 1891, The Setting New Priorities in Education Spending Act. This bill repeals 43 ineffective and wasteful programs authorized under the Elementary and Secondary Education Act.

The Committee on Education and the Workforce considered H.R. 1891 in legislative session on Wednesday, May 25, 2011 and reported it favorably, as amended, to the House of Representatives by a vote of 23–16. The Committee considered and adopted the following amendments to H.R. 1891:

- Representative Duncan Hunter (R–CA) offered an amendment in the nature of a substitute to make technical and clarifying changes to the legislation. The amendment was adopted by voice vote.
- Representative Todd Russell Platts (R–PA) offered an amendment to restore the authorization for the Parent Information and Resource Center (PIRC) program. The amendment passed by a vote of 20–19.

The Committee further considered the following amendments to H.R. 1891, which were not adopted:

- Representative Dale Kildee (D–MI) offered an amendment to amend Reading First to offer literacy services in grades PreK to 12. This amendment failed by a vote of 16–23.
- Representative Rush Holt (D–NJ) offered an amendment to amend the Fund for the Improvement of Education to support foreign language education and other activities. This amendment failed by a vote of 16–23.
- Representative David Loebsack (D–IA) offered an amendment to amend the Safe and Drug Free Schools program to provide non-academic support services for students. This amendment failed by a vote of 16–23.
- Representative Robert C. “Bobby” Scott (D–VA) offered an amendment to amend Local Innovative Education Programs to provide strategies for dropout prevention and efforts to strengthen teacher effectiveness. This amendment failed by a vote of 16–23.
- Representative Todd Russell Platts (R–PA) offered an amendment to restore the authorization for the William F. Goodling Even

Start Family Literacy Program. This amendment failed by a vote of 18–21.

- Representative Susan Davis (D–CA) offered an amendment to amend the Teacher Quality State Grant program to support teacher and leader recruitment and development. This amendment failed by a vote of 16–23.

- Representative Mazie Hirono (D–HI) offered an amendment to restore the authorization for Native Hawaiian Education and Alaska Native Education Equity. This amendment failed by a vote of 16–23.

Below is a summary of H.R. 1891.

#### SUMMARY

##### *Short title*

Section 1 gives the short title of the bill as the Setting New Priorities in Education Spending Act.

##### *Elementary and secondary education programs*

Section 2 permanently repeals the authorizations for the following programs and makes technical and conforming changes:

- *Early Reading First*: The Early Reading First program provided funding for early childhood centers that focus on basic language, cognitive, and pre-reading skills.

- *William F. Goodling Even Start Family Literacy Program*: The Even Start Program offered grants to certain low-income family literacy projects.

- *Improving Literacy Through School Libraries*: The Improving Literacy Through School Libraries program provided additional funding for school library media centers, materials, and media specialists.

- *Demonstrations of Innovative Practices*: Striving Readers, a childhood literacy program had been funded under the authority of this authorization.

- *Close Up Fellowship Program*: The Close Up Fellowship Program, which was administered by a private foundation, provided financial aid for low-income students, their teachers, and recent immigrants to come to Washington, DC.

- *Comprehensive School Reform*: The Comprehensive School Reform program provided formula grants for use in schools identified as needing improvement.

- *School Dropout Prevention*: The School Dropout Prevention program (High School Graduation Initiative) provided grants to help schools increase high school graduation rates.

- *School Leadership*: The School Leadership program provided grants to recruit, train, and mentor principals for high-need school districts.

- *Advanced Certification or Advanced Credentialing*: The Advanced Certification or Advanced Credentialing program was operated by the National Board for Professional Teaching Standards (NBPTS), a private organization, and provided funding for professional development.

- *Special Education Teacher Training*: The Special Education Teacher Training program provided funds to the University of Northern Colorado to train special education teachers.



- *Early Childhood Educator Professional Development*: The Early Childhood Educator Professional Development program offered grants to higher education institutions that provide professional development for early childhood educators who work with low-income families.

- *Teacher Mobility*: The National Panel on Teacher Mobility was created to study strategies for increasing mobility and employment opportunities for teachers.

- *National Writing Project*: The Department of Education provided funds to The National Writing Project, a private organization, to support programs that train teachers in teaching students how to write.

- *Teaching of Traditional American History*: The Teaching of Traditional American History Grant program provided competitive grants to elementary and secondary schools that teach American history as a separate academic subject.

- *Enhancing Education Through Technology (Ed-Tech)*: Ed-Tech provided grants to State Educational Agencies (SEAs) to help elementary and secondary school students become “technologically literate.”

- *Ready to Learn Television*: Ready to Learn Television provided funding for the development of educational television.

- *Improving Language Instruction Educational Programs*: The Improving Language Instruction Educational Programs were designed to help limited English proficient students meet the same standards for academic achievement that all children are expected to meet.

- *Bilingual and Emergency Immigrant Education Program*: The Bilingual and Emergency Immigrant Education Program provided funding to school districts that experience unexpectedly large increases in student population due to immigration.

- *State Grants for Safe and Drug-Free Schools and Communities*: The Safe and Drug-Free Schools and Communities program funded certain drug-abuse and violence-prevention activities.

- *Grants to Reduce Alcohol Abuse*: The Grants to Reduce Alcohol Abuse program provided funding for alcohol abuse prevention programs.

- *Mentoring Program*: Mentoring Program grants supported school-based mentoring programs for certain children living in rural, high-crime, or troubled home environments.

- *Elementary and Secondary School Counseling Program*: The Elementary and Secondary School Counseling Program provided funding to school districts to establish or expand elementary and secondary school counseling programs.

- *Partnerships in Character Education*: The Partnerships in Character Education program provided grants for programs that educate students on elements of character such as caring, justice, forgiveness, and any other elements deemed appropriate.

- *Smaller Learning Communities (SLC)*: SLC provided discretionary grants to school districts for use in public high schools with 1,000 or more students. SLCs included structures such as freshman academies, academies around career interests, student advisories, family advocate systems, and mentoring programs.

- *Reading is Fundamental (RIF)*: RIF was a childhood literacy program.

- *Javits Gifted and Talented*: The Jacob K. Javits Gifted and Talented Students Education program provided grants for elementary and secondary schools to meet the needs of gifted and talented students.
- *Star Schools*: The Star Schools program provided grants to support distance education projects.
- *Ready to Teach Grant Program*: The Ready to Teach Grant Program supported online professional development for certain teachers and the development of educational video programming.
- *Foreign Language Assistance Program*: The Foreign Language Assistance Program provided grants for foreign language instruction.
- *Carol M. White Physical Education Program*: The Carol M. White Physical Education Program provided grants to school districts and community-based organizations to initiate or expand physical education programs.
- *Community Technology Centers*: The Community Technology Centers program was designed to provide residents of economically distressed urban and rural communities with increased access to information technology.
- *Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and Their Historical Whaling and Trading Partners in Massachusetts*: The Alaska Natives, Native Hawaiians, and Their Historical Whaling and Trading Partners program directed funds to certain entities in Alaska, Hawaii, and Massachusetts that support projects and education programs to increase understanding of cultural diversity.
- *Excellence in Economic Education*: The Excellence in Economic Education program supported limited teaching of economic and financial literacy to kindergarten through 12th grade students.
- *Grants To Improve the Mental Health of Children, Mental Health Integration*: Grants for Mental Health Integration in Schools provided funding to SEAs, school districts, and Indian tribes to increase student access to mental health care by developing programs that link school systems with mental health systems.
- *Grants To Improve the Mental Health of Children, Foundations for Learning*: The Foundations for Learning program made competitive grants to school districts, local councils, community-based organizations, and other public and nonprofit entities for children's development and school readiness.
- *Arts in Education*: The Arts in Education program funded professional development for arts teachers in high-poverty schools; replication of arts programs across school districts; and targeted awards to the John F. Kennedy Center for the Performing Arts and VSA Arts.
- *Combating Domestic Violence*: The Combating Domestic Violence program was designed to award grants to school districts for educating teachers, staff, and students on domestic violence issues.
- *Healthy, High-Performance Schools*: The Healthy, High-Performance Schools program was designed to award grants to schools for reducing energy use, meeting federal and state health and safety codes, and supporting healthful, energy efficient, and environmentally sound practices.

- *Additional Assistance for LEAs Impacted by Federal Property Acquisition:* This program provided additional assistance for eligible LEAs already receiving Impact Aid.
- *Women’s Educational Equity:* The Women’s Educational Equity program promoted educational equity for women and girls.
- *Native Hawaiian Education:* The Native Hawaiian Education program provided grants to Native Hawaiian organizations and agencies to develop education programs for native Hawaiian students.
- *Alaska Native Education Equity:* The Alaska Native Education Equity program provided funding to Alaska Native nonprofits and other organizations to develop education programs for Alaska Native students.

## COMMITTEE VIEWS

### *Background*

In 1965, Congress passed the Elementary and Secondary Education Act (ESEA) with the limited goal of providing states and local school districts additional resources to ensure disadvantaged students have access to a quality education. The importance of ensuring students have the skills necessary to graduate high school and enroll in postsecondary education is clear. A well-educated workforce is directly tied to the nation’s ability to create jobs and maintain our competitive edge in a global economy.

In the more than four decades since passage of ESEA, federal control of education has steadily increased and spending has exploded. Today, the United States spends more than \$10,000 per pupil per year, nearly triple what was spent in 1965.<sup>1</sup> Despite this record investment in public education by federal, state, and local governments, national academic performance has not improved. Math and reading scores have largely remained flat, graduation rates have stagnated, and researchers have found serious shortcomings with many federal education programs.

The last 30 years have seen particularly dramatic increases in federal spending. U.S. Department of Education K–12 funding increased from less than \$7 billion in 1980 to almost \$38 billion in 2008. The last three years have seen another spike in federal spending. With the passage of the American Recovery and Reinvestment Act (ARRA), the Department’s K–12 budget ballooned to almost \$119 billion in 2009, nearly tripling in one year. As the following chart shows, federal support for elementary and secondary education represents 10.8 percent of all education spending in the United States in 2010–2011. This represents a significant growth from 2008, when the federal share of education spending stood at 7.8 percent.<sup>2</sup>

<sup>1</sup>U.S. Department of Education, National Center for Education Statistics. (2010). *Digest of Education Statistics, 2009* (NCES 2010–013) Table 180 and Chapter 2.

<sup>2</sup>“FY2012 Education Budget Summary and Background Information,” U.S. Department of Education, p.93.

## EDUCATION FUNDING BY SOURCE

[In billions]

Funding source	Dollars 2009–2010	Percent 2009–2010	Dollars 2010–2011	Percent 2010–2011
Federal government .....	66.0	10.1	71.0	10.8
State government .....	287.0	44.2	288.0	43.6
Local government .....	23.0	36.4	240.0	36.3
All other .....	60.0	9.3	62.0	9.3
Total .....	650.0	100.0	662.0	100.0

The United States is a world leader in education spending. The United States spends more public and private money on education than all but three other developed countries in the world. Using 2007 data from the Organization for Economic Cooperation and Development (OECD), the National Center on Education Statistics reported this year that the United States spent 7.6 percent of GDP on education, second only to Iceland's 7.8 percent.<sup>3</sup>

Despite these investments, student achievement has remained flat. In testimony submitted to the Committee, Andrew Coulson from the non-profit CATO Institute stated that math and reading scores for graduating high school seniors have remained unchanged over the last 40 years, while science scores have declined slightly. This tracks with international comparisons. The OECD's latest Programme for International Student Assessment report, released in December of last year, ranked the United States 17th in reading, 31st in math, and 23rd in science among developed nations.<sup>4</sup> As Mr. Coulson stated, "To sum up, we have little to show for the \$2 trillion in federal education spending of the past half century. In the face of concerted and unflagging efforts by Congress and the states . . . it now costs three times as much to provide essentially the same education as we provided in 1970 . . . The only thing [spending] appears to have accomplished is to apply the brakes to the nation's economic growth, by taxing trillions of dollars out of the productive sector of the economy and spending it on ineffective programs."<sup>5</sup>

The Committee is pursuing a new approach to education reform by re-evaluating the federal role in elementary and secondary education. The federal government is too involved in our nation's classrooms, and we believe states and local school districts should bear the primary responsibility for public education. We aim to reduce the size and scope of the Department of Education, roll back federal bureaucratic requirements and regulations, and eliminate and consolidate ineffective and duplicative federal education programs to help balance the budget and get the federal deficit and debt under control. These efforts will empower parents, teachers, and school leaders to address unacceptable achievement gaps and successfully prepare students for postsecondary education and the workforce.

<sup>3</sup>U.S. Department of Education, National Center for Education Statistics. (2011). *The Condition of Education 2011*, Indicator 38 Education Expenditures by Country.

<sup>4</sup>"Highlights from PISA 2009," NCEES, 2010.

<sup>5</sup>"Education in the Nation: Examining the Challenges and Opportunities Facing America's Classrooms," hearing before the House Committee on Education and the Workforce, 112th Congress, 1st Session (February 10, 2011) (written testimony of Andrew Coulson).

H.R. 1891 is the first step in the Committee's education reform efforts. Under the current Elementary and Secondary Education Act, the U.S. Department of Education operates more than 80 separate programs. Many of these are duplicative, ineffective, or too small to have a meaningful impact, which results in waste and inefficiency. As the Council of the Great City Schools stated in its letter of support for this legislation, ". . . an array of small grant programs contributes little to the academic attainment necessary for national competitiveness nor helps overcome the achievement gaps that serve as a persistent barrier to educational and economic opportunity."<sup>6</sup>

*Programs eliminated*

H.R. 1891 begins the process of reducing waste and inefficiencies in current law by repealing the authorizations of 42 separate elementary and secondary programs. Of the programs eliminated, 14 were defunded in H.R. 1473, the Full Year FY 2011 Continuing Resolution (FY 2011 CR), which was supported by an overwhelming bipartisan majority of this Committee and was signed into law by the President. Sixteen were proposed for consolidation or elimination in the President's FY 2012 budget proposal. Six are considered earmarks under Clause 9 of House rule XXI. Following is the list of programs eliminated in the bill.

- *Early Reading First*: The Early Reading First program has not been funded since FY 2009. A Department of Education evaluation of the program in 2007 had only mixed results, calling into question the program's effectiveness in improving student outcomes.<sup>7</sup> The program is also duplicative of the Head Start program and other early learning programs that have recently been expanded, such as the Race to the Top Early Learning Challenge Grant. While early childhood programs serve a noble goal, the Committee believes that the Elementary and Secondary Education Act's focus should remain on K-12 education.

- *William F. Goodling Even Start Family Literacy Program*: The Even Start Program was defunded in the FY 2011 CR. It is duplicative of the existing Title I Aid for the Disadvantaged program, which provides funds to states and school districts to assist low-income students excel academically. Family literacy is also a supported activity under the 21st Century Community Learning Centers program. Additionally, Title II of the Workforce Investment Act helps adults in need of literacy services obtain the educational skills necessary to become full partners in the educational development of their children. Finally, the Third National Even Start Evaluation from the Department of Education found that children and parents scored low on literacy measures compared to national norms when they exited the program.<sup>8</sup>

- *Improving Literacy Through School Libraries*: The Improving Literacy Through School Libraries program was defunded in the FY 2011 CR. When it was received funding, it had a limited reach.

<sup>6</sup>Letter from the Council of Great City Schools to The Honorable John Kline, Chairman, Education and the Workforce Committee, May 23, 2011.

<sup>7</sup>U.S. Department of Education, Institute for Education Sciences, National Center for Education Evaluation and Regional Assistance. "National Evaluation of Early Reading First, Final Report to Congress." May 2007.

<sup>8</sup>U.S. Department of Education. "Third National Even Start Evaluation: Program Impacts and Implications for Improvement," 2003.

Only 50 grants were awarded in FY 2010 and several states have never received funding under this program. The program is duplicative of the existing Title I Aid for the Disadvantaged program and programs under the Institute of Museum and Library Sciences. The President's FY 2012 budget proposed consolidating this program, indicating a broad bipartisan consensus that the goals of this program can be accomplished through other activities.

- *Demonstrations of Innovative Practices: Striving Readers*, which has been funded under this authorization, was defunded in the FY 2011 CR. Striving Readers has never been authorized under the Elementary and Secondary Education Act, but has been supported through appropriations language. The program is duplicative of the Title I Aid for the Disadvantaged program, which provides funds to states and school districts to help low-income students excel academically. The President's FY 2012 budget proposed consolidating this program.

- *Close Up Fellowship Program*: The Close Up Fellowship Program directs noncompetitive funds to the Close Up Foundation, which classifies it as an earmark under Clause 9 of House Rule XXI. The program was defunded in the FY 2011 CR. The President's budget proposed no funds for this program, arguing that the Close Up Foundation has enough private financial support to continue the program.

- *Comprehensive School Reform*: The Comprehensive School Reform (CSR) program has not been funded since FY 2008. A March 2011 report evaluating the CSR model found that just 12 of 262 CSR schools made significant improvements in reading and mathematics. The report further stated, "For CSR-funded schools, at least in the first part of the decade, turnaround was a distinctly rare event, one not easily generated through federal policy intervention."<sup>9</sup>

- *School Dropout Prevention/High School Graduation Initiative*: The High School Graduation Initiative was created through the appropriations process in FY 2010 after the existing Dropout Prevention program was defunded because of its ineffectiveness. The new program is too small to make a meaningful impact, with only 27 school districts and two states receiving funding in FY 2010. The program is also duplicative of the Title I Aid to the Disadvantaged program and the School Improvement Grant program, both of which support similar dropout prevention activities.

- *School Leadership*: The School Leadership program has had a limited impact on national efforts to increase student academic achievement. For example, in FY 2009 and 2010, only 21 grants were awarded. The program is also duplicative of the existing Title II Teacher Quality State Grants program, which provides resources to all states for professional development for school leaders.

- *Advanced Certification or Advanced Credentialing*: The Advanced Certification or Advanced Credentialing program is operated by the National Board for Professional Teaching Standards (NBPTS) and provides funding for professional development. The program is considered an earmark under Clause 9 of House rule

<sup>9</sup> WestEd, "The Federal Comprehensive School Reform Program and School Turnaround: Key Evaluation Findings," March 29, 2011.

XXI. The program was defunded in the FY 2011 CR, and is duplicative of the Title II Teacher Quality State Grants program.

- *Special Education Teacher Training*: The Special Education Teacher Training program assists the University of Northern Colorado train special education teachers. The program is considered an earmark under Clause 9 of House rule XXI. The program is also duplicative of the Title II Teacher Quality State Grant program and teacher training and professional development programs under Part D of the Individuals with Disabilities Education Act.

- *Early Childhood Educator Professional Development*: The Early Childhood Educator Professional Development program has not received funding since FY 2007. The program is duplicative of the Title II Teacher Quality State Grants program and Title II of the Higher Education Act, which provides funds to institutions of higher education to fund professional development and teacher training activities.

- *Teacher Mobility*: The National Panel on Teacher Mobility program has never been funded and is duplicative of the Title II Teacher Quality State Grants program.

- *National Writing Project*: This program provides noncompetitive funds to the National Writing Project, a non-profit organization. The program is considered an earmark in violation of Clause 9 of House rule XXI. The program was defunded in the FY 2011 CR and is duplicative of the Title I Aid to the Disadvantaged and Title II Teacher Quality State Grants programs. Little is known about the effectiveness of this program, and the Office of Management and Budget's (OMB) Program Assessment Rating Tool (PART) review found insufficient evidence of its effectiveness.<sup>10</sup>

- *Teaching of Traditional American History*: The Teaching of Traditional American History program has yielded questionable results from numerous evaluations that call into question its effectiveness and impact on increasing student achievement. For example, OMB's PART review found no demonstrated results from the program and determined it was duplicative of the Title II Teacher Quality State Grants program.<sup>11</sup> A follow-up Department of Education evaluation found that program participants demonstrated a "limited ability to analyze and interpret historical data" and that "projects were not well integrated with other local, state and federal teacher development initiatives."<sup>12</sup> The President's FY 2012 budget proposal consolidates this program.

- *Enhancing Education Through Technology (Ed-Tech)*: Ed-Tech was defunded in the FY 2011 CR. The OMB PART review found insufficient data for demonstrating the program's impact on student achievement."<sup>13</sup> Elementary and secondary schools offer a greater level of technology infrastructure than just a few years ago, and there is no longer a significant need for a separate program limited to the integration of technology into schools and classrooms. States and school districts that still have this need can use funds

<sup>10</sup>National Writing Project Program Assessment. Office of Management and Budget, ExpectMore.gov. 2004.

<sup>11</sup>Teaching of Traditional American History Program Assessment, Office of Management and Budget, ExpectMore.gov. 2004.

<sup>12</sup>Humphrey, Daniel C., et. al, "Evaluation of the Teaching American History Program," Executive Summary, Page xvi. For the U.S. Department of Education. 2005.

<sup>13</sup>Enhancing Education Through Technology Program Assessment. Office of Management and Budget, ExpectMore.gov. 2005.

from the Title I Aid to Disadvantaged students and Title II Teacher Quality State Grants programs.

- *Ready To Learn Television*: Ready to Learn Television has had a limited impact on student achievement. OMB's PART evaluation found insubstantial effects on student outcomes.<sup>14</sup> In FY 2010, only three grants were awarded, the largest of which was the Corporation for Public Broadcasting, which received \$430 million in direct appropriations in the FY 2011 CR.

- *Improving Language Instruction Educational Programs*: The Improving Language Instruction Educational Programs have never been funded, and are duplicative of the Title I Aid for the Disadvantaged and the Title III English Language Acquisition programs. Furthermore, all states receiving Title I money are held accountable for the achievement of immigrant students and limited English proficient students.

- *Bilingual and Emergency Immigrant Education Program*: The Bilingual and Emergency Immigrant Education program has not been funded since FY 2001 and is duplicative of the Title I Aid for the Disadvantaged and the Title III English Language Acquisition programs. Furthermore, all states receiving Title I money are held accountable for the achievement of immigrant students and limited English proficient students.

- *State Grants for Safe and Drug-Free Schools and Communities*: The Safe and Drug-Free Schools and Communities program has not been funded since FY 2009. The OMB PART review rated the program as "Ineffective" because of its inability to demonstrate any measurable student outcome results.<sup>15</sup> The evaluation also found that grant funds were spread too thin to support quality interventions. According to the Department of Education, nearly two-thirds of grant recipients received allocations of less than \$10,000. The activities of this program can be supported by the Safe and Drug-Free Schools and Communities National Programs and the 21st Century Community Learning Center program.

- *Grants To Reduce Alcohol Abuse*: The Grants to Reduce Alcohol Abuse program received only \$6.9 million in the FY 2011 CR, representing a dramatic cut from FY 2010 and FY 2009 levels. The program is duplicative of activities that can be supported as part of the 21st Century Community Learning Centers program, which provides funds to school districts to support efforts that assist students in academic enrichment activities, including drug and violence prevention. The President's FY 2012 budget consolidates the program.

- *Mentoring Program*: The Mentoring Program has not received funding since FY 2009. The OMB PART evaluation found no evidence of success and reported the program is duplicative of multiple state and local mentoring programs.<sup>16</sup> Mentoring is also being supported through the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention. Through the American Recovery and Reinvestment Act, projects were awarded for up to \$500,000.

<sup>14</sup>Ready to Learn Television Program Assessment. Office of Management and Budget, ExpectMore.gov, 2004.

<sup>15</sup>State Grants for Safe and Drug-Free Schools and Communities Assessment. Office of Management and Budget, ExpectMore.gov, 2002.

<sup>16</sup>Mentoring Program Assessment. Office of Management and Budget, ExpectMore.gov, 2006.



- *Elementary and Secondary School Counseling Program*: The Elementary and Secondary School Counseling Program has had a limited impact on student achievement. In FY 2010, just 42 school districts in 20 states were awarded grants under this program. In general, school counselors are supported with state and local funds, but the Title I Aid for the Disadvantaged program, the 21st Century Community Learning Centers program, and the Homeless Education program all support counseling services for at-risk populations.

- *Partnerships in Character Education*: The Partnerships in Character Education program has not received funding since FY 2009. The program has an extremely limited impact. In FY 2008, only three school districts received grants, and since 2004, only 20 states plus Guam and the District of Columbia have received any funding. The Department of Education's Institute of Education Sciences conducted a review of more than 40 Character Education programs for the What Works Clearinghouse and found only two with positive results.<sup>17</sup>

- *Smaller Learning Communities (SLC)*: SLC was defunded in the FY 2011 CR. A 2008 Department of Education review of long-term outcomes from this program found no meaningful trends in student achievement.<sup>18</sup> The program is also duplicative of the Title I Aid to the Disadvantaged program and School Improvement Grants.

- *Reading is Fundamental (RIF)*: RIF is a non-profit organization that receives a non-competitive grant through the program. Because of this, it is considered an earmark under Clause 9 of House rule XXI. The program was defunded in the FY 2011 CR. The program is also duplicative of the Title I Aid for the Disadvantaged program.

- *Javits Gifted and Talented*: The Jacob K. Javits Gifted and Talented Students Education program was defunded in the FY 2011 CR. The program has had a very limited impact, with only 16 grants awarded in the last five years. In addition, states and school districts can use funds from other programs to support the activities of this program. For example, the Title II Teacher Quality State Grants program can support professional development for teachers working with gifted and talented students.

- *Star Schools*: The Star Schools program has not been funded since FY 2007, and new awards have not been made since 2005, demonstrating the limited impact this program has had. States and school districts wishing to support the program's activities can use funds under the existing Title II Teacher Quality State Grants program for professional development to train teachers in technology-based instruction.

- *Ready To Teach Grant Program*: The Ready to Teach Grant program was funded in FY 2010. However, those funds were rescinded as an offset to the Education Jobs Fund. The program was not funded in the FY 2011 CR. Between FY 2005 and FY 2009, only two to four grants were awarded per year, demonstrating the

<sup>17</sup>Pearson, Ann E., et. al, "Survey of Outcomes Measurement in Research on Character Education Programs." U.S. Department of Education, Institute of Education Sciences. 2009.

<sup>18</sup>Bernstein, Lawrence, et. al. "Implementation Study of Smaller Learning Communities Final Report." U.S. Department of Education, 2008.

limited impact of this program. It is also duplicative of the existing Title II Teacher Quality State Grants program.

- *Foreign Language Assistance Program*: The Foreign Language Assistance program has had a very limited impact at the national level, with only 35 new awards in FY 2010. Funds from the Title I Aid for the Disadvantaged program, Title II Teacher Quality State Grants program, and the Higher Education Act could all be used to support foreign language programs.

- *Carol M. White Physical Education Program*: The Carol M. White Physical Education program is duplicative of initiatives administered by the Centers for Disease Control and projects and school wellness policies created and funded under the Child Nutrition Act that promote nutrition education, physical activity, and obesity prevention. Ultimately, the decision to purchase sports equipment or support the other activities of this program should be made at the state and local level.

- *Community Technology Centers*: The Community Technology Centers program has not been funded since FY 2005, when it only received \$5 million. Other federal programs can support these activities. For example, local public housing authorities and non-profit organizations can apply to the Department of Housing and Urban Development for grants to establish, operate, and expand computer centers, known as Neighborhood Network Centers. Funds are also available through the Opportunity Corps, which was established during the last reauthorization of the National and Community Service Act.

- *Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and their Historical Whaling and Trading Partners in Massachusetts*: This program earmarks funds for certain entities in Alaska, Hawaii, and Massachusetts that support projects and education programs to increase understanding of cultural diversity. The program is considered an earmark under Clause 9 of House rule XXI. The program was defunded in the FY 2011 CR and the President's FY 2012 budget proposed its elimination.

- *Excellence in Economic Education*: The Excellence in Economic Education program is a very small categorical program that has received only \$5.6 million total over the last four years. The program supports the Council for Economic Education, a nonprofit organization that receives the support of many private individuals and corporations. The program does not need federal support to fulfill its mission, and is duplicative of other existing federal efforts. A 2009 RAND survey, recently verified by the Government Accountability Office, found that there are 21 federal agencies offering a total of 56 economic and financial literacy programs.<sup>19</sup>

- *Grants To Improve the Mental Health of Children, Mental Health Integration*: This Mental Health Integration program was defunded in the FY 2011 CR. It has had a limited impact, with only 16 school districts receiving awards in FY 2010. States and school districts that wish to support mental health activities for at-risk populations can use funds under the Title I Neglected and De-

<sup>19</sup> Government Accountability Office, Report to Congress on List of Selected Federal Programs That Have Similar or Overlapping Objectives, Provide Similar Services, or are Fragmented Across Government Missions. March 18, 2011.

linquent Youth program, the 21st Century Community Learning Centers program, and the Homeless Education program.

- *Grants To Improve the Mental Health of Children, Foundations for Learning:* This Foundations for Learning program was defunded in the FY 2011 CR. It has had a limited impact, with only four school districts receiving awards in FY 2009. States and school districts that wish to support mental health activities for at-risk populations can use funds under the Title I Neglected and Delinquent Youth program, the 21st Century Community Learning Centers program, and the Homeless Education program.

- *Arts in Education:* The Arts in Education program has two parts. A portion of the funds are awarded noncompetitively to two nonprofit organizations, The Kennedy Center and VSA Arts, which makes this portion of the program an earmark under Clause 9 of House rule XXI. The second part of the program provides funds to school districts to implement arts education, including professional development for teachers. These activities are duplicative of the Title II Teacher Quality State Grants program. The President's FY 2012 budget proposes consolidating this program.

- *Combating Domestic Violence:* The Combating Domestic Violence program has never been funded and has, therefore, had no national impact. Numerous other federal grant programs, primarily at the Departments of Justice and Health and Human Services, address the impact of family and domestic violence on school-aged children.

- *Healthy, High-Performance Schools:* The Healthy, High-Performing Schools program has never been funded and has, therefore, had no national impact. The federal government has historically stayed out of state and local funding decisions involving the repair and modernization of school buildings and opposed efforts to create national school construction programs. Despite this, the American Recovery and Reinvestment Act created a pot of funds to help schools and districts with modernization projects, reinforcing the need to eliminate this program.

- *Additional Assistance for LEAs Impacted by Federal Property Acquisition:* This program has never been funded and has, therefore, had no national impact. It is also duplicative of the existing Impact Aid program, which provides funds to school districts adversely impacted by the presence of federal property such as Indian lands, military bases, or national forests and parks.

- *Women's Educational Equity:* The Women's Educational Equity program was defunded in the FY 2011 CR and was proposed for elimination in the President's FY 2012 budget. A number of studies and reports over the last decade have shown that women have made educational gains matching or exceeding those of their male peers. A recent briefing by the Boys Initiative revealed, among other things, that "boys both dropout of high school and receive disciplinary action, including expulsion, more often than girls."<sup>20</sup>

- *Native Hawaiian Education:* The Native Hawaiian Education program is duplicative of the Title I Aid to the Disadvantaged program, which already targets funds to disadvantaged students to increase academic achievement. In 2010–2011, Hawaii received more

<sup>20</sup> Boys Initiative Washington, DC Briefing. "The State of Boys in America: A Briefing on the Latest Research Findings and What They Mean for America in an Increasingly Competitive World." May 17, 2011.

than \$42.6 million in Title I funds. If the state has additional needs, the Committee should address this problem through formula changes to the Title I program. Hawaii also receives funding under other major federal education programs, including the Title II Teacher Quality State Grants program, Rural Education initiatives, and the 21st Century Community Learning Centers program. Further, the effectiveness of this program has been called into question. The program's most recent performance report found that it failed to meet any of its objectives.<sup>21</sup>

- *Alaska Native Education Equity*: The Alaska Native Education Equity program is duplicative of the Title I Aid to the Disadvantaged program, which already targets funds to disadvantaged students to increase academic achievement. In 2010–2011, Alaska received more than \$37.2 million in Title I funds. If the state has additional needs, the Committee should address this problem through formula changes to the Title I program. Alaska also receives funding under other major federal education programs, including the Title II Teacher Quality State Grants program, Rural Education initiatives, and the 21st Century Community Learning Centers program.

### *Conclusion*

H.R. 1891 is the first in a series of education reform bills geared toward streamlining and simplifying the federal role in education so that states, school districts, parents, and teachers are empowered to pursue innovative reforms that meet the needs of their students. It is an important initial step that will help reduce the federal government's footprint in K–12 classrooms and ensure taxpayer dollars are not wasted on unnecessary, inefficient elementary and secondary education programs.

## SECTION-BY-SECTION ANALYSIS

### SECTION 1. SHORT TITLE

States the short title as the “Setting New Priorities in Education Spending Act.”

### SECTION 2. ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

Repeals the following provisions of the Elementary and Secondary Education Act of 1965: Early Reading First; William F. Goodling Even Start Family Literacy Program; Improving Literacy through School Libraries; Demonstrations of Innovative Practices; Close Up Fellowship Program; Comprehensive School Reform; School Dropout Prevention; School Leadership; Advanced Certification or Advanced Credentialing; Special Education Teacher Training; Early Childhood Educator Professional Development; Teacher Mobility; National Writing Project; Teaching of Traditional American History; Enhancing Education through Technology, including Ready to Learn Television; Improving Language Instruction Educational Programs for Academic Achievement Act, including the Bilingual and Emergency Immigrant Education Program; State Grants for Safe and Drug-Free Schools and Communities;

<sup>21</sup>U.S. Department of Education, FY 2007 Education for Native Hawaiians Performance Report.

Grants to Reduce Alcohol Abuse; Mentoring Programs; Elementary and Secondary School Counseling Programs; Partnerships in Character Education; Smaller Learning Communities; Reading is Fundamental; Javits Gifted and Talented Students; Start Schools Act; Ready to Teach Program; Foreign Language Assistance Act of 2001; Carol M. White Physical Education Program; Community Technology Centers; Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and their Historical Whaling and Trading Partners in Massachusetts; Excellence in Economic Education; Grants to Improve the Mental Health of Children, including Mental Health Integration and Foundations for Learning; Arts in Education; Combating Domestic Violence; Healthy, High-Performance Schools; Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition; Women's Educational Equity Act of 2001; Native Hawaiian Education Act; Alaska Native Educational Equity, Support, and Assistance Act.

Makes technical and conforming changes to the Elementary and Secondary Education Act of 1965.

#### EXPLANATION OF AMENDMENTS

The amendments, including the amendment in the nature of a substitute, are explained in the body of this report.

#### APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this bill to the legislative branch. H.R. 1891 repeals 42 K-12 education programs under the Elementary and Secondary Education Act of 1965. H.R. 1891 would have no direct impact on the Legislative Branch.

#### UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104-4) requires a statement of whether the provisions of the reported bill include unfunded mandates. This issue is addressed in the CBO letter.

#### EARMARK STATEMENT

H.R. 1891 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of House rule XXI.

#### ROLL CALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

Date: May 25, 2011**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**Roll Call: 1 Bill: H.R. 1891 Amendment Number: 2Disposition: Defeated by a vote of 16-23Sponsor/Amendment: Mr. Kildee / amends Reading First to provide essential literacy services to students in preschool through grade 12

Name & State	Aye	No	Not Voting		Aye	No	Not Voting
Mr. KLINE (MN) (Chairman)		X		Mr. MILLER (CA) (Ranking)	X		
Mr. PETRI (WI)		X		Mr. KILDEE (MI)	X		
Mr. McKEON (CA)		X		Mr. PAYNE (NJ)	X		
Mrs. BIGGERT (IL)		X		Mr. ANDREWS (NJ)	X		
Mr. PLATTS (PA)		X		Mr. SCOTT (VA)	X		
Mr. WILSON (SC)		X		Ms. WOOLSEY (CA)	X		
Mrs. FOXX (NC)		X		Mr. HINOJOSA (TX)	X		
Mr. GOODLATTE (VA)		X		Mrs. McCARTHY (NY)			X
Mr. HUNTER (CA)		X		Mr. TIERNEY (MA)	X		
Mr. ROE (TN)		X		Mr. KUCINICH (OH)	X		
Mr. THOMPSON (PA)		X		Mr. WU (OR)	X		
Mr. WALBERG (MI)		X		Mr. HOLT (NJ)	X		
Mr. DesJARLAIS (TN)		X		Mrs. DAVIS (CA)	X		
Mr. HANNA (NY)		X		Mr. GRIJALVA (AZ)	X		
Mr. ROKITA (IN)		X		Mr. BISHOP (NY)	X		
Mr. BUCSHON (IN)		X		Mr. LOEBSACK (IA)	X		
Mr. GOWDY (SC)		X		Ms. HIRONO (HI)	X		
Mr. BARLETTA (PA)		X					
Mrs. NOEM (SD)		X					
Mrs. ROBY (AL)		X					
Mr. HECK (NV)		X					
Mr. ROSS (FL)		X					
Mr. KELLY (PA)		X					

Date: May 25, 2011**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**Roll Call: 2 Bill: H.R. 1891 Amendment Number: 3Disposition: Defeated by a vote of 16-23Sponsor/Amendment: Mr. Holt / amends the Fund for the Improvement of Education to provide  
foreign language education and other activities

Name & State	Aye	No	Not Voting		Aye	No	Not Voting
Mr. KLINE (MN) (Chairman)		X		Mr. MILLER (CA) (Ranking)	X		
Mr. PETRI (WI)		X		Mr. KILDEE (MI)	X		
Mr. McKEON (CA)		X		Mr. PAYNE (NJ)	X		
Mrs. BIGGERT (IL)		X		Mr. ANDREWS (NJ)	X		
Mr. PLATTS (PA)		X		Mr. SCOTT (VA)	X		
Mr. WILSON (SC)		X		Ms. WOOLSEY (CA)	X		
Mrs. FOXX (NC)		X		Mr. HINOJOSA (TX)	X		
Mr. GOODLATTE (VA)		X		Mrs. McCARTHY (NY)			X
Mr. HUNTER (CA)		X		Mr. TIERNEY (MA)	X		
Mr. ROE (TN)		X		Mr. KUCINICH (OH)	X		
Mr. THOMPSON (PA)		X		Mr. WU (OR)	X		
Mr. WALBERG (MI)		X		Mr. HOLT (NJ)	X		
Mr. DesJARLAIS (TN)		X		Mrs. DAVIS (CA)	X		
Mr. HANNA (NY)		X		Mr. GRIJALVA (AZ)	X		
Mr. ROKITA (IN)		X		Mr. BISHOP (NY)	X		
Mr. BUCSHON (IN)		X		Mr. LOEBSACK (IA)	X		
Mr. GOWDY (SC)		X		Ms. HIRONO (HI)	X		
Mr. BARLETTA (PA)		X					
Mrs. NOEM (SD)		X					
Mrs. ROBY (AL)		X					
Mr. HECK (NV)		X					
Mr. ROSS (FL)		X					
Mr. KELLY (PA)		X					

Date: May 25, 2011**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**Roll Call: 3 Bill: H.R. 1891 Amendment Number: 4Disposition: Adopted by a vote of 20-19Sponsor/Amendment: Mr. Platts / to restore authority for the Parent Information and Resource Center (PIRCs) program

Name & State	Aye	No	Not Voting		Aye	No	Not Voting
Mr. KLINE (MN) (Chairman)		X		Mr. MILLER (CA) (Ranking)	X		
Mr. PETRI (WI)		X		Mr. KILDEE (MI)	X		
Mr. McKEON (CA)		X		Mr. PAYNE (NJ)	X		
Mrs. BIGGERT (IL)	X			Mr. ANDREWS (NJ)	X		
Mr. PLATTS (PA)	X			Mr. SCOTT (VA)	X		
Mr. WILSON (SC)		X		Ms. WOOLSEY (CA)	X		
Mrs. FOXX (NC)		X		Mr. HINOJOSA (TX)	X		
Mr. GOODLATTE (VA)		X		Mrs. McCARTHY (NY)			X
Mr. HUNTER (CA)		X		Mr. TIERNEY (MA)	X		
Mr. ROE (TN)		X		Mr. KUCINICH (OH)	X		
Mr. THOMPSON (PA)	X			Mr. WU (OR)	X		
Mr. WALBERG (MI)		X		Mr. HOLT (NJ)	X		
Mr. DesJARLAIS (TN)		X		Mrs. DAVIS (CA)	X		
Mr. HANNA (NY)		X		Mr. GRIJALVA (AZ)	X		
Mr. ROKITA (IN)		X		Mr. BISHOP (NY)	X		
Mr. BUCSHON (IN)		X		Mr. LOEBSACK (IA)	X		
Mr. GOWDY (SC)		X		Ms. HIRONO (HI)	X		
Mr. BARLETTA (PA)	X						
Mrs. NOEM (SD)		X					
Mrs. ROBY (AL)		X					
Mr. HECK (NV)		X					
Mr. ROSS (FL)		X					
Mr. KELLY (PA)		X					



Date: May 25, 2011**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**Roll Call: 4 Bill: H.R. 1891 Amendment Number: 5Disposition: Defeated by a vote of 16-23Sponsor/Amendment: Mr. Loeb sack / amends Safe and Drug Free Schools to provide essential support services to students

Name & State	Aye	No	Not Voting		Aye	No	Not Voting
Mr. KLINE (MN) (Chairman)		X		Mr. MILLER (CA) (Ranking)	X		
Mr. PETRI (WI)		X		Mr. KILDEE (MI)	X		
Mr. McKEON (CA)		X		Mr. PAYNE (NJ)	X		
Mrs. BIGGERT (IL)		X		Mr. ANDREWS (NJ)	X		
Mr. PLATTS (PA)		X		Mr. SCOTT (VA)	X		
Mr. WILSON (SC)		X		Ms. WOOLSEY (CA)	X		
Mrs. FOXX (NC)		X		Mr. HINOJOSA (TX)	X		
Mr. GOODLATTE (VA)		X		Mrs. McCARTHY (NY)			X
Mr. HUNTER (CA)		X		Mr. TIERNEY (MA)	X		
Mr. ROE (TN)		X		Mr. KUCINICH (OH)	X		
Mr. THOMPSON (PA)		X		Mr. WU (OR)	X		
Mr. WALBERG (MI)		X		Mr. HOLT (NJ)	X		
Mr. DesJARLAIS (TN)		X		Mrs. DAVIS (CA)	X		
Mr. HANNA (NY)		X		Mr. GRIJALVA (AZ)	X		
Mr. ROKITA (IN)		X		Mr. BISHOP (NY)	X		
Mr. BUCSHON (IN)		X		Mr. LOEBSACK (IA)	X		
Mr. GOWDY (SC)		X		Ms. HIRONO (HI)	X		
Mr. BARLETTA (PA)		X					
Mrs. NOEM (SD)		X					
Mrs. ROBY (AL)		X					
Mr. HECK (NV)		X					
Mr. ROSS (FL)		X					
Mr. KELLY (PA)		X					

Date: May 25, 2011**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**Roll Call: 5 Bill: H.R. 1891 Amendment Number: 6Disposition: Defeated by a vote of 16-23Sponsor/Amendment: Mr. Scott / amends Title V, Part A (Innovative Programs) to provide services for drop out prevention

Name & State	Aye	No	Not Voting		Aye	No	Not Voting
Mr. KLINE (MN) (Chairman)		X		Mr. MILLER (CA) (Ranking)	X		
Mr. PETRI (WI)		X		Mr. KILDEE (MI)	X		
Mr. McKEON (CA)		X		Mr. PAYNE (NJ)	X		
Mrs. BIGGERT (IL)		X		Mr. ANDREWS (NJ)	X		
Mr. PLATTS (PA)		X		Mr. SCOTT (VA)	X		
Mr. WILSON (SC)		X		Ms. WOOLSEY (CA)	X		
Mrs. FOXX (NC)		X		Mr. HINOJOSA (TX)	X		
Mr. GOODLATTE (VA)		X		Mrs. McCARTHY (NY)			X
Mr. HUNTER (CA)		X		Mr. TIERNEY (MA)	X		
Mr. ROE (TN)		X		Mr. KUCINICH (OH)	X		
Mr. THOMPSON (PA)		X		Mr. WU (OR)	X		
Mr. WALBERG (MI)		X		Mr. HOLT (NJ)	X		
Mr. DesJARLAIS (TN)		X		Mrs. DAVIS (CA)	X		
Mr. HANNA (NY)		X		Mr. GRIJALVA (AZ)	X		
Mr. ROKITA (IN)		X		Mr. BISHOP (NY)	X		
Mr. BUCSHON (IN)		X		Mr. LOEBSACK (IA)	X		
Mr. GOWDY (SC)		X		Ms. HIRONO (HI)	X		
Mr. BARLETTA (PA)		X					
Mrs. NOEM (SD)		X					
Mrs. ROBY (AL)		X					
Mr. HECK (NV)		X					
Mr. ROSS (FL)		X					
Mr. KELLY (PA)		X					

Date: May 25, 2011**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**Roll Call: 6 Bill: H.R. 1891 Amendment Number: 7Disposition: Defeated by a vote of 18-21Sponsor/Amendment: Mr. Platts / to restore authority for Even Start

Name & State	Aye	No	Not Voting		Aye	No	Not Voting
Mr. KLINE (MN) (Chairman)		X		Mr. MILLER (CA) (Ranking)	X		
Mr. PETRI (WI)		X		Mr. KILDEE (MI)	X		
Mr. McKEON (CA)		X		Mr. PAYNE (NJ)	X		
Mrs. BIGGERT (IL)	X			Mr. ANDREWS (NJ)	X		
Mr. PLATTS (PA)	X			Mr. SCOTT (VA)	X		
Mr. WILSON (SC)		X		Ms. WOOLSEY (CA)	X		
Mrs. FOXX (NC)		X		Mr. HINOJOSA (TX)	X		
Mr. GOODLATTE (VA)		X		Mrs. McCARTHY (NY)			X
Mr. HUNTER (CA)		X		Mr. TIERNEY (MA)	X		
Mr. ROE (TN)		X		Mr. KUCINICH (OH)	X		
Mr. THOMPSON (PA)		X		Mr. WU (OR)	X		
Mr. WALBERG (MI)		X		Mr. HOLT (NJ)	X		
Mr. DesJARLAIS (TN)		X		Mrs. DAVIS (CA)	X		
Mr. HANNA (NY)		X		Mr. GRIJALVA (AZ)	X		
Mr. ROKITA (IN)		X		Mr. BISHOP (NY)	X		
Mr. BUCSHON (IN)		X		Mr. LOEBSACK (IA)	X		
Mr. GOWDY (SC)		X		Ms. HIRONO (HI)	X		
Mr. BARLETTA (PA)		X					
Mrs. NOEM (SD)		X					
Mrs. ROBY (AL)		X					
Mr. HECK (NV)		X					
Mr. ROSS (FL)		X					
Mr. KELLY (PA)		X					

Date: May 25, 2011**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**Roll Call: 7 Bill: H.R. 1891 Amendment Number: 8Disposition: Defeated by a vote of 16-23Sponsor/Amendment: Mrs. Davis / amends Title II, Part A, to support teacher and leader recruitment and development

Name & State	Aye	No	Not Voting		Aye	No	Not Voting
Mr. KLINE (MN) (Chairman)		X		Mr. MILLER (CA) (Ranking)	X		
Mr. PETRI (WI)		X		Mr. KILDEE (MI)	X		
Mr. McKEON (CA)		X		Mr. PAYNE (NJ)	X		
Mrs. BIGGERT (IL)		X		Mr. ANDREWS (NJ)	X		
Mr. PLATTS (PA)		X		Mr. SCOTT (VA)	X		
Mr. WILSON (SC)		X		Ms. WOOLSEY (CA)	X		
Mrs. FOXX (NC)		X		Mr. HINOJOSA (TX)	X		
Mr. GOODLATTE (VA)		X		Mrs. McCARTHY (NY)			X
Mr. HUNTER (CA)		X		Mr. TIERNEY (MA)	X		
Mr. ROE (TN)		X		Mr. KUCINICH (OH)	X		
Mr. THOMPSON (PA)		X		Mr. WU (OR)	X		
Mr. WALBERG (MI)		X		Mr. HOLT (NJ)	X		
Mr. DesJARLAIS (TN)		X		Mrs. DAVIS (CA)	X		
Mr. HANNA (NY)		X		Mr. GRIJALVA (AZ)	X		
Mr. ROKITA (IN)		X		Mr. BISHOP (NY)	X		
Mr. BUCSHON (IN)		X		Mr. LOEBSACK (IA)	X		
Mr. GOWDY (SC)		X		Ms. HIRONO (HI)	X		
Mr. BARLETTA (PA)		X					
Mrs. NOEM (SD)		X					
Mrs. ROBY (AL)		X					
Mr. HECK (NV)		X					
Mr. ROSS (FL)		X					
Mr. KELLY (PA)		X					

Date: May 25, 2011**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**Roll Call: 8 Bill: H.R. 1891 Amendment Number: 9Disposition: Defeated by a vote of 16-23Sponsor/Amendment: Ms. Hirono / to restore Native Hawaiian Education and Alaska NativeEquity programs

Name & State	Aye	No	Not Voting		Aye	No	Not Voting
Mr. KLINE (MN) (Chairman)		X		Mr. MILLER (CA) (Ranking)	X		
Mr. PETRI (WI)		X		Mr. KILDEE (MI)	X		
Mr. McKEON (CA)		X		Mr. PAYNE (NJ)	X		
Mrs. BIGGERT (IL)		X		Mr. ANDREWS (NJ)	X		
Mr. PLATTS (PA)		X		Mr. SCOTT (VA)	X		
Mr. WILSON (SC)		X		Ms. WOOLSEY (CA)	X		
Mrs. FOXX (NC)		X		Mr. HINOJOSA (TX)	X		
Mr. GOODLATTE (VA)		X		Mrs. McCARTHY (NY)			X
Mr. HUNTER (CA)		X		Mr. TIERNEY (MA)	X		
Mr. ROE (TN)		X		Mr. KUCINICH (OH)	X		
Mr. THOMPSON (PA)		X		Mr. WU (OR)	X		
Mr. WALBERG (MI)		X		Mr. HOLT (NJ)	X		
Mr. DesJARLAIS (TN)		X		Mrs. DAVIS (CA)	X		
Mr. HANNA (NY)		X		Mr. GRIJALVA (AZ)	X		
Mr. ROKITA (IN)		X		Mr. BISHOP (NY)	X		
Mr. BUCSHON (IN)		X		Mr. LOEBSACK (IA)	X		
Mr. GOWDY (SC)		X		Ms. HIRONO (HI)	X		
Mr. BARLETTA (PA)		X					
Mrs. NOEM (SD)		X					
Mrs. ROBY (AL)		X					
Mr. HECK (NV)		X					
Mr. ROSS (FL)		X					
Mr. KELLY (PA)		X					

Date: May 25, 2011**COMMITTEE ON EDUCATION AND THE WORKFORCE RECORD OF COMMITTEE VOTE**Roll Call: 9 Bill: H.R. 1891 Amendment Number: \_\_\_\_\_Disposition: Ordered favorably reported, as amended, to the House by a vote of 23-16Sponsor/Amendment: Mr. Petri/motion to report the bill to the House with an amendment and with the recommendation that the amendment be agreed to and that the bill, as amended, do pass

Name & State	Aye	No	Not Voting		Aye	No	Not Voting
Mr. KLINE (MN) (Chairman)	X			Mr. MILLER (CA) (Ranking)		X	
Mr. PETRI (WI)	X			Mr. KILDEE (MI)		X	
Mr. McKEON (CA)	X			Mr. PAYNE (NJ)		X	
Mrs. BIGGERT (IL)	X			Mr. ANDREWS (NJ)		X	
Mr. PLATTS (PA)	X			Mr. SCOTT (VA)		X	
Mr. WILSON (SC)	X			Ms. WOOLSEY (CA)		X	
Mrs. FOXX (NC)	X			Mr. HINOJOSA (TX)		X	
Mr. GOODLATTE (VA)	X			Mrs. McCARTHY (NY)			X
Mr. HUNTER (CA)	X			Mr. TIERNEY (MA)		X	
Mr. ROE (TN)	X			Mr. KUCINICH (OH)		X	
Mr. THOMPSON (PA)	X			Mr. WU (OR)		X	
Mr. WALBERG (MI)	X			Mr. HOLT (NJ)		X	
Mr. DesJARLAIS (TN)	X			Mrs. DAVIS (CA)		X	
Mr. HANNA (NY)	X			Mr. GRIJALVA (AZ)		X	
Mr. ROKITA (IN)	X			Mr. BISHOP (NY)		X	
Mr. BUCSHON (IN)	X			Mr. LOEBSACK (IA)		X	
Mr. GOWDY (SC)	X			Ms. HIRONO (HI)		X	
Mr. BARLETTA (PA)	X						
Mrs. NOEM (SD)	X						
Mrs. ROBY (AL)	X						
Mr. HECK (NV)	X						
Mr. ROSS (FL)	X						
Mr. KELLY (PA)	X						

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House rule XIII, the goal of H.R. 1891 is to streamline and simplify the federal role in education by repealing the authorization of unnecessary, inefficient elementary and secondary education programs. The Committee expects the Department of Education to comply with these provisions and implement the changes to the law in accordance with these stated goals.

## STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

## NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for H.R. 1891 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 1, 2011.*

Hon. JOHN KLINE,  
*Chairman, Committee on Education and the Workforce,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1891, the Setting New Priorities in Education Spending Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Justin Humphrey.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*H.R. 1891—Setting New Priorities in Education Spending Act*

H.R. 1891 would amend the Elementary and Secondary Education Act of 1965 to eliminate more than 40 discretionary grant programs. For 2011, the Department of Education allocated \$413 million in funding from amounts appropriated in the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (P.L. 112–10) to programs that would be eliminated by H.R. 1891. Under current law, however, the funds allocated to those programs may be used for other grant programs that would not be eliminated by the bill.

Because annual appropriations to the Department of Education can be used for other programs, enacting the bill would not have a significant effect on spending from the appropriation provided for

2011. Furthermore, the authorizations for all of the programs specified in the bill have expired, so CBO estimates the bill would have no impact on such authorization levels. However, savings would accrue—as compared to 2011 appropriation levels—if the total amounts provided in 2012 and subsequent years are lower than the current-year funding for the department.

Enacting the bill would have no impact on direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 1891 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Justin Humphrey. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

Committee Cost Estimate: Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out HR 1891. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

Changes in existing law made by the bill, as reported:

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**ELEMENTARY AND SECONDARY EDUCATION ACT OF  
1965**

\* \* \* \* \*

**TITLE I—IMPROVING THE ACADEMIC  
ACHIEVEMENT OF THE DISADVANTAGED**

\* \* \* \* \*

**SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

(a) \* \* \*

[(b) READING FIRST.—]

[(1) READING FIRST.—] (b) *READING FIRST.*—For the purpose of carrying out subpart 1 of part B, there are authorized to be appropriated \$900,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(2) EARLY READING FIRST.—] For the purpose of carrying out subpart 2 of part B, there are authorized to be appropriated \$75,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(3) EVEN START.—] For the purpose of carrying out subpart 3 of part B, there are authorized to be appropriated



\$260,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(4) IMPROVING LITERACY THROUGH SCHOOL LIBRARIES.—For the purpose of carrying out subpart 4 of part B, there are authorized to be appropriated \$250,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.]

\* \* \* \* \*

[(e) FEDERAL ACTIVITIES.—]

[(1) SECTIONS 1501 AND 1502.—For the purpose of carrying out sections 1501 and 1502,] (e) FEDERAL ACTIVITIES.—For the purpose of carrying out section 1501, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(2) SECTION 1504.—

[(A) IN GENERAL.—For the purpose of carrying out section 1504, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and for each of the 5 succeeding fiscal years.

[(B) SPECIAL RULE.—Of the funds appropriated pursuant to subparagraph (A), not more than 30 percent may be used for teachers associated with students participating in the programs described in subsections (a)(1), (b)(1), and (c)(1).]

[(f) COMPREHENSIVE SCHOOL REFORM.—For the purpose of carrying out part F, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.]

[(g)] (f) ADVANCED PLACEMENT.—For the purposes of carrying out part G, there are authorized to be appropriated such sums for fiscal year 2002 and each 5 succeeding fiscal year.

[(h) SCHOOL DROPOUT PREVENTION.—For the purpose of carrying out part H, there are authorized to be appropriated \$125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

[(1) up to 10 percent shall be available to carry out subpart 1 of part H for each fiscal year; and

[(2) the remainder shall be available to carry out subpart 2 of part H for each fiscal year.]

[(i)] (g) SCHOOL IMPROVEMENT.—For the purpose of carrying out section 1003(g), there are authorized to be appropriated \$500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

\* \* \* \* \*

**PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES**

**Subpart 1—Basic Program Requirements**

\* \* \* \* \*

**SEC. 1116. ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.**

(a) \* \* \*

(b) SCHOOL IMPROVEMENT.—

(1) \* \* \*

\* \* \* \* \*

(3) SCHOOL PLAN.—

(A) REVISED PLAN.—After the resolution of a review under paragraph (2), each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency serving the school, and outside experts, for approval by such local educational agency. The school plan shall cover a 2-year period and—

(i) incorporate strategies based on scientifically based research that will strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement[, and may include a strategy for the implementation of a comprehensive school reform model that includes each of the components described in part F];

\* \* \* \* \*

**PART B—STUDENT READING SKILLS IMPROVEMENT GRANTS**

**Subpart 1—Reading First**

\* \* \* \* \*

**SEC. 1202. FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES.**

(a) IN GENERAL.—

(1) AUTHORIZATION TO MAKE GRANTS.—In the case of each State educational agency that in accordance with section 1203 submits to the Secretary an application for a 6-year period, the Secretary, from amounts appropriated under [section 1002(b)(1)] *section 1002(b)* and subject to the application’s approval, shall make a grant to the State educational agency for the uses specified in subsections (c) and (d). For each fiscal year, the funds provided under the grant shall equal the allotment determined for the State educational agency under subsection (b).

\* \* \* \* \*

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(1) \* \* \*

\* \* \* \* \*

(7) LOCAL USES OF FUNDS.—

(A) REQUIRED USES.—Subject to paragraph (8), an eligible local educational agency that receives a subgrant under this subsection shall use the funds provided under the subgrant to carry out the following activities:

- (i) \* \* \*
- \* \* \* \* \*
- (vii) Promoting reading and library programs that provide access to engaging reading material[, including coordination with programs funded through grants received under subpart 4, where applicable].
- \* \* \* \* \*

**[Subpart 2—Early Reading First**

**[SEC. 1221. PURPOSES; DEFINITIONS.**

[(a) PURPOSES.—The purposes of this subpart are as follows:

[(1) To support local efforts to enhance the early language, literacy, and prereading development of preschool age children, particularly those from low-income families, through strategies and professional development that are based on scientifically based reading research.

[(2) To provide preschool age children with cognitive learning opportunities in high-quality language and literature-rich environments, so that the children can attain the fundamental knowledge and skills necessary for optimal reading development in kindergarten and beyond.

[(3) To demonstrate language and literacy activities based on scientifically based reading research that supports the age-appropriate development of—

[(A) recognition, leading to automatic recognition, of letters of the alphabet;

[(B) knowledge of letter sounds, the blending of sounds, and the use of increasingly complex vocabulary;

[(C) an understanding that written language is composed of phonemes and letters each representing one or more speech sounds that in combination make up syllables, words, and sentences;

[(D) spoken language, including vocabulary and oral comprehension abilities; and

[(E) knowledge of the purposes and conventions of print.

[(4) To use screening assessments to effectively identify preschool age children who may be at risk for reading failure.

[(5) To integrate such scientific reading research-based instructional materials and literacy activities with existing programs of preschools, child care agencies and programs, Head Start centers, and family literacy services.

[(b) DEFINITIONS.—For purposes of this subpart:

[(1) ELIGIBLE APPLICANT.—The term “eligible applicant” means—

[(A) one or more local educational agencies that are eligible to receive a subgrant under subpart 1;

[(B) one or more public or private organizations or agencies, acting on behalf of one or more programs that serve preschool age children (such as a program at a Head Start center, a child care program, or a family literacy program), which organizations or agencies shall be located in a community served by a local educational agency described in subparagraph (A); or

[(C) one or more local educational agencies described in subparagraph (A) in collaboration with one or more organizations or agencies described in subparagraph (B).

[(2) SCIENTIFICALLY BASED READING RESEARCH.—The term “scientifically based reading research” has the same meaning given to that term in section 1208.

[(3) SCREENING READING ASSESSMENT.—The term “screening reading assessment” has the same meaning given to that term in section 1208.

**[SEC. 1222. LOCAL EARLY READING FIRST GRANTS.**

[(a) PROGRAM AUTHORIZED.—From amounts appropriated under section 1002(b)(2), the Secretary shall award grants, on a competitive basis, for periods of not more than 6 years, to eligible applicants to enable the eligible applicants to carry out the authorized activities described in subsection (d).

[(b) APPLICATIONS.—An eligible applicant that desires to receive a grant under this section shall submit an application to the Secretary, which shall include a description of—

[(1) the programs to be served by the proposed project, including demographic and socioeconomic information on the preschool age children enrolled in the programs;

[(2) how the proposed project will enhance the school readiness of preschool age children in high-quality oral language and literature-rich environments;

[(3) how the proposed project will prepare and provide ongoing assistance to staff in the programs, through professional development and other support, to provide high-quality language, literacy, and prereading activities using scientifically based reading research, for preschool age children;

[(4) how the proposed project will provide services and use instructional materials that are based on scientifically based reading research on early language acquisition, prereading activities, and the development of spoken vocabulary skills;

[(5) how the proposed project will help staff in the programs to meet more effectively the diverse needs of preschool age children in the community, including such children with limited English proficiency, disabilities, or other special needs;

[(6) how the proposed project will integrate such instructional materials and literacy activities with existing preschool programs and family literacy services;

[(7) how the proposed project will help children, particularly children experiencing difficulty with spoken language, prereading, and early reading skills, to make the transition from preschool to formal classroom instruction in school;

[(8) if the eligible applicant has received a subgrant under subpart 1, how the activities conducted under this subpart will be coordinated with the eligible applicant’s activities under subpart 1 at the kindergarten through grade 3 level;

[(9) how the proposed project will evaluate the success of the activities supported under this subpart in enhancing the early language, literacy, and prereading development of preschool age children served by the project; and

[(10) such other information as the Secretary may require.

[(c) APPROVAL OF LOCAL APPLICATIONS.—The Secretary shall select applicants for funding under this subpart based on the quality

of the applications and the recommendations of a peer review panel convened under section 1203(c)(2), that includes, at a minimum, three individuals, selected from the entities described in clauses (ii), (iii), and (iv) of section 1203(c)(2)(A), who are experts in early reading development and early childhood development.

**[(d) AUTHORIZED ACTIVITIES.—**An eligible applicant that receives a grant under this subpart shall use the funds provided under the grant to carry out the following activities:

**[(1)** Providing preschool age children with high-quality oral language and literature-rich environments in which to acquire language and prereading skills.

**[(2)** Providing professional development that is based on scientifically based reading research knowledge of early language and reading development for the staff of the eligible applicant and that will assist in developing the preschool age children's—

**[(A)** recognition, leading to automatic recognition, of letters of the alphabet, knowledge of letters, sounds, blending of letter sounds, and increasingly complex vocabulary;

**[(B)** understanding that written language is composed of phonemes and letters each representing one or more speech sounds that in combination make up syllables, words, and sentences;

**[(C)** spoken language, including vocabulary and oral comprehension abilities; and

**[(D)** knowledge of the purposes and conventions of print.

**[(3)** Identifying and providing activities and instructional materials that are based on scientifically based reading research for use in developing the skills and abilities described in paragraph (2).

**[(4)** Acquiring, providing training for, and implementing screening reading assessments or other appropriate measures that are based on scientifically based reading research to determine whether preschool age children are developing the skills described in this subsection.

**[(5)** Integrating such instructional materials, activities, tools, and measures into the programs offered by the eligible applicant.

**[(e) AWARD AMOUNTS.—**The Secretary may establish a maximum award amount, or ranges of award amounts, for grants under this subpart.

**[SEC. 1223. FEDERAL ADMINISTRATION.**

**[(The Secretary shall consult with the Secretary of Health and Human Services to coordinate the activities under this subpart with preschool age programs administered by the Department of Health and Human Services.**

**[SEC. 1224. INFORMATION DISSEMINATION.**

**[(From the funds the National Institute for Literacy receives under section 1202(b)(1)(D), the National Institute for Literacy, in consultation with the Secretary, shall disseminate information regarding projects assisted under this subpart that have proven effective.**

**[SEC. 1225. REPORTING REQUIREMENTS.**

Each eligible applicant receiving a grant under this subpart shall report annually to the Secretary regarding the eligible applicant's progress in addressing the purposes of this subpart. Such report shall include, at a minimum, a description of—

[(1) the research-based instruction, materials, and activities being used in the programs funded under the grant;

[(2) the types of programs funded under the grant and the ages of children served by such programs;

[(3) the qualifications of the program staff who provide early literacy instruction under such programs and the type of ongoing professional development provided to such staff; and

[(4) the results of the evaluation described in section 1222(b)(9).

**[SEC. 1226. EVALUATION.**

[(a) IN GENERAL.—From the total amount made available under section 1002(b)(2) for the period beginning October 1, 2002, and ending September 30, 2006, the Secretary shall reserve not more than \$3,000,000 to conduct an independent evaluation of the effectiveness of this subpart.

[(b) REPORTS.—

[(1) INTERIM REPORT.—Not later than October 1, 2004, the Secretary shall submit an interim report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

[(2) FINAL REPORT.—Not later than September 30, 2006, the Secretary shall submit a final report to the committees described in paragraph (1).

[(c) CONTENTS.—The reports submitted under subsection (b) shall include information on the following:

[(1) How the grant recipients under this subpart are improving the prereading skills of preschool children.

[(2) The effectiveness of the professional development program assisted under this subpart.

[(3) How early childhood teachers are being prepared with scientifically based reading research on early reading development.

[(4) What activities and instructional practices are most effective.

[(5) How prereading instructional materials and literacy activities based on scientifically based reading research are being integrated into preschools, child care agencies and programs, programs carried out under the Head Start Act, and family literacy programs.

[(6) Any recommendations on strengthening or modifying this subpart.

### **[Subpart 3—William F. Goodling Even Start Family Literacy Programs**

**[SEC. 1231. STATEMENT OF PURPOSE.**

It is the purpose of this subpart to help break the cycle of poverty and illiteracy by—

[(1) improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as "Even Start"; and

[(2) establishing a program that shall—

[(A) be implemented through cooperative projects that build on high-quality existing community resources to create a new range of services;

[(B) promote the academic achievement of children and adults;

[(C) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student achievement standards; and

[(D) use instructional programs based on scientifically based reading research and addressing the prevention of reading difficulties for children and adults, to the extent such research is available.

**[SEC. 1232. PROGRAM AUTHORIZED.**

**[(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—**

[(1) IN GENERAL.—For each fiscal year, the Secretary shall reserve 5 percent of the amount appropriated under section 1002(b)(3) (or, if such appropriated amount exceeds \$200,000,000, 6 percent of such amount) for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this subpart, and according to their relative needs, for—

[(A) children of migratory workers;

[(B) the outlying areas; and

[(C) Indian tribes and tribal organizations.

[(2) SPECIAL RULE.—After December 21, 2000, the Secretary shall award a grant, on a competitive basis, of sufficient size and for a period of sufficient duration to demonstrate the effectiveness of a family literacy program in a prison that houses women and their preschool age children and that has the capability of developing a program of high quality.

[(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high-quality family literacy programs serving American Indians.

**[(b) RESERVATION FOR FEDERAL ACTIVITIES.—**

[(1) EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.—Subject to paragraph (2), from amounts appropriated under section 1002(b)(3), the Secretary may reserve not more than 3 percent of such amounts for purposes of—

[(A) carrying out the evaluation required by section 1239; and

[(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

[(2) RESEARCH.—In any fiscal year, if the amount appropriated under section 1002(b)(3) for such year—

[(A) is equal to or less than the amount appropriated for the preceding fiscal year, the Secretary may reserve from such amount only the amount necessary to continue multi-year activities carried out pursuant to section 1241(b) that began during or prior to the fiscal year preceding the fiscal year for which the determination is made; or

[(B) exceeds the amount appropriated for the preceding fiscal year, then the Secretary shall reserve from such excess amount \$2,000,000 or 50 percent, whichever is less, to carry out section 1241(b).

[(c) RESERVATION FOR GRANTS.—

[(1) GRANTS AUTHORIZED.—

[(A) IN GENERAL.—For any fiscal year for which at least one State educational agency applies and submits an application that meets the requirements and goals of this subsection and for which the amount appropriated under section 1002(b)(3) exceeds the amount appropriated under that section for the preceding fiscal year, the Secretary shall reserve, from the amount of the excess remaining after the application of subsection (b)(2), the amount of the remainder or \$1,000,000, whichever is less, to award grants, on a competitive basis, to State educational agencies to enable them to plan and implement statewide family literacy initiatives to coordinate and, where appropriate, integrate existing Federal, State, and local literacy resources consistent with the purposes of this subpart.

[(B) COORDINATION AND INTEGRATION.—The coordination and integration described in subparagraph (A) shall include coordination and integration of funds available under the Adult Education and Family Literacy Act, the Head Start Act, this subpart, part A of this title, and part A of title IV of the Social Security Act.

[(C) RESTRICTION.—No State educational agency may receive more than one grant under this subsection.

[(2) CONSORTIA.—

[(A) ESTABLISHMENT.—To receive a grant under this subsection, a State educational agency shall establish a consortium of State-level programs under the following provisions of laws:

[(i) This title (other than part D).

[(ii) The Head Start Act.

[(iii) The Adult Education and Family Literacy Act.

[(iv) All other State-funded preschool programs and programs providing literacy services to adults.

[(B) PLAN.—To receive a grant under this subsection, the consortium established by a State educational agency shall create a plan to use a portion of the State educational agency's resources, derived from the programs referred to in subparagraph (A), to strengthen and expand family literacy services in the State.

[(C) COORDINATION WITH SUBPART 1.—The consortium shall coordinate its activities under this paragraph with the activities of the reading and literacy partnership for



the State educational agency established under section 1203(d), if the State educational agency receives a grant under section 1202.

[(3) READING INSTRUCTION.—Statewide family literacy initiatives implemented under this subsection shall base reading instruction on scientifically based reading research.

[(4) TECHNICAL ASSISTANCE.—The Secretary shall provide, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to State educational agencies receiving a grant under this subsection.

[(5) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State educational agency under this subsection unless the State educational agency agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State educational agency will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.

[(d) STATE EDUCATIONAL AGENCY ALLOCATION.—

[(1) IN GENERAL.—From amounts appropriated under section 1002(b)(3) and not reserved under subsection (a), (b), or (c), the Secretary shall make grants to State educational agencies from allocations under paragraph (2).

[(2) ALLOCATIONS.—Except as provided in paragraph (3), from the total amount available under paragraph (1) for allocation to State educational agencies in any fiscal year, each State educational agency shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to the total amount as the amount allocated under part A to that State educational agency bears to the total amount allocated under that part to all State educational agencies.

[(3) MINIMUM.—No State educational agency shall receive a grant under paragraph (1) in any fiscal year in an amount that is less than \$250,000, or one-half of 1 percent of the amount appropriated under section 1002(b)(3) and not reserved under subsections (a), (b), and (c) for such year, whichever is greater.

[(e) DEFINITIONS.—For the purpose of this subpart—

[(1) the term “eligible entity” means a partnership composed of—

[(A) a local educational agency; and

[(B) a nonprofit community-based organization, a public agency other than a local educational agency, an institution of higher education, or a public or private nonprofit organization other than a local educational agency, of demonstrated quality;

[(2) the term “eligible organization” means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

[(3) the terms “Indian tribe” and “tribal organization” have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act;

[(4) the term “scientifically based reading research” has the meaning given that term in section 1208; and

[(5) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**[SEC. 1233. STATE EDUCATIONAL AGENCY PROGRAMS.**

[(a) STATE EDUCATIONAL AGENCY LEVEL ACTIVITIES.—Each State educational agency that receives a grant under section 1232(d)(1) may use not more than a total of 6 percent of the grant funds for the costs of—

[(1) administration, which amount shall not exceed half of the total;

[(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b); and

[(3) carrying out sections 1240 and 1234(c).

[(b) SUBGRANTS FOR LOCAL PROGRAMS.—

[(1) IN GENERAL.—Each State educational agency shall use the grant funds received under section 1232(d)(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

[(2) MINIMUM SUBGRANT AMOUNTS.—

[(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State educational agency shall award a subgrant under paragraph (1) in an amount less than \$75,000.

[(B) SUBGRANTEES IN NINTH AND SUCCEEDING YEARS.—No State educational agency shall award a subgrant under paragraph (1) in an amount less than \$52,500 to an eligible entity for a fiscal year to carry out an Even Start program that is receiving assistance under this subpart or its predecessor authority for the ninth (or any subsequent) fiscal year.

[(C) EXCEPTION FOR SINGLE SUBGRANT.—A State educational agency may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than \$75,000 if, after awarding subgrants under paragraph (1) for that fiscal year in accordance with subparagraphs (A) and (B), less than \$75,000 is available to the State educational agency to award those subgrants.

**[SEC. 1234. USES OF FUNDS.**

[(a) IN GENERAL.—In carrying out an Even Start program under this subpart, a recipient of funds under this subpart shall use those funds to pay the Federal share of the cost of providing intensive family literacy services that involve parents and children, from birth through age 7, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

[(b) FEDERAL SHARE LIMITATION.—

[(1) IN GENERAL.—

[(A) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share under this subpart may not exceed—

[(i) 90 percent of the total cost of the program in the first year that the program receives assistance under this subpart or its predecessor authority;

[(ii) 80 percent in the second year;

[(iii) 70 percent in the third year;

[(iv) 60 percent in the fourth year;

[(v) 50 percent in the fifth, sixth, seventh, and eighth such years; and

[(vi) 35 percent in any subsequent year.

[(B) REMAINING COST.—The remaining cost of a program assisted under this subpart may be provided in cash or in kind, fairly evaluated, and may be obtained from any source, including other Federal funds under this Act.

[(2) WAIVER.—The State educational agency may waive, in whole or in part, the Federal share described in paragraph (1) for an eligible entity if the entity—

[(A) demonstrates that it otherwise would not be able to participate in the program assisted under this subpart; and

[(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.

[(3) PROHIBITION.—Federal funds provided under this subpart may not be used for the indirect costs of a program assisted under this subpart, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 1232(a)(1)(C) demonstrates to the Secretary's satisfaction that the recipient otherwise would not be able to participate in the program assisted under this subpart.

[(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

[(1) IN GENERAL.—A State educational agency may use a portion of funds reserved under section 1233(a), to assist eligible entities receiving a subgrant under section 1233(b) in improving the quality of family literacy services provided under Even Start programs under this subpart, except that in no case may a State educational agency's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

[(2) PRIORITY.—In carrying out paragraph (1), a State educational agency shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State educational agency under section 1240.

[(3) TECHNICAL ASSISTANCE TO HELP LOCAL PROGRAMS RAISE ADDITIONAL FUNDS.—In carrying out paragraph (1), a State educational agency may use the funds referred to in that paragraph to provide technical assistance to help local programs of demonstrated effectiveness to access and leverage additional funds for the purpose of expanding services and reducing waiting lists, including requesting and applying for non-Federal resources.

[(4) TECHNICAL ASSISTANCE AND TRAINING.—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State educational agency through

a grant, contract, or cooperative agreement with an entity that has experience in offering high-quality training and technical assistance to family literacy providers.

**[SEC. 1235. PROGRAM ELEMENTS.**

Each program assisted under this subpart shall—

[(1) include the identification and recruitment of families most in need of services provided under this subpart, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;

[(2) include screening and preparation of parents, including teenage parents, and children to enable those parents and children to participate fully in the activities and services provided under this subpart, including testing, referral to necessary counselling, other developmental and support services, and related services;

[(3) be designed to accommodate the participants' work schedule and other responsibilities, including the provision of support services, when those services are unavailable from other sources, necessary for participation in the activities assisted under this subpart, such as—

[(A) scheduling and locating of services to allow joint participation by parents and children;

[(B) child care for the period that parents are involved in the program provided under this subpart; and

[(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this subpart;

[(4) include high-quality, intensive instructional programs that promote adult literacy and empower parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

[(5) with respect to the qualifications of staff the cost of whose salaries are paid, in whole or in part, with Federal funds provided under this subpart, ensure that—

[(A) not later than December 21, 2004—

[(i) a majority of the individuals providing academic instruction—

[(I) shall have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school or secondary school education, or adult education; and

[(II) if applicable, shall meet qualifications established by the State for early childhood education, elementary school or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

[(ii) the individual responsible for administration of family literacy services under this subpart has received training in the operation of a family literacy program; and

[(iii) paraprofessionals who provide support for academic instruction have a secondary school diploma or its recognized equivalent; and

[(B) all new personnel hired to provide academic instruction—

[(i) have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school or secondary school education, or adult education; and

[(ii) if applicable, meet qualifications established by the State for early childhood education, elementary school or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

[(6) include special training of staff, including child-care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this subpart;

[(7) provide and monitor integrated instructional services to participating parents and children through home-based programs;

[(8) operate on a year-round basis, including the provision of some program services, including instructional and enrichment services, during the summer months;

[(9) be coordinated with—

[(A) other programs assisted under this Act;

[(B) any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and title I of the Workforce Investment Act of 1998; and

[(C) the Head Start program, volunteer literacy programs, and other relevant programs;

[(10) use instructional programs based on scientifically based reading research for children and adults, to the extent that research is available;

[(11) encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals;

[(12) include reading-readiness activities for preschool children based on scientifically based reading research, to the extent available, to ensure that children enter school ready to learn to read;

[(13) if applicable, promote the continuity of family literacy to ensure that individuals retain and improve their educational outcomes;

[(14) ensure that the programs will serve those families most in need of the activities and services provided by this subpart; and

[(15) provide for an independent evaluation of the program, to be used for program improvement.

**[SEC. 1236. ELIGIBLE PARTICIPANTS.**

[(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

[(1) a parent or parents—

[(A) who are eligible for participation in adult education and literacy activities under the Adult Education and Family Literacy Act; or

[(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this subpart, or who are attending secondary school; and

[(2) the child or children, from birth through age 7, of any individual described in paragraph (1).

**[(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—**

[(1) IN GENERAL.—Family members of eligible participants described in subsection (a) may participate in activities and services provided under this subpart, when appropriate to serve the purpose of this subpart.

[(2) SPECIAL RULE.—Any family participating in a program assisted under this subpart that becomes ineligible to participate as a result of one or more members of the family becoming ineligible to participate may continue to participate in the program until all members of the family become ineligible to participate, which—

[(A) in the case of a family in which ineligibility was due to the child or children of the family attaining the age of 8, shall be in 2 years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

[(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of the family, shall be when all children in the family attain the age of 8.

[(3) CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this subpart collaborates with a program under part A, and funds received under the part A program contribute to paying the cost of providing programs under this subpart to children 8 years of age or older, the Even Start program may, notwithstanding subsection (a)(2), permit the participation of children 8 years of age or older if the focus of the program continues to remain on families with young children.

**[(SEC. 1237. APPLICATIONS.**

[(a) SUBMISSION.—To be eligible to receive a subgrant under this subpart, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

[(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

[(1) to develop, administer, and implement an Even Start program under this subpart; and

[(2) to provide access to the special training necessary to prepare staff for the program, which may be offered by an eligible organization.

[(c) PLAN.—

[(1) IN GENERAL.—The application shall also include a plan of operation and continuous improvement for the program, that includes—

[(A) a description of the program objectives, strategies to meet those objectives, and how those strategies and objectives are consistent with the program indicators established by the State;

[(B) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1235;

[(C) a description of the population to be served and an estimate of the number of participants to be served;

[(D) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other eligible organizations in carrying out the program for which assistance is sought;

[(E) a statement of the methods that will be used—

[(i) to ensure that the programs will serve families most in need of the activities and services provided by this subpart;

[(ii) to provide services under this subpart to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

[(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose;

[(F) a description of how the plan is integrated with other programs under this Act or other Acts, as appropriate; and

[(G) a description of how the plan provides for rigorous and objective evaluation of progress toward the program objectives described in subparagraph (A) and for continuing use of evaluation data for program improvement.

[(2) DURATION OF THE PLAN.—Each plan submitted under paragraph (1) shall—

[(A) remain in effect for the duration of the eligible entity's participation under this subpart; and

[(B) be periodically reviewed and revised by the eligible entity as necessary.

[(d) CONSOLIDATED APPLICATION.—The plan described in subsection (c)(1) may be submitted as part of a consolidated application under section 9305.

**[SEC. 1238. AWARD OF SUBGRANTS.**

[(a) SELECTION PROCESS.—

[(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with paragraph (3) that will approve applications that—

[(A) are most likely to be successful in—

[(i) meeting the purpose of this subpart; and

[(ii) effectively implementing the program elements required under section 1235;

[(B) demonstrate that the area to be served by the program has a high percentage or a large number of children and families who are in need of those services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators, such as a high percentage of children to be served by the program who reside in a school attendance area served by a local educational agency eligible for participation in programs under part A, a high number or percentage of parents who have been victims of domestic violence, or a high number or percentage of parents who are receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

[(C) provide services for at least a 3-year age range, which may begin at birth;

[(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

[(E) include cost-effective budgets, given the scope of the application;

[(F) demonstrate the applicant's ability to provide the non-Federal share required by section 1234(b);

[(G) are representative of urban and rural regions of the State; and

[(H) show the greatest promise for providing models that may be adopted by other family literacy projects and other local educational agencies.

[(2) PRIORITY FOR SUBGRANTS.—The State educational agency shall give priority for subgrants under this subsection to applications that—

[(A) target services primarily to families described in paragraph (1)(B); or

[(B) are located in areas designated as empowerment zones or enterprise communities.

[(3) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one individual with expertise in family literacy programs, and may include other individuals, such as one or more of the following:

[(A) A representative of a parent-child education organization.

[(B) A representative of a community-based literacy organization.

[(C) A member of a local board of education.

[(D) A representative of business and industry with a commitment to education.

[(E) An individual who has been involved in the implementation of programs under this title in the State.

[(b) DURATION.—

[(1) IN GENERAL.—Subgrants under this subpart may be awarded for a period not to exceed 4 years.

[(2) STARTUP PERIOD.—The State educational agency may provide subgrant funds to an eligible recipient, at the recipient's request, for a 3- to 6-month start-up period during the first year of the 4-year grant period, which may include staff



recruitment and training, and the coordination of services, before requiring full implementation of the program.

[(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this subpart after the first year, the State educational agency shall review the progress of each eligible entity in meeting the objectives of the program referred to in section 1237(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1240.

[(4) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds to an eligible entity if the agency finds that the eligible entity has not sufficiently improved the performance of the program, as evaluated based on the indicators of program quality developed by the State under section 1240, after—

[(A) providing technical assistance to the eligible entity; and

[(B) affording the eligible entity notice and an opportunity for a hearing.

[(5) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this subpart may reapply under this subpart for additional subgrants.

[(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1234(b).

**[SEC. 1239. EVALUATION.**

From funds reserved under section 1232(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this subpart—

[(1) to determine the performance and effectiveness of programs assisted under this subpart;

[(2) to identify effective Even Start programs assisted under this subpart that can be duplicated and used in providing technical assistance to Federal, State, and local programs; and

[(3) to provide State educational agencies and eligible entities receiving a subgrant under this subpart, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to ensure that local evaluations undertaken under section 1235(15) provide accurate information on the effectiveness of programs assisted under this subpart.

**[SEC. 1240. INDICATORS OF PROGRAM QUALITY.**

Each State educational agency receiving funds under this subpart shall develop, based on the best available research and evaluation data, indicators of program quality for programs assisted under this subpart. The indicators shall be used to monitor, evaluate, and improve those programs within the State. The indicators shall include the following:

[(1) With respect to eligible participants in a program who are adults—

[(A) achievement in the areas of reading, writing, English-language acquisition, problem solving, and numeracy;

[(B) receipt of a secondary school diploma or a general equivalency diploma (GED);

[(C) entry into a postsecondary school, job retraining program, or employment or career advancement, including the military; and

[(D) such other indicators as the State may develop.

[(2) With respect to eligible participants in a program who are children—

[(A) improvement in ability to read on grade level or reading readiness;

[(B) school attendance;

[(C) grade retention and promotion; and

[(D) such other indicators as the State may develop.

**[SEC. 1241. RESEARCH.**

[(a) IN GENERAL.—The Secretary shall carry out, through grant or contract, research into the components of successful family literacy services, in order to—

[(1) improve the quality of existing programs assisted under this subpart or other family literacy programs carried out under this Act or the Adult Education and Family Literacy Act; and

[(2) develop models for new programs to be carried out under this Act or the Adult Education and Family Literacy Act.

[(b) SCIENTIFICALLY BASED RESEARCH ON FAMILY LITERACY.—

[(1) IN GENERAL.—From amounts reserved under section 1232(b)(2), the National Institute for Literacy, in consultation with the Secretary, shall carry out research that—

[(A) is scientifically based reading research; and

[(B) determines—

[(i) the most effective ways of improving the literacy skills of adults with reading difficulties; and

[(ii) how family literacy services can best provide parents with the knowledge and skills the parents need to support their children’s literacy development.

[(2) USE OF EXPERT ENTITY.—The National Institute for Literacy, in consultation with the Secretary, shall carry out the research under paragraph (1) through an entity, including a Federal agency, that has expertise in carrying out longitudinal studies of the development of literacy skills in children and has developed effective interventions to help children with reading difficulties.

[(c) DISSEMINATION.—The National Institute for Literacy shall disseminate, pursuant to section 1207, the results of the research described in subsections (a) and (b) to State educational agencies and recipients of subgrants under this subpart.

**[SEC. 1242. CONSTRUCTION.**

[Nothing in this subpart shall be construed to prohibit a recipient of funds under this subpart from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.

## **[Subpart 4—Improving Literacy Through School Libraries**

### **[SEC. 1251. IMPROVING LITERACY THROUGH SCHOOL LIBRARIES.**

**[(a) PURPOSES.—**The purpose of this subpart is to improve literacy skills and academic achievement of students by providing students with increased access to up-to-date school library materials, a well-equipped, technologically advanced school library media center, and well-trained, professionally certified school library media specialists.

**[(b) RESERVATION.—**From the funds appropriated under section 1002(b)(4) for a fiscal year, the Secretary shall reserve—

**[(1)** one-half of 1 percent to award assistance under this section to the Bureau of Indian Affairs to carry out activities consistent with the purpose of this subpart; and

**[(2)** one-half of 1 percent to award assistance under this section to the outlying areas according to their respective needs for assistance under this subpart.

**[(c) GRANTS.—**

**[(1) COMPETITIVE GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—**If the amount of funds appropriated under section 1002(b)(4) for a fiscal year is less than \$100,000,000, then the Secretary shall award grants, on a competitive basis, to eligible local educational agencies under subsection (e).

**[(2) FORMULA GRANTS TO STATES.—**If the amount of funds appropriated under section 1002(b)(4) for a fiscal year equals or exceeds \$100,000,000, then the Secretary shall award grants to State educational agencies from allotments under subsection (d).

**[(3) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—**In this section the term “eligible local educational agency” means—

**[(A)** in the case of a local educational agency receiving assistance made available under paragraph (1), a local educational agency in which 20 percent of the students served by the local educational agency are from families with incomes below the poverty line; and

**[(B)** in the case of a local educational agency receiving assistance from State allocations made available under paragraph (2), a local educational agency in which—

**[(i)** 15 percent of the students who are served by the local educational agency are from such families; or

**[(ii)** the percentage of students from such families who are served by the local educational agency is greater than the statewide percentage of children from such families.

**[(d) STATE GRANTS.—**

**[(1) ALLOTMENTS.—**From funds made available under subsection (c)(2) and not reserved under subsections (b) and (j) for a fiscal year, the Secretary shall allot to each State educational agency having an application approved under subsection (f)(1) an amount that bears the same relation to the funds as the amount the State educational agency received under part A for the preceding fiscal year bears to the amount all such State educational agencies received under part A for the preceding

fiscal year, to increase literacy and reading skills by improving school libraries.

[(2) COMPETITIVE GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving an allotment under paragraph (1) for a fiscal year—

[(A) may reserve not more than 3 percent of the allotted funds to provide technical assistance, disseminate information about school library media programs that are effective and based on scientifically based research, and pay administrative costs related to activities under this section; and

[(B) shall use the allotted funds that remain after making the reservation under subparagraph (A) to award grants, for a period of 1 year, on a competitive basis, to eligible local educational agencies in the State that have an application approved under subsection (f)(2) for activities described in subsection (g).

[(3) REALLOTMENT.—If a State educational agency does not apply for an allotment under this section for any fiscal year, or if the State educational agency's application is not approved, the Secretary shall reallocate the amount of the State educational agency's allotment to the remaining State educational agencies in accordance with paragraph (1).

[(e) DIRECT COMPETITIVE GRANTS TO ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

[(1) IN GENERAL.—From amounts made available under subsection (c)(1) and not reserved under subsections (b) and (j) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible local educational agencies that have applications approved under subsection (f)(2) for activities described in subsection (g).

[(2) DURATION.—The Secretary shall award grants under this subsection for a period of 1 year.

[(3) DISTRIBUTION.—The Secretary shall ensure that grants under this subsection are equitably distributed among the different geographic regions of the United States, and among local educational agencies serving urban and rural areas.

[(f) APPLICATIONS.—

[(1) STATE EDUCATIONAL AGENCY.—Each State educational agency desiring assistance under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require. The application shall contain a description of—

[(A) how the State educational agency will assist eligible local educational agencies in meeting the requirements of this section and in using scientifically based research to implement effective school library media programs; and

[(B) the standards and techniques the State educational agency will use to evaluate the quality and impact of activities carried out under this section by eligible local educational agencies to determine the need for technical assistance and whether to continue to provide additional funding to the agencies under this section.

[(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—Each eligible local educational agency desiring assistance under this section shall submit to the Secretary or State educational agency, as

appropriate, an application at such time, in such manner, and containing such information as the Secretary or State educational agency, respectively, shall require. The application shall contain a description of—

[(A) a needs assessment relating to the need for school library media improvement, based on the age and condition of school library media resources, including book collections, access of school library media centers to advanced technology, and the availability of well-trained, professionally certified school library media specialists, in schools served by the eligible local educational agency;

[(B) the manner in which the eligible local educational agency will use the funds made available through the grant to carry out the activities described in subsection (g);

[(C) how the eligible local educational agency will extensively involve school library media specialists, teachers, administrators, and parents in the activities assisted under this section, and the manner in which the eligible local educational agency will carry out the activities described in subsection (g) using programs and materials that are grounded in scientifically based research;

[(D) the manner in which the eligible local educational agency will effectively coordinate the funds and activities provided under this section with Federal, State, and local funds and activities under this subpart and other literacy, library, technology, and professional development funds and activities; and

[(E) the manner in which the eligible local educational agency will collect and analyze data on the quality and impact of activities carried out under this section by schools served by the eligible local educational agency.

[(g) LOCAL ACTIVITIES.—Funds under this section may be used to—

[(1) acquire up-to-date school library media resources, including books;

[(2) acquire and use advanced technology, incorporated into the curricula of the school, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;

[(3) facilitate Internet links and other resource-sharing networks among schools and school library media centers, and public and academic libraries, where possible;

[(4) provide professional development described in section 1222(d)(2) for school library media specialists, and activities that foster increased collaboration between school library media specialists, teachers, and administrators; and

[(5) provide students with access to school libraries during nonschool hours, including the hours before and after school, during weekends, and during summer vacation periods.

[(h) ACCOUNTABILITY AND REPORTING.—

[(1) LOCAL REPORTS.—Each eligible local educational agency that receives funds under this section for a fiscal year shall report to the Secretary or State educational agency, as appropriate, on how the funding was used and the extent to which the availability of, the access to, and the use of, up-to-date

school library media resources in the elementary schools and secondary schools served by the eligible local educational agency was increased.

[(2) STATE REPORT.—Each State educational agency that receives funds under this section shall compile the reports received under paragraph (1) and submit the compiled reports to the Secretary.

[(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities.

[(j) NATIONAL ACTIVITIES.—

[(1) EVALUATIONS.—From the funds appropriated under section 1002(b)(4) for each fiscal year, the Secretary shall reserve not more than 1 percent for annual, independent, national evaluations of the activities assisted under this section and their impact on improving the reading skills of students. The evaluations shall be conducted not later than 3 years after the date of enactment of the No Child Left Behind Act of 2001, and biennially thereafter.

[(2) REPORT TO CONGRESS.—The Secretary shall transmit the State reports received under subsection (h)(2) and the evaluations conducted under paragraph (1) to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.]

\* \* \* \* \*

**PART E—NATIONAL ASSESSMENT OF TITLE I**

\* \* \* \* \*

**[SEC. 1502. DEMONSTRATIONS OF INNOVATIVE PRACTICES.**

[(a) IN GENERAL.—From the funds appropriated for any fiscal year under section 1002(e)(1), the Secretary may award grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, public or private partnerships involving business and industry organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State academic content standards and challenging State student academic achievement standards.

[(b) EVALUATION.—The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

[(c) PARTNERSHIPS.—From funds appropriated under section 1002(e)(1) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve

the quality of teaching and learning in schools assisted under this title.]

\* \* \* \* \*

**[SEC. 1504. CLOSE UP FELLOWSHIP PROGRAM.**

**[(a) PROGRAM FOR MIDDLE SCHOOL AND SECONDARY SCHOOL STUDENTS.—**

**[(1) ESTABLISHMENT.—**

**[(A) GENERAL AUTHORITY.—**In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing civic responsibility and understanding of the Federal Government among middle school and secondary school students.

**[(B) USE OF FUNDS.—**Grants under this subsection shall be used only to provide financial assistance to economically disadvantaged students who participate in the programs described in subparagraph (A).

**[(C) NAME OF FELLOWSHIPS.—**Financial assistance received by students pursuant to this subsection shall be known as Close Up fellowships.

**[(2) APPLICATIONS.—**

**[(A) APPLICATION REQUIRED.—**No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

**[(B) CONTENTS OF APPLICATION.—**Each application submitted under this paragraph shall contain assurances that—

**[(i)** Close Up fellowships provided under this subsection shall be made to economically disadvantaged middle school and secondary school students;

**[(ii)** every effort shall be made to ensure the participation of students from rural, small town, and urban areas;

**[(iii)** in awarding the fellowships to economically disadvantaged students, special consideration shall be given to the participation of those students with special educational needs, including students with disabilities, ethnic minority students, and students with migrant parents; and

**[(iv)** the funds received under this subsection shall be properly disbursed.

**[(b) PROGRAM FOR MIDDLE SCHOOL AND SECONDARY SCHOOL TEACHERS.—**

**[(1) ESTABLISHMENT.—**

**[(A) GENERAL AUTHORITY.—**In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of professional development for middle school and secondary school teachers and its programs to increase civic responsi-

bility and understanding of the Federal Government among the teachers' students.

[(B) USE OF FUNDS.—Grants under this subsection shall be used only to provide financial assistance to teachers who participate in the programs described in subparagraph (A).

[(C) NAME OF FELLOWSHIPS.—Financial assistance received by teachers pursuant to this subsection shall be known as Close Up fellowships.

[(2) APPLICATIONS.—

[(A) APPLICATION REQUIRED.—No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(B) CONTENTS OF APPLICATION.—Each application submitted under this paragraph shall contain assurances that—

[(i) Close Up fellowships provided under this subsection shall be made only to a teacher who has worked with at least one student from such teacher's school who participates in a program described in subsection (a)(1)(A);

[(ii) no teacher shall receive more than one such fellowship in any fiscal year; and

[(iii) the funds received under this subsection shall be properly disbursed.

[(c) PROGRAMS FOR NEW AMERICANS.—

[(1) ESTABLISHMENT.—

[(A) GENERAL AUTHORITY.—In accordance with this subsection, the Secretary may make grants to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing civic responsibility and understanding of the Federal Government among economically disadvantaged middle school and secondary school recent immigrant students.

[(B) DEFINITION.—In this subsection, the term "recent immigrant student" means a student who is a member of a family that immigrated to the United States within 5 years of the student's participation in such a program.

[(C) USE OF FUNDS.—Grants under this subsection shall be used only to provide financial assistance to economically disadvantaged recent immigrant students and their teachers who participate in the programs described in subparagraph (A).

[(D) NAME OF FELLOWSHIPS.—Financial assistance received by students and teachers pursuant to this subsection shall be known as Close Up Fellowships for New Americans.

[(2) APPLICATIONS.—

[(A) APPLICATION REQUIRED.—No grant under this subsection may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.



[(B) CONTENTS OF APPLICATION.—Each application submitted under this paragraph shall contain assurances that—

[(i) Close Up Fellowships for New Americans shall be made to economically disadvantaged middle school and secondary school recent immigrant students;

[(ii) every effort shall be made to ensure the participation of recent immigrant students from rural, small town, and urban areas;

[(iii) in awarding the fellowships to economically disadvantaged recent immigrant students, special consideration shall be given to the participation of those students with special educational needs, including students with disabilities, students with migrant parents, and ethnic minority students;

[(iv) fully describe the activities to be carried out with the proceeds of the grant made under paragraph (1); and

[(v) the funds received under this subsection shall be properly disbursed.

[(d) GENERAL PROVISIONS.—

[(1) ADMINISTRATIVE PROVISIONS.—

[(A) ACCOUNTABILITY.—In consultation with the Secretary, the Close Up Foundation shall devise and implement procedures to measure the efficacy of the programs authorized in subsections (a), (b), and (c) in attaining objectives that include the following:

[(i) Providing young people with an increased understanding of the Federal Government.

[(ii) Heightening a sense of civic responsibility among young people.

[(iii) Enhancing the skills of educators in teaching young people about civic responsibility, the Federal Government, and attaining citizenship competencies.

[(B) GENERAL RULE.—Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments.

[(C) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this section.

[(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this Act, any person or entity that was awarded a grant under part G of title X before the date of enactment of the No Child Left Behind Act of 2001 shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

## **[PART F—COMPREHENSIVE SCHOOL REFORM**

### **[SEC. 1601. PURPOSE.**

【The purpose of this part is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State academic content and academic achievement standards.

### **[SEC. 1602. PROGRAM AUTHORIZATION.**

#### **【(a) PROGRAM AUTHORIZED.—**

【(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies, from allotments under paragraph (2), to enable the State educational agencies to award subgrants to local educational agencies to carry out the purpose described in section 1601.

#### **【(2) ALLOTMENTS.—**

【(A) RESERVATIONS.—Of the amount appropriated under section 1002(f), the Secretary may reserve—

【(i) not more than 1 percent for each fiscal year to provide assistance to schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands according to their respective needs for assistance under this part;

【(ii) not more than 1 percent for each fiscal year to conduct national evaluation activities described in section 1607; and

【(iii) not more than 3 percent of the amount appropriated in fiscal year 2002 to carry out this part, for quality initiatives described in section 1608.

【(B) IN GENERAL.—Of the amount appropriated under section 1002(f) that remains after making the reservation under subparagraph (A) for a fiscal year, the Secretary shall allot to each State for the fiscal year an amount that bears the same ratio to the remainder for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount made available under section 1124 to all States for that year.

【(C) REALLOTMENT.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allotted to such other States under subparagraph (B).

### **[SEC. 1603. STATE APPLICATIONS.**

【(a) IN GENERAL.—Each State educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

#### **【(b) CONTENTS.—Each such application shall describe—**

【(1) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this part;

[(2) how the State educational agency will ensure that funds under this part are limited to comprehensive school reform programs that—

[(A) include each of the components described in section 1606(a);

[(B) have the capacity to improve the academic achievement of all students in core academic subjects within participating schools; and

[(C) are supported by technical assistance providers that have a successful track record, financial stability, and the capacity to deliver high quality materials, professional development for school personnel, and on-site support during the full implementation period of the reforms;

[(3) how the State educational agency will disseminate materials and information on comprehensive school reforms that are based on scientifically based research and effective practices;

[(4) how the State educational agency will evaluate annually the implementation of such reforms and measure the extent to which the reforms have resulted in increased student academic achievement; and

[(5) how the State educational agency will provide technical assistance to the local educational agency or consortia of local educational agencies, and to participating schools, in evaluating, developing, and implementing comprehensive school reform.

**[SEC. 1604. STATE USE OF FUNDS.**

[(a) IN GENERAL.—Except as provided in subsection (e), a State educational agency that receives a grant under this part shall use the grant funds to award subgrants, on a competitive basis, to local educational agencies or consortia of local educational agencies in the State that receive funds under part A, to support comprehensive school reforms in schools that are eligible for funds under part A.

[(b) SUBGRANT REQUIREMENTS.—A subgrant to a local educational agency or consortium shall be—

[(1) of sufficient size and scope to support the initial costs of comprehensive school reforms selected or designed by each school identified in the application of the local educational agency or consortium;

[(2) in an amount not less than \$50,000—

[(A) for each participating school; or

[(B) for each participating consortium of small schools (which for purposes of this subparagraph means a consortium of small schools serving a total of not more than 500 students); and

[(3) renewable for two additional 1-year subgrant periods after the initial 1-year subgrant is made if the school is or the schools are making substantial progress in the implementation of reforms.

[(c) PRIORITY.—A State educational agency, in awarding subgrants under this part, shall give priority to local educational agencies or consortia that—

[(1) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

[(2) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

[(d) GRANT CONSIDERATION.—In awarding subgrants under this part, the State educational agency shall take into consideration the equitable distribution of subgrants to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students.

[(e) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this part may reserve not more than 5 percent of the grant funds for administrative, evaluation, and technical assistance expenses.

[(f) SUPPLEMENT.—Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

[(g) REPORTING.—Each State educational agency that receives a grant under this part shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools receiving assistance under this part, the amount of the assistance, a description of the comprehensive school reforms selected and used, and a copy of the State's annual evaluation of the implementation of comprehensive school reforms supported under this part and the student achievement results.

**[SEC. 1605. LOCAL APPLICATIONS.**

[(a) IN GENERAL.—Each local educational agency or consortium of local educational agencies desiring a subgrant under this part shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

[(b) CONTENTS.—Each such application shall—

[(1) identify the schools that are eligible for assistance under part A and plan to implement a comprehensive school reform program, including the projected costs of such a program;

[(2) describe the comprehensive school reforms based on scientifically based research and effective practices that such schools will implement;

[(3) describe how the local educational agency or consortium will provide technical assistance and support for the effective implementation of the comprehensive school reforms based on scientifically based research and effective practices selected by such schools; and

[(4) describe how the local educational agency or consortium will evaluate the implementation of such comprehensive school reforms and measure the results achieved in improving student academic achievement.

**[SEC. 1606. LOCAL USE OF FUNDS.**

[(a) USES OF FUNDS.—A local educational agency or consortium that receives a subgrant under this part shall provide the subgrant funds to schools that are eligible for assistance under part A and served by the agency, to enable the schools to implement a comprehensive school reform program that—

[(1) employs proven strategies and proven methods for student learning, teaching, and school management that are based on scientifically based research and effective practices and have been replicated successfully in schools;

[(2) integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive school reform plan for schoolwide change designed to enable all students to meet challenging State content and student academic achievement standards and addresses needs identified through a school needs assessment;

[(3) provides high quality and continuous teacher and staff professional development;

[(4) includes measurable goals for student academic achievement and benchmarks for meeting such goals;

[(5) is supported by teachers, principals, administrators, school personnel staff, and other professional staff;

[(6) provides support for teachers, principals, administrators, and other school staff;

[(7) provides for the meaningful involvement of parents and the local community in planning, implementing, and evaluating school improvement activities consistent with section 1118;

[(8) uses high quality external technical support and assistance from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;

[(9) includes a plan for the annual evaluation of the implementation of school reforms and the student results achieved;

[(10) identifies other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the comprehensive school reform effort; and

[(11)(A) has been found, through scientifically based research to significantly improve the academic achievement of students participating in such program as compared to students in schools who have not participated in such program; or

[(B) has been found to have strong evidence that such program will significantly improve the academic achievement of participating children.

[(b) SPECIAL RULE.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using nationally available approaches, but may develop the school's own comprehensive school reform program for schoolwide change as described in subsection (a).

**[SEC. 1607. EVALUATION AND REPORTS.**

[(a) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs assisted under this part.

[(b) EVALUATION.—The national evaluation shall—

[(1) evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms; and

[(2) assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

[(c) REPORTS.—The Secretary shall submit a report describing the results of the evaluation under subsection (b) for the Comprehensive School Reform Program to the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

**[SEC. 1608. QUALITY INITIATIVES.**

The Secretary, through grants or contracts, shall provide funds for—

[(1) a public-private effort, in which funds are matched by private organizations, to assist States, local educational agencies, and schools, in making informed decisions regarding approving or selecting providers of comprehensive school reform, consistent with the requirements described in section 1606(a); and

[(2) activities to foster the development of comprehensive school reform models and to provide effective capacity building for comprehensive school reform providers to expand their work in more schools, assure quality, and promote financial stability.]

**PART G—ADVANCED PLACEMENT PROGRAMS**

\* \* \* \* \*

**SEC. 1703. FUNDING DISTRIBUTION RULE.**

From amounts appropriated under [section 1002(g)] *section 1002(f)* for a fiscal year, the Secretary shall give priority to funding activities under section 1704 and shall distribute any remaining funds under section 1705.

\* \* \* \* \*

**[PART H—SCHOOL DROPOUT PREVENTION**

**[SEC. 1801. SHORT TITLE.**

[This part may be cited as the “Dropout Prevention Act”.

**[SEC. 1802. PURPOSE.**

The purpose of this part is to provide for school dropout prevention and reentry and to raise academic achievement levels by providing grants that—

[(1) challenge all children to attain their highest academic potential; and

[(2) ensure that all students have substantial and ongoing opportunities to attain their highest academic potential through schoolwide programs proven effective in school dropout prevention and reentry.

**[SEC. 1803. AUTHORIZATION OF APPROPRIATIONS.**

For the purpose of carrying out this part, there are authorized to be appropriated \$125,000,000 for fiscal year 2002 and such sums

as may be necessary for each of the 5 succeeding fiscal years, of which—

[(1) 10 percent shall be available to carry out subpart 1 for each fiscal year; and

[(2) 90 percent shall be available to carry out subpart 2 for each fiscal year.

### **[Subpart 1—Coordinated National Strategy**

#### **[SEC. 1811. NATIONAL ACTIVITIES.**

[(a) IN GENERAL.—The Secretary is authorized—

[(1) to collect systematic data on the effectiveness of the programs assisted under this part in reducing school dropout rates and increasing school reentry and secondary school graduation rates;

[(2) to establish a national clearinghouse of information on effective school dropout prevention and reentry programs that shall disseminate to State educational agencies, local educational agencies, and schools—

[(A) the results of research on school dropout prevention and reentry; and

[(B) information on effective programs, best practices, and Federal resources to—

[(i) reduce annual school dropout rates;

[(ii) increase school reentry; and

[(iii) increase secondary school graduation rates;

[(3) to provide technical assistance to State educational agencies, local educational agencies, and schools in designing and implementing programs and securing resources to implement effective school dropout prevention and reentry programs;

[(4) to establish and consult with an interagency working group that shall—

[(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and reentry, and assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention and reentry;

[(B) describe the ways in which State educational agencies and local educational agencies can implement effective school dropout prevention and reentry programs using funds from a variety of Federal programs, including the programs under this part; and

[(C) examine Federal programs that may have a positive impact on secondary school graduation or school reentry;

[(5) to carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates; and

[(6) to use funds made available for this subpart to carry out the evaluation required under section 1830(c).

[(b) RECOGNITION PROGRAM.—

[(1) ESTABLISHMENT.—The Secretary shall—

[(A) establish a national recognition program; and

[(B) develop uniform national guidelines for the recognition program that shall be used to recognize eligible schools from nominations submitted by State educational agencies.

[(2) RECOGNITION.—The Secretary shall recognize, under the recognition program established under paragraph (1), eligible schools.

[(3) SUPPORT.—The Secretary may make monetary awards to an eligible school recognized under this subsection in amounts determined appropriate by the Secretary that shall be used for dissemination activities within the eligible school district or nationally.

[(4) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term “eligible school” means a public middle school or secondary school, including a charter school, that has implemented comprehensive reforms that have been effective in lowering school dropout rates for all students—

[(A) in that secondary school or charter school; or

[(B) in the case of a middle school, in the secondary school that the middle school feeds students into.

[(c) CAPACITY BUILDING.—

[(1) IN GENERAL.—The Secretary, through a contract with one or more non-Federal entities, may conduct a capacity building and design initiative in order to increase the types of proven strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

[(2) NUMBER AND DURATION.—

[(A) NUMBER.—The Secretary may award not more than five contracts under this subsection.

[(B) DURATION.—The Secretary may award a contract under this subsection for a period of not more than 5 years.

[(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

[(1) IN GENERAL.—The Secretary may provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this part.

[(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term “eligible entity” means an entity that, prior to the date of enactment of the Dropout Prevention Act—

[(A) provided training, technical assistance, and materials related to school dropout prevention or reentry to 100 or more elementary schools or secondary schools; and

[(B) developed and published a specific educational program or design related to school dropout prevention or reentry for use by the schools.

## **[Subpart 2—School Dropout Prevention Initiative**

### **[SEC. 1821. DEFINITIONS.**

In this subpart:

[(1) LOW-INCOME STUDENT.—The term “low-income student” means a student who is determined by a local educational



agency to be from a low-income family using the measures described in section 1113(c).

[(2) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau.

**[SEC. 1822. PROGRAM AUTHORIZED.**

[(a) GRANTS TO STATE EDUCATIONAL AGENCIES AND LOCAL EDUCATIONAL AGENCIES.—

[(1) AMOUNT LESS THAN \$75,000,000.—

[(A) IN GENERAL.—If the amount appropriated under section 1803 for a fiscal year equals or is less than \$75,000,000, then the Secretary shall use such amount to award grants, on a competitive basis, to—

[(i) State educational agencies to support activities—

[(I) in schools that—

[(aa) serve students in grades 6 through 12; and

[(bb) have annual school dropout rates that are above the State average annual school dropout rate; or

[(II) in the middle schools that feed students into the schools described in subclause (I); or

[(ii) local educational agencies that operate—

[(I) schools that—

[(aa) serve students in grades 6 through 12; and

[(bb) have annual school dropout rates that are above the State average annual school dropout rate; or

[(II) middle schools that feed students into the schools described in subclause (I).

[(B) USE OF GRANT FUNDS.—Grant funds awarded under this paragraph shall be used to fund effective, sustainable, and coordinated school dropout prevention and reentry programs that may include the activities described in subsection (b)(2), in—

[(i) schools serving students in grades 6 through 12 that have annual school dropout rates that are above the State average annual school dropout rate; or

[(ii) the middle schools that feed students into the schools described in clause (i).

[(2) AMOUNT LESS THAN \$250,000,000 BUT MORE THAN \$75,000,000.—If the amount appropriated under section 1803 for a fiscal year is less than \$250,000,000 but more than \$75,000,000, then the Secretary shall use such amount to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to award subgrants under subsection (b).

[(3) AMOUNT EQUAL TO OR EXCEEDS \$250,000,000.—If the amount appropriated under section 1803 for a fiscal year equals or exceeds \$250,000,000, then the Secretary shall use

such amount to award a grant to each State educational agency in an amount that bears the same relation to such appropriated amount as the amount the State educational agency received under part A for the preceding fiscal year bears to the amount received by all State educational agencies under such part for the preceding fiscal year, to enable the State educational agency to award subgrants under subsection (b).

**[(b) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—**

**[(1) IN GENERAL.—**From amounts made available to a State educational agency under paragraph (2) or (3) of subsection (a), the State educational agency shall award subgrants, on a competitive basis, to local educational agencies that operate public schools that serve students in grades 6 through 12 and that have annual school dropout rates that are above the State average annual school dropout rate, to enable those schools, or the middle schools that feed students into those schools, to implement effective, sustainable, and coordinated school dropout prevention and reentry programs that involve activities such as—

**[(A) professional development;**

**[(B) obtaining curricular materials;**

**[(C) release time for professional staff to obtain professional development;**

**[(D) planning and research;**

**[(E) remedial education;**

**[(F) reduction in pupil-to-teacher ratios;**

**[(G) efforts to meet State student academic achievement standards;**

**[(H) counseling and mentoring for at-risk students;**

**[(I) implementing comprehensive school reform models, such as creating smaller learning communities; and**

**[(J) school reentry activities.**

**[(2) AMOUNT.—**Subject to paragraph (3), a subgrant under this subpart shall be awarded—

**[(A) in the first year that a local educational agency receives a subgrant payment under this subpart, in an amount that is based on factors such as—**

**[(i) the size of schools operated by the local educational agency;**

**[(ii) costs of the model or set of prevention and reentry strategies being implemented; and**

**[(iii) local cost factors such as poverty rates;**

**[(B) in the second year, in an amount that is not less than 75 percent of the amount the local educational agency received under this subpart in the first such year;**

**[(C) in the third year, in an amount that is not less than 50 percent of the amount the local educational agency received under this subpart in the first such year; and**

**[(D) in each succeeding year, in an amount that is not less than 30 percent of the amount the local educational agency received under this subpart in the first year.**

**[(3) DURATION.—**A subgrant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section

1830(a), that significant progress has been made in lowering the annual school dropout rate for secondary schools participating in the program assisted under this subpart.

**SEC. 1823. APPLICATIONS.**

**(a) IN GENERAL.—To receive—**

**(1)** a grant under this subpart, a State educational agency or local educational agency shall submit an application and plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

**(2)** a subgrant under this subpart, a local educational agency shall submit an application and plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.

**(b) CONTENTS.—**

**(1) STATE EDUCATIONAL AGENCY AND LOCAL EDUCATIONAL AGENCY.—**Each application and plan submitted under subsection (a) shall—

**(A) include an outline—**

**(i)** of the State educational agency's or local educational agency's strategy for reducing the State educational agency or local educational agency's annual school dropout rate;

**(ii)** for targeting secondary schools, and the middle schools that feed students into those secondary schools, that have the highest annual school dropout rates; and

**(iii)** for assessing the effectiveness of the efforts described in the plan;

**(B)** contain an identification of the schools in the State or operated by the local educational agency that have annual school dropout rates that are greater than the average annual school dropout rate for the State;

**(C)** describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

**(D)** describe a budget and timeline for implementing the strategies;

**(E)** contain evidence of coordination with existing resources;

**(F)** provide an assurance that funds provided under this subpart will supplement, and not supplant, other State and local funds available for school dropout prevention and reentry programs; and

**(G)** describe how the activities to be assisted conform with research knowledge about school dropout prevention and reentry.

**(2) LOCAL EDUCATIONAL AGENCY.—**Each application and plan submitted under subsection (a) by a local educational agency shall contain, in addition to the requirements of paragraph (1)—

**(A)** an assurance that the local educational agency is committed to providing ongoing operational support for

such schools to address the problem of school dropouts for a period of 5 years; and

[(B) an assurance that the local educational agency will support the plan, including—

[(i) provision of release time for teacher training;

[(ii) efforts to coordinate activities for secondary schools and the middle schools that feed students into those secondary schools; and

[(iii) encouraging other schools served by the local educational agency to participate in the plan.

**[SEC. 1824. STATE RESERVATION.**

[A State educational agency that receives a grant under paragraph (2) or (3) of section 1822(a) may reserve not more than 5 percent of the grant funds for administrative costs and State activities related to school dropout prevention and reentry activities, of which not more than 2 percent of the grant funds may be used for administrative costs.

**[SEC. 1825. STRATEGIES AND CAPACITY BUILDING.**

Each local educational agency receiving a grant or subgrant under this subpart and each State educational agency receiving a grant under this subpart shall implement scientifically based, sustainable, and widely replicated strategies for school dropout prevention and reentry. The strategies may include—

[(1) specific strategies for targeted purposes, such as—

[(A) effective early intervention programs designed to identify at-risk students;

[(B) effective programs serving at-risk students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school; and

[(C) effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and

[(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, and developing clear linkages to career skills and employment.

**[SEC. 1826. SELECTION OF LOCAL EDUCATIONAL AGENCIES FOR SUBGRANTS.**

[(a) STATE EDUCATIONAL AGENCY REVIEW AND AWARD.—The State educational agency shall review applications submitted under section 1823(a)(2) and award subgrants to local educational agencies with the assistance and advice of a panel of experts on school dropout prevention and reentry.

[(b) ELIGIBILITY.—A local educational agency is eligible to receive a subgrant under this subpart if the local educational agency operates a public school (including a public alternative school)—

[(1) that is eligible to receive assistance under part A; and

[(2)(A) that serves students 50 percent or more of whom are low-income students; or

[(B) in which a majority of the students come from feeder schools that serve students 50 percent or more of whom are low-income students.

**[SEC. 1827. COMMUNITY BASED ORGANIZATIONS.**

[A local educational agency that receives a grant or subgrant under this subpart and a State educational agency that receives a grant under this subpart may use the funds to secure necessary services from a community-based organization or other government agency if the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts.

**[SEC. 1828. TECHNICAL ASSISTANCE.**

[Notwithstanding any other provision of law, each local educational agency that receives funds under this subpart shall use the funds to provide technical assistance to secondary schools served by the agency that have not made progress toward lowering annual school dropout rates after receiving assistance under this subpart for 2 fiscal years.

**[SEC. 1829. SCHOOL DROPOUT RATE CALCULATION.**

[For purposes of calculating an annual school dropout rate under this subpart, a school shall use the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data.

**[SEC. 1830. REPORTING AND ACCOUNTABILITY.****[(a) LOCAL EDUCATIONAL AGENCY REPORTS.—**

**[(1) IN GENERAL.—**To receive funds under this subpart for a fiscal year after the first fiscal year that a local educational agency receives funds under this subpart, the local educational agency shall provide, on an annual basis, a report regarding the status of the implementation of activities funded under this subpart, and the dropout data for students at schools assisted under this subpart, disaggregated by race and ethnicity, to the—

**[(A) Secretary, if the local educational agency receives a grant under section 1822(a)(1); or**

**[(B) State educational agency, if the local educational agency receives a subgrant under paragraph (2) or (3) of section 1822(a).**

**[(2) DROPOUT DATA.—**The dropout data under paragraph (1) shall include annual school dropout rates for each fiscal year, starting with the 2 fiscal years before the local educational agency received funds under this subpart.

**[(b) STATE REPORT ON PROGRAM ACTIVITIES.—**Each State educational agency receiving funds under this subpart shall provide to the Secretary, at such time and in such format as the Secretary may require, information on the status of the implementation of activities funded under this subpart and outcome data for students in schools assisted under this subpart.

**[(c) ACCOUNTABILITY.—**The Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared, if feasible, to a control group using control procedures. The Secretary may use funds appropriated for subpart 1 to carry out this evaluation.]

\* \* \* \* \*

**TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS**

**PART A—TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND**

\* \* \* \* \*

**SEC. 2103. AUTHORIZATIONS OF APPROPRIATIONS.**

(a) GRANTS TO STATES, LOCAL EDUCATIONAL AGENCIES, AND ELIGIBLE PARTNERSHIPS.—There are authorized to be appropriated to carry out this part (other than [subpart 5] *section 2151(a)*) \$3,175,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) NATIONAL PROGRAMS.—There are authorized to be appropriated to carry out [subpart 5] *section 2151(a)* such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

\* \* \* \* \*

**Subpart 2—Subgrants to Local Educational Agencies**

\* \* \* \* \*

**SEC. 2123. LOCAL USE OF FUNDS.**

(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2121 shall use the funds made available through the subgrant to carry out one or more of the following activities, including carrying out the activities through a grant or contract with a for-profit or nonprofit entity:

(1) \* \* \*

\* \* \* \* \*

(5) Carrying out programs and activities that are designed to improve the quality of the teacher force, such as—

(A) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 9101, and are coordinated with activities carried out under part D];

\* \* \* \* \*

**Subpart 5—National Activities**

**SEC. 2151. NATIONAL ACTIVITIES OF DEMONSTRATED EFFECTIVENESS.**

(a) \* \* \*

[(b) SCHOOL LEADERSHIP.—

[(1) IN GENERAL.—The Secretary is authorized to establish and carry out a national principal recruitment program to assist high-need local educational agencies in recruiting and training principals (including assistant principals) through such activities as—

[(A) providing financial incentives to aspiring new principals;

[(B) providing stipends to principals who mentor new principals;

[(C) carrying out professional development programs in instructional leadership and management; and

[(D) providing incentives that are appropriate for teachers or individuals from other fields who want to become principals and that are effective in retaining new principals.

[(2) GRANTS.—If the Secretary uses sums made available under section 2103(b) to carry out paragraph (1), the Secretary shall carry out such paragraph by making grants, on a competitive basis, to—

[(A) high-need local educational agencies;

[(B) consortia of high-need local educational agencies; and

[(C) partnerships of high-need local educational agencies, nonprofit organizations, and institutions of higher education.

[(c) ADVANCED CERTIFICATION OR ADVANCED CREDENTIALING.—

[(1) IN GENERAL.—The Secretary is authorized to support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning.

[(2) IMPLEMENTATION.—In carrying out paragraph (1), the Secretary shall make grants to eligible entities to—

[(A) develop teacher standards that include measures tied to increased student academic achievement; and

[(B) promote outreach, teacher recruitment, teacher subsidy, or teacher support programs, related to teacher certification or credentialing by the National Board for Professional Teaching Standards, the National Council on Teacher Quality, or other nationally recognized certification or credentialing organizations.

[(3) ELIGIBLE ENTITIES.—In this subsection, the term “eligible entity” includes—

[(A) a State educational agency;

[(B) a local educational agency;

[(C) the National Board for Professional Teaching Standards, in partnership with a high-need local educational agency or a State educational agency;

[(D) the National Council on Teacher Quality, in partnership with a high-need local educational agency or a State educational agency; or

[(E) another recognized entity, including another recognized certification or credentialing organization, in partnership with a high-need local educational agency or a State educational agency.

[(d) SPECIAL EDUCATION TEACHER TRAINING.—The Secretary is authorized to award a grant to the University of Northern Colorado to enable such university to provide, to other institutions of higher education, assistance in training special education teachers.

[(e) EARLY CHILDHOOD EDUCATOR PROFESSIONAL DEVELOPMENT.—

[(1) PURPOSE.—The purpose of this subsection is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent young children from encountering difficulties once the children enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

[(2) PROGRAM AUTHORIZED.—

[(A) GRANTS TO PARTNERSHIPS.—The Secretary is authorized to carry out the purpose of this subsection by awarding grants, on a competitive basis, to partnerships consisting of—

[(i)(I) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in high-need communities; or

[(II) another public or private entity that provides such professional development;

[(ii) one or more public agencies (including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), Head Start agencies, or private organizations; and

[(iii) to the extent feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs concerning identifying and preventing behavior problems or working with children identified as or suspected to be victims of abuse.

[(B) DURATION AND NUMBER OF GRANTS.—

[(i) DURATION.—The Secretary shall award grants under this subsection for periods of not more than 4 years.

[(ii) NUMBER.—No partnership may receive more than one grant under this subsection.

[(3) APPLICATIONS.—

[(A) APPLICATIONS REQUIRED.—Any partnership that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[(B) CONTENTS.—Each such application shall include—

[(i) a description of the high-need community to be served by the project proposed to be carried out through the grant, including such demographic and socioeconomic information as the Secretary may request;



[(ii) information on the quality of the early childhood educator professional development program currently conducted (as of the date of the submission of the application) by the institution of higher education or another provider in the partnership;

[(iii) the results of a needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the early childhood educators to be served by the partnership and in the broader community, and a description of how the proposed project will address those needs;

[(iv) a description of how the proposed project will be carried out, including a description of—

[(I) how individuals will be selected to participate;

[(II) the types of professional development activities, based on scientifically based research, that will be carried out;

[(III) how research on effective professional development and on adult learning will be used to design and deliver project activities;

[(IV) how the project will be coordinated with and build on, and will not supplant or duplicate, early childhood education professional development activities in the high-need community;

[(V) how the project will train early childhood educators to provide developmentally appropriate school-readiness services that are based on the best available research on early childhood pedagogy and child development and learning domains;

[(VI) how the project will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, children with disabilities, or children with other special needs; and

[(VII) how the project will train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse;

[(v) a description of—

[(I) the specific objectives that the partnership will seek to attain through the project, and the methods that the partnership will use to measure progress toward attainment of those objectives; and

[(II) how the objectives and the measurement methods align with the achievement indicators established by the Secretary under paragraph (6)(A);

[(vi) a description of the partnership's plan for continuing the activities carried out under the project after Federal funding ceases;

[(vii) an assurance that, where applicable, the project will provide appropriate professional develop-

ment to volunteers working directly with young children, as well as to paid staff; and

[(viii) an assurance that, in developing the application and in carrying out the project, the partnership has consulted with, and will consult with, relevant agencies, early childhood educator organizations, and early childhood providers that are not members of the partnership.

[(4) SELECTION OF GRANT RECIPIENTS.—

[(A) CRITERIA.—The Secretary shall select partnerships to receive grants under this subsection on the basis of the degree to which the communities proposed to be served require assistance and the quality of the applications submitted under paragraph (3).

[(B) GEOGRAPHIC DISTRIBUTION.—In selecting partnerships to receive grants under this subsection, the Secretary shall seek to ensure that communities in different regions of the Nation, as well as both urban and rural communities, are served.

[(5) USES OF FUNDS.—

[(A) IN GENERAL.—Each partnership receiving a grant under this subsection shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

[(B) ALLOWABLE ACTIVITIES.—Such activities may include—

[(i) professional development for early childhood educators, particularly to familiarize those educators with the application of recent research on child, language, and literacy development and on early childhood pedagogy;

[(ii) professional development for early childhood educators in working with parents, so that the educators and parents can work together to provide and support developmentally appropriate school-readiness services that are based on scientifically based research on early childhood pedagogy and child development and learning domains;

[(iii) professional development for early childhood educators to work with children who have limited English proficiency, children with disabilities, and children with other special needs;

[(iv) professional development to train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse;

[(v) activities that assist and support early childhood educators during their first 3 years in the field;

[(vi) development and implementation of early childhood educator professional development programs that make use of distance learning and other technologies;

[(vii) professional development activities related to the selection and use of screening and diagnostic assessments to improve teaching and learning; and

[(viii) data collection, evaluation, and reporting needed to meet the requirements of paragraph (6) relating to accountability.

[(6) ACCOUNTABILITY.—

[(A) ACHIEVEMENT INDICATORS.—On the date on which the Secretary first issues a notice soliciting applications for grants under this subsection, the Secretary shall announce achievement indicators for this subsection, which shall be designed—

[(i) to measure the quality and accessibility of the professional development provided;

[(ii) to measure the impact of that professional development on the early childhood education provided by the individuals who receive the professional development; and

[(iii) to provide such other measures of program impact as the Secretary determines to be appropriate.

[(B) ANNUAL REPORTS; TERMINATION.—

[(i) ANNUAL REPORTS.—Each partnership receiving a grant under this subsection shall report annually to the Secretary on the partnership's progress toward attaining the achievement indicators.

[(ii) TERMINATION.—The Secretary may terminate a grant under this subsection at any time if the Secretary determines that the partnership receiving the grant is not making satisfactory progress toward attaining the achievement indicators.

[(7) COST-SHARING.—

[(A) IN GENERAL.—Each partnership carrying out a project through a grant awarded under this subsection shall provide, from sources other than the program carried out under this subsection, which may include Federal sources—

[(i) at least 50 percent of the total cost of the project for the grant period; and

[(ii) at least 20 percent of the project cost for each year.

[(B) ACCEPTABLE CONTRIBUTIONS.—A partnership may meet the requirements of subparagraph (A) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

[(C) WAIVERS.—The Secretary may waive or modify the requirements of subparagraph (A) for partnerships in cases of demonstrated financial hardship.

[(8) FEDERAL COORDINATION.—The Secretary and the Secretary of Health and Human Services shall coordinate activities carried out through programs under this subsection with activities carried out through other early childhood programs administered by the Secretary or the Secretary of Health and Human Services.

[(9) DEFINITIONS.—In this subsection:

[(A) EARLY CHILDHOOD EDUCATOR.—The term “early childhood educator” means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

[(B) HIGH-NEED COMMUNITY.—

[(i) IN GENERAL.—The term “high-need community” means—

[(I) a political subdivision of a State, or a portion of a political subdivision of a State, in which at least 50 percent of the children are from low-income families; or

[(II) a political subdivision of a State that is among the 10 percent of political subdivisions of the State having the greatest numbers of such children.

[(ii) DETERMINATION.—In determining which communities are described in clause (i), the Secretary shall use such data as the Secretary determines are most accurate and appropriate.

[(C) LOW-INCOME FAMILY.—The term “low-income family” means a family with an income below the poverty line for the most recent fiscal year for which satisfactory data are available.

[(f) TEACHER MOBILITY.—

[(1) ESTABLISHMENT.—The Secretary is authorized to establish a panel to be known as the National Panel on Teacher Mobility (referred to in this subsection as the “panel”).

[(2) MEMBERSHIP.—The panel shall be composed of 12 members appointed by the Secretary. The Secretary shall appoint the members from among practitioners and experts with experience relating to teacher mobility, such as teachers, members of teacher certification or licensing bodies, faculty of institutions of higher education that prepare teachers, and State policymakers with such experience.

[(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall not affect the powers of the panel, but shall be filled in the same manner as the original appointment.

[(4) DUTIES.—

[(A) STUDY.—

[(i) IN GENERAL.—The panel shall study strategies for increasing mobility and employment opportunities for highly qualified teachers, especially for States with teacher shortages and States with school districts or schools that are difficult to staff.

[(ii) DATA AND ANALYSIS.—As part of the study, the panel shall evaluate the desirability and feasibility of State initiatives that support teacher mobility by collecting data and conducting effective analysis concerning—

- 【(I) teacher supply and demand;
- 【(II) the development of recruitment and hiring strategies that support teachers; and
- 【(III) increasing reciprocity of certification and licensing across States.

【(B) REPORT.—Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary and to the appropriate committees of Congress a report containing the results of the study.

【(5) POWERS.—

【(A) HEARINGS.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers advisable to carry out the objectives of this subsection.

【(B) INFORMATION FROM FEDERAL AGENCIES.—The panel may secure directly from any Federal department or agency such information as the panel considers necessary to carry out the provisions of this subsection. Upon request of a majority of the members of the panel, the head of such department or agency shall furnish such information to the panel.

【(C) POSTAL SERVICES.—The panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

【(6) PERSONNEL.—

【(A) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

【(B) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

【(7) PERMANENT COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.】

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**PART C—INNOVATION FOR TEACHER QUALITY**

\* \* \* \* \*

## **[Subpart 2—National Writing Project**

### **[SEC. 2331. PURPOSES.**

The purposes of this subpart are—

【(1) to support and promote the expansion of the National Writing Project network of sites so that teachers in every region of the United States will have access to a National Writing Project program;

【(2) to ensure the consistent high quality of the sites through ongoing review, evaluation, and technical assistance;

【(3) to support and promote the establishment of programs to disseminate effective practices and research findings about the teaching of writing; and

【(4) to coordinate activities assisted under this subpart with activities assisted under this Act.

### **[SEC. 2332. NATIONAL WRITING PROJECT.**

【(a) AUTHORIZATION.—The Secretary is authorized to award a grant to the National Writing Project, a nonprofit educational organization that has as its primary purpose the improvement of the quality of student writing and learning (hereafter in this section referred to as the “grantee”) to improve the teaching of writing and the use of writing as a part of the learning process in our Nation’s classrooms.

【(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

【(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as “contractors”) under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

【(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

【(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

【(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

【(1) be conducted during the school year and during the summer months;

【(2) train teachers who teach grades kindergarten through college;

【(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

【(4) encourage teachers from all disciplines to participate in such teacher training programs.

【(d) FEDERAL SHARE.—

[(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term “Federal share” means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

[(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (e) determines, on the basis of financial need, that such waiver is necessary.

[(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed \$100,000 for any one contractor, or \$200,000 for a statewide program administered by any one contractor in at least five sites throughout the State.

[(e) NATIONAL ADVISORY BOARD.—

[(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

[(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

[(A) national educational leaders;

[(B) leaders in the field of writing; and

[(C) such other individuals as the National Writing Project determines necessary.

[(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

[(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

[(B) review the activities and programs of the National Writing Project; and

[(C) support the continued development of the National Writing Project.

[(f) EVALUATION.—

[(1) IN GENERAL.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this subpart. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of Congress.

[(2) FUNDING LIMITATION.—The Secretary shall reserve not more than \$150,000 from the total amount appropriated pursuant to the authority of subsection (h) for fiscal year 2002 and each of the 5 succeeding fiscal years to conduct the evaluation described in paragraph (1).

[(g) APPLICATION REVIEW.—

[(1) REVIEW BOARD.—The National Writing Project shall establish and operate a National Review Board that shall consist of—

[(A) leaders in the field of research in writing; and

[(B) such other individuals as the National Writing Project deems necessary.

[(2) DUTIES.—The National Review Board shall—

[(A) review all applications for assistance under this subsection; and

[(B) recommend applications for assistance under this subsection for funding by the National Writing Project.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart \$15,000,000 as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.]

\* \* \* \* \*

**[Subpart 4—Teaching of Traditional American History**

**[SEC. 2351. ESTABLISHMENT OF PROGRAM.**

[(a) IN GENERAL.—The Secretary may establish and implement a program to be known as the “Teaching American History Grant Program”, under which the Secretary shall award grants on a competitive basis to local educational agencies—

[(1) to carry out activities to promote the teaching of traditional American history in elementary schools and secondary schools as a separate academic subject (not as a component of social studies); and

[(2) for the development, implementation, and strengthening of programs to teach traditional American history as a separate academic subject (not as a component of social studies) within elementary school and secondary school curricula, including the implementation of activities—

[(A) to improve the quality of instruction; and

[(B) to provide professional development and teacher education activities with respect to American history.

[(b) REQUIRED PARTNERSHIP.—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with one or more of the following:

[(1) An institution of higher education.

[(2) A nonprofit history or humanities organization.

[(3) A library or museum.

[(c) APPLICATION.—To be eligible to receive an grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

**[SEC. 2352. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.]

\* \* \* \* \*

**[PART D—ENHANCING EDUCATION THROUGH TECHNOLOGY**

**[SEC. 2401. SHORT TITLE.**

[This part may be cited as the “Enhancing Education Through Technology Act of 2001”.



**SEC. 2402. PURPOSES AND GOALS.**

**[(a) PURPOSES.—**The purposes of this part are the following:

**[(1)** To provide assistance to States and localities for the implementation and support of a comprehensive system that effectively uses technology in elementary schools and secondary schools to improve student academic achievement.

**[(2)** To encourage the establishment or expansion of initiatives, including initiatives involving public-private partnerships, designed to increase access to technology, particularly in schools served by high-need local educational agencies.

**[(3)** To assist States and localities in the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure in a manner that expands access to technology for students (particularly for disadvantaged students) and teachers.

**[(4)** To promote initiatives that provide school teachers, principals, and administrators with the capacity to integrate technology effectively into curricula and instruction that are aligned with challenging State academic content and student academic achievement standards, through such means as high-quality professional development programs.

**[(5)** To enhance the ongoing professional development of teachers, principals, and administrators by providing constant access to training and updated research in teaching and learning through electronic means.

**[(6)** To support the development and utilization of electronic networks and other innovative methods, such as distance learning, of delivering specialized or rigorous academic courses and curricula for students in areas that would not otherwise have access to such courses and curricula, particularly in geographically isolated regions.

**[(7)** To support the rigorous evaluation of programs funded under this part, particularly regarding the impact of such programs on student academic achievement, and ensure that timely information on the results of such evaluations is widely accessible through electronic means.

**[(8)** To support local efforts using technology to promote parent and family involvement in education and communication among students, parents, teachers, principals, and administrators.

**[(b) GOALS.—**

**[(1) PRIMARY GOAL.—**The primary goal of this part is to improve student academic achievement through the use of technology in elementary schools and secondary schools.

**[(2) ADDITIONAL GOALS.—**The additional goals of this part are the following:

**[(A)** To assist every student in crossing the digital divide by ensuring that every student is technologically literate by the time the student finishes the eighth grade, regardless of the student's race, ethnicity, gender, family income, geographic location, or disability.

**[(B)** To encourage the effective integration of technology resources and systems with teacher training and curriculum development to establish research-based instructional methods that can be widely implemented as best

practices by State educational agencies and local educational agencies.

**[SEC. 2403. DEFINITIONS.**

In this part:

**[(1) ELIGIBLE LOCAL ENTITY.—**The term “eligible local entity” means—

**[(A)** a high-need local educational agency; or

**[(B)** an eligible local partnership.

**[(2) ELIGIBLE LOCAL PARTNERSHIP.—**The term “eligible local partnership” means a partnership that—

**[(A)** shall include at least one high-need local educational agency and at least one—

**[(i)** local educational agency that can demonstrate that teachers in schools served by the agency are effectively integrating technology and proven teaching practices into instruction, based on a review of relevant research, and that the integration results in improvement in—

**[(I)** classroom instruction in the core academic subjects; and

**[(II)** the preparation of students to meet challenging State academic content and student academic achievement standards;

**[(ii)** institution of higher education that is in full compliance with the reporting requirements of section 207(f) of the Higher Education Act of 1965 and that has not been identified by its State as low-performing under section 208 of such Act;

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

**[(iv)** public or private nonprofit organization with demonstrated experience in the application of educational technology to instruction; and

**[(B)** may include other local educational agencies, educational service agencies, libraries, or other educational entities appropriate to provide local programs.

**[(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—**The term “high-need local educational agency” means a local educational agency that—

**[(A)** is among the local educational agencies in a State with the highest numbers or percentages of children from families with incomes below the poverty line; and

**[(B)(i)** operates one or more schools identified under section 1116; or

**[(ii)** has a substantial need for assistance in acquiring and using technology.

**[SEC. 2404. AUTHORIZATION OF APPROPRIATIONS.**

**[(a) IN GENERAL.—**There are authorized to be appropriated to carry out subparts 1 and 2, \$1,000,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.

**[(b) ALLOCATION OF FUNDS BETWEEN STATE AND LOCAL AND NATIONAL INITIATIVES.—**The amount of funds made available under subsection (a) for a fiscal year shall be allocated so that—

**[(1)** not less than 98 percent is made available to carry out subpart 1; and

**[(2)** not more than 2 percent is made available to carry out subpart 2.

**[(c) ALLOCATION OF FUNDS FOR STUDY.—**Of the total amount of funds allocated under subsection (b)(2) for fiscal years 2002 through 2007, not more than \$15,000,000 may be used to carry out section 2421(a).

**[(d) LIMITATION.—**Of the amount of funds made available to a recipient of funds under this part for a fiscal year, not more than 5 percent may be used by the recipient for administrative costs or technical assistance, of which not more than 60 percent may be used by the recipient for administrative costs.

## **[Subpart 1—State and Local Technology Grants**

### **[SEC. 2411. ALLOTMENT AND REALLOTMENT.**

**[(a) RESERVATIONS AND ALLOTMENT.—**From the amount made available to carry out this subpart under section 2404(b)(1) for a fiscal year—

**[(1)** the Secretary shall reserve—

**[(A)** three-fourths of 1 percent for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs;

**[(B)** one-half of 1 percent to provide assistance under this subpart to the outlying areas; and

**[(C)** such sums as may be necessary for continuation awards on grants awarded under section 3136 prior to the date of enactment of the No Child Left Behind Act of 2001; and

**[(2)** from the remainder of such amount and subject to subsection (b), the Secretary shall make grants by allotting to each eligible State educational agency under this subpart an amount that bears the same relationship to such remainder for such year as the amount received under part A of title I for such year by such State educational agency bears to the amount received under such part for such year by all State educational agencies.

**[(b) MINIMUM ALLOTMENT.—**The amount of any State educational agency's allotment under subsection (a)(2) for any fiscal year may not be less than one-half of 1 percent of the amount made available for allotments to States under this part for such year.

**[(c) REALLOTMENT OF UNUSED FUNDS.—**If any State educational agency does not apply for an allotment under this subpart for a fiscal year, or does not use its entire allotment under this subpart for that fiscal year, the Secretary shall reallocate the amount of the State educational agency's allotment, or the unused portion of the allotment, to the remaining State educational agencies that use their entire allotments under this subpart in accordance with this section.

[(d) STATE EDUCATIONAL AGENCY DEFINED.—In this section, the term “State educational agency” does not include an agency of an outlying area or the Bureau of Indian Affairs.

**[SEC. 2412. USE OF ALLOTMENT BY STATE.**

[(a) IN GENERAL.—Of the amount provided to a State educational agency (from the agency’s allotment under section 2411(a)(2)) for a fiscal year—

[(1) the State educational agency may use not more than 5 percent to carry out activities under section 2415; and

[(2) the State educational agency shall distribute the remainder as follows:

[(A) From 50 percent of the remainder, the State educational agency shall award subgrants by allocating to each eligible local educational agency that has submitted an application to the State educational agency under section 2414, for the activities described in section 2416, an amount that bears the same relationship to 50 percent of the remainder for such year as the amount received under part A of title I for such year by such local educational agency bears to the amount received under such part for such year by all local educational agencies within the State.

[(B) From 50 percent of the remainder and subject to subsection (b), the State educational agency shall award subgrants, through a State-determined competitive process, to eligible local entities that have submitted applications to the State educational agency under section 2414, for the activities described in section 2416.

[(b) SUFFICIENT AMOUNTS.—

[(1) SPECIAL RULE.—In awarding a subgrant under subsection (a)(2)(B), the State educational agency shall—

[(A) determine the local educational agencies that—

[(i) received allocations under subsection (a)(2)(A) that are not of sufficient size to be effective, consistent with the purposes of this part; and

[(ii) are eligible local entities;

[(B) give priority to applications submitted by eligible local educational agencies described in subparagraph (A); and

[(C) determine the minimum amount for awards under subsection (a)(2)(B) to ensure that subgrants awarded under that subsection are of sufficient size to be effective.

[(2) SUFFICIENCY.—In awarding subgrants under subsection (a)(2)(B), each State educational agency shall ensure that each subgrant is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.

[(3) DISTRIBUTION.—In awarding subgrants under subsection (a)(2)(B), each State educational agency shall ensure an equitable distribution of assistance under this subpart among urban and rural areas of the State, according to the demonstrated need of those local educational agencies serving the areas.

[(c) FISCAL AGENT.—If an eligible local partnership receives a subgrant under subsection (a)(2)(B), a local educational agency in the partnership shall serve as the fiscal agent for the partnership.

[(d) TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under section 2411(a) shall—

[(1) identify the local educational agencies served by the State educational agency that—

[(A) have the highest numbers or percentages of children from families with incomes below the poverty line; and

[(B) demonstrate to such State educational agency the greatest need for technical assistance in developing an application under section 2414; and

[(2) offer the technical assistance described in paragraph (1)(B) to those local educational agencies.

**[SEC. 2413. STATE APPLICATIONS.**

[(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may specify, an application containing a new or updated statewide long-range strategic educational technology plan (which shall address the educational technology needs of local educational agencies) and such other information as the Secretary may reasonably require.

[(b) CONTENTS.—Each State application submitted under subsection (a) shall include each of the following:

[(1) An outline of the State educational agency's long-term strategies for improving student academic achievement, including technology literacy, through the effective use of technology in classrooms throughout the State, including through improving the capacity of teachers to integrate technology effectively into curricula and instruction.

[(2) A description of the State educational agency's goals for using advanced technology to improve student academic achievement, and how those goals are aligned with challenging State academic content and student academic achievement standards.

[(3) A description of how the State educational agency will take steps to ensure that all students and teachers in the State, particularly students and teachers in districts served by high-need local educational agencies, have increased access to technology.

[(4) A description of the process and accountability measures that the State educational agency will use to evaluate the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction.

[(5) A description of how the State educational agency will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for those areas of the State that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.

[(6) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds.

[(7) A description of how the plan incorporates teacher education, professional development, and curriculum development, and how the State educational agency will work to ensure that teachers and principals in a State receiving funds under this part are technologically literate.

[(8) A description of—

[(A) how the State educational agency will provide technical assistance to applicants under section 2414, especially to those applicants serving the highest numbers or percentages of children in poverty or with the greatest need for technical assistance; and

[(B) the capacity of the State educational agency to provide such assistance.

[(9) A description of technology resources and systems that the State will provide for the purpose of establishing best practices that can be widely replicated by State educational agencies and local educational agencies in the State and in other States.

[(10) A description of the State's long-term strategies for financing technology to ensure that all students, teachers, and classrooms have access to technology.

[(11) A description of the State's strategies for using technology to increase parental involvement.

[(12) A description of how the State educational agency will ensure that each subgrant awarded under section 2412(a)(2)(B) is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.

[(13) A description of how the State educational agency will ensure ongoing integration of technology into school curricula and instructional strategies in all schools in the State, so that technology will be fully integrated into the curricula and instruction of the schools by December 31, 2006.

[(14) A description of how the local educational agencies in the State will provide incentives to teachers who are technologically literate and teaching in rural or urban areas, to encourage such teachers to remain in those areas.

[(15) A description of how public and private entities will participate in the implementation and support of the plan.

[(c) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

[(d) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

[(e) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

[(1) give the State educational agency notice and an opportunity for a hearing; and

[(2) notify the State educational agency of the finding of non-compliance and, in such notification, shall—

[(A) cite the specific provisions in the application that are not in compliance; and

[(B) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

[(f) RESPONSE.—If the State educational agency responds to the Secretary’s notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

[(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(2) the expiration of the 120-day period described in subsection (c).

[(g) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary’s notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**[SEC. 2414. LOCAL APPLICATIONS.**

[(a) IN GENERAL.—To be eligible to receive a subgrant from a State educational agency under this subpart, a local educational agency or eligible local entity shall submit to the State educational agency an application containing a new or updated local long-range strategic educational technology plan that is consistent with the objectives of the statewide educational technology plan described in section 2413(a), and such other information as the State educational agency may reasonably require, at such time and in such manner as the State educational agency may require.

[(b) CONTENTS.—The application shall include each of the following:

[(1) A description of how the applicant will use Federal funds under this subpart to improve the student academic achievement, including technology literacy, of all students attending schools served by the local educational agency and to improve the capacity of all teachers teaching in schools served by the local educational agency to integrate technology effectively into curricula and instruction.

[(2) A description of the applicant’s specific goals for using advanced technology to improve student academic achievement, aligned with challenging State academic content and student academic achievement standards.

[(3) A description of the steps the applicant will take to ensure that all students and teachers in schools served by the local educational agency involved have increased access to educational technology, including how the agency would use funds under this subpart (such as combining the funds with funds from other sources), to help ensure that—

[(A) students in high-poverty and high-needs schools, or schools identified under section 1116, have access to technology; and

[(B) teachers are prepared to integrate technology effectively into curricula and instruction.

[(4) A description of how the applicant will—

[(A) identify and promote curricula and teaching strategies that integrate technology effectively into curricula and instruction, based on a review of relevant research, leading to improvements in student academic achievement, as measured by challenging State academic content and student academic achievement standards; and

[(B) provide ongoing, sustained professional development for teachers, principals, administrators, and school library media personnel serving the local educational agency, to further the effective use of technology in the classroom or library media center, including, if applicable, a list of the entities that will be partners with the local educational agency involved in providing the ongoing, sustained professional development.

[(5) A description of the type and costs of technologies to be acquired under this subpart, including services, software, and digital curricula, and including specific provisions for interoperability among components of such technologies.

[(6) A description of how the applicant will coordinate activities carried out with funds provided under this subpart with technology-related activities carried out with funds available from other Federal, State, and local sources.

[(7) A description of how the applicant will integrate technology (including software and other electronically delivered learning materials) into curricula and instruction, and a timeline for such integration.

[(8) A description of how the applicant will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for those areas that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.

[(9) A description of how the applicant will ensure the effective use of technology to promote parental involvement and increase communication with parents, including a description of how parents will be informed of the technology being applied in their child's education so that the parents are able to reinforce at home the instruction their child receives at school.

[(10) A description of how programs will be developed, where applicable, in collaboration with adult literacy service providers, to maximize the use of technology.

[(11) A description of the process and accountability measures that the applicant will use to evaluate the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

[(12) A description of the supporting resources (such as services, software, other electronically delivered learning materials, and print resources) that will be acquired to ensure successful and effective uses of technology.

[(c) COMBINED APPLICATIONS.—A local educational agency that is an eligible local entity and submits an application to the State edu-



cational agency under this section for funds awarded under section 2412(a)(2)(A) may combine the agency's application for funds awarded under that section with an application for funds awarded under section 2412(a)(2)(B).

**[(d) SPECIAL RULE.—**

**[(1) CONSORTIUM APPLICATIONS.—**

**[(A) IN GENERAL.—**For any fiscal year, a local educational agency applying for financial assistance described in section 2412(a)(2)(A) may apply as part of a consortium that includes other local educational agencies, institutions of higher education, educational service agencies, libraries, or other educational entities appropriate to provide local programs.

**[(B) FISCAL AGENT.—**If a local educational agency applies for and receives financial assistance described in section 2412(a)(2)(A) as part of a consortium, the local educational agency shall serve as the fiscal agent for the consortium.

**[(2) STATE EDUCATIONAL AGENCY ASSISTANCE.—**At the request of a local educational agency, a State educational agency may assist the local educational agency in the formation of a consortium described in paragraph (1) to provide services for the teachers and students served by the local educational agency.

**[SEC. 2415. STATE ACTIVITIES.**

**[From funds made available under section 2412(a)(1), a State educational agency shall carry out activities and assist local efforts to carry out the purposes of this part, which may include the following activities:**

**[(1) Developing, or assisting applicants or recipients of funds under this subpart in the development and utilization of, innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, and providing other technical assistance to such applicants or recipients throughout the State, with priority given to high-need local educational agencies.**

**[(2) Establishing or supporting public-private initiatives (such as interest-free or reduced-cost loans) for the acquisition of educational technology for high-need local educational agencies and students attending schools served by such agencies.**

**[(3) Assisting recipients of funds under this subpart in providing sustained and intensive, high-quality professional development based on a review of relevant research in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, including training in the use of technology to—**

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

**[(B) enable teachers—**

**[(i) to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators; and**

[(ii) to retrieve Internet-based learning resources;  
and

[(C) lead to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State academic content standards and student academic achievement standards.

[(4) Assisting recipients of funds under this subpart in providing all students (including students with disabilities and students with limited English proficiency) and teachers with access to educational technology.

[(5) Developing performance measurement systems to determine the effectiveness of educational technology programs funded under this subpart, particularly in determining the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

[(6) Collaborating with other State educational agencies on distance learning, including making specialized or rigorous academic courses and curricula available to students in areas that would not otherwise have access to such courses and curricula.

**[SEC. 2416. LOCAL ACTIVITIES.**

**[(a) PROFESSIONAL DEVELOPMENT.—**

[(1) IN GENERAL.—A recipient of funds made available under section 2412(a)(2) shall use not less than 25 percent of such funds to provide ongoing, sustained, and intensive, high-quality professional development. The recipient shall provide professional development in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments, such as professional development in the use of technology—

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

[(B) to enable teachers—

[(i) to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators; and

[(ii) to retrieve Internet-based learning resources;  
and

[(C) to lead to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State academic content standards, including increasing student technology literacy, and student academic achievement standards.

[(2) WAIVERS.—Paragraph (1) shall not apply to a recipient of funds made available under section 2412(a)(2) that demonstrates, to the satisfaction of the State educational agency involved, that the recipient already provides ongoing, sustained, and intensive, high-quality professional development that is based on a review of relevant research, to all teachers in core academic subjects in the integration of advanced tech-

nologies, including emerging technologies, into curricula and instruction.

[(b) OTHER ACTIVITIES.—In addition to the activities described in subsection (a), a recipient of funds made available by a State educational agency under section 2412(a)(2) shall use such funds to carry out other activities consistent with this subpart, which may include the following:

[(1) Establishing or expanding initiatives, particularly initiatives involving public-private partnerships, designed to increase access to technology for students and teachers, with special emphasis on the access of high-need schools to technology.

[(2) Adapting or expanding existing and new applications of technology to enable teachers to increase student academic achievement, including technology literacy—

[(A) through the use of teaching practices that are based on a review of relevant research and are designed to prepare students to meet challenging State academic content and student academic achievement standards; and

[(B) by the development and utilization of innovative distance learning strategies to deliver specialized or rigorous academic courses and curricula to areas that would not otherwise have access to such courses and curricula.

[(3) Acquiring proven and effective courses and curricula that include integrated technology and are designed to help students meet challenging State academic content and student academic achievement standards.

[(4) Utilizing technology to develop or expand efforts to connect schools and teachers with parents and students to promote meaningful parental involvement, to foster increased communication about curricula, assignments, and assessments between students, parents, and teachers, and to assist parents to understand the technology being applied in their child's education, so that parents are able to reinforce at home the instruction their child receives at school.

[(5) Preparing one or more teachers in elementary schools and secondary schools as technology leaders who are provided with the means to serve as experts and train other teachers in the effective use of technology, and providing bonus payments to the technology leaders.

[(6) Acquiring, adapting, expanding, implementing, repairing, and maintaining existing and new applications of technology, to support the school reform effort and to improve student academic achievement, including technology literacy.

[(7) Acquiring connectivity linkages, resources, and services (including the acquisition of hardware and software and other electronically delivered learning materials) for use by teachers, students, academic counselors, and school library media personnel in the classroom, in academic and college counseling centers, or in school library media centers, in order to improve student academic achievement.

[(8) Using technology to collect, manage, and analyze data to inform and enhance teaching and school improvement efforts.

[(9) Implementing performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, particularly in determining the ex-

tent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

[(10) Developing, enhancing, or implementing information technology courses.

## **[Subpart 2—National Technology Activities**

### **[SEC. 2421. NATIONAL ACTIVITIES.**

[(a) STUDY.—Using funds made available under section 2404(b)(2), the Secretary—

[(1) shall conduct an independent, long-term study, utilizing scientifically based research methods and control groups or control conditions—

[(A) on the conditions and practices under which educational technology is effective in increasing student academic achievement; and

[(B) on the conditions and practices that increase the ability of teachers to integrate technology effectively into curricula and instruction, that enhance the learning environment and opportunities, and that increase student academic achievement, including technology literacy;

[(2) shall establish an independent review panel to advise the Secretary on methodological and other issues that arise in conducting the long-term study;

[(3) shall consult with other interested Federal departments or agencies, State and local educational practitioners and policymakers (including teachers, principals, and superintendents), and experts in technology, regarding the study; and

[(4) shall submit to Congress interim reports, when appropriate, and a final report, to be submitted not later than April 1, 2006, on the findings of the study.

[(b) DISSEMINATION.—Using funds made available under section 2404(b)(2), the Secretary shall make widely available, including through dissemination on the Internet and to all State educational agencies and other recipients of funds under this part, findings identified through activities carried out under this section regarding the conditions and practices under which educational technology is effective in increasing student academic achievement.

[(c) TECHNICAL ASSISTANCE.—Using funds made available under section 2404(b)(2), the Secretary may provide technical assistance (directly or through the competitive award of grants or contracts) to State educational agencies, local educational agencies, and other recipients of funds, particularly in rural areas, under this part, in order to assist such State educational agencies, local educational agencies, and other recipients to achieve the purposes of this part.

### **[SEC. 2422. NATIONAL EDUCATION TECHNOLOGY PLAN.**

[(a) IN GENERAL.—Based on the Nation's progress and an assessment by the Secretary of the continuing and future needs of the Nation's schools in effectively using technology to provide all students the opportunity to meet challenging State academic content and student academic achievement standards, the Secretary shall

update and publish, in a form readily accessible to the public, a national long-range technology plan, by not later than 12 months after the date of enactment of the No Child Left Behind Act of 2001.

[(b) CONTENTS.—The plan referred to in subsection (a) shall include each of the following:

[(1) A description of the manner in which the Secretary will promote—

[(A) higher student academic achievement through the integration of advanced technologies, including emerging technologies, into curricula and instruction;

[(B) increased access to technology for teaching and learning for schools with a high number or percentage of children from families with incomes below the poverty line; and

[(C) the use of technology to assist in the implementation of State systemic reform strategies.

[(2) A description of joint activities of the Department of Education and other Federal departments or agencies that will promote the use of technology in education.

### **[Subpart 3—Ready-to-Learn Television**

#### **[SEC. 2431. READY-TO-LEARN TELEVISION.**

[(a) PROGRAM AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities described in paragraph (3) to enable such entities—

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

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

[(C) to facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

[(D) to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

[(E) to develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

[(i) to promote school readiness; and

[(ii) to promote the effective use of materials developed under subparagraphs (B) and (C) among parents, teachers, Head Start providers, Even Start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

[(2) AVAILABILITY.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, Even Start providers, and providers of family literacy services to increase the effective use of such programming.

[(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreements under this section, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

[(A) A capacity for the development and national distribution of educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

[(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality.

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

[(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

[(4) COORDINATION OF ACTIVITIES.—An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services—

[(A) to maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

[(B) to coordinate activities with Federal programs that have major training components for early childhood development, including programs under the Head Start Act (42 U.S.C. 9831 et seq.) and Even Start, and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(E) to enhance parent and child care provider skills in early childhood development and education.

[(b) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit

to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

**[(c) REPORTS AND EVALUATIONS.—**

**[(1) ANNUAL REPORT TO THE SECRETARY.—**An entity receiving a grant, contract, or cooperative agreement under this section shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:

**[(A)** The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programs developed.

**[(B)** The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.

**[(C)** The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.

**[(D)** The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

**[(2) REPORT TO CONGRESS.—**The Secretary shall prepare and submit to the relevant committees of Congress a biannual report that includes the following:

**[(A)** A summary of the activities assisted under subsection (a).

**[(B)** A description of the education and training materials made available under subsection (a)(1)(E), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

**[(d) ADMINISTRATIVE COSTS.—**An entity that receives a grant, contract, or cooperative agreement under this section may use up to 5 percent of the amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.

**[(e) AUTHORIZATION OF APPROPRIATIONS.—**

**[(1) IN GENERAL.—**There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002, and for each of the 5 succeeding fiscal years.

**[(2) FUNDING RULE.—**Not less than 60 percent of the amount appropriated under paragraph (1) for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).

## **[Subpart 4—Limitation on Availability of Certain Funds for Schools**

### **[SEC. 2441. INTERNET SAFETY.**

[(a) IN GENERAL.—No funds made available under this part to a local educational agency for an elementary school or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)) may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both—

[(1)(A) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

- [(i) obscene;
- [(ii) child pornography; or
- [(iii) harmful to minors; and

[(B) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

[(2)(A) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

- [(i) obscene; or
- [(ii) child pornography; and

[(B) is enforcing the operation of such technology protection measure during any use of such computers.

### [(b) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

[(1) IN GENERAL.—The local educational agency with responsibility for a school covered by subsection (a) shall certify the compliance of such school with the requirements of subsection (a) as part of the application process for the next program funding year under this Act following December 21, 2000, and for each subsequent program funding year thereafter.

### [(2) PROCESS.—

[(A) SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by subsection (a) that has in place an Internet safety policy meeting the requirements of subsection (a) shall certify its compliance with subsection (a) during each annual program application cycle under this Act.

[(B) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—

[(i) CERTIFICATION.—A local educational agency with responsibility for a school covered by subsection (a) that does not have in place an Internet safety policy meeting the requirements of subsection (a)—

[(I) for the first program year after December 21, 2000, in which the local educational agency is



applying for funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

[(II) for the second program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this Act, shall certify that such school is in compliance with such requirements.

[(ii) INELIGIBILITY.—Any school covered by subsection (a) for which the local educational agency concerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this part for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.

[(C) WAIVERS.—Any school subject to a certification under subparagraph (B)(i)(II) for which the local educational agency concerned cannot make the certification otherwise required by that subparagraph may seek a waiver of that subparagraph if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that subparagraph. The local educational agency concerned shall notify the Secretary of the applicability of that subparagraph to the school. Such notice shall certify that the school will be brought into compliance with the requirements in subsection (a) before the start of the third program year after December 21, 2000, in which the school is applying for funds under this part.

[(c) DISABLING DURING CERTAIN USE.—An administrator, supervisor, or person authorized by the responsible authority under subsection (a) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

[(d) NONCOMPLIANCE.—

[(1) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Secretary has reason to believe that any recipient of funds under this part is failing to comply substantially with the requirements of this section, the Secretary may—

[(A) withhold further payments to the recipient under this part;

[(B) issue a complaint to compel compliance of the recipient through a cease and desist order; or

[(C) enter into a compliance agreement with a recipient to bring it into compliance with such requirements, in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act.

[(2) RECOVERY OF FUNDS PROHIBITED.—The actions authorized by paragraph (1) are the exclusive remedies available with respect to the failure of a school to comply substantially with

a provision of this section, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

[(3) RECOMMENCEMENT OF PAYMENTS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under paragraph (1)(A) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that paragraph.

[(e) DEFINITIONS.—In this subpart:

[(1) COMPUTER.—The term “computer” includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

[(2) ACCESS TO INTERNET.—A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network that has access to the Internet.

[(3) ACQUISITION OR OPERATION.—An elementary school or secondary school shall be considered to have received funds under this part for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

[(A) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

[(B) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

[(4) MINOR.—The term “minor” means an individual who has not attained the age of 17.

[(5) CHILD PORNOGRAPHY.—The term “child pornography” has the meaning given that term in section 2256 of title 18, United States Code.

[(6) HARMFUL TO MINORS.—The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that—

[(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

[(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

[(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

[(7) OBSCENE.—The term “obscene” has the meaning applicable to that term under section 1460 of title 18, United States Code.

[(8) SEXUAL ACT AND SEXUAL CONTACT.—The terms “sexual act” and “sexual contact” have the meanings given those terms in section 2246 of title 18, United States Code.

[(f) SEVERABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.】

## TITLE III—LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS

### SEC. 3001. AUTHORIZATIONS OF APPROPRIATIONS; CONDITION ON EFFECTIVENESS OF PARTS.

#### [(a) AUTHORIZATIONS OF APPROPRIATIONS.—]

[(1) IN GENERAL.—Subject] *(a) AUTHORIZATION OF APPROPRIATION.*—*Subject* to subsection (b), there are authorized to be appropriated to carry out this title[, except for subpart 4 of part B], \$750,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

[(2) EMERGENCY IMMIGRANT EDUCATION PROGRAM.—There are authorized to be appropriated to carry out subpart 4 of part B (when such part is in effect) such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.]

#### [(b) CONDITIONS ON EFFECTIVENESS OF PARTS A AND B.—]

[(1) PART A.—Part A] *(b) CONDITIONS ON EFFECTIVENESS OF PART A.*—*Part A* shall be in effect for any fiscal year for which the amount appropriated under [paragraphs (1) and (2) of] subsection (a) equals or exceeds \$650,000,000.

[(2) PART B.—Part B shall be in effect only for a fiscal year for which part A is not in effect.]

[(c) REFERENCES.—In any fiscal year for which part A is in effect, references in Federal law (other than this title) to part B shall be considered to be references to part A. In any fiscal year for which part B is in effect, references in Federal law (other than this title) to part A shall be considered to be references to part B.]

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## [PART B—IMPROVING LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS

### [SEC. 3201. SHORT TITLE.

[This part may be cited as the “Improving Language Instruction Educational Programs For Academic Achievement Act”.

### [SEC. 3202. PURPOSE.

The purpose of this part is to help ensure that limited English proficient children master English and meet the same rigorous standards for academic achievement as all children are expected to meet, including meeting challenging State academic content and student academic achievement standards by—

[(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient children;

[(2) developing language skills and multicultural understanding;

[(3) developing the English proficiency of limited English proficient children and, to the extent possible, the native language skills of such children;

[(4) providing similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law;

[(5) developing data collection and dissemination, research, materials, and technical assistance that are focused on school improvement for limited English proficient children; and

[(6) developing programs that strengthen and improve the professional training of educational personnel who work with limited English proficient children.

**[SEC. 3203. NATIVE AMERICAN CHILDREN IN SCHOOL.**

[(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominantly for Native American (including Alaska Native) children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency.

[(b) APPLICATION.—Notwithstanding any other provision of this part, each tribe, authority, organization, or school described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the program proposed in the application.

**[SEC. 3204. RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED STATES.**

[For the purpose of carrying out programs under this part in the outlying areas, the term “local educational agency” includes public institutions or agencies whose mission is the preservation and maintenance of native languages.

## **[Subpart 1—Program Development and Enhancement**

**[SEC. 3211. FINANCIAL ASSISTANCE FOR LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS.**

[The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under sections 3212 and 3213—

[(1) to develop and enhance their capacity to provide high-quality instruction through language instruction educational programs or special alternative instruction programs to limited English proficient children; and

[(2) to help such children—

[(A) develop English proficiency and, to the extent possible, proficiency in their native language; and

[(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet under section 1111(b)(1).

**[SEC. 3212. PROGRAM ENHANCEMENT ACTIVITIES.**

[(a) PROGRAM AUTHORIZED.—

[(1) AUTHORITY.—

[(A) IN GENERAL.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3214 to enable such entities to provide innovative, locally designed, high-quality instruction to limited English proficient children, by expanding, developing, or strengthening language instruction educational programs or special alternative instruction programs.

[(B) PERIOD.—Each grant awarded under this section shall be awarded for a period of 3 years.

[(2) AUTHORIZED ACTIVITIES.—

[(A) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

[(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children, that are—

[(I) aligned with State and local academic content and student academic achievement standards, and local school reform efforts; and

[(II) coordinated with related academic services for children;

[(ii) providing high-quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient children; and

[(iii) annually assessing the English proficiency of all limited English proficient children served by activities carried out under this section.

[(B) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

[(i) implementing programs to upgrade the reading and other academic skills of limited English proficient children;

[(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient children;

[(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

[(iv) improving the instruction programs for limited English proficient children by identifying, acquiring, and applying effective curricula, instruction materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

[(v) providing intensified instruction, including tutorials and academic, or vocational and technical, training, for limited English proficient children;

[(vi) adapting best practice models for meeting the needs of limited English proficient children;

[(vii) assisting limited English proficient children with disabilities;

[(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary language instruction educational programs;

[(ix) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

[(x) participating in electronic networks for materials, training, and communication, and incorporating information derived from such participation in curricula and programs; and

[(xi) carrying out such other activities related to the purpose of this part as the Secretary may approve.

[(b) PRIORITY.—In awarding grants under this section, the Secretary may give priority to an entity that—

[(1) serves a school district—

[(A) that has a total district enrollment that is less than 10,000 students; or

[(B) with a large percentage or number of limited English proficient children; and

[(2) has limited or no experience in serving limited English proficient children.

[(c) ELIGIBLE ENTITY.—In this section, the term “eligible entity” means—

[(1) one or more local educational agencies;

[(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organization, or State educational agency; or

[(3) a community-based organization or an institution of higher education that has an application approved by the local educational agency to participate in programs carried out under this subpart by enhancing early childhood education or family education programs or conducting instruction programs that supplement the educational services provided by a local educational agency.

**[SEC. 3213. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT ACTIVITIES.**

[(a) PROGRAM AUTHORIZED.—

[(1) AUTHORITY.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3214 to enable such entities to develop and implement language instruction educational programs, and improve, reform, or upgrade programs or operations that serve significant percentages or numbers of limited English proficient children.

[(2) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

[(A) improving instruction programs for limited English proficient children by acquiring and upgrading curricula and related instruction materials;

[(B) aligning the activities carried out under this section with State and local school reform efforts;

[(C) providing training, aligned with State and local standards, to school personnel and participating commu-

nity-based organization personnel to improve the instruction and assessment of limited English proficient children;

【(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient children;

【(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents of limited English proficient children to become active participants in the education of their children;

【(F) coordinating the activities carried out under this section with other programs, such as programs carried out under this title;

【(G) providing services to meet the full range of the educational needs of limited English proficient children;

【(H) annually assessing the English proficiency of all limited English proficient children served by the activities carried out under this section; and

【(I) developing or improving accountability systems to monitor the academic progress of limited English proficient children.

【(3) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

【(A) implementing programs to upgrade reading and other academic skills of limited English proficient children;

【(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient children;

【(C) implementing scientifically based research programs to meet the needs of limited English proficient children;

【(D) providing tutorials and academic, or vocational and technical, training for limited English proficient children;

【(E) developing and implementing State and local academic content and student academic achievement standards for learning English as a second language, as well as for learning other languages;

【(F) developing and implementing programs for limited English proficient children to meet the needs of changing populations of such children;

【(G) implementing policies to ensure that limited English proficient children have access to other education programs (other than programs designed to address limited English proficiency);

【(H) assisting limited English proficient children with disabilities;

【(I) developing and implementing programs to help children become proficient in English and other languages;

【(J) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

【(K) participating in electronic networks for materials, training, and communication and incorporating informa-

tion derived from such participation in curricula and programs; and

[(L) carrying out such other activities related to the purpose of this part as the Secretary may approve.

[(4) SPECIAL RULE.—

[(A) PLANNING.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 45 days.

[(B) COMMENCEMENT OF ACTIVITIES.—The recipient shall commence carrying out activities under this section not later than the later of—

[(i) the beginning of the first school year that begins after the grant is received; or

[(ii) 30 days after the date of receipt of the grant.

[(b) AVAILABILITY OF APPROPRIATIONS.—

[(1) RESERVATION OF FUNDS FOR CONTINUED PAYMENTS.—

[(A) COVERED GRANT.—In this paragraph, the term “covered grant” means a grant—

[(i) that was awarded under section 7112, 7113, 7114, or 7115 (as such sections were in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

[(ii) for which the grant period has not ended.

[(B) RESERVATION.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in subparagraph (C) from the amount appropriated for the fiscal year under section 3001(a) and made available for carrying out this section.

[(C) PAYMENTS.—The Secretary shall continue to make grant payments to each entity that received a covered grant, in accordance with the terms of that grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in subparagraph (A)(i).

[(2) AVAILABILITY.—Of the amount appropriated for a fiscal year under section 3001(a) that is made available to carry out this section, and that remains after the Secretary reserves funds for payments under paragraph (1)—

[(A) not less than one-third of the remainder shall be used to award grants to eligible entities for activities carried out within an entire school district; and

[(B) not less than two-thirds of the remainder shall be used to award grants to eligible entities for activities carried out within individual schools.

[(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an applicant that—

[(1) experiences a significant increase in the number or percentage of limited English proficient children enrolled in the applicant’s programs and has limited or no experience in serving limited English proficient children;



[(2) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

[(3) demonstrates that the applicant has a proven track record of success in helping limited English proficient children learn English and meet high academic standards; or

[(4) serves a school district with a large number or percentage of limited English proficient children.

[(d) ELIGIBLE ENTITIES.—In this section, the term “eligible entity” means—

[(1) one or more local educational agencies; or

[(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.

**[SEC. 3214. APPLICATIONS.**

[(a) IN GENERAL.—

[(1) SECRETARY.—To receive a grant under this subpart, an eligible entity described in section 3212 or 3213 shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

[(2) STATE EDUCATIONAL AGENCY.—The eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application submitted by the entity under this section to the State educational agency.

[(b) STATE REVIEW AND COMMENTS.—

[(1) DEADLINE.—The State educational agency, not later than 45 days after receipt of an application under this section, shall review the application and submit the written comments of the agency regarding the application to the Secretary.

[(2) COMMENTS.—

[(A) SUBMISSION OF COMMENTS.—Regarding applications submitted under this subpart, the State educational agency shall—

[(i) submit to the Secretary written comments regarding all such applications; and

[(ii) submit to each eligible entity the comments that pertain to such entity.

[(B) SUBJECT.—For purposes of this subpart, such comments shall address—

[(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient children served under the grant; and

[(ii) how the grant application is consistent with the State plan required under section 1111.

[(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

[(d) COMMENT CONSIDERATION.—In making grants under this subpart, the Secretary shall take into consideration comments made by State educational agencies.

[(e) WAIVER.—Notwithstanding subsection (b), the Secretary is authorized to waive the review requirement specified in subsection (b) if a State educational agency can demonstrate that such review requirement may impede such agency’s ability to fulfill the require-

ments of participation in the program authorized in section 3224, particularly such agency's ability to carry out data collection efforts and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this subpart.

**[(f) REQUIRED DOCUMENTATION.—**Such application shall include documentation that—

**[(1)** the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and

**[(2)** the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.

**[(g) CONTENTS.—**

**[(1) IN GENERAL.—**An application for a grant under this subpart shall contain the following:

**[(A)** A description of the need for the proposed program, including—

**[(i)** data on the number of limited English proficient children in the school or school district to be served;

**[(ii)** information on the characteristics of the children, including—

**[(I)** the native languages of the children;

**[(II)** the proficiency of the children in English and their native language;

**[(III)** achievement data (current as of the date of submission of the application) for the limited English proficient children in—

**[(aa)** reading or language arts (in English and in the native language, if applicable); and

**[(bb)** mathematics;

**[(IV)** a comparison of that data for the children with that data for the English proficient peers of the children; and

**[(V)** the previous schooling experiences of the children;

**[(iii)** the professional development needs of the instruction personnel who will provide services for the limited English proficient children under the proposed program; and

**[(iv)** how the services provided through the grant will supplement the basic services provided to limited English proficient children.

**[(B)** A description of the program to be implemented and how such program's design—

**[(i)** relates to the linguistic and academic needs of the limited English proficient children to be served;

**[(ii)** will ensure that the services provided through the program will supplement the basic services the applicant provides to limited English proficient children;

**[(iii)** will ensure that the program is coordinated with other programs under this Act and other Acts;

**[(iv)** involves the parents of the limited English proficient children to be served;

**[(v)** ensures accountability in achieving high academic standards; and

[(vi) promotes coordination of services for the limited English proficient children to be served and their families.

[(C) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local educational agencies or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

[(D) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for language instruction educational programs or special alternative instruction programs if the applicant receives an award under this subpart.

[(E) An assurance that the applicant will employ teachers in the proposed program who, individually or in combination, are proficient in—

[(i) English, with respect to written, as well as oral, communication skills; and

[(ii) the native language of the majority of the children who the teachers teach, if instruction in the program is in the native language as well as English.

[(F) A budget for the grant funds.

[(2) ADDITIONAL INFORMATION.—Each application for a grant under section 3213 shall—

[(A) describe—

[(i) current services (as of the date of submission of the application) the applicant provides to limited English proficient children;

[(ii) what services limited English proficient children will receive under the grant that such children will not otherwise receive;

[(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve limited English proficient children;

[(iv) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

[(v) the current family education programs (as of the date of submission of the application) of the eligible entity, if applicable; and

[(B) provide assurances that—

[(i) the program funded with the grant will be integrated with the overall educational program of the children served through the proposed program; and

[(ii) the application has been developed in consultation with parents and other representatives of the children to be served in such program.

[(h) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

[(1) the program proposed in the application will use qualified personnel, including personnel who are proficient in the language or languages used for instruction;

[(2) in designing the program, the eligible entity has, after consultation with appropriate private school officials—

[(A) taken into account the needs of children in non-profit private elementary schools and secondary schools; and

[(B) in a manner consistent with the number of such children enrolled in such schools in the area to be served, whose educational needs are of the type and whose language, and grade levels are of a similar type to the needs, language, and grade levels that the program is intended to address, provided for the participation of such children on a basis comparable to the basis on which public school children participate;

[(3)(A) student evaluation and assessment procedures in the program are valid and reliable for limited English proficient children; and

[(B) limited English proficient children with disabilities will be identified and served through the program in accordance with the requirements of the Individuals with Disabilities Education Act;

[(4) Federal funds made available for the program will be used to supplement the State and local funds that, in the absence of such Federal funds, would be expended for special programs for children of limited English proficient individuals, and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds made available under this subpart—

[(A) for activities carried out under an order of a Federal or State court respecting services to be provided to such children; or

[(B) to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided to such children;

[(5)(A) the assistance provided through the grant will contribute toward building the capacity of the eligible entity to provide a program on a regular basis, similar to the proposed program, that will be of sufficient size, scope, and quality to promise significant improvement in the education of limited English proficient children; and

[(B) the eligible entity will have the resources and commitment to continue the program of sufficient size, scope, and quality when assistance under this subpart is reduced or no longer available; and

[(6) the eligible entity will use State and national dissemination sources for program design and dissemination of results and products.

[(i) CONSIDERATION.—In determining whether to approve an application under this subpart, the Secretary shall give consideration to—

[(1) the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of high-

er education, community-based organizations, the appropriate local educational agency and State educational agency, or businesses; and

[(2) whether the application provides for training for personnel participating in, or preparing to participate in, a program that will assist such personnel in meeting State and local certification requirements.

**[SEC. 3215. CAPACITY BUILDING.**

[Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality language instruction educational programs and special alternative instruction programs to limited English proficient children after Federal assistance is reduced or eliminated.

**[SEC. 3216. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.**

[Notwithstanding any other provision of this part, programs authorized under this subpart that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.

**[SEC. 3217. EVALUATIONS.**

[(a) EVALUATION.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.

[(b) USE OF EVALUATION.—Such evaluation shall be used by the grant recipient—

[(1) for program improvement;

[(2) to further define the program's goals and objectives; and

[(3) to determine program effectiveness.

[(c) EVALUATION REPORT COMPONENTS.—In preparing the evaluation reports, the recipient shall—

[(1) use the data provided in the application submitted by the recipient under section 3214 as baseline data against which to report academic achievement and gains in English proficiency for children in the program;

[(2) disaggregate the results of the evaluation by gender, native languages spoken by children, socioeconomic status, and whether the children have disabilities;

[(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which children served by the program are meeting the challenging State academic content and student academic achievement standards, and including data comparing limited English proficient children with English proficient children with regard to school retention and academic achievement concerning—

[(A) reading and language arts;

[(B) English proficiency;

[(C) mathematics; and

[(D) the native language of the children, if the program develops native language proficiency;

[(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student academic achievement; include a description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children; and

[(6) include such other information as the Secretary may require.

**[SEC. 3218. CONSTRUCTION.**

[(Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited English proficient children simultaneously with children with similar educational needs, in the same educational settings where appropriate.

## **[Subpart 2—Research, Evaluation, and Dissemination**

**[SEC. 3221. AUTHORITY.**

[(a) IN GENERAL.—The Secretary is authorized to conduct data collection, dissemination, research, and ongoing program evaluation activities in accordance with the provisions of this subpart for the purpose of improving language instruction educational programs and special alternative instruction programs for limited English proficient children.

[(b) COMPETITIVE AWARDS.—Research and program evaluation activities carried out under this subpart shall be supported through competitive grants, contracts, and cooperative agreements awarded to institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies.

[(c) ADMINISTRATION.—The Secretary shall conduct data collection, dissemination, and ongoing program evaluation activities authorized by this subpart through the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.

**[SEC. 3222. RESEARCH.**

[(a) ADMINISTRATION.—The Secretary shall conduct research activities authorized by this subpart through the Institute of Education Sciences in coordination and collaboration with the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.

[(b) REQUIREMENTS.—Such research activities—

[(1) shall have a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited English proficient children and their families;

[(2) may include research on effective instruction practices for multilingual classes, and on effective instruction strategies to be used by a teacher or other staff member who does not know the native language of a limited English proficient child in the teacher's or staff member's classroom;

[(3) may include establishing (through the National Center for Education Statistics in consultation with experts in second language acquisition and scientifically based research on teaching limited English proficient children) a common definition of “limited English proficient child” for purposes of national data collection; and

[(4) shall be administered by individuals with expertise in second language acquisition, scientifically based research on teaching limited English proficient children, and the needs of limited English proficient children and their families.

**[(c) FIELD-INITIATED RESEARCH.—**

[(1) IN GENERAL.—The Secretary shall reserve not less than 5 percent of the funds made available to carry out this section for field-initiated research conducted by recipients of grants under subpart 1 or this subpart who have received such grants within the previous 5 years. Such research may provide for longitudinal studies of limited English proficient children or teachers who serve such children, monitoring the education of such children from entry into language instruction educational programs through secondary school completion.

[(2) APPLICATIONS.—An applicant for assistance under this subsection may submit an application for such assistance to the Secretary at the same time as the applicant submits another application under subpart 1 or this subpart. The Secretary shall complete a review of such applications on a timely basis to allow the activities carried out under research and program grants to be coordinated when recipients are awarded two or more of such grants.

[(d) CONSULTATION.—The Secretary shall consult with agencies, organizations, and individuals that are engaged in research and practice on the education of limited English proficient children, language instruction educational programs, or related research, to identify areas of study and activities to be funded under this section.

[(e) DATA COLLECTION.—The Secretary shall provide for the collection of data on limited English proficient children as part of the data systems operated by the Department.

**[SEC. 3223. ACADEMIC EXCELLENCE AWARDS.**

[(a) AUTHORITY.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and nonprofit entities whose programs have—

[(1) demonstrated significant progress in assisting limited English proficient children to learn English according to age appropriate and developmentally appropriate standards; and

[(2) demonstrated significant progress in assisting limited English proficient children to meet, according to age appropriate and developmentally appropriate standards, the same challenging State academic content and student academic achievement standards as all children are expected to meet.

[(b) APPLICATIONS.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 3224(e).

**[SEC. 3224. STATE GRANT PROGRAM.**

[(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's programs and other Federal education programs, effectively provides for the education of limited English proficient children within the State.

[(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies and entities within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than \$100,000.

[(c) USE OF FUNDS.—

[(1) IN GENERAL.—A State educational agency shall use funds awarded under this section—

[(A) to assist local educational agencies in the State with activities that—

[(i) consist of program design, capacity building, assessment of student academic achievement, program evaluation, and development of data collection and accountability systems for limited English proficient children; and

[(ii) are aligned with State reform efforts; and

[(B) to collect data on the State's limited English proficient populations and document the services available to all such populations.

[(2) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

[(3) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

[(d) STATE CONSULTATION.—A State educational agency receiving funds under this section shall consult with recipients of grants under this subpart and other individuals or organizations involved in the development or operation of programs serving limited English proficient children to ensure that such funds are used in a manner consistent with the requirements of this subpart.

[(e) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

[(f) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the State funds that, in the absence of such Federal funds, would be made available for the purposes described in this section, and in no case to supplant such State funds.

[(g) REPORT TO THE SECRETARY.—A State educational agency receiving an award under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of the funds made available through the award.



**[SEC. 3225. INSTRUCTION MATERIALS DEVELOPMENT.**

**[(a) IN GENERAL.—**The Secretary may make grants for the development, publication, and dissemination of high-quality instruction materials—

**[(1)** in Native American languages (including Native Hawaiian languages and the language of Native American Pacific Islanders), and the language of natives of the outlying areas, for which instruction materials are not readily available; and

**[(2)** in other low-incidence languages in the United States for which instruction materials are not readily available.

**[(b) PRIORITY.—**In making the grants, the Secretary shall give priority to applicants for the grants who propose—

**[(1)** to develop instruction materials in languages indigenous to the United States or the outlying areas; and

**[(2)** to develop and evaluate materials, in collaboration with entities carrying out activities assisted under subpart 1 and this subpart, that are consistent with challenging State academic content and student academic achievement standards.

**[Subpart 3—Professional Development****[SEC. 3231. PROFESSIONAL DEVELOPMENT GRANTS.**

**[(a) PURPOSE.—**The purpose of this section is to provide assistance to prepare educators to improve educational services for limited English proficient children by—

**[(1)** supporting professional development programs and activities to prepare teachers, pupil service personnel, administrators, and other educational personnel working in language instruction educational programs to provide effective services to limited English proficient children;

**[(2)** incorporating curricula and resources concerning appropriate and effective instruction and assessment methodologies specific to limited English proficient children into preservice and inservice professional development programs;

**[(3)** upgrading the qualifications and skills of non-certified educational personnel, including paraprofessionals, to enable such personnel to meet high professional standards for educating limited English proficient children;

**[(4)** improving the quality of professional development programs in schools or departments of education at institutions of higher education, for educational personnel serving, or preparing to serve, limited English proficient children; and

**[(5)** supporting the recruitment and training of prospective educational personnel to serve limited English proficient children by providing fellowships for undergraduate, graduate, doctoral, and post-doctoral study related to the instruction of such children.

**[(b) AUTHORIZATION.—**

**[(1) IN GENERAL.—**The Secretary is authorized to award grants under this section to—

**[(A)** State educational agencies;

**[(B)** local educational agencies;

**[(C)** institutions of higher education; or

[(D) consortia of one or more local educational agencies, State educational agencies, institutions of higher education, for-profit organizations, or nonprofit organizations.

[(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 4 years.

[(c) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used to conduct high-quality professional development programs and effective activities to improve the quality of instruction and services provided to limited English proficient children, including—

[(1) implementing preservice and inservice professional development programs for teachers who serve limited English proficient children, administrators, and other educational personnel who are preparing to provide educational services for limited English proficient children, including professional development programs that assist limited English proficient children to attain English proficiency;

[(2) implementing school-based collaborative efforts among teachers to improve instruction in core academic subjects, especially reading, for limited English proficient children;

[(3) developing and implementing programs to assist beginning teachers who serve limited English proficient children with transitioning to the teaching profession, including programs that provide mentoring and team teaching with trained and experienced teachers;

[(4) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

[(5) developing curricular materials and assessments for teachers that are appropriate to the needs of limited English proficient children, and that are aligned with challenging State academic content and student academic achievement standards, including materials and assessments that ensure limited English proficient children attain English proficiency;

[(6) integrating and coordinating activities with entities carrying out other programs consistent with the purpose of this section and supported under this Act, or other Acts as appropriate;

[(7) developing and implementing career ladder programs to upgrade the qualifications and skills of non-certified educational personnel working in, or preparing to work in, language instruction educational programs to enable such personnel to meet high professional standards, including standards for certification and licensure as teachers;

[(8) developing and implementing activities to help recruit and train secondary school students as teachers who serve limited English proficient children;

[(9) providing fellowships and assistance for costs related to enrollment in a course of study at an institution of higher education that addresses the instruction of limited English proficient children in such areas as teacher training, program administration, research, evaluation, and curriculum development, and for the support of dissertation research related to such study, except that any person receiving such a fellowship or assistance shall agree to—

[(A) work in an activity related to improving the educational services for limited English proficient children authorized under this subpart, including work as a teacher that serves limited English proficient children, for a period of time equivalent to the period of time during which such person receives assistance under this paragraph; or

[(B) repay such assistance; and

[(10) carrying out such other activities as are consistent with the purpose of this section.

[(d) APPLICATION.—

[(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

[(2) CONTENTS.—Each application shall—

[(A) describe the programs and activities proposed to be developed, implemented, and administered under the award;

[(B) describe how the applicant has consulted with, and assessed the needs of, public and private schools serving limited English proficient children to determine such schools' need for, and the design of, the program for which funds are sought; and

[(C) describe how the programs and activities to be carried out under the award will be used to ensure that limited English proficient children meet challenging State academic content and student academic achievement standards and attain English proficiency.

[(3) SPECIAL RULE.—An eligible entity that proposes to conduct a master's-level or doctoral-level program with funds received under this section shall include in the entity's application an assurance that such program will include a training practicum in a local elementary school or secondary school program serving limited English proficient children.

[(4) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under title III of the Higher Education Act of 1965, and institutions of higher education that are operated or funded by the Bureau of Indian Affairs, to facilitate the participation of such institutions in programs and activities under this section.

[(5) DISTRIBUTION RULE.—In making awards under this section, the Secretary shall ensure adequate representation of Hispanic-serving institutions that demonstrate competence and experience in carrying out the programs and activities authorized under this section and that are otherwise qualified.

[(e) PRIORITIES IN AWARDING GRANTS.—

[(1) GRANTS TO AGENCIES.—In awarding grants to State educational agencies and local educational agencies under this section, the Secretary shall give priority to agencies that propose programs and activities designed to implement professional development programs for teachers and educational personnel who are providing or preparing to provide educational services for limited English proficient children, including services provided through language instruction educational programs, that

ensure such children attain English proficiency and meet challenging State academic content and student academic achievement standards.

[(2) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—In awarding grants to institutions of higher education under this section, the Secretary shall give priority to institutions that propose programs and activities to recruit and upgrade the qualifications and skills of certified and non-certified educational personnel by offering degree programs that prepare beginning teachers to serve limited English proficient children.

[(f) PROGRAM EVALUATIONS.—Each recipient of an award under this section for a program or activity shall annually conduct an independent evaluation of the program or activity and submit to the Secretary a report containing such evaluation. Such report shall include information on—

[(1) the program or activity conducted by the recipient to provide high-quality professional development to participants in such program or activity;

[(2) the number of participants served through the program or activity, the number of participants who completed the requirements of the program or activity, and the number of participants who took positions in an instruction setting with limited English proficient children;

[(3) the effectiveness of the program or activity in imparting the professional skills necessary for participants to achieve the objectives of the program or activity; and

[(4) the teaching effectiveness of graduates of the program or activity or other participants who have completed the program or activity.

### **[Subpart 4—Emergency Immigrant Education Program**

#### **[SEC. 3241. PURPOSE.**

[(The purpose of this subpart is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration—

[(1) to provide high-quality instruction to immigrant children and youth; and

[(2) to help such children and youth—

[(A) with their transition into American society; and

[(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

#### **[SEC. 3242. STATE ADMINISTRATIVE COSTS.**

[(For any fiscal year, a State educational agency may reserve not more than 1.5 percent (2 percent if the State educational agency distributes funds received under this subpart to local educational agencies on a competitive basis) of the amount allotted to such agency under section 3244 to pay the costs of performing such agency's administrative functions under this subpart.

#### **[SEC. 3243. WITHHOLDING.**

[(Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds

that there is a failure to comply with a requirement of any provision of this subpart, the Secretary shall notify that agency that further payments will not be made to the agency under this subpart or, in the discretion of the Secretary, that the State educational agency shall not make further payments under this subpart to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this subpart, or payments by the State educational agency under this subpart shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

**[SEC. 3244. STATE ALLOTMENTS.**

**[(a) PAYMENTS.—**The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2002 through 2008 for the purpose set forth in section 3241.

**[(b) ALLOTMENTS.—**

**[(1) IN GENERAL.—**Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this subpart, each State participating in the program assisted under this subpart shall receive an allotment equal to the proportion of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of each local educational agency described in paragraph (2), and in nonpublic elementary schools or secondary schools within the district served by each such local educational agency within such State, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this subpart.

**[(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—**A local educational agency referred to in paragraph (1) is a local educational agency for which the sum of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of such agency, and in nonpublic elementary schools or secondary schools within the district served by such agency, during the fiscal year for which the payments are to be made under this subpart, is equal to at least—

**[(A) 500; or**

**[(B) 3 percent of the total number of children enrolled in such public or nonpublic schools during such fiscal year, whichever is less.**

**[(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—**

**[(1) IN GENERAL.—**Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

[(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allotment under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

[(d) REALLOTMENT.—

[(1) IN GENERAL.—Whenever the Secretary determines that any amount of a payment made to a State under this subpart for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose.

[(2) FISCAL YEAR.—Any amount made available to a State from any appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subpart, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

[(e) RESERVATION OF FUNDS.—

[(1) IN GENERAL.—Notwithstanding any other provision of this subpart, if the amount appropriated to carry out this subpart exceeds \$50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this subpart for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

[(A) AGENCIES WITH IMMIGRANT CHILDREN AND YOUTH.—

At least  $\frac{1}{2}$  of the funds reserved under this paragraph shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

[(B) AGENCIES WITH A SUDDEN INFLUX OF CHILDREN AND YOUTH.—Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State that are experiencing a sudden influx of immigrant children and youth and that are otherwise not eligible for assistance under this subpart.

[(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 3247.

[(3) INFORMATION.—Local educational agencies receiving funds under paragraph (1) with the highest number of immigrant children and youth may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children and youth.

[SEC. 3245. STATE APPLICATIONS.

[(a) SUBMISSION.—No State educational agency shall receive any payment under this subpart for any fiscal year unless such agency submits an application to the Secretary at such time, in such man-

ner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

【(1) provide that the educational programs, services, and activities for which payments under this subpart are made will be administered by or under the supervision of the agency;

【(2) provide assurances that payments under this subpart will be used for purposes set forth in sections 3241 and 3247, including a description of how local educational agencies receiving funds under this subpart will use such funds to meet such purposes and will coordinate with entities carrying out other programs and activities assisted under this Act, and other Acts as appropriate;

【(3) provide an assurance that local educational agencies receiving funds under this subpart will coordinate the use of such funds with entities carrying out programs and activities assisted under part A of title I;

【(4) provide assurances that such payments, with the exception of payments reserved under section 3244(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 3244(b)(1);

【(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this subpart without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

【(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this subpart;

【(7) provide assurances—

【(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary schools or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

【(B) that the control of funds provided under this subpart for any materials or equipment, or property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purpose provided in this subpart, and a public agency shall administer such funds and property; and

【(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary school or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency,

and the funds provided under this paragraph shall not be commingled with State or local funds;

[(8) provide that funds reserved under section 3244(e) be awarded on a competitive basis based on merit and need in accordance with such section; and

[(9) provide an assurance that the State educational agency and local educational agencies in the State receiving funds under this subpart will comply with the requirements of section 1120(b).

**[(b) APPLICATION REVIEW.—**

[(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

[(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

[(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency that does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State educational agency.

**[SEC. 3246. ADMINISTRATIVE PROVISIONS.**

[(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 3245 of the amount of such agency's allotment under section 3244 for the succeeding year.

[(b) SERVICES TO IMMIGRANT CHILDREN AND YOUTH ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for immigrant children and youth enrolled in nonpublic elementary schools and secondary schools, as required by section 3245(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of such children and youth enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this subpart, to such children and youth. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

**[SEC. 3247. USES OF FUNDS.**

[(a) USE OF FUNDS.—Funds awarded under this subpart shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

[(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

[(2) support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

[(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;



[(4) identification and acquisition of curricular materials, educational software, and technologies;

[(5) the provision of basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services; and

[(6) such other activities, related to the purpose of this subpart, as the Secretary may authorize.

[(b) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

[(c) SUBGRANTS.—A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such institutions or organizations to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.

[(d) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving immigrant children and youth simultaneously with children and youth with similar educational needs, in the same educational settings where appropriate.

**[SEC. 3248. REPORTS.**

[(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this subpart shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this subpart. Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information as may be necessary for such report.

[(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of Congress concerning programs assisted under this subpart.

## **[Subpart 5—Administration**

**[SEC. 3251. RELEASE TIME.**

[The Secretary shall allow entities carrying out professional development programs funded under this part to use funds provided under this part for professional release time to enable individuals to participate in programs assisted under this part.

**[SEC. 3252. NOTIFICATION.**

[A State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days after the date an award under this part is made to an eligible entity within the State.

**[SEC. 3253. COORDINATION AND REPORTING REQUIREMENTS.**

[(a) COORDINATION WITH RELATED PROGRAMS.—In order to maximize Federal efforts aimed at serving the educational needs of chil-

dren and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient children that are administered by the Department and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, the Attorney General, and the heads of other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited English proficient children and their families. The Secretary shall provide for continuing consultation and collaboration, between the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students and relevant programs operated by the Department, including programs under this part and other programs under this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high-quality educational opportunities to all language-minority and limited English proficient children.

[(b) DATA.—The Secretary shall, to the extent feasible, ensure that all data collected by the Department shall include the collection and reporting of data on limited English proficient children.

[(c) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals for programs funded under this part.

[(d) REPORT.—The Director shall prepare and, not later than February 1 of every other year, shall submit to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

[(1) on programs and activities carried out to serve limited English proficient children under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of children who are limited English proficient;

[(2) containing a critical synthesis of data reported by States under section 3224, when applicable;

[(3) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating limited English proficient children, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

[(4) containing the major findings of scientifically based research carried out under this part; and

[(5) containing other information gathered from the reports submitted to the Secretary under this title when applicable.]

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## **TITLE IV—21ST CENTURY SCHOOLS**

### **PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES**

\* \* \* \* \*

**SEC. 4003. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be [appropriated—

[(1) \$650,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years, for State grants under subpart 1; and

[(2) such] *appropriated such* sums for fiscal year 2002, and for each of the 5 succeeding fiscal years, for national programs under subpart 2.

**[Subpart 1—State Grants****[SEC. 4111. RESERVATIONS AND ALLOTMENTS.**

[(a) RESERVATIONS.—

[(1) IN GENERAL.—From the amount made available under section 4003(1) to carry out this subpart for each fiscal year, the Secretary—

[(A) shall reserve 1 percent or \$4,750,000 (whichever is greater) of such amount for grants to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs and to carry out programs described in this subpart;

[(B) shall reserve 1 percent or \$4,750,000 (whichever is greater) of such amount for the Secretary of the Interior to carry out programs described in this subpart for Indian youth; and

[(C) shall reserve 0.2 percent of such amount for Native Hawaiians to be used under section 4117 to carry out programs described in this subpart.

[(2) OTHER RESERVATIONS.—From the amount made available under section 4003(2) to carry out subpart 2 for each fiscal year, the Secretary—

[(A) may reserve not more than \$2,000,000 for the national impact evaluation required by section 4122(a);

[(B) notwithstanding section 3 of the No Child Left Behind Act of 2001, shall reserve an amount necessary to make continuation grants to grantees under the Safe Schools/Healthy Students initiative (under the same terms and conditions as provided for in the grants involved).

[(b) STATE ALLOTMENTS.—

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

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

[(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

[(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than the greater of—

[(A) one-half of 1 percent of the total amount allotted to all the States under this subsection; or

[(B) the amount such State received for fiscal year 2001 under section 4111 as such section was in effect the day preceding the date of enactment of the No Child Left Behind Act of 2001.

**[(3) REALLOTMENT.—**

[(A) REALLOTMENT FOR FAILURE TO APPLY.—If any State does not apply for an allotment under this subpart for a fiscal year, the Secretary shall reallocate the amount of the State's allotment to the remaining States in accordance with this section.

[(B) REALLOTMENT OF UNUSED FUNDS.—The Secretary may reallocate any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallocations shall be made on the same basis as allotments are made under paragraph (1).

[(4) DEFINITION.—In this section the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

[(c) LIMITATION.—Amounts appropriated under section 4003(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4003(1) for the fiscal year involved are at least 10 percent greater than the amounts appropriated under such section 4003(1) for the previous fiscal year.

**[SEC. 4112. RESERVATION OF STATE FUNDS FOR SAFE AND DRUG-FREE SCHOOLS.**

**[(a) STATE RESERVATION FOR THE CHIEF EXECUTIVE OFFICER OF A STATE.—**

[(1) IN GENERAL.—The chief executive officer of a State may reserve not more than 20 percent of the total amount allocated to a State under section 4111(b) for each fiscal year to award competitive grants and contracts to local educational agencies, community-based organizations (including community anti-drug coalitions) other public entities and private organizations, and consortia thereof. Such grants and contracts shall be used to carry out the comprehensive State plan described in section 4113(a) through programs or activities that complement and support activities of local educational agencies described in section 4115(b). Such officer shall award grants based on—

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

[(B) how the program or activity meets the principles of effectiveness described in section 4115(a).

[(2) PRIORITY.—In making such grants and contracts under this section, a chief executive officer shall give priority to programs and activities that prevent illegal drug use and violence for—

[(A) children and youth who are not normally served by State educational agencies or local educational agencies; or

[(B) populations that need special services or additional resources (such as youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

[(3) SPECIAL CONSIDERATION.—In awarding funds under paragraph (1), a chief executive officer shall give special consideration to grantees that pursue a comprehensive approach to drug and violence prevention that includes providing and incorporating mental health services related to drug and violence prevention in their program.

[(4) PEER REVIEW.—Grants or contracts awarded under this section shall be subject to a peer review process.

[(5) USE OF FUNDS.—Grants and contracts under this section shall be used to implement drug and violence prevention activities, including—

[(A) activities that complement and support local educational agency activities under section 4115, including developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

[(B) dissemination of information about drug and violence prevention; and

[(C) development and implementation of community-wide drug and violence prevention planning and organizing.

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

[(b) IN STATE DISTRIBUTION.—

[(1) IN GENERAL.—A State educational agency shall distribute not less than 93 percent of the amount made available to the State under section 4111(b), less the amount reserved under subsection (a) of this section, to its local educational agencies.

[(2) STATE ADMINISTRATION COSTS.—

[(A) IN GENERAL.—A State educational agency may use not more than 3 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for State educational agency administrative costs, including the implementation of the uniform management information and reporting system as provided for under subsection (c)(3).

[(B) ADDITIONAL AMOUNTS FOR THE UNIFORM MANAGEMENT INFORMATION SYSTEM.—In the case of fiscal year 2002, a State educational agency may, in addition to amounts provided for in subparagraph (A), use 1 percent of the amount made available to the State educational agency under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for implementation of the uniform management information and reporting system as provided for under subsection (c)(3).

[(c) STATE ACTIVITIES.—

[(1) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount made available to the State under section 4111(b) for each fiscal year less the amount reserved under subsection (a) of this section, for activities described in this subsection.

[(2) ACTIVITIES.—A State educational agency shall use the amounts described in paragraph (1), either directly, or through grants and contracts, to plan, develop, and implement capacity building, technical assistance and training, evaluation, program improvement services, and coordination activities for local educational agencies, community-based organizations, and other public and private entities. Such uses—

[(A) shall meet the principles of effectiveness described in section 4115(a);

[(B) shall complement and support local uses of funds under section 4115(b);

[(C) shall be in accordance with the purposes of this part; and

[(D) may include, among others activities—

[(i) identification, development, evaluation, and dissemination of drug and violence prevention strategies, programs, activities, and other information;

[(ii) training, technical assistance, and demonstration projects to address violence that is associated with prejudice and intolerance; and

[(iii) financial assistance to enhance drug and violence prevention resources available in areas that serve large numbers of low-income children, are sparsely populated, or have other special needs.

[(3) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—

[(A) INFORMATION AND STATISTICS.—A State shall establish a uniform management information and reporting system.

[(B) USES OF FUNDS.—A State may use funds described in subparagraphs (A) and (B) of subsection (b)(2), either directly or through grants and contracts, to implement the uniform management information and reporting system described in subparagraph (A), for the collection of information on—

[(i) truancy rates;

[(ii) the frequency, seriousness, and incidence of violence and drug-related offenses resulting in suspensions and expulsions in elementary schools and secondary schools in the State;

[(iii) the types of curricula, programs, and services provided by the chief executive officer, the State educational agency, local educational agencies, and other recipients of funds under this subpart; and

[(iv) the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities.

[(C) COMPILATION OF STATISTICS.—In compiling the statistics required for the uniform management information and reporting system, the offenses described in subparagraph (B)(ii) shall be defined pursuant to the State's criminal code, but shall not identify victims of crimes or persons accused of crimes. The collected data shall include incident

reports by school officials, anonymous student surveys, and anonymous teacher surveys.

[(D) REPORTING.—The information described under subparagraph (B) shall be reported to the public and the data referenced in clauses (i) and (ii) of such subparagraph shall be reported to the State on a school-by-school basis.

[(E) LIMITATION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices with respect to crimes committed on school property or school security.

**[SEC. 4113. STATE APPLICATION.**

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

[(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer of the State to provide safe, orderly, and drug-free schools and communities through programs and activities that complement and support activities of local educational agencies under section 4115(b), that comply with the principles of effectiveness under section 4115(a), and that otherwise are in accordance with the purpose of this part;

[(2) describes how activities funded under this subpart will foster a safe and drug-free learning environment that supports academic achievement;

[(3) provides an assurance that the application was developed in consultation and coordination with appropriate State officials and others, including the chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

[(4) describes how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies and other programs, as appropriate, in accordance with the provisions in section 9306;

[(5) provides an assurance that funds reserved under section 4112(a) will not duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based drug and violence prevention activities and that those funds will be used to serve populations not normally served by the State educational agencies and local educational agencies and populations that need special services, such as school dropouts, suspended and expelled students, youth in detention centers, runaway or homeless children and youth, and pregnant and parenting youth;

[(6) provides an assurance that the State will cooperate with, and assist, the Secretary in conducting data collection as required by section 4122;

[(7) provides an assurance that the local educational agencies in the State will comply with the provisions of section 9501 pertaining to the participation of private school children and teachers in the programs and activities under this subpart;

[(8) provides an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

[(9) contains the results of a needs assessment conducted by the State for drug and violence prevention programs, which shall be based on ongoing State evaluation activities, including data on—

[(A) the incidence and prevalence of illegal drug use and violence among youth in schools and communities, including the age of onset, the perception of health risks, and the perception of social disapproval among such youth;

[(B) the prevalence of risk factors, including high or increasing rates of reported cases of child abuse or domestic violence;

[(C) the prevalence of protective factors, buffers, or assets; and

[(D) other variables in the school and community identified through scientifically based research;

[(10) provides a statement of the State's performance measures for drug and violence prevention programs and activities to be funded under this subpart that will be focused on student behavior and attitudes, derived from the needs assessment described in paragraph (9), and be developed in consultation between the State and local officials, and that consist of—

[(A) performance indicators for drug and violence prevention programs and activities; and

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

[(11) describes the procedures the State will use for assessing and publicly reporting progress toward meeting the performance measures described in paragraph (10);

[(12) provides an assurance that the State application will be available for public review after submission of the application;

[(13) describes the special outreach activities that will be carried out by the State educational agency and the chief executive officer of the State to maximize the participation of community-based organizations of demonstrated effectiveness that provide services such as mentoring programs in low-income communities;

[(14) describes how funds will be used by the State educational agency and the chief executive officer of the State to support, develop, and implement community-wide comprehensive drug and violence prevention planning and organizing activities;

[(15) describes how input from parents will be sought regarding the use of funds by the State educational agency and the chief executive officer of the State;



[(16) describes how the State educational agency will review applications from local educational agencies, including how the agency will receive input from parents in such review;

[(17) describes how the State educational agency will monitor the implementation of activities under this subpart, and provide technical assistance for local educational agencies, community-based organizations, other public entities, and private organizations;

[(18) describes how the chief executive officer of the State will award funds under section 4112(a) and implement a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

[(19) includes any other information the Secretary may require.

[(b) INTERIM APPLICATION.—

[(1) AUTHORITY.—Notwithstanding any other provision of this section, a State may submit for fiscal year 2002 a 1-year interim application and plan for the use of funds under this subpart that is consistent with the requirements of this section and contains such information as the Secretary may specify in regulations.

[(2) PURPOSE.—The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section.

[(3) EXCEPTION.—A State may not receive a grant under this subpart for a fiscal year after fiscal year 2002 unless the Secretary has approved such State's application and comprehensive plan as described in subsection (a).

[(c) APPROVAL PROCESS.—

[(1) DEEMED APPROVAL.—An application submitted by a State pursuant to this section shall undergo peer review by the Secretary and shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

[(2) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing.

[(3) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

[(A) give the State educational agency and the chief executive officer of the State notice and an opportunity for a hearing; and

[(B) notify the State educational agency and the chief executive officer of the State of the finding of noncompliance, and in such notification, shall—

[(i) cite the specific provisions in the application that are not in compliance; and

[(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

[(4) RESPONSE.—If the State educational agency and the chief executive officer of the State respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmit the application with the requested information described in paragraph (3)(B)(ii), the Secretary shall approve or disapprove such application prior to the later of—

[(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(B) the expiration of the 120-day period described in paragraph (1).

[(5) FAILURE TO RESPOND.—If the State educational agency and the chief executive officer of the State do not respond to the Secretary's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**[SEC. 4114. LOCAL EDUCATIONAL AGENCY PROGRAM.**

**[(a) IN GENERAL.—**

[(1) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—A State shall provide the amount made available to the State under this subpart, less the amounts reserved under section 4112 to local educational agencies for drug and violence prevention and education programs and activities as follows:

[(A) 60 percent of such amount based on the relative amount such agencies received under part A of title I for the preceding fiscal year.

[(B) 40 percent of such amount based on the relative enrollments in public and private nonprofit elementary schools and secondary schools within the boundaries of such agencies.

[(2) ADMINISTRATIVE COSTS.—Of the amount received under paragraph (1), a local educational agency may use not more than 2 percent for the administrative costs of carrying out its responsibilities under this subpart.

[(3) RETURN OF FUNDS TO STATE; REALLOCATION.—

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

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

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

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

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

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

[(C) REALLOCATION.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under this subsection, or if such agency's application under subsection (d) is disapproved by the State educational agency, the State educational agency shall re-allocate such amount to one or more of its other local educational agencies.

[(b) ELIGIBILITY.—To be eligible to receive a subgrant under this subpart, a local educational agency desiring a subgrant shall submit an application to the State educational agency in accordance with subsection (d). Such an application shall be amended, as necessary, to reflect changes in the activities and programs of the local educational agency.

[(c) DEVELOPMENT.—

[(1) CONSULTATION.—

[(A) IN GENERAL.—A local educational agency shall develop its application through timely and meaningful consultation with State and local government representatives, representatives of schools to be served (including private schools), teachers and other staff, parents, students, community-based organizations, and others with relevant and demonstrated expertise in drug and violence prevention activities (such as medical, mental health, and law enforcement professionals).

[(B) CONTINUED CONSULTATION.—On an ongoing basis, the local educational agency shall consult with such representatives and organizations in order to seek advice regarding how best to coordinate such agency's activities under this subpart with other related strategies, programs, and activities being conducted in the community.

[(2) DESIGN AND DEVELOPMENT.—To ensure timely and meaningful consultation under paragraph (1), a local educational agency at the initial stages of design and development of a program or activity shall consult, in accordance with this subsection, with appropriate entities and persons on issues regarding the design and development of the program or activity, including efforts to meet the principles of effectiveness described in section 4115(a).

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

[(1) an assurance that the activities or programs to be funded comply with the principles of effectiveness described in section 4115(a) and foster a safe and drug-free learning environment that supports academic achievement;

[(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, including a description of—

[(A) how the plan will be coordinated with programs under this Act, and other Federal, State, and local programs for drug and violence prevention, in accordance with section 9306;

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

[(i) performance indicators for drug and violence prevention programs and activities; including—

[(I) specific reductions in the prevalence of identified risk factors; and

[(II) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; and

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

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

[(D) the drug and violence prevention activity or program to be funded, including how the activity or program will meet the principles of effectiveness described in section 4115(a), and the means of evaluating such activity or program; and

[(E) how the services will be targeted to schools and students with the greatest need;

[(3) a description for how the results of the evaluations of the effectiveness of the program will be used to refine, improve, and strengthen the program;

[(4) an assurance that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds;

[(5) a description of the mechanisms used to provide effective notice to the community of an intention to submit an application under this subpart;

[(6) an assurance that drug and violence prevention programs supported under this subpart convey a clear and consistent message that acts of violence and the illegal use of drugs are wrong and harmful;

[(7) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

[(A) appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

[(B) security procedures at school and while students are on the way to and from school;

[(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments;

[(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

[(E) a code of conduct policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that—

[(i) allows a teacher to communicate effectively with all students in the class;

[(ii) allows all students in the class to learn;

[(iii) has consequences that are fair, and developmentally appropriate;

[(iv) considers the student and the circumstances of the situation; and

[(v) is enforced accordingly;

[(8) an assurance that the application and any waiver request under section 4115(a)(3) will be available for public review after submission of the application; and

[(9) such other assurances, goals, and objectives identified through scientifically based research that the State may reasonably require in accordance with the purpose of this part.

[(e) REVIEW OF APPLICATION.—

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

[(2) CONSIDERATIONS.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of application and the extent to which the application meets the principles of effectiveness described in section 4115(a).

[(f) APPROVAL PROCESS.—

[(1) DEEMED APPROVAL.—An application submitted by a local educational agency pursuant to this section shall be deemed to be approved by the State educational agency unless the State educational agency makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with this subpart.

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

[(3) NOTIFICATION.—If the State educational agency finds that the application is not in compliance, in whole or in part, with this subpart, the State educational agency shall—

[(A) give the local educational agency notice and an opportunity for a hearing; and

[(B) notify the local educational agency of the finding of noncompliance, and in such notification, shall—

[(i) cite the specific provisions in the application that are not in compliance; and

[(ii) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

[(4) RESPONSE.—If the local educational agency responds to the State educational agency's notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in paragraph (3)(B)(ii), the State educational agency shall approve or disapprove such application prior to the later of—

[(A) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

[(B) the expiration of the 120-day period described in paragraph (1).

[(5) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency’s notification described in paragraph (3)(B) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

**[SEC. 4115. AUTHORIZED ACTIVITIES.**

[(a) PRINCIPLES OF EFFECTIVENESS.—

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

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

[(B) be based on an established set of performance measures aimed at ensuring that the elementary schools and secondary schools and communities to be served by the program have a safe, orderly, and drug-free learning environment;

[(C) be based on scientifically based research that provides evidence that the program to be used will reduce violence and illegal drug use;

[(D) be based on an analysis of the data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence; protective factors, buffers, assets; or other variables in schools and communities in the State identified through scientifically based research; and

[(E) include meaningful and ongoing consultation with and input from parents in the development of the application and administration of the program or activity.

[(2) PERIODIC EVALUATION.—

[(A) REQUIREMENT.—The program or activity shall undergo a periodic evaluation to assess its progress toward reducing violence and illegal drug use in schools to be served based on performance measures described in section 4114(d)(2)(B).

[(B) USE OF RESULTS.—The results shall be used to refine, improve, and strengthen the program, and to refine the performance measures, and shall also be made available to the public upon request, with public notice of such availability provided.

[(3) WAIVER.—A local educational agency may apply to the State for a waiver of the requirement of subsection (a)(1)(C) to

allow innovative activities or programs that demonstrate substantial likelihood of success.

**[(b) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—**

**[(1) PROGRAM REQUIREMENTS.—**A local educational agency shall use funds made available under section 4114 to develop, implement, and evaluate comprehensive programs and activities, which are coordinated with other school and community-based services and programs, that shall—

**[(A) foster a safe and drug-free learning environment that supports academic achievement;**

**[(B) be consistent with the principles of effectiveness described in subsection (a)(1);**

**[(C) be designed to—**

**[(i) prevent or reduce violence; the use, possession and distribution of illegal drugs; and delinquency; and**

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

**[(D) include activities to—**

**[(i) promote the involvement of parents in the activity or program;**

**[(ii) promote coordination with community groups and coalitions, and government agencies; and**

**[(iii) distribute information about the local educational agency's needs, goals, and programs under this subpart.**

**[(2) AUTHORIZED ACTIVITIES.—**Each local educational agency, or consortium of such agencies, that receives a subgrant under this subpart may use such funds to carry out activities that comply with the principles of effectiveness described in subsection (a), such as the following:

**[(A) Age appropriate and developmentally based activities that—**

**[(i) address the consequences of violence and the illegal use of drugs, as appropriate;**

**[(ii) promote a sense of individual responsibility;**

**[(iii) teach students that most people do not illegally use drugs;**

**[(iv) teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;**

**[(v) teach students about the dangers of emerging drugs;**

**[(vi) engage students in the learning process; and**

**[(vii) incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.**

**[(B) Activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of**

drugs and appropriate consequences for violence and illegal use of drugs.

【(C) Dissemination of drug and violence prevention information to schools and the community.

【(D) Professional development and training for, and involvement of, school personnel, pupil services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.

【(E) Drug and violence prevention activities that may include the following:

【(i) Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.

【(ii) Acquiring and installing metal detectors, electronic locks, surveillance cameras, or other related equipment and technologies.

【(iii) Reporting criminal offenses committed on school property.

【(iv) Developing and implementing comprehensive school security plans or obtaining technical assistance concerning such plans, which may include obtaining a security assessment or assistance from the School Security and Technology Resource Center at the Sandia National Laboratory located in Albuquerque, New Mexico.

【(v) Supporting safe zones of passage activities that ensure that students travel safely to and from school, which may include bicycle and pedestrian safety programs.

【(vi) The hiring and mandatory training, based on scientific research, of school security personnel (including school resource officers) who interact with students in support of youth drug and violence prevention activities under this part that are implemented in the school.

【(vii) Expanded and improved school-based mental health services related to illegal drug use and violence, including early identification of violence and illegal drug use, assessment, and direct or group counseling services provided to students, parents, families, and school personnel by qualified school-based mental health service providers.

【(viii) Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.

【(ix) Alternative education programs or services for violent or drug abusing students that reduce the need for suspension or expulsion or that serve students who have been suspended or expelled from the regular educational settings, including programs or services to assist students to make continued progress toward meet-



ing the State academic achievement standards and to reenter the regular education setting.

[(x) Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.

[(xi) Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

[(xii) Drug and violence prevention activities designed to reduce truancy.

[(xiii) Age-appropriate, developmentally-based violence prevention and education programs that address victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence.

[(xiv) Consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or the inspecting of a student's locker for weapons or illegal drugs or drug paraphernalia, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect.

[(xv) Emergency intervention services following traumatic crisis events, such as a shooting, major accident, or a drug-related incident that have disrupted the learning environment.

[(xvi) Establishing or implementing a system for transferring suspension and expulsion records, consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g), by a local educational agency to any public or private elementary school or secondary school.

[(xvii) Developing and implementing character education programs, as a component of drug and violence prevention programs, that take into account the views of parents of the students for whom the program is intended and such students, such as a program described in subpart 3 of part D of title V.

[(xviii) Establishing and maintaining a school safety hotline.

[(xix) Community service, including community service performed by expelled students, and service-learning projects.

[(xx) Conducting a nationwide background check of each local educational agency employee, regardless of when hired, and prospective employees for the purpose of determining whether the employee or prospective

employee has been convicted of a crime that bears upon the employee's fitness—

[(I) to be responsible for the safety or well-being of children;

[(II) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

[(III) to otherwise be employed by the local educational agency.

[(xxi) Programs to train school personnel to identify warning signs of youth suicide and to create an action plan to help youth at risk of suicide.

[(xxii) Programs that respond to the needs of students who are faced with domestic violence or child abuse.

[(F) The evaluation of any of the activities authorized under this subsection and the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives.

**[(c) LIMITATION.—**

[(1) IN GENERAL.—Except as provided in paragraph (2), not more than 40 percent of the funds available to a local educational agency under this subpart may be used to carry out the activities described in clauses (ii) through (vi) of subsection (b)(2)(E), of which not more than 50 percent of such amount may be used to carry out the activities described in clauses (ii) through (v) of such subsection.

[(2) EXCEPTION.—A local educational agency may use funds under this subpart for activities described in clauses (ii) through (v) of subsection (b)(2)(E) only if funding for these activities is not received from other Federal agencies.

[(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this subpart by any local educational agency or school for the establishment or implementation of a school uniform policy if such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other scientifically based research information.

**[(SEC. 4116. REPORTING.**

**[(a) STATE REPORT.—**

[(1) IN GENERAL.—By December 1, 2003, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

[(A) on the implementation and outcomes of State programs under section 4112(a)(1) and section 4112(c) and local educational agency programs under section 4115(b), as well as an assessment of their effectiveness;

[(B) on the State's progress toward attaining its performance measures for drug and violence prevention under section 4113(a)(10); and

[(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts.

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

[(A) in the form specified by the Secretary;

[(B) based on the State’s ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

[(C) made readily available to the public.

[(b) LOCAL EDUCATIONAL AGENCY REPORT.—

[(1) IN GENERAL.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (a), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.

[(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.

[(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (a), the Secretary shall provide to the State educational agency all of the necessary documentation required for compliance with this section.

**[SEC. 4117. PROGRAMS FOR NATIVE HAWAIIANS.**

[(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(1)(C) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians for the benefit of Native Hawaiians to plan, conduct, and administer programs, or portions thereof, that are authorized by and consistent with the provisions of this subpart.

[(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term “Native Hawaiian” means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.]

**Subpart 2—National Programs**

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**[SEC. 4129. GRANTS TO REDUCE ALCOHOL ABUSE.**

[(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, may award grants from funds made available to carry out this subpart under section 4003(2), on a competitive basis, to local educational agencies to enable such agencies to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

[(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a local educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

[(1) a description of the activities to be carried out under the grant;

[(2) an assurance that such activities will include one or more of the proven strategies for reducing underage alcohol abuse as determined by the Substance Abuse and Mental Health Services Administration;

[(3) an explanation of how activities to be carried out under the grant that are not described in paragraph (2) will be effective in reducing underage alcohol abuse, including references to the past effectiveness of such activities;

[(4) an assurance that the applicant will submit to the Secretary an annual report concerning the effectiveness of the programs and activities funded under the grant; and

[(5) such other information as the Secretary determines appropriate.

[(c) STREAMLINING OF PROCESS FOR LOW-INCOME AND RURAL LEAS.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall develop procedures to make the application process for grants under this section more user-friendly, particularly for low-income and rural local educational agencies.

[(d) RESERVATIONS.—

[(1) SAMHSA.—The Secretary may reserve 20 percent of any amount used to carry out this section to enable the Administrator of the Substance Abuse and Mental Health Services Administration to provide alcohol abuse resources and start-up assistance to local educational agencies receiving grants under this section.

[(2) LOW-INCOME AND RURAL AREAS.—The Secretary may reserve 25 percent of any amount used to carry out this section to award grants to low-income and rural local educational agencies.

**[SEC. 4130. MENTORING PROGRAMS.**

[(a) PURPOSE; DEFINITIONS.—

[(1) PURPOSE.—The purpose of this section is to make assistance available to promote mentoring programs for children with greatest need—

[(A) to assist such children in receiving support and guidance from a mentor;

[(B) to improve the academic achievement of such children;

[(C) to improve interpersonal relationships between such children and their peers, teachers, other adults, and family members;

[(D) to reduce the dropout rate of such children; and

[(E) to reduce juvenile delinquency and involvement in gangs by such children.

[(2) DEFINITIONS.—In this part:

[(A) CHILD WITH GREATEST NEED.—The term “child with greatest need” means a child who is at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities, or who lacks strong positive role models.

[(B) ELIGIBLE ENTITY.—The term “eligible entity” means—

[(i) a local educational agency;

[(ii) a nonprofit, community-based organization; or

[(iii) a partnership between a local educational agency and a nonprofit, community-based organization.

[(C) MENTOR.—The term “mentor” means a responsible adult, a postsecondary school student, or a secondary school student who works with a child—

[(i) to provide a positive role model for the child;

[(ii) to establish a supportive relationship with the child; and

[(iii) to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

[(D) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(b) GRANT PROGRAM.—

[(1) IN GENERAL.—The Secretary may award grants from funds made available to carry out this subpart under section 4003(2) to eligible entities to assist such entities in establishing and supporting mentoring programs and activities for children with greatest need that—

[(A) are designed to link such children (particularly children living in rural areas, high-crime areas, or troubled home environments, or children experiencing educational failure) with mentors who—

[(i) have received training and support in mentoring;

[(ii) have been screened using appropriate reference checks, child and domestic abuse record checks, and criminal background checks; and

[(iii) are interested in working with children with greatest need; and

[(B) are intended to achieve one or more of the following goals with respect to children with greatest need:

[(i) Provide general guidance.

[(ii) Promote personal and social responsibility.

[(iii) Increase participation in, and enhance the ability to benefit from, elementary and secondary education.

[(iv) Discourage illegal use of drugs and alcohol, violence, use of dangerous weapons, promiscuous behavior, and other criminal, harmful, or potentially harmful activity.

[(v) Encourage participation in community service and community activities.

[(vi) Encourage setting goals and planning for the future, including encouragement of graduation from secondary school and planning for postsecondary education or training.

[(viii) Discourage involvement in gangs.

[(2) USE OF FUNDS.—

[(A) IN GENERAL.—Each eligible entity awarded a grant under this subsection shall use the grant funds for activities that establish or implement a mentoring program, that may include—

[(i) hiring of mentoring coordinators and support staff;

[(ii) providing for the professional development of mentoring coordinators and support staff;

[(iii) recruitment, screening, and training of mentors;

[(iv) reimbursement to schools, if appropriate, for the use of school materials or supplies in carrying out the mentoring program;

[(v) dissemination of outreach materials;

[(vi) evaluation of the mentoring program using scientifically based methods; and

[(vii) such other activities as the Secretary may reasonably prescribe by rule.

[(B) PROHIBITED USES.—Notwithstanding subparagraph (A), an eligible entity awarded a grant under this section may not use the grant funds—

[(i) to directly compensate mentors;

[(ii) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the eligible entity's operations;

[(iii) to support litigation of any kind; or

[(iv) for any other purpose reasonably prohibited by the Secretary by rule.

[(3) AVAILABILITY OF FUNDS.—Funds made available through a grant under this section shall be available for obligation for a period not to exceed 3 years.

[(4) APPLICATION.—Each eligible entity seeking a grant under this section shall submit to the Secretary an application that includes—

[(A) a description of the plan for the mentoring program the eligible entity proposes to carry out with such grant;

[(B) information on the children expected to be served by the mentoring program for which such grant is sought;

[(C) a description of the mechanism the eligible entity will use to match children with mentors based on the needs of the children;

[(D) an assurance that no mentor will be assigned to mentor so many children that the assignment will undermine the mentor's ability to be an effective mentor or the mentor's ability to establish a close relationship (a one-to-one relationship, where practicable) with each mentored child;

[(E) an assurance that the mentoring program will provide children with a variety of experiences and support, including—

[(i) emotional support;

[(ii) academic assistance; and

[(iii) exposure to experiences that the children might not otherwise encounter on their own;

[(F) an assurance that the mentoring program will be monitored to ensure that each child assigned a mentor benefits from that assignment and that the child will be assigned a new mentor if the relationship between the original mentor and the child is not beneficial to the child;

[(G) information regarding how mentors and children will be recruited to the mentoring program;

[(H) information regarding how prospective mentors will be screened;

[(I) information on the training that will be provided to mentors; and

[(J) information on the system that the eligible entity will use to manage and monitor information relating to the mentoring program's—

[(i) reference checks;

[(ii) child and domestic abuse record checks;

[(iii) criminal background checks; and

[(iv) procedure for matching children with mentors.

[(5) SELECTION.—

[(A) COMPETITIVE BASIS.—In accordance with this subsection, the Secretary shall award grants to eligible entities on a competitive basis.

[(B) PRIORITY.—In awarding grants under subparagraph (A), the Secretary shall give priority to each eligible entity that—

[(i) serves children with greatest need living in rural areas, high-crime areas, or troubled home environments, or who attend schools with violence problems;

[(ii) provides high quality background screening of mentors, training of mentors, and technical assistance in carrying out mentoring programs; or

[(iii) proposes a school-based mentoring program.

[(C) OTHER CONSIDERATIONS.—In awarding grants under subparagraph (A), the Secretary shall also consider—

[(i) the degree to which the location of the mentoring program proposed by each eligible entity contributes to a fair distribution of mentoring programs with respect to urban and rural locations;

[(ii) the quality of the mentoring program proposed by each eligible entity, including—

[(I) the resources, if any, the eligible entity will dedicate to providing children with opportunities for job training or postsecondary education;

[(II) the degree to which parents, teachers, community-based organizations, and the local community have participated, or will participate, in the design and implementation of the proposed mentoring program;

[(III) the degree to which the eligible entity can ensure that mentors will develop longstanding relationships with the children they mentor;

[(IV) the degree to which the mentoring program will serve children with greatest need in the 4th through 8th grades; and

[(V) the degree to which the mentoring program will continue to serve children from the 9th grade through graduation from secondary school, as needed; and

[(iii) the capability of each eligible entity to effectively implement its mentoring program.

[(D) GRANT TO EACH STATE.—Notwithstanding any other provision of this subsection, in awarding grants under subparagraph (A), the Secretary shall select not less than one grant recipient from each State for which there is an eligible entity that submits an application of sufficient quality pursuant to paragraph (4).

[(6) MODEL SCREENING GUIDELINES.—

[(A) IN GENERAL.—Based on model screening guidelines developed by the Office of Juvenile Programs of the Department of Justice, the Secretary shall develop and distribute to each eligible entity awarded a grant under this section specific model guidelines for the screening of mentors who seek to participate in mentoring programs assisted under this section.

[(B) BACKGROUND CHECKS.—The guidelines developed under this subsection shall include, at a minimum, a requirement that potential mentors be subject to reference checks, child and domestic abuse record checks, and criminal background checks.]

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**TITLE V—PROMOTING INFORMED PARENTAL CHOICE AND INNOVATIVE PROGRAMS**

\* \* \* \* \*

**PART D—FUND FOR THE IMPROVEMENT OF EDUCATION**

\* \* \* \* \*

**[Subpart 2—Elementary and Secondary School Counseling Programs**

**[SEC. 5421. ELEMENTARY AND SECONDARY SCHOOL COUNSELING PROGRAMS.**

[(a) GRANTS AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies to enable such agencies to establish or expand elementary school and secondary school counseling programs that comply with the requirements of subsection (c)(2).



[(2) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

[(A) demonstrate the greatest need for new or additional counseling services among children in the schools served by the local educational agency, in part by providing information on current ratios of students to school counselors, students to school social workers, and students to school psychologists;

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

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

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

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

[(5) MAXIMUM GRANT.—A grant awarded under this section shall not exceed \$400,000 for any fiscal year.

[(6) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, or local funds used for providing school-based counseling and mental health services to students.

[(b) APPLICATIONS.—

[(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

[(2) CONTENTS.—Each application for a grant under this section shall—

[(A) describe the school population to be targeted by the program, the particular counseling needs of such population, and the current school counseling resources available for meeting such needs;

[(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

[(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

[(D) describe how the local educational agency will involve community groups, social service agencies, and other public and private entities in collaborative efforts to enhance the program and promote school-linked services integration;

[(E) document that the local educational agency has the personnel qualified to develop, implement, and administer the program;

[(F) describe how diverse cultural populations, if applicable, will be served through the program;

[(G) assure that the funds made available under this subpart for any fiscal year will be used to supplement, and

not supplant, any other Federal, State, or local funds used for providing school-based counseling and mental health services to students; and

[(H) assure that the applicant will appoint an advisory board composed of interested parties, including parents, teachers, school administrators, counseling services providers described in subsection (c)(2)(D), and community leaders, to advise the local educational agency on the design and implementation of the program.

[(c) USE OF FUNDS.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to initiate or expand elementary school or secondary school counseling programs that comply with the requirements of paragraph (2).

[(2) REQUIREMENTS.—Each program funded under this section shall—

[(A) be comprehensive in addressing the counseling and educational needs of all students;

[(B) use a developmental, preventive approach to counseling;

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

[(D) expand counseling services through qualified school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists;

[(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning, or to improve peer interaction;

[(F) provide counseling services in settings that meet the range of student needs;

[(G) include in-service training appropriate to the activities funded under this Act for teachers, instructional staff, and appropriate school personnel, including in-service training in appropriate identification and early intervention techniques by school counselors, school social workers, school psychologists, other qualified psychologists, and child and adolescent psychiatrists;

[(H) involve parents of participating students in the design, implementation, and evaluation of the counseling program;

[(I) involve community groups, social service agencies, or other public or private entities in collaborative efforts to enhance the program and promote school-linked integration of services;

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

[(K) ensure a team approach to school counseling in the schools served by the local educational agency by working toward ratios recommended by the American School Health Association of one school counselor to 250 students,

one school social worker to 800 students, and one school psychologist to 1,000 students; and

[(L) ensure that school counselors, school psychologists, other qualified psychologists, school social workers, or child and adolescent psychiatrists paid from funds made available under this section spend a majority of their time counseling students or in other activities directly related to the counseling process.

[(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 4 percent of the amounts made available under this section for any fiscal year may be used for administrative costs to carry out this section.

[(e) DEFINITIONS.—For the purpose of this section—

[(1) the term “child and adolescent psychiatrist” means an individual who—

[(A) possesses State medical licensure; and

[(B) has completed residency training programs in both general psychiatry and child and adolescent psychiatry;

[(2) the term “other qualified psychologist” means an individual who has demonstrated competence in counseling children in a school setting and who—

[(A) is licensed in psychology by the State in which the individual works; and

[(B) practices in the scope of the individual’s education, training, and experience with children in school settings;

[(3) the term “school counselor” means an individual who has documented competence in counseling children and adolescents in a school setting and who—

[(A) is licensed by the State or certified by an independent professional regulatory authority;

[(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

[(C) holds a minimum of a master’s degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

[(4) the term “school psychologist” means an individual who—

[(A) has completed a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours are in the school setting;

[(B) is licensed or certified in school psychology by the State in which the individual works; or

[(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board; and

[(5) the term “school social worker” means an individual who—

[(A) holds a master’s degree in social work from a program accredited by the Council on Social Work Education; and

[(B)(i) is licensed or certified by the State in which services are provided; or

[(ii) in the absence of such State licensure or certification, possesses a national credential or certification as a school social work specialist granted by an independent professional organization.

[(f) REPORT.—Not later than 2 years after assistance is made available to local educational agencies under subsection (c), the Secretary shall make publicly available a report—

[(1) evaluating the programs assisted pursuant to each grant under this subpart; and

[(2) outlining the information from local educational agencies regarding the ratios of students to—

[(A) school counselors;

[(B) school social workers; and

[(C) school psychologists.

[(g) SPECIAL RULE.—

[(1) AMOUNT EQUALS OR EXCEEDS \$40,000,000.—If the amount of funds made available by the Secretary for this subpart equals or exceeds \$40,000,000, the Secretary shall award not less than \$40,000,000 in grants to local educational agencies to enable the agencies to establish or expand counseling programs in elementary schools.

[(2) AMOUNT LESS THAN \$40,000,000.—If the amount of funds made available by the Secretary for this subpart is less than \$40,000,000, the Secretary shall award grants to local educational agencies only to establish or expand counseling programs in elementary schools.

### **[Subpart 3—Partnerships in Character Education**

#### **[SEC. 5431. PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.**

[(a) PROGRAM AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities for the design and implementation of character education programs that—

[(A) are able to be integrated into classroom instruction and to be consistent with State academic content standards; and

[(B) are able to be carried out in conjunction with other educational reform efforts.

[(2) ELIGIBLE ENTITY.—In this section, the term “eligible entity” means—

[(A) a State educational agency in partnership with—

[(i) one or more local educational agencies; or

[(ii) one or more—

[(I) local educational agencies; and

[(II) nonprofit organizations or entities, including an institution of higher education;

[(B) a local educational agency or consortium of local educational agencies; or

[(C) a local educational agency in partnership with one or more nonprofit organizations or entities, including an institution of higher education.

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

[(4) AMOUNT OF GRANTS FOR STATE EDUCATIONAL AGENCIES.—Subject to the availability of appropriations, the amount of a grant made by the Secretary to a State educational agency under this section shall not be less than \$500,000 if the State educational agency—

[(A) is in a partnership described in paragraph (2)(A); and

[(B) meets such requirements as the Secretary may establish under this section.

[(b) CONTRACTS UNDER PROGRAM.—

[(1) EVALUATION.—Each eligible entity awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for the purposes of—

[(A) evaluating the program for which the assistance is made available;

[(B) measuring the integration of such program into the curriculum and teaching methods of schools where the program is carried out; and

[(C) measuring the success of such program in fostering the elements of character selected by the recipient under subsection (c).

[(2) MATERIALS AND PROGRAM DEVELOPMENT.—Each eligible entity awarded a grant under this section may contract with outside sources, including institutions of higher education and private and nonprofit organizations, for assistance in—

[(A) developing secular curricula, materials, teacher training, and other activities related to character education; and

[(B) integrating secular character education into the curricula and teaching methods of schools where the program is carried out.

[(c) ELEMENTS OF CHARACTER.—

[(1) SELECTION.—

[(A) IN GENERAL.—Each eligible entity awarded a grant under this section may select the elements of character that will be taught under the program for which the grant was awarded.

[(B) CONSIDERATION OF VIEWS.—In selecting elements of character under subparagraph (A), the eligible entity shall consider the views of the parents of the students to be taught under the program and the views of the students.

[(2) EXAMPLE ELEMENTS.—Elements of character selected under this subsection may include any of the following:

[(A) Caring.

[(B) Civic virtue and citizenship.

[(C) Justice and fairness.

[(D) Respect.

[(E) Responsibility.

[(F) Trustworthiness.

[(G) Giving.

- [(H) Any other elements deemed appropriate by the eligible entity.
- [(d) USE OF FUNDS BY STATE EDUCATIONAL AGENCY RECIPIENTS.—Of the total funds received in any fiscal year under this section by an eligible entity that is a State educational agency—
- [(1) not more than 3 percent of such funds may be used for administrative purposes; and
- [(2) the remainder of such funds may be used for—
- [(A) collaborative initiatives with and between local educational agencies and schools;
- [(B) the preparation or purchase of materials, and teacher training;
- [(C) providing assistance to local educational agencies, schools, or institutions of higher education; and
- [(D) technical assistance and evaluation.
- [(e) APPLICATION.—
- [(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.
- [(2) REQUIRED INFORMATION.—Each application for a grant under this section shall include (together with any other information that the Secretary may require) information that—
- [(A) demonstrates that the program for which the grant is sought has clear objectives that are based on scientifically based research;
- [(B) describes any partnerships or collaborative efforts among the organizations and entities of the eligible entity;
- [(C) describes the activities that will be carried out with the grant funds and how such activities will meet the objectives described in subparagraph (A), including—
- [(i) how parents, students, students with disabilities (including those with mental or physical disabilities), and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program and how the eligible entity will work with the larger community to increase the reach and promise of the program;
- [(ii) curriculum and instructional practices that will be used or developed; and
- [(iii) methods of teacher training and parent education that will be used or developed;
- [(D) describes how the program for which the grant is sought will be linked to other efforts to improve academic achievement, including—
- [(i) broader educational reforms that are being instituted by the eligible entity or its partners; and
- [(ii) State academic content standards;
- [(E) in the case of an eligible entity that is a State educational agency, describes how the State educational agency—
- [(i) will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs; and

[(ii) will assist other interested local educational agencies that are not members of the original partnership in designing and establishing character education programs;

[(F) describes how the eligible entity will evaluate the success of its program—

[(i) based on the objectives described in subparagraph (A); and

[(ii) in cooperation with any national evaluation conducted pursuant to subsection (h)(2)(B)(iii); and

[(G) assures that the eligible entity annually will provide to the Secretary such information as may be required to determine the effectiveness of the program.

[(f) SELECTION OF RECIPIENTS.—

[(1) PEER REVIEW.—

[(A) IN GENERAL.—In selecting eligible entities to receive grants under this section from among the applicants for such grants, the Secretary shall use a peer review process that includes the participation of experts in the field of character education and development.

[(B) USE OF FUNDS.—The Secretary may use funds appropriated under this section for the cost of carrying out peer reviews under this paragraph.

[(2) SELECTION CRITERIA.—Each selection under paragraph (1) shall be made on the basis of the quality of the application submitted, taking into consideration such factors as—

[(A) the extent to which the program fosters character in students and the potential for improved student academic achievement;

[(B) the extent and ongoing nature of parental, student, and community involvement;

[(C) the quality of the plan for measuring and assessing success; and

[(D) the likelihood that the objectives of the program will be achieved.

[(3) EQUITABLE DISTRIBUTION.—In making selections under this subsection, the Secretary shall ensure, to the extent practicable under paragraph (2), that the programs assisted under this section are equitably distributed among the geographic regions of the United States, and among urban, suburban, and rural areas.

[(g) PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.—Each eligible entity that receives a grant under this section shall provide, to the extent feasible and appropriate, for the participation in programs and activities under this section of students and teachers in private elementary schools and secondary schools.

[(h) EVALUATION AND PROGRAM DEVELOPMENT.—

[(1) STATE AND LOCAL REPORTING AND EVALUATION.—Each eligible entity receiving a grant under this section shall submit to the Secretary a comprehensive evaluation of the program assisted under this section, including its impact on students, students with disabilities (including those with mental or physical disabilities), teachers, administrators, parents, and others—

[(A) by the end of the second year of the program; and

[(B) not later than 1 year after completion of the grant period.

[(2) NATIONAL RESEARCH, DISSEMINATION, AND EVALUATION.—

[(A) IN GENERAL.—

[(i) AUTHORIZATION.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, State educational agencies or local educational agencies, institutions of higher education, tribal organizations, or other public or private agencies or organizations to carry out research, development, dissemination, technical assistance, and evaluation activities that support or inform State and local character education programs.

[(ii) RESERVATION OF FUNDS.—The Secretary shall reserve not more than 5 percent of the funds made available under this section to carry out this paragraph.

[(B) USES.—Funds made available under subparagraph (A) may be used for the following:

[(i) Conducting research and development activities that focus on matters such as—

[(I) the extent to which schools are undertaking character education initiatives;

[(II) the effectiveness of instructional models for all students, including students with disabilities (including those with mental or physical disabilities);

[(III) materials and curricula for use by programs in character education;

[(IV) models of professional development in character education;

[(V) the development of measures of effectiveness for character education programs (which may include the factors described in paragraph (3)); and

[(VI) the effectiveness of State and local programs receiving funds under this section.

[(ii) Providing technical assistance to State and local programs, particularly on matters of program evaluation.

[(iii) Conducting evaluations of State and local programs receiving funding under this section, that may be conducted through a national clearinghouse under clause (iv).

[(iv) Compiling and disseminating, through a national clearinghouse or other means—

[(I) information on model character education programs;

[(II) information about high quality character education materials and curricula;

[(III) research findings in the area of character education and character development; and

[(IV) any other information that will be useful to character education program participants na-



tionwide, including educators, parents, and administrators.

[(C) PARTNERSHIPS.—In carrying out national activities under this paragraph, the Secretary may enter into partnerships with national nonprofit character education organizations and institutions of higher education with expertise and successful experience in implementing—

[(i) character education programs that had an effective impact on schools, students, students with disabilities (including those with mental or physical disabilities), and teachers; or

[(ii) character education program evaluation and research.

[(D) PARTNERSHIP FOR ACTIVITIES UNDER SUBPARAGRAPH (B)(iv).—In carrying out national activities under subparagraph (B)(iv), the Secretary may enter into a partnership with a national nonprofit character education organization that will disseminate information to educators, parents, administrators, and others nationwide, including information about the range of model character education programs, materials, and curricula.

[(E) REPORT.—Each entity awarded a grant or entering into a contract or cooperative agreement under this paragraph shall submit an annual report to the Secretary that—

[(i) describes the entity's progress in carrying out research, development, dissemination, evaluation, and technical assistance under this paragraph;

[(ii) identifies unmet and future information needs in the field of character education; and

[(iii) if applicable, describes the progress of the entity in carrying out the requirements of subparagraph (B)(iv), including a listing of—

[(I) the number of requests for information received by the entity in the course of carrying out such requirements;

[(II) the types of organizations making such requests; and

[(III) the types of information requested.

[(3) FACTORS.—Factors that may be considered in evaluating the success of programs funded under this section include the following:

[(A) Discipline issues.

[(B) Student academic achievement.

[(C) Participation in extracurricular activities.

[(D) Parental and community involvement.

[(E) Faculty and administration involvement.

[(F) Student and staff morale.

[(G) Overall improvements in school climate for all students, including students with disabilities (including those with mental or physical disabilities).

[(i) PERMISSIVE MATCH.—

[(1) IN GENERAL.—The Secretary may require eligible entities to match funds awarded under this section with non-Fed-

eral funds, except that the amount of the match may not exceed the amount of the grant award.

[(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding scale that takes into account—

[(A) the poverty of the population to be targeted by the eligible entity; and

[(B) the ability of the eligible entity to obtain funding for the match.

[(3) IN-KIND CONTRIBUTIONS.—The Secretary shall permit eligible entities to match funds in whole or in part with in-kind contributions.

[(4) CONSIDERATION.—Notwithstanding this subsection, the Secretary in making awards under this section shall not consider the ability of an eligible entity to match funds.

### **[Subpart 4—Smaller Learning Communities**

#### **[SEC. 5441. SMALLER LEARNING COMMUNITIES.**

[(a) GRANT AUTHORITY.—The Secretary is authorized to award grants to local educational agencies to enable the agencies to create a smaller learning community or communities.

[(b) APPLICATION.—Each local educational agency desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. The application shall include descriptions of the following:

[(1) Strategies and methods the local educational agency will use to create the smaller learning community or communities.

[(2) Curriculum and instructional practices, including any particular themes or emphases, to be used in the smaller learning environment.

[(3) The extent of involvement of teachers and other school personnel in investigating, designing, implementing, and sustaining the smaller learning community or communities.

[(4) The process to be used for involving students, parents, and other stakeholders in the development and implementation of the smaller learning community or communities.

[(5) Any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities.

[(6) The training and professional development activities that will be offered to teachers and others involved in the activities assisted under this subpart.

[(7) The objectives of the activities assisted under this subpart, including a description of how such activities will better enable all students to reach challenging State academic content standards and State student academic achievement standards.

[(8) The methods by which the local educational agency will assess progress in meeting the objectives described in paragraph (7).

[(9) If the smaller learning community or communities exist as a school-within-a-school, the relationship, including govern-

ance and administration, of the smaller learning community to the remainder of the school.

[(10) The administrative and managerial relationship between the local educational agency and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities (including the continuity of student and teacher assignment to a particular learning community).

[(11) How the local educational agency will coordinate or use funds provided under this subpart with other funds provided under this Act or other Federal laws.

[(12) The grade levels or ages of students who will participate in the smaller learning community or communities.

[(13) The method of placing students in the smaller learning community or communities, such that students are not placed according to ability or any other measure, but are placed at random or by their own choice, and not pursuant to testing or other judgments.

[(c) AUTHORIZED ACTIVITIES.—Funds under this section may be used for one or more of the following:

[(1) To study—

[(A) the feasibility of creating the smaller learning community or communities; and

[(B) effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities.

[(2) To research, develop, and implement—

[(A) strategies for creating the smaller learning community or communities; and

[(B) strategies for effective and innovative changes in curriculum and instruction, geared to challenging State academic content standards and State student academic achievement standards.

[(3) To provide professional development for school staff in innovative teaching methods that—

[(A) challenge and engage students; and

[(B) will be used in the smaller learning community or communities.

[(4) To develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities as facilitators of activities that enable teachers to participate in professional development activities and provide links between students and their community.

### **[Subpart 5—Reading Is Fundamental— Inexpensive Book Distribution Program**

**[SEC. 5451. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.**

[(a) PURPOSE.—The purpose of this subpart is to establish and implement a model partnership between a governmental entity and a private entity, to help prepare young children for reading and to

motivate older children to read, through the distribution of inexpensive books. Local reading motivation programs assisted under this section shall use such assistance to provide books, training for volunteers, motivational activities, and other essential literacy resources and shall assign the highest priority to serving the youngest and neediest children in the United States.

[(b) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading Is Fundamental (RIF) (hereafter in this section referred to as the “contractor”) to support and promote programs, which include the distribution of inexpensive books to young and school-age children, that motivate children to read.

[(c) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (b) shall contain each of the following:

[(1) A provision that the contractor will enter into subcontracts with local private nonprofit groups or organizations, or with public agencies, under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift (to the extent feasible) or by loan, to children from birth through secondary school age, including children in family literacy programs.

[(2) A provision that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs.

[(3) A provision that, in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as the following:

[(A) Low-income children, particularly in high-poverty areas.

[(B) Children at risk of school failure.

[(C) Children with disabilities.

[(D) Foster children.

[(E) Homeless children.

[(F) Migrant children.ildren without access to libraries.

[(H) Institutionalized or incarcerated children.

[(I) Children whose parents are institutionalized or incarcerated.

[(4) A provision that the contractor will provide such training and technical assistance to subcontractors as may be necessary to carry out the purpose of this subpart.

[(5) A provision that the contractor will annually report to the Secretary the number, and a description, of programs funded under paragraph (3).

[(6) Such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

[(d) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book

purchases made under similar circumstances in the absence of Federal assistance.

**[(e) SPECIAL RULES FOR CERTAIN SUBCONTRACTORS.—**

**[(1) FUNDS FROM OTHER FEDERAL SOURCES.—**Subcontractors operating programs under this section in low-income communities with a substantial number or percentage of children with special needs, as described in subsection (c)(3), may use funds from other Federal sources to pay the non-Federal share of the cost of the program, if those funds do not comprise more than 50 percent of the non-Federal share of the funds used for the cost of acquiring and distributing books.

**[(2) WAIVER AUTHORITY.—**Notwithstanding subsection (c), the contractor may waive, in whole or in part, the requirement in subsection (c)(1) for a subcontractor, if the subcontractor demonstrates that it would otherwise not be able to participate in the program, and enters into an agreement with the contractor with respect to the amount of the non-Federal share to which the waiver will apply. In a case in which such a waiver is granted, the requirement in subsection (c)(2) shall not apply.

**[(f) MULTI-YEAR CONTRACTS.—**The contractor may enter into a multi-year subcontract under this section, if—

**[(1)** the contractor believes that such subcontract will provide the subcontractor with additional leverage in seeking local commitments; and

**[(2)** the subcontract does not undermine the finances of the national program.

**[(g) FEDERAL SHARE DEFINED.—**In this section, the term “Federal share” means, with respect to the cost to a subcontractor of purchasing books to be paid for under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

## **[Subpart 6—Gifted and Talented Students**

**[SEC. 5461. SHORT TITLE.**

[This subpart may be cited as the “Jacob K. Javits Gifted and Talented Students Education Act of 2001”.

**[SEC. 5462. PURPOSE.**

[The purpose of this subpart is to initiate a coordinated program of scientifically based research, demonstration projects, innovative strategies, and similar activities designed to build and enhance the ability of elementary schools and secondary schools nationwide to meet the special educational needs of gifted and talented students.

**[SEC. 5463. RULE OF CONSTRUCTION.**

[Nothing in this subpart shall be construed to prohibit a recipient of funds under this subpart from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings, where appropriate.

**[SEC. 5464. AUTHORIZED PROGRAMS.**

**[(a) ESTABLISHMENT OF PROGRAM.—**

**[(1) IN GENERAL.—**The Secretary (after consultation with experts in the field of the education of gifted and talented students) is authorized to make grants to, or enter into contracts

with, State educational agencies, local educational agencies, institutions of higher education, other public agencies, and other private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and Native Hawaiian organizations) to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this subpart that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

[(2) APPLICATION.—Each entity seeking assistance under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall describe how—

[(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

[(B) the proposed programs can be evaluated.

[(b) USE OF FUNDS.—Programs and projects assisted under this section may include each of the following:

[(1) Conducting—

[(A) scientifically based research on methods and techniques for identifying and teaching gifted and talented students and for using gifted and talented programs and methods to serve all students; and

[(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purpose of this subpart.

[(2) Carrying out professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students.

[(3) Establishing and operating model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs (such as summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education).

[(4) Implementing innovative strategies, such as cooperative learning, peer tutoring, and service learning.

[(5) Carrying out programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.

[(6) Making materials and services available through State regional educational service centers, institutions of higher education, or other entities.

[(7) Providing funds for challenging, high-level course work, disseminated through technologies (including distance learning), for individual students or groups of students in schools

and local educational agencies that would not otherwise have the resources to provide such course work.

[(c) SPECIAL RULE.—To the extent that funds appropriated to carry out this subpart for a fiscal year beginning with fiscal year 2002 exceed such funds appropriated for fiscal year 2001, the Secretary shall use such excess funds to award grants, on a competitive basis, to State educational agencies, local educational agencies, or both, to implement activities described in subsection (b).

[(d) CENTER FOR RESEARCH AND DEVELOPMENT.—

[(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center for the Education of Gifted and Talented Children and Youth through grants to, or contracts with, one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in subsection (b).

[(2) DIRECTOR.—The National Center shall be headed by a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State educational agencies, local educational agencies, or other public or private agencies and organizations.

[(3) FUNDING.—The Secretary may use not more than 30 percent of the funds made available under this subpart for fiscal year 2001 to carry out this subsection.

[(e) COORDINATION.—Scientifically based research activities supported under this subpart—

[(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by such Institute; and

[(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such Institute.

**[(SEC. 5465. PROGRAM PRIORITIES.**

[(a) GENERAL PRIORITY.—In carrying out this subpart, the Secretary shall give highest priority to programs and projects designed to develop new information that—

[(1) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and

[(2) assists schools in the identification of, and provision of services to, gifted and talented students (including economically disadvantaged individuals, individuals with limited English proficiency, and individuals with disabilities) who may not be identified and served through traditional assessment methods.

[(b) SERVICE PRIORITY.—The Secretary shall ensure that not less than 50 percent of the applications approved under section 5464(a)(2) in a fiscal year address the priority described in subsection (a)(2).

**[SEC. 5466. GENERAL PROVISIONS.**

**[(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—**In making grants and entering into contracts under this subpart, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such students.

**[(b) REVIEW, DISSEMINATION, AND EVALUATION.—**The Secretary shall—

**[(1)** use a peer review process in reviewing applications under this subpart;

**[(2)** ensure that information on the activities and results of programs and projects funded under this subpart is disseminated to appropriate State educational agencies, local educational agencies, and other appropriate organizations, including nonprofit private organizations; and

**[(3)** evaluate the effectiveness of programs under this subpart in accordance with section 9601, in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after the date of enactment of the No Child Left Behind Act of 2001.

**[(c) PROGRAM OPERATIONS.—**The Secretary shall ensure that the programs under this subpart are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall—

**[(1)** administer and coordinate the programs authorized under this subpart;

**[(2)** serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

**[(3)** assist the Assistant Secretary for Educational Research and Improvement in identifying research priorities that reflect the needs of gifted and talented students; and

**[(4)** shall disseminate, and consult on, the information developed under this subpart with other offices within the Department.

## **[Subpart 7—Star Schools Program**

**[SEC. 5471. SHORT TITLE.**

**[(This subpart may be cited as the “Star Schools Act”).**

**[SEC. 5472. PURPOSES.**

The purposes of this subpart are the following:

**[(1)** To encourage improved instruction in mathematics, science, and foreign languages as well as other subjects (such as literacy skills and vocational education).

**[(2)** To serve underserved populations, including disadvantaged, illiterate, limited English proficient populations, and individuals with disabilities through a Star Schools program



under which grants are made to eligible telecommunication partnerships to enable such partnerships—

【(A) to develop, construct, acquire, maintain, and operate telecommunications audio and visual facilities and equipment;

【(B) to develop and acquire educational and instructional programming; and

【(C) to obtain technical assistance for the use of such facilities and instructional programming.

**【SEC. 5473. GRANT PROGRAM AUTHORIZED.**

【(a) AUTHORIZATION.—The Secretary, in conjunction with the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this subpart, to eligible entities to pay the Federal share of the cost of the following:

【(1) Development, construction, acquisition, maintenance, and operation of telecommunications facilities and equipment.

【(2) Development and acquisition of live, interactive instructional programming.

【(3) Development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, and ongoing, in-class instruction.

【(4) Establishment of teleconferencing facilities and resources for making interactive training available to teachers.

【(5) Obtaining technical assistance.

【(6) Coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.

【(b) DURATION AND AMOUNT.—

【(1) IN GENERAL.—A grant under this section may not exceed—

【(A) 5 years in duration (subject to subsection (c)); and

【(B) \$10,000,000 in any single fiscal year.

【(c) RENEWAL.—

【(1) IN GENERAL.—Grants awarded under subsection (a) may be renewed for a single additional period of 3 years.

【(2) CONTINUING ELIGIBILITY.—In order to be eligible to receive a grant renewal under this subsection, a grant recipient shall demonstrate, to the satisfaction of the Secretary, in an addendum to its application submitted under section 5474, that the grant recipient will—

【(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this subpart for the previous grant period; and

【(B) use all grant funds received under this subpart for the 3 year renewal period to provide expanded services by—

【(i) increasing the number of students, schools, or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

【(ii) providing new courses of instruction; and

【(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited English proficiency, are individ-

uals with disabilities, are illiterate, or lack secondary school diplomas or their recognized equivalent.

[(3) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, services provided by the grant recipient under this subpart in the previous fiscal year.

[(d) RESERVATIONS.—

[(1) INSTRUCTIONAL PROGRAMMING.—At least 25 percent of the funds made available to the Secretary for any fiscal year under this subpart shall be used for the cost of instructional programming.

[(2) LOCAL EDUCATIONAL AGENCY ASSISTANCE.—At least 50 percent of the funds available in any fiscal year under this subpart shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies that are eligible to receive assistance under part A of title I.

[(e) FEDERAL SHARE.—

[(1) AMOUNT.—The Federal share of the cost of projects funded under this section shall not exceed the following amounts:

[(A) 75 percent for the first and second years for which an eligible telecommunications partnership receives a grant under this subpart.

[(B) 60 percent for the third and fourth such years.

[(C) 50 percent for the fifth such year.

[(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive the corresponding non-Federal share under paragraph (1) upon a showing of financial hardship.

[(f) REQUIRED LOCAL EDUCATIONAL AGENCY PARTICIPATION.—The Secretary is authorized to make a grant under this section to any eligible entity, if at least one local educational agency is participating in the proposed program.

[(g) ASSISTANCE OBTAINING SATELLITE TIME.—The Secretary may assist recipients of grants made under this section in acquiring satellite time, where appropriate, as economically as possible.

#### **[SEC. 5474. APPLICATIONS.**

[(a) SUBMISSION.—Each eligible entity that desires to receive a grant under section 5473 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

[(b) CONTENTS.—An application submitted under subsection (a) shall include each of the following:

[(1) A description of how the proposed program will assist all students to have an opportunity to meet challenging State academic achievement standards, how such program will assist State and local educational reform efforts, and how such program will contribute to creating a high-quality system of educational development.

[(2) A description of the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

[(A) the design, development, construction, acquisition, maintenance, and operation of State or multistate edu-

cational telecommunications networks and technology resource centers;

【(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

【(C) reception facilities;

【(D) satellite time;

【(E) production facilities;

【(F) other telecommunications equipment capable of serving a wide geographic area;

【(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

【(H) the development of educational and related programming for use on a telecommunications network.

【(3) In the case of an application for assistance for instructional programming, a description of the types of programming that will be developed to enhance instruction and training and provide an assurance that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level.

【(4) A description of how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines.

【(5) A description of the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought.

【(6) A description of the manner in which historically underserved students (such as students from low-income families, limited English proficient students, students with disabilities, or students who have low literacy skills) and their families, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this subpart.

【(7) A description of how existing telecommunications equipment, facilities, and services, where available, will be used.

【(8) An assurance that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment.

【(9) An assurance that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary schools and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I.

【(10) An assurance that the applicant will use the funds provided under this subpart to supplement, and not supplant, funds available for the purposes of this subpart.

[(11) A description of how funds received under this subpart will be coordinated with funds received for educational technology in the classroom.

[(12) A description of the activities or services for which assistance is sought, such as—

[(A) providing facilities, equipment, training services, and technical assistance;

[(B) making programs accessible to students with disabilities through mechanisms such as closed captioning and descriptive video services;

[(C) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

[(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

[(E) providing teacher and student support services, including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

[(F) incorporating community resources, such as libraries and museums, into instructional programs;

[(G) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff, and adult and family educators;

[(H) providing programs for adults to maximize the use of telecommunications facilities and equipment;

[(I) providing teacher training on proposed or established models of exemplary academic content standards in mathematics and science and other disciplines as such standards are developed; and

[(J) providing parent education programs during and after the regular school day which reinforce a student's course of study and actively involve parents in the learning process.

[(13) A description of how the proposed program as a whole will be financed and how arrangements for future financing will be developed before the program expires.

[(14) An assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary schools and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I.

[(15) An assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this subpart.

[(16) Such additional assurances as the Secretary may reasonably require.

[(c) APPROVAL.—In approving applications submitted under subsection (a) for grants under section 5473, the Secretary shall—

[(1) to the extent feasible, ensure an equitable geographic distribution of services provided under this subpart.

[(2) give priority to applications describing programs that—

[(A) propose high-quality plans, will provide instruction consistent with State academic content standards, or will otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform;

[(B) will provide services to programs serving adults, especially parents, with low levels of literacy;

[(C) will serve schools with significant numbers of children counted for the purposes of part A of title I;

[(D) ensure that the eligible entity will—

[(i) serve the broadest range of institutions, programs providing instruction outside of the school setting, programs serving adults, especially parents, with low levels of literacy, institutions of higher education, teacher training centers, research institutes, and private industry;

[(ii) have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development;

[(iii) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

[(iv) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

[(v) provide instruction for students, teachers, and parents;

[(vi) serve a multistate area; and

[(vii) give priority to the provision of equipment and linkages to isolated areas; and

[(E) involve a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) participating in the eligible entity and donating equipment or in-kind services for telecommunications linkages.

**[SEC. 5475. OTHER GRANT ASSISTANCE.**

**[(a) SPECIAL STATEWIDE NETWORK.—**

[(1) IN GENERAL.—The Secretary, in conjunction with the Office of Educational Technology, may provide assistance to a statewide telecommunications network if such network—

[(A) provides 2-way full-motion interactive video and audio communications;

[(B) links together public colleges and universities and secondary schools throughout the State; and

[(C) meets any other requirements determined appropriate by the Secretary.

[(2) MATCHING CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

**[(b) SPECIAL LOCAL NETWORK.—**

**[(1) IN GENERAL.—**The Secretary is authorized to provide assistance, on a competitive basis, to a local educational agency, or a consortium of such agencies, to enable such agency or consortium to establish a high-technology demonstration program.

**[(2) PROGRAM REQUIREMENTS.—**A high-technology demonstration program assisted under paragraph (1) shall—

**[(A)** include 2-way full-motion interactive video, audio, and text communications;

**[(B)** link together elementary schools and secondary schools, colleges, and universities;

**[(C)** provide parent participation and family programs;

**[(D)** include a staff development program; and

**[(E)** have a significant contribution and participation from business and industry.

**[(3) MATCHING REQUIREMENT.—**A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

**[(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—**

**[(1) AUTHORITY.—**The Secretary is authorized to award grants, on a competitive basis, to eligible entities to develop and operate one or more programs that provide online access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent. The program authorized by this subsection shall be designed to advance adult literacy, secondary school completion, and the acquisition of specified competency by the end of the 12th grade.

**[(2) APPLICATIONS.—**Each eligible entity desiring a grant under this subsection shall submit an application to the Secretary. The application shall include each of the following:

**[(A)** A demonstration that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice, and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its recognized equivalent.

**[(B)** An assurance that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used.

**[(C)** To the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded programs.

**[(D)** An assurance that the applicant has the technological and substantive experience to carry out the program.

**[(E)** Such additional assurances as the Secretary may reasonably require.

**[SEC. 5476. ADMINISTRATIVE PROVISIONS.**

**[(a) LEADERSHIP, EVALUATION, AND PEER REVIEW.—**

**[(1) RESERVATION OF FUNDS.—**The Secretary may reserve not more than 5 percent of the amount made available to carry out this subpart for a fiscal year for national leadership, eval-

uation, and peer review activities, which the Secretary may carry out directly or through grants, contracts, and cooperative agreements.

[(2) LEADERSHIP.—Funds reserved for leadership activities under paragraph (1) may be used for—

[(A) disseminating information, including lists and descriptions of services available from grant recipients under this subpart; and

[(B) other activities designed to enhance the quality of distance learning activities nationwide.

[(3) EVALUATION.—Funds reserved for evaluation activities under paragraph (1) may be used to conduct independent evaluations of the activities assisted under this subpart and of distance learning in general, including—

[(A) analyses of distance learning efforts (including such efforts that are, or are not, assisted under this subpart); and

[(B) comparisons of the effects (including student outcomes) of different technologies in distance learning efforts.

[(4) PEER REVIEW.—Funds reserved for peer review activities under paragraph (1) may be used for peer review of—

[(A) applications for grants under this subpart; and

[(B) activities assisted under this subpart.

[(b) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this subpart with the activities of such department or agency relating to a telecommunications network for educational purposes.

[(c) FUNDS FROM OTHER AGENCIES.—The Secretary may accept funds from other Federal departments or agencies to carry out the purposes of this subpart, including funds for the purchase of equipment.

[(d) AVAILABILITY OF FUNDS.—Funds made available to carry out this subpart shall remain available until expended.

[(e) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—The Secretary shall encourage each entity receiving funds under this subpart to provide—

[(1) closed captioning of the verbal content of the entity's programming, as appropriate; and

[(2) descriptive video of the visual content of the entity's programming, as appropriate.

**[SEC. 5477. DEFINITIONS.**

In this subpart:

[(1) EDUCATIONAL INSTITUTION.—The term “educational institution” means an institution of higher education, a local educational agency, or a State educational agency.

[(2) ELIGIBLE ENTITY.—The term “eligible entity” includes any of the following that is organized on a Statewide or multistate basis:

[(A) A public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by

educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary schools and secondary schools that are eligible to participate in the program under part A of title I.

[(B) A partnership that will provide telecommunications services and that includes three or more of the following entities, at least one of which shall be an agency described in clause (i) or (ii):

[(i) A local educational agency that serves a significant number of elementary schools and secondary schools that are eligible for assistance under part A of title I, or elementary schools and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(d)(1)(A).

[(ii) A State educational agency.

[(iii) An adult and family education program.

[(iv) An institution of higher education or a State higher education agency (as that term is defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)).

[(v) A teacher training center or academy that—

[(I) provides teacher preservice and inservice training; and

[(II) receives Federal financial assistance or has been approved by a State agency;

[(vi)(I) A public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or

[(II) a public broadcasting entity with such experience.

[(vii) A public or private elementary school or secondary school.

[(3) INSTRUCTIONAL PROGRAMMING.—The term “instructional programming” means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices.

[(4) PUBLIC BROADCASTING ENTITY.—The term “public broadcasting entity” has the same meaning given such term in section 397 of the Communications Act of 1934 (47 U.S.C. 397).

### **[Subpart 8—Ready to Teach**

#### **[SEC. 5481. GRANTS.**

[(a) IN GENERAL.—The Secretary is authorized to award grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas. The program shall be designed to assist elementary school



and secondary school teachers in preparing all students to achieve challenging State academic content and student academic achievement standards in core curriculum areas.

**[(b) DIGITAL EDUCATIONAL PROGRAMMING.—**The Secretary is authorized to award grants, as provided for in section 5484, to eligible entities described in subsection (b) of such section, to enable such entities to develop, produce, and distribute innovative educational and instructional video programming that is designed for use by elementary schools and secondary schools and based on challenging State academic content and student academic achievement standards. In awarding such grants, the Secretary shall ensure that eligible entities enter into multiyear content development collaborative arrangements with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies or organizations.

**[SEC. 5482. APPLICATION REQUIRED.**

**[(a) GENERAL APPLICATION.—**

**[(1) IN GENERAL.—**To be eligible to receive a grant under section 5481(a), a nonprofit telecommunications entity, or partnership of such entities shall submit an application to the Secretary. Each such application shall—

**[(A)** demonstrate that the applicant will use the public broadcasting infrastructure, the Internet, and school digital networks, where available, to deliver video and data in an integrated service to train teachers in the use of materials and learning technologies for achieving challenging State academic content and student academic achievement standards;

**[(B)** ensure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, and State or local nonprofit public telecommunications entities;

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

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

**[(2) SITES.—**In approving applications under paragraph (1), the Secretary shall ensure that the program authorized by section 5481(a) is conducted at elementary school and secondary school sites throughout the United States.

**[(b) PROGRAMMING APPLICATION.—**To be eligible to receive a grant under section 5481(b), an entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

**[SEC. 5483. REPORTS AND EVALUATION.**

**[An** entity receiving a grant under section 5481(a) shall prepare and submit to the Secretary an annual report that contains such information as the Secretary may require. At a minimum, such report shall describe the program activities undertaken with funds received under the grant, including—

[(1) the core curriculum areas for which program activities have been undertaken and the number of teachers using the program in each core curriculum area; and

[(2) the States in which teachers using the program are located.

**[SEC. 5484. DIGITAL EDUCATIONAL PROGRAMMING GRANTS.**

[(a) GRANTS.—The Secretary is authorized to award grants under section 5481(b) to eligible entities to facilitate the development of educational programming that shall—

[(1) include student assessment tools to provide feedback on student academic achievement;

[(2) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;

[(3) be created for, or adaptable to, challenging State academic content standards and student academic achievement standards; and

[(4) be capable of distribution through digital broadcasting and school digital networks.

[(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under section 5481(b), an entity shall be a local public telecommunications entity, as defined in section 397(12) of the Communications Act of 1934, that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

[(c) COMPETITIVE BASIS.—Grants under section 5481(b) shall be awarded on a competitive basis as determined by the Secretary.

[(d) MATCHING REQUIREMENT.—To be eligible to receive a grant under section 5481(b), an entity shall contribute to the activities assisted under such grant non-Federal matching funds in an amount equal to not less than 100 percent of the amount of the grant. Such matching funds may include funds provided for the transition to digital broadcasting, as well as in-kind contributions.

[(e) DURATION.—A grant under section 5481(b) shall be awarded for a period of 3 years in order to provide a sufficient period of time for the creation of a substantial body of significant content.

**[SEC. 5485. ADMINISTRATIVE COSTS.**

[An entity that receives a grant under this subpart may not use more than 5 percent of the amount received under the grant for administrative costs.

## **[Subpart 9—Foreign Language Assistance Program**

**[SEC. 5491. SHORT TITLE.**

[This subpart may be cited as the “Foreign Language Assistance Act of 2001”.

**[SEC. 5492. PROGRAM AUTHORIZED.**

[(a) PROGRAM AUTHORITY.—

[(1) IN GENERAL.—The Secretary is authorized to make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost

of innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary school and secondary school students.

[(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

[(b) REQUIREMENTS.—

[(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

[(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—

[(A) show the promise of being continued beyond the grant period;

[(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

[(C) may include a professional development component.

[(c) FEDERAL SHARE.—

[(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.

[(2) WAIVER.—Notwithstanding paragraph (1), the Secretary may determine the Federal share for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this subpart.

[(d) SPECIAL RULE.—Not less than  $\frac{3}{4}$  of the funds made available under section 5401 to carry out this subpart shall be used for the expansion of foreign language learning in the elementary grades.

[(e) RESERVATION.—The Secretary may reserve not more than 5 percent of funds made available under section 5401 to carry out this subpart for a fiscal year to evaluate the efficacy of programs assisted under this subpart.

**[SEC. 5493. APPLICATIONS.**

[(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

[(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

[(1) include intensive summer foreign language programs for professional development;

[(2) link nonnative English speakers in the community with the schools in order to promote two-way language learning;

[(3) promote the sequential study of a foreign language for students, beginning in elementary schools;

[(4) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study;

[(5) promote innovative activities, such as foreign language immersion, partial foreign language immersion, or content-based instruction; and

[(6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.

**[SEC. 5494. ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.**

[(a) INCENTIVE PAYMENTS.—From amounts made available under section 5401 to carry out this subpart, the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

[(b) AMOUNT.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.

[(c) REQUIREMENT.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides not less than 45 minutes of instruction in a foreign language for not fewer than 4 days per week throughout an academic year.

## **[Subpart 10—Physical Education**

**[SEC. 5501. SHORT TITLE.**

[This subpart may be cited as the “Carol M. White Physical Education Program”.

**[SEC. 5502. PURPOSE.**

[The purpose of this subpart is to award grants and contracts to initiate, expand, and improve physical education programs for all kindergarten through 12th-grade students.

**[SEC. 5503. PROGRAM AUTHORIZED.**

[(a) AUTHORIZATION.—The Secretary is authorized to award grants to local educational agencies and community-based organizations (such as Boys and Girls Clubs, Boy Scouts and Girl Scouts, and the Young Men’s Christian Organization (YMCA) and Young Women’s Christian Organization (YWCA)) to pay the Federal share of the costs of initiating, expanding, and improving physical education programs (including after-school programs) for kindergarten through 12th-grade students by—

[(1) providing equipment and support to enable students to participate actively in physical education activities; and

[(2) providing funds for staff and teacher training and education.

[(b) PROGRAM ELEMENTS.—A physical education program funded under this subpart may provide for one or more of the following:

[(1) Fitness education and assessment to help students understand, improve, or maintain their physical well-being.

[(2) Instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every student.

[(3) Development of, and instruction in, cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle.

[(4) Opportunities to develop positive social and cooperative skills through physical activity participation.

[(5) Instruction in healthy eating habits and good nutrition.

[(6) Opportunities for professional development for teachers of physical education to stay abreast of the latest research, issues, and trends in the field of physical education.

[(c) SPECIAL RULE.—For the purpose of this subpart, extracurricular activities, such as team sports and Reserve Officers' Training Corps (ROTC) program activities, shall not be considered as part of the curriculum of a physical education program assisted under this subpart.

**[SEC. 5504. APPLICATIONS.]**

[(a) SUBMISSION.—Each local educational agency or community-based organization desiring a grant or contract under this subpart shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in order to make progress toward meeting State standards for physical education.

[(b) PRIVATE SCHOOL AND HOME-SCHOOLED STUDENTS.—An application for funds under this subpart may provide for the participation, in the activities funded under this subpart, of—

[(1) students enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers; or

[(2) home-schooled students, and their parents and teachers.

**[SEC. 5505. REQUIREMENTS.]**

[(a) ANNUAL REPORT TO THE SECRETARY.—In order to continue receiving funding after the first year of a multiyear grant or contract under this subpart, the administrator of the grant or contract for the local educational agency or community-based organization shall submit to the Secretary an annual report that—

[(1) describes the activities conducted during the preceding year; and

[(2) demonstrates that progress has been made toward meeting State standards for physical education.

[(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the grant funds made available to a local educational agency or community-based organization under this subpart for any fiscal year may be used for administrative expenses.

**[SEC. 5506. ADMINISTRATIVE PROVISIONS.]**

[(a) FEDERAL SHARE.—The Federal share under this subpart may not exceed—

[(1) 90 percent of the total cost of a program for the first year for which the program receives assistance under this subpart; and

[(2) 75 percent of such cost for the second and each subsequent such year.

[(b) PROPORTIONALITY.—To the extent practicable, the Secretary shall ensure that grants awarded under this subpart shall be equitably distributed among local educational agencies and community-based organizations serving urban and rural areas.

[(c) REPORT TO CONGRESS.—Not later than June 1, 2003, the Secretary shall submit a report to Congress that—

[(1) describes the programs assisted under this subpart;

[(2) documents the success of such programs in improving physical fitness; and

[(3) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this subpart.

[(d) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this subpart shall remain available until expended.

**[SEC. 5507. SUPPLEMENT, NOT SUPPLANT.**

[Funds made available under this subpart shall be used to supplement, and not supplant, any other Federal, State, or local funds available for physical education activities.

## **[Subpart 11—Community Technology Centers**

**[SEC. 5511. PURPOSE AND PROGRAM AUTHORIZATION.**

[(a) PURPOSE.—It is the purpose of this subpart to assist eligible applicants—

[(1) to create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

[(2) to provide technical assistance and support to community technology centers.

[(b) PROGRAM AUTHORIZATION.—The Secretary is authorized, in conjunction with the Office of Educational Technology, to award grants, contracts, or cooperative agreements, on a competitive basis, for a period of not more than 3 years, to eligible applicants in order to assist such applicants in—

[(1) creating or expanding community technology centers; or

[(2) providing technical assistance and support to community technology centers.

[(3) SERVICE OF AMERICORPS PARTICIPANTS.—The Secretary may collaborate with the Chief Executive Officer of the Corporation for National and Community Service on the use in community technology centers of participants in National Service programs carried out under subtitle C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

**[SEC. 5512. ELIGIBILITY AND APPLICATION REQUIREMENTS.**

[(a) ELIGIBLE APPLICANTS.—In order to be eligible to receive an award under this subpart, an applicant shall—

[(1) be an entity (such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization), an institution of higher education, a State educational agency, a local education agency, or a consortium of such entities, institutions, or agencies; and

[(2) have the capacity to significantly expand access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access).

[(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. The application shall include each of the following:

[(1) A description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community.

[(2) A demonstration of—

[(A) the commitment, including the financial commitment, of entities (such as institutions, organizations, business and other groups in the community) that will provide support for the creation, expansion, and continuation of the proposed project; and

[(B) the extent to which the proposed project coordinates with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community.

[(3) A description of how the proposed project would be sustained once the Federal funds awarded under this subpart end.

[(4) A plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

[(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

**[SEC. 5513. USES OF FUNDS.**

[(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

[(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

[(2) evaluating the effectiveness of the project.

[(b) PERMISSIBLE USES.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

[(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

[(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

[(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, educational development, and workforce development, such as the following:

[(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

[(B) Adult education and family literacy activities through technology and the Internet, including—

[(i) General Education Development, Language Instruction Educational Programs, and adult basic education classes or programs;

[(ii) introduction to computers;

[(iii) intergenerational activities; and

[(iv) educational development opportunities.

[(C) Career development and job preparation activities, such as—

[(i) training in basic and advanced computer skills;

[(ii) resume writing workshops; and

[(iii) access to databases of employment opportunities, career information, and other online materials.

[(D) Small business activities, such as—

[(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

[(ii) access to information on business start-up programs that is available online, or from other sources.

[(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

## **[Subpart 12—Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and Their Historical Whaling and Trading Partners in Massachusetts**

### **[SEC. 5521. SHORT TITLE.**

[This subpart may be cited as the “Alaska Native and Native Hawaiian Education Through Cultural and Historical Organizations Act”.

### **[SEC. 5522. FINDINGS AND PURPOSES.**

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

[(1) Alaska Natives and Native Hawaiians have been linked for over 200 years to the coastal towns of Salem, Massachusetts, and New Bedford, Massachusetts, through the China trade from Salem and whaling voyages from New Bedford.

[(2) Nineteenth-century trading ships sailed from Salem, Massachusetts, around Cape Horn of South America, and up the Northwest coast of the United States to Alaska, where their crews traded with Alaska Native people for furs, and then went on to Hawaii to trade for sandalwood with Native Hawaiians before going on to China.

[(3) During the 19th century, over 2,000 whaling voyages sailed out of New Bedford, Massachusetts to the Arctic region of Alaska, and joined Alaska Natives from Barrow, Alaska and other areas in the Arctic region in subsistence whaling activities.



【(4) Many New Bedford whaling voyages continued on to Hawaii, where they joined Native Hawaiians from the neighboring islands.

【(5) From those commercial and whaling voyages, a rich cultural exchange and strong trading relationships developed among the three peoples involved.

【(6) In the past decades, awareness of the historical trading, cultural, and whaling links has faded among Alaska Natives, Native Hawaiians, and the people of the continental United States.

【(7) In 2000, the Alaska Native Heritage Center in Alaska, the Bishop Museum in Hawaii, and the Peabody-Essex Museum in Massachusetts initiated the New Trade Winds project to use 21st-century technology, including the Internet, to educate students and their parents about historic and contemporary cultural and trading ties that continue to link the diverse cultures of the peoples involved.

【(8) The New Bedford Whaling Museum, in partnership with the New Bedford Whaling National Historical Park, has developed a cultural exchange and educational program with the Inupiat Heritage Center in Barrow, Alaska to bring together the children, parents, and elders from the Arctic region of Alaska with children and families of Massachusetts to learn about their historical ties and about each other's contemporary cultures.

【(9) Within the fast-growing cultural sector, meaningful educational and career opportunities based on traditional relationships exist for Alaska Natives, Native Hawaiians, and low-income youth in Massachusetts.

【(10) Cultural institutions can provide practical, culturally relevant, education-related internship and apprentice programs, such as the Museum Action Corps at the Peabody-Essex Museum and similar programs at the New Bedford Oceanarium and other institutions, to prepare youths and their families for careers in the cultural sector.

【(11) The resources of the institutions described in paragraphs (7) and (8) provide unique opportunities for illustrating and interpreting the contributions of Alaska Natives, Native Hawaiians, the whaling industry, and the China trade to the economic, social, and environmental history of the United States, for educating students and their parents, and for providing opportunities for internships and apprenticeships leading to careers with cultural institutions.

【(b) PURPOSES.—The purposes of this subpart are the following:

【(1) To authorize and develop innovative culturally-based educational programs and cultural exchanges to assist Alaska Natives, Native Hawaiians, and children and families of Massachusetts linked by history and tradition to Alaska and Hawaii to learn about shared culture and traditions.

【(2) To authorize and develop internship and apprentice programs to assist Alaska Natives, Native Hawaiians, and children and families of Massachusetts linked by history and tradition with Alaska and Hawaii to prepare for careers with cultural institutions.

[(3) To supplement programs and authorities in the area of education to further the objectives of this subpart.

[(4) To authorize and develop cultural and educational programs relating to any Federally recognized Indian tribe in Mississippi.

**[SEC. 5523. PROGRAM AUTHORIZATION.**

[(a) GRANTS AND CONTRACTS.—In order to carry out programs that fulfill the purposes of this subpart, the Secretary is authorized to make grants to, or enter into contracts with, the following:

[(1) The Alaska Native Heritage Center in Anchorage, Alaska.

[(2) The Inupiat Heritage Center in Barrow, Alaska.

[(3) The Bishop Museum in Hawaii.

[(4) The Peabody-Essex Museum in Salem, Massachusetts.

[(5) The New Bedford Whaling Museum and the New Bedford Oceanarium in New Bedford, Massachusetts.

[(6) The Mississippi Band of Choctaw Indians in Choctaw, Mississippi.

[(7) Other Alaska Native and Native Hawaiian cultural and educational organizations.

[(8) Cultural and educational organizations with experience in developing or operating programs that illustrate and interpret the contributions of Alaska Natives, Native Hawaiians, the whaling industry, and the China trade to the economic, social, and environmental history of the United States.

[(9) Consortia of the organizations and entities described in this subsection.

[(b) USES OF FUNDS.—Activities provided through programs carried out under this subpart may include one or more of the following:

[(1) Development and implementation of educational programs to increase understanding of cultural diversity and multicultural communication among Alaska Natives, Native Hawaiians, and the people of the continental United States, based on historic patterns of trading and commerce.

[(2) Development and implementation of programs using modern technology, including the Internet, to educate students, their parents, and teachers about historic and contemporary cultural and trading ties that continue to link the diverse cultures of Alaska Natives, Native Hawaiians, and the people of Massachusetts.

[(3) Cultural exchanges of elders, students, parents, and teachers among Alaska Natives, Native Hawaiians, and the people of Massachusetts to increase awareness of diverse cultures among each group.

[(4) Sharing of collections among cultural institutions designed to increase awareness of diverse cultures and links among them.

[(5) Development and implementation of internship and apprentice programs in cultural institutions to train Alaska Natives, Native Hawaiians, and low-income students in Massachusetts for careers with cultural institutions.

[(6) Other activities, consistent with the purposes of this subpart, to meet the educational needs of Alaska Natives, Na-

tive Hawaiians, and students and their parents in Massachusetts.

[(7) Cultural and educational programs relating to any Federally recognized Indian tribe in Mississippi.

**[SEC. 5524. ADMINISTRATIVE PROVISIONS.**

[(a) APPLICATION REQUIRED.—No grant may be made under this subpart, and no contract may be entered into under this subpart, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this subpart.

[(b) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this subpart shall inform each local educational agency serving students who will participate in the program to be carried out under the grant or contract about the application.

**[SEC. 5525. AVAILABILITY OF FUNDS.**

If sufficient funds are made available under section 5401 to carry out this subpart for a fiscal year, the Secretary shall make available, to support activities described in section 5523(b), the following amounts:

[(1) Not less than \$2,000,000 each to—

[(A) the New Bedford Whaling Museum, in partnership with the New Bedford Oceanarium, in Massachusetts;

[(B) the Inupiat Heritage Center in Alaska; and

[(C) the Mississippi Band of Choctaw Indians in Choctaw, Mississippi.

[(2) For the New Trade Winds project, not less than \$1,000,000 each to—

[(A) the Alaska Native Heritage Center in Alaska;

[(B) the Bishop Museum in Hawaii; and

[(C) the Peabody-Essex Museum in Massachusetts.

[(3) For internship and apprenticeship programs (including the Museum Action Corps of the Peabody-Essex Museum), not less than \$1,000,000 each to—

[(A) the Alaska Native Heritage Center in Alaska;

[(B) the Bishop Museum in Hawaii; and

[(C) the Peabody-Essex Museum in Massachusetts.

**[SEC. 5526. DEFINITIONS.**

In this subpart:

[(1) ALASKA NATIVE.—The term “Alaska Native” has the meaning given that term in section 7306.

[(2) NATIVE HAWAIIAN.—The term “Native Hawaiian” has the meaning given that term in section 7207.

## **[Subpart 13—Excellence in Economic Education**

**[SEC. 5531. SHORT TITLE.**

[This subpart may be cited as the “Excellence in Economic Education Act of 2001”.

**[SEC. 5532. PURPOSE AND GOALS.**

[(a) PURPOSE.—The purpose of this subpart is to promote economic and financial literacy among all students in kindergarten

through grade 12 by awarding a competitive grant to a national nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics.

[(b) OBJECTIVES.—The objectives of this subpart are the following:

[(1) To increase students' knowledge of, and achievement in, economics to enable the students to become more productive and informed citizens.

[(2) To strengthen teachers' understanding of, and competency in, economics to enable the teachers to increase student mastery of economic principles and the practical application of those principles.

[(3) To encourage economic education research and development, to disseminate effective instructional materials, and to promote replication of best practices and exemplary programs that foster economic literacy.

[(4) To assist States in measuring the impact of education in economics.

[(5) To leverage and expand private and public support for economic education partnerships at national, State, and local levels.

**[SEC. 5533. GRANT PROGRAM AUTHORIZED.**

[(a) AUTHORIZATION.—The Secretary is authorized to award a competitive grant to a national nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics through effective teaching of economics in the Nation's classrooms (referred to in this subpart as the "grantee").

[(b) USES OF FUNDS.—

[(1) DIRECT ACTIVITIES.—The grantee shall use 25 percent of the funds made available through the grant for a fiscal year—

[(A) to strengthen and expand the grantee's relationships with State and local personal finance, entrepreneurial, and economic education organizations;

[(B) to support and promote training of teachers who teach a grade from kindergarten through grade 12 regarding economics, including the dissemination of information on effective practices and research findings regarding the teaching of economics;

[(C) to support research on effective teaching practices and the development of assessment instruments to document student understanding of personal finance and economics; and

[(D) to develop and disseminate appropriate materials to foster economic literacy.

[(2) SUBGRANTS.—The grantee shall use 75 percent of the funds made available through the grant for a fiscal year to award subgrants to State educational agencies or local educational agencies, and State or local economic, personal finance, or entrepreneurial education organizations (referred to in this section as the "recipient"). The grantee shall award such a subgrant to pay for the Federal share of the cost of enabling the recipient to work in partnership with one or more of

the entities described in paragraph (3) for one or more of the following purposes:

[(A) Collaboratively establishing and conducting teacher training programs that use effective and innovative approaches to the teaching of economics, personal finance, and entrepreneurship.

[(B) Providing resources to school districts that desire to incorporate economics and personal finance into the curricula of the schools in the districts.

[(C) Conducting evaluations of the impact of economic and financial literacy education on students.

[(D) Conducting economic and financial literacy education research.

[(E) Creating and conducting school-based student activities to promote consumer, economic, and personal finance education (such as saving, investing, and entrepreneurial education) and to encourage awareness and student academic achievement in economics.

[(F) Encouraging replication of best practices to promote economic and financial literacy.

[(3) PARTNERSHIP ENTITIES.—The entities described in this paragraph are the following:

[(A) A private sector entity.

[(B) A State educational agency.

[(C) A local educational agency.

[(D) An institution of higher education.

[(E) An organization promoting economic development.

[(F) An organization promoting educational excellence.

[(G) An organization promoting personal finance or entrepreneurial education.

**[SEC. 5534. APPLICATIONS.**

[(a) GRANTEE APPLICATIONS.—To be eligible to receive a grant under this subpart, the grantee shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

[(b) RECIPIENT APPLICATIONS.—

[(1) SUBMISSION.—To be eligible to receive a subgrant under this section, a recipient shall submit an application to the grantee at such time, in such manner, and accompanied by such information as the grantee may require.

[(2) REVIEW.—The grantee shall invite the individuals described in paragraph (3) to review all applications from recipients for a subgrant under this section and to make recommendations to the grantee regarding the approval of the applications.

[(3) REVIEWERS.—The individuals described in this paragraph are the following:

[(i) Leaders in the fields of economics and education.

[(ii) Such other individuals as the grantee determines to be necessary, especially members of the State and local business, banking, and finance communities.

**[SEC. 5535. REQUIREMENTS.**

[(a) ADMINISTRATIVE COSTS.—The grantee and each recipient receiving a subgrant under this subpart for a fiscal year may use not more than 5 percent of the funds made available through the grant or subgrant for administrative costs.

[(b) TEACHER TRAINING PROGRAMS.—In carrying out the teacher training programs described in section 5533(b)(2)(A), a recipient shall—

[(1) train teachers who teach a grade from kindergarten through grade 12; and

[(2) encourage teachers from disciplines other than economics and financial literacy to participate in such teacher training programs, if the training will promote the economic and financial literacy of those teachers' students.

[(c) INVOLVEMENT OF BUSINESS COMMUNITY.—In carrying out the activities assisted under this subpart, the grantee and recipients are strongly encouraged to—

[(1) include interactions with the local business community to the fullest extent possible to reinforce the connection between economic and financial literacy and economic development; and

[(2) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

[(d) ADDITIONAL REQUIREMENTS AND TECHNICAL ASSISTANCE.—The grantee shall—

[(1) meet such other requirements as the Secretary determines to be necessary to assure compliance with this section; and

[(2) receive from the Secretary such technical assistance as may be necessary to carry out this section.

**[SEC. 5536. ADMINISTRATIVE PROVISIONS.**

[(a) FEDERAL SHARE.—The Federal share of the cost described in section 5533(b)(2) shall be 50 percent.

[(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind (fairly evaluated, including plant, equipment, or services).

[(c) REPORTS TO CONGRESS.—Not later than 2 years after the date funds are first made available to carry out this subpart, and every 2 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report regarding activities assisted under this subpart.

**[SEC. 5537. SUPPLEMENT, NOT SUPPLANT.**

[Funds made available to carry out this subpart shall be used to supplement, and not supplant, other Federal, State, and local funds expended for the purpose described in section 5532(a).

## **[Subpart 14—Grants to Improve the Mental Health of Children**

**[SEC. 5541. GRANTS FOR THE INTEGRATION OF SCHOOLS AND MENTAL HEALTH SYSTEMS.**

[(a) AUTHORIZATION.—The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with,

State educational agencies, local educational agencies, or Indian tribes, for the purpose of increasing student access to quality mental health care by developing innovative programs to link local school systems with the local mental health system.

[(b) DURATION.—With respect to a grant, contract, or cooperative agreement awarded or entered into under this section, the period during which payments under such grant, contract or agreement are made to the recipient may not exceed 5 years.

[(c) USE OF FUNDS.—A State educational agency, local educational agency, or Indian tribe that receives a grant, contract, or cooperative agreement under this section shall use amounts made available through such grant, contract, or cooperative agreement for the following:

[(1) To enhance, improve, or develop collaborative efforts between school-based service systems and mental health service systems to provide, enhance, or improve prevention, diagnosis, and treatment services to students.

[(2) To enhance the availability of crisis intervention services, appropriate referrals for students potentially in need of mental health services, and ongoing mental health services.

[(3) To provide training for the school personnel and mental health professionals who will participate in the program carried out under this section.

[(4) To provide technical assistance and consultation to school systems and mental health agencies and families participating in the program carried out under this section.

[(5) To provide linguistically appropriate and culturally competent services.

[(6) To evaluate the effectiveness of the program carried out under this section in increasing student access to quality mental health services, and make recommendations to the Secretary about sustainability of the program.

[(d) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under this section, a State educational agency, local educational agency, or Indian tribe shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include each of the following:

[(1) A description of the program to be funded under the grant, contract, or cooperative agreement.

[(2) A description of how such program will increase access to quality mental health services for students.

[(3) A description of how the applicant will establish a crisis intervention program to provide immediate mental health services to the school community when necessary.

[(4) An assurance that—

[(A) persons providing services under the grant, contract, or cooperative agreement are adequately trained to provide such services;

[(B) the services will be provided in accordance with subsection (c);

[(C) teachers, principal administrators, and other school personnel are aware of the program; and

[(D) parents of students participating in services under this section will be involved in the design and implementation of the services.

[(5) An explanation of how the applicant will support and integrate existing school-based services with the program to provide appropriate mental health services for students.

[(6) An explanation of how the applicant will establish a program that will support students and the school in maintaining an environment conducive to learning.

[(e) INTERAGENCY AGREEMENTS.—

[(1) DESIGNATION OF LEAD AGENCY.—The recipient of each grant, contract, or cooperative agreement shall designate a lead agency to direct the establishment of an interagency agreement among local educational agencies, juvenile justice authorities, mental health agencies, and other relevant entities in the State, in collaboration with local entities and parents and guardians of students.

[(2) CONTENTS.—The interagency agreement shall ensure the provision of the services described in subsection (c), specifying with respect to each agency, authority, or entity—

[(A) the financial responsibility for the services;

[(B) the conditions and terms of responsibility for the services, including quality, accountability, and coordination of the services; and

[(C) the conditions and terms of reimbursement among the agencies, authorities, or entities that are parties to the interagency agreement, including procedures for dispute resolution.

[(f) EVALUATION.—The Secretary shall evaluate each program carried out by a State educational agency, local educational agency, or Indian tribe under this section and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

[(g) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded or entered into under this section are equitably distributed among the geographical regions of the United States and among urban, suburban, and rural populations.

[(h) RULE OF CONSTRUCTION.—Nothing in Federal law shall be construed—

[(1) to prohibit an entity involved with a program carried out under this section from reporting a crime that is committed by a student to appropriate authorities; or

[(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student.

[(i) SUPPLEMENT, NOT SUPPLANT.—Any services provided through programs carried out under this section must supplement, and not supplant, existing mental health services, including any services required to be provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).



**[SEC. 5542. PROMOTION OF SCHOOL READINESS THROUGH EARLY CHILDHOOD EMOTIONAL AND SOCIAL DEVELOPMENT.**

[(a) AUTHORIZATION.—The Secretary, in consultation with the Secretary of Health and Human Services, may award grants (to be known as “Foundations for Learning Grants”) to local educational agencies, local councils, community-based organizations, and other public or nonprofit private entities to assist eligible children to become ready for school.

[(b) APPLICATIONS.—To be eligible to receive a grant under this section, a local educational agency, local council, community-based organization, or other public or nonprofit private entity, or a combination of such entities, shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. The application shall include each of the following:

[(1) A description of the population that the applicant intends to serve and the types of services to be provided under the grant.

[(2) A description of the manner in which services under the grant will be coordinated with existing similar services provided by public and nonprofit private entities within the State.

[(3) An assurance that—

[(A) services under the grant shall be provided by or under the supervision of qualified professionals with expertise in early childhood development;

[(B) such services shall be culturally competent;

[(C) such services shall be provided in accordance with subsection (c);

[(D) funds received under this section shall be used to supplement, and not supplant, non-Federal funds; and

[(E) parents of students participating in services under this section will be involved in the design and implementation of the services.

[(c) USES OF FUNDS.—A local educational agency, local council, community-based organization, or other public or nonprofit private entity that receives funds under this section may use such funds to benefit eligible children, for one or more of the following:

[(1) To deliver services to eligible children and their families that foster eligible children’s emotional, behavioral, and social development and take into consideration the characteristics described in subsection (f)(1).

[(2) To coordinate and facilitate access by eligible children and their families to the services available through community resources, including mental health, physical health, substance abuse, educational, domestic violence prevention, child welfare, and social services.

[(3) To provide ancillary services such as transportation or child care in order to facilitate the delivery of any other services or activities authorized by this section.

[(4) To develop or enhance early childhood community partnerships and build toward a community system of care that brings together child-serving agencies or organizations to provide individualized supports for eligible children and their families.

[(5) To evaluate the success of strategies and services provided pursuant to this section in promoting young children's successful entry to school and to maintain data systems required for effective evaluations.

[(6) To pay for the expenses of administering the activities authorized under this section, including assessment of children's eligibility for services.

[(d) LIMITATIONS.—

[(1) SERVICES NOT OTHERWISE FUNDED.—A local educational agency, local council, community-based organization, or other public or nonprofit private entity may use funds under this section only to pay for services that cannot be paid for using other Federal, State, or local public resources or through private insurance.

[(2) ADMINISTRATIVE EXPENSES.—A grantee may not use more than 3 percent of the amount of the grant to pay the administrative expenses described in subsection (c)(6).

[(e) EVALUATIONS.—The Secretary shall directly evaluate, or enter into a contract for an outside evaluation of, each program carried out under this section and shall disseminate the findings with respect to such evaluation to appropriate public and private entities.

[(f) DEFINITIONS.—In this section:

[(1) ELIGIBLE CHILD.—The term “eligible child” means a child who has not attained the age of 7 years, and to whom two or more of the following characteristics apply:

[(A) The child has been abused, maltreated, or neglected.

[(B) The child has been exposed to violence.

[(C) The child has been homeless.

[(D) The child has been removed from child care, Head Start, or preschool for behavioral reasons or is at risk of being so removed.

[(E) The child has been exposed to parental depression or other mental illness.

[(F) The family income with respect to the child is below 200 percent of the poverty line.

[(G) The child has been exposed to parental substance abuse.

[(H) The child has had early behavioral and peer relationship problems.

[(I) The child had a low birth weight.

[(J) The child has a cognitive deficit or developmental disability.

[(2) LOCAL COUNCIL.—The term “local council” means a council that is established or designated by a local government entity, Indian tribe, regional corporation, or native Hawaiian entity, as appropriate, which is composed of representatives of local agencies directly affected by early learning programs, parents, key community leaders, and other individuals concerned with early learning issues in the locality, such as elementary education, child care resource and referral services, early learning opportunities, child care, and health services.

[(3) PROVIDER OF EARLY CHILDHOOD SERVICES.—The term “provider of early childhood services” means a public or private

entity that has regular contact with young children, including child welfare agencies, child care providers, Head Start and Early Head Start providers, preschools, kindergartens, libraries, mental health professionals, family courts, homeless shelters, and primary care providers.

### **[Subpart 15—Arts in Education**

#### **[SEC. 5551. ASSISTANCE FOR ARTS EDUCATION.**

[(a) PURPOSES.—The purposes of this subpart are the following:

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

[(2) To help ensure that all students meet challenging State academic content standards and challenging State student academic achievement standards in the arts.

[(3) To support the national effort to enable all students to demonstrate competence in the arts.

[(b) AUTHORITY.—The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, eligible entities described in subsection (c).

[(c) ELIGIBLE ENTITIES.—The Secretary may make assistance available under subsection (b) to each of the following eligible entities:

[(1) State educational agencies.

[(2) Local educational agencies.

[(3) Institutions of higher education.

[(4) Museums or other cultural institutions.

[(5) Any other public or private agencies, institutions, or organizations.

[(d) USE OF FUNDS.—Assistance made available under this subpart may be used for any of the following:

[(1) Research on arts education.

[(2) Planning, developing, acquiring, expanding, improving, or disseminating information about model school-based arts education programs.

[(3) The development of model State arts education assessments based on State academic achievement standards.

[(4) The development and implementation of curriculum frameworks for arts education.

[(5) The development of model inservice professional development programs for arts educators and other instructional staff.

[(6) Supporting collaborative activities with Federal agencies or institutions involved in arts education, arts educators, and organizations representing the arts, including State and local arts agencies involved in arts education.

[(7) Supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts.

[(8) Supporting model projects and programs by Very Special Arts which assure the participation in mainstream settings in arts and education programs of individuals with disabilities.

[(9) Supporting model projects and programs to integrate arts education into the regular elementary school and secondary school curriculum.

[(10) Other activities that further the purposes of this subpart.

[(e) SPECIAL RULE.—If the amount made available to the Secretary to carry out this subpart for any fiscal year is \$15,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).

[(f) CONDITIONS.—As conditions of receiving assistance made available under this subpart, the Secretary shall require each entity receiving such assistance—

[(1) to coordinate, to the extent practicable, each project or program carried out with such assistance with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters; and

[(2) to use such assistance only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under this subpart.

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

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**[Subpart 17—Combatting Domestic Violence**

**[SEC. 5571. GRANTS TO COMBAT THE IMPACT OF EXPERIENCING OR WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.**

[(a) DEFINITIONS.—In this section:

[(1) DOMESTIC VIOLENCE.—The term “domestic violence” has the meaning given that term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

[(2) EXPERT.—The term “expert” means—

[(A) an expert on domestic violence, sexual assault, and child abuse from the educational, legal, youth, mental health, substance abuse, or victim advocacy field; and

[(B) a State or local domestic violence coalition or community-based youth organization.

[(3) WITNESS DOMESTIC VIOLENCE.—

[(A) IN GENERAL.—The term “witness domestic violence” means to witness—

[(i) an act of domestic violence that constitutes actual or attempted physical assault; or

[(ii) a threat or other action that places the victim in fear of domestic violence.

[(B) WITNESS.—In subparagraph (A), the term “witness” means—

[(i) to directly observe an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action; or

[(ii) to be within earshot of an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action.

[(b) GRANTS AUTHORIZED.—

[(1) AUTHORITY.—The Secretary is authorized to award grants to local educational agencies that work with experts to enable the elementary schools and secondary schools served by the local educational agency—

[(A) to provide training to school administrators, faculty, and staff, with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children;

[(B) to provide educational programming for students regarding domestic violence and the impact of experiencing or witnessing domestic violence on children;

[(C) to provide support services for students and school personnel to develop and strengthen effective prevention and intervention strategies with respect to issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on the children; and

[(D) to develop and implement school system policies regarding appropriate and safe responses to, identification of, and referral procedures for, students who are experiencing or witnessing domestic violence.

[(2) AWARD BASIS.—The Secretary is authorized to award grants under this section—

[(A) on a competitive basis; and

[(B) in a manner that ensures that such grants are equitably distributed among local educational agencies located in rural, urban, and suburban areas.

[(3) POLICY DISSEMINATION.—The Secretary shall disseminate to local educational agencies any Department policy guidance regarding the prevention of domestic violence and the impact on children of experiencing or witnessing domestic violence.

[(c) USES OF FUNDS.—Funds made available to carry out this subpart may be used for one or more of the following purposes:

[(1) To provide training for elementary school and secondary school administrators, faculty, and staff that addresses issues concerning elementary school and secondary school students who experience domestic violence in dating relationships or who witness domestic violence, and the impact of such violence on those students.

[(2) To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

[(3) To develop and implement elementary school and secondary school system policies regarding—

[(A) appropriate and safe responses to, identification of, and referral procedures for, students who are experiencing or witnessing domestic violence; and

[(B) to develop and implement policies on reporting and referral procedures for those students.

[(4) To provide the necessary human resources to respond to the needs of elementary school and secondary school students and personnel who are faced with the issue of domestic violence, such as a resource person who is either on-site or on-call and who is an expert.

[(5) To provide media center materials and educational materials to elementary schools and secondary schools that address issues concerning children who experience domestic violence in dating relationships or who witness domestic violence, and the impact of the violence on those children.

[(6) To conduct evaluations to assess the impact of programs and policies assisted under this subpart in order to enhance the development of the programs.

[(d) CONFIDENTIALITY.—Policies, programs, training materials, and evaluations developed and implemented under subsection (c) shall address issues of safety and confidentiality for the victim and the victim's family in a manner consistent with applicable Federal and State laws.

[(e) APPLICATION.—To be eligible for a grant under this section for a fiscal year, a local educational agency, in consultation with an expert, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include each of the following:

[(1) A description of the need for funds provided under the grant and the plan for implementation of any of the activities described in subsection (c).

[(2) A description of how the experts will work in consultation and collaboration with the local educational agency.

[(3) Measurable objectives for, and expected results from, the use of the funds provided under the grant.

[(4) Provisions for appropriate remuneration for collaborating partners.]

## **[Subpart 18—Healthy, High-Performance Schools**

### **[SEC. 5581. GRANT PROGRAM AUTHORIZED.**

[(The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, is authorized to award grants to State educational agencies to permit such State educational agencies to carry out section 5582.)

### **[SEC. 5582. STATE USES OF FUNDS.**

#### **[(a) SUBGRANTS.—**

[(1) IN GENERAL.—A State educational agency receiving a grant under this subpart shall use funds made available under the grant to award subgrants to local educational agencies to permit such local educational agencies to carry out the activities described in section 5583.

[(2) LIMITATION.—A State educational agency shall award subgrants under this subsection to local educational agencies

that are the neediest, as determined by the State, and that have made a commitment to develop healthy, high-performance school buildings in accordance with the plan developed and approved under paragraph (3)(A).

**[(3) IMPLEMENTATION.—**

**[(A) PLANS.—**A State educational agency shall award subgrants under this subsection only to local educational agencies that, in consultation with the State educational agency and State agencies with responsibilities relating to energy and health, have developed plans that the State educational agency determines to be feasible and appropriate in order to achieve the purposes for which the subgrants are made.

**[(B) SUPPLEMENTING GRANT FUNDS.—**The State educational agency shall encourage local educational agencies that receive subgrants under this subsection to supplement their subgrant funds with funds from other sources in order to implement their plans.

**[(b) ADMINISTRATION.—**A State educational agency receiving a grant under this subpart shall use the grant funds made available under this subpart for one or more of the following:

**[(1)** To evaluate compliance by local educational agencies with the requirements of this subpart.

**[(2)** To distribute information and materials on healthy, high-performance school buildings for both new and existing facilities.

**[(3)** To organize and conduct programs for school board members, school district personnel, and others to disseminate information on healthy, high-performance school buildings.

**[(4)** To provide technical services and assistance in planning and designing healthy, high-performance school buildings.

**[(5)** To collect and monitor information pertaining to healthy, high-performance school building projects.

**[SEC. 5583. LOCAL USES OF FUNDS.**

**[(a) IN GENERAL.—**A local educational agency that receives a subgrant under section 5582(a) shall use the subgrant funds to plan and prepare for healthy, high-performance school building projects that—

**[(1)** reduce energy use to at least 30 percent below that of a school constructed in compliance with standards prescribed in chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results;

**[(2)** meet Federal and State health and safety codes; and

**[(3)** support healthful, energy efficient, and environmentally sound practices.

**[(b) USE OF FUNDS.—**A local educational agency that receives a subgrant under section 5582(a) shall use funds for one or more of the following:

**[(1)** To develop a comprehensive energy audit of the energy consumption characteristics of a building and the need for additional energy conservation measures necessary to allow schools to meet the guidelines set out in subsection (a).

**[(2)** To produce a comprehensive analysis of building strategies, designs, materials, and equipment that—

[(A) are cost effective, produce greater energy efficiency, and enhance indoor air quality; and

[(B) can be used when conducting school construction and renovation or purchasing materials and equipment.

[(3) To obtain research and provide technical services and assistance in planning and designing healthy, high-performance school buildings, including developing a timeline for implementation of such plans.

**[SEC. 5584. REPORT TO CONGRESS.**

[The Secretary shall conduct a biennial review of State actions implementing this subpart and carrying out the plans developed under this subpart through State and local funding, and shall submit a report to Congress on the results of such reviews.

**[SEC. 5585. LIMITATIONS.**

No funds received under this subpart may be used for any of the following:

[(1) Payment of maintenance of costs in connection with any projects constructed in whole or in part with Federal funds provided under this subpart.

[(2) Construction, renovation, or repair of school facilities.

[(3) Construction, renovation, repair, or acquisition of a stadium or other facility primarily used for athletic contests or exhibitions, or other events for which admission is charged to the general public.

**[SEC. 5586. HEALTHY, HIGH-PERFORMANCE SCHOOL BUILDING DEFINED.**

In this subpart, the term “healthy, high-performance school building” means a school building in which the design, construction, operation, and maintenance—

[(1) use energy-efficient and affordable practices and materials;

[(2) are cost-effective;

[(3) enhance indoor air quality; and

[(4) protect and conserve water.]

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**[Subpart 20—Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition**

**[SEC. 5601. RESERVATION.**

[The Secretary is authorized to provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under section 8002.

**[SEC. 5602. ELIGIBILITY.**

A local educational agency is eligible to receive additional assistance under this subpart only if such agency—

[(1) received a payment under both section 8002 and section 8003(b) for fiscal year 1996 and is eligible to receive payments under those sections for the year of application;



[(2) provided a free public education to children described under subparagraph (A), (B), or (D) of section 8003(a)(1);

[(3) had a military installation located within the geographic boundaries of the local educational agency that was closed as a result of base closure or realignment and, at the time at which the agency is applying for a payment under this subpart, the agency does not have a military installation located within its geographic boundaries;

[(4) remains responsible for the free public education of children residing in housing located on Federal property within the boundaries of the closed military installation but whose parents are on active duty in the uniformed services and assigned to a military activity located within the boundaries of an adjoining local educational agency; and

[(5) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.

**[SEC. 5603. MAXIMUM AMOUNT.**

[(a) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this subpart for any fiscal year, when combined with its payment under section 8002(b), shall not be more than 50 percent of the maximum amount determined under section 8002(b).

[(b) INSUFFICIENT FUNDS.—If funds appropriated under section 5401 are insufficient to pay the amount determined under subsection (a), the Secretary shall ratably reduce the payment to each local educational agency eligible under this subpart.

[(c) EXCESS FUNDS.—If funds appropriated under section 5401 are in excess of the amount determined under subsection (a), the Secretary shall ratably distribute any excess funds to all local educational agencies eligible for payment under section 8002(b).

## **[Subpart 21—Women's Educational Equity Act**

**[SEC. 5611. SHORT TITLE AND FINDINGS.**

[(a) SHORT TITLE.—This subpart may be cited as the “Women's Educational Equity Act of 2001”.

[(b) FINDINGS.—Congress finds that—

[(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

[(2) because of funding provided under the Women's Educational Equity Act of 2001, more curricula, training, and other educational materials concerning educational equity for women and girls are available for national dissemination;

[(3) teaching and learning practices in the United States are frequently inequitable as such practices relate to women and girls, for example—

[(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;

[(B) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

[(C) girls do not take as many mathematics and science courses as boys, girls lose confidence in their mathematics and science ability as girls move through adolescence, and there are few women role models in the sciences; and

[(D) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of such teenagers;

[(4) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls;

[(5) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should also assist schools and local communities implement gender equitable practices;

[(6) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

[(7) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society, cannot be achieved without educational equity for women and girls.

**[SEC. 5612. STATEMENT OF PURPOSE.**

It is the purpose of this subpart—

[(1) to promote gender equity in education in the United States;

[(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

[(3) to promote equity in education for women and girls who suffer from multiple forms of discrimination based on sex, race, ethnic origin, limited English proficiency, disability, or age.

**[SEC. 5613. PROGRAMS AUTHORIZED.**

[(a) IN GENERAL.—The Secretary is authorized—

[(1) to promote, coordinate, and evaluate gender equity policies, programs, activities, and initiatives in all Federal education programs and offices;

[(2) to develop, maintain, and disseminate materials, resources, analyses, and research relating to education equity for women and girls;

[(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

[(4) to coordinate gender equity programs and activities with other Federal agencies with jurisdiction over education and related programs;

[(5) to assist the Director of the Institute of Education Sciences in identifying research priorities related to education equity for women and girls; and

[(6) to perform any other activities consistent with achieving the purposes of this subpart.

[(b) GRANTS AUTHORIZED.—

[(1) IN GENERAL.—The Secretary is authorized to award grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, student groups, community groups, and individuals, for a period not to exceed 4 years, to—

[(A) provide grants to develop model equity programs; and

[(B) provide funds for the implementation of equity programs in schools throughout the Nation.

[(2) SUPPORT AND TECHNICAL ASSISTANCE.—To achieve the purposes of this subpart, the Secretary is authorized to provide support and technical assistance—

[(A) to implement effective gender-equity policies and programs at all educational levels, including—

[(i) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;

[(ii) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;

[(iii) leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

[(iv) school-to-work transition programs, guidance and counseling activities, and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented;

[(v) enhancing educational and career opportunities for those women and girls who suffer multiple forms of discrimination, based on sex, and on race, ethnic origin, limited English proficiency, disability, socioeconomic status, or age;

[(vi) assisting pregnant students and students rearing children to remain in or to return to secondary school, graduate, and prepare their preschool children to start school;

[(vii) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls;

[(viii) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls;

[(ix) programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

[(x) nondiscriminatory tests of aptitude and achievement and of alternative assessments that eliminate biased assessment instruments from use;

[(xi) programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low-income women, including underemployed and unemployed women, and women receiving assistance under a State program funded under part A of title IV of the Social Security Act;

[(xii) programs to improve representation of women in educational administration at all levels; and

[(xiii) planning, development, and initial implementation of—

[(I) comprehensive institutionwide or districtwide evaluation to assess the presence or absence of gender equity in educational settings;

[(II) comprehensive plans for implementation of equity programs in State educational agencies and local educational agencies and institutions of higher education, including community colleges; and

[(III) innovative approaches to school-community partnerships for educational equity; and

[(B) for research and development, which shall be coordinated with each of the National Education Centers of the Institute of Education Sciences to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions, and local communities, gender equitable, including—

[(i) research and development of innovative strategies and model training programs for teachers and other education personnel;

[(ii) the development of high-quality and challenging assessment instruments that are nondiscriminatory;

[(iii) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and bias;

[(iv) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

[(v) the development of instruments and strategies for evaluation, dissemination, and replication of promising or exemplary programs designed to assist local educational agencies in integrating gender equity in their educational policies and practices;

[(vi) updating high-quality educational materials previously developed through awards made under this subpart;

[(vii) the development of policies and programs to address and prevent sexual harassment and violence

to ensure that educational institutions are free from threats to safety of students and personnel;

[(viii) the development and improvement of programs and activities to increase opportunity for women, including continuing educational activities, vocational education, and programs for low-income women, including underemployed and unemployed women, and women receiving assistance under the State program funded under part A of title IV of the Social Security Act; and

[(ix) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity.

**[SEC. 5614. APPLICATIONS.**

An application under this subpart shall—

[(1) set forth policies and procedures that will ensure a comprehensive evaluation of the activities assisted under this subpart, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

[(2) demonstrate how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

[(3) for applications for assistance under section 5613(b)(1), demonstrate how the applicant will foster partnerships and, where applicable, share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations (including organizations serving women), parent, teacher, and student groups, businesses, or other recipients of Federal educational funding which may include State literacy resource centers;

[(4) for applications for assistance under section 5613(b)(1), demonstrate how parental involvement in the project will be encouraged; and

[(5) for applications for assistance under section 5613(b)(1), describe plans for continuation of the activities assisted under this subpart with local support following completion of the grant period and termination of Federal support under this subpart.

**[SEC. 5615. CRITERIA AND PRIORITIES.**

[(a) CRITERIA AND PRIORITIES.—

[(1) IN GENERAL.—The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 5613(b) to ensure that funds under this subpart are used for programs that most effectively will achieve the purposes of this subpart.

[(2) CRITERIA.—The criteria described in paragraph (1) may include the extent to which the activities assisted under this subpart—

[(A) address the needs of women and girls of color and women and girls with disabilities;

[(B) meet locally defined and documented educational equity needs and priorities, including compliance with title IX of the Education Amendments of 1972;

- [(C) are a significant component of a comprehensive plan for educational equity and compliance with title IX of the Education Amendments of 1972 in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution; and
- [(D) implement an institutional change strategy with long-term impact that will continue as a central activity of the applicant after the grant under this subpart has terminated.
- [(b) PRIORITIES.—In awarding grants under this subpart, the Secretary may give special consideration to applications—
- [(1) submitted by applicants that have not received assistance under this subpart or this subpart's predecessor authorities;
- [(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and
- [(3) for projects that will—
- [(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;
- [(B) draw on a variety of resources, including the resources of local educational agencies, community-based organizations, institutions of higher education, and private organizations;
- [(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant under this subpart has terminated;
- [(D) address issues of national significance that can be duplicated; and
- [(E) address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.
- [(c) SPECIAL RULE.—To the extent feasible, the Secretary shall ensure that grants awarded under this subpart for each fiscal year address—
- [(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;
- [(2) all regions of the United States; and
- [(3) urban, rural, and suburban educational institutions.
- [(d) COORDINATION.—Research activities supported under this subpart—
- [(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and
- [(2) may include collaborative research activities which are jointly funded and carried out with the Institute of Education Sciences.
- [(e) LIMITATION.—Nothing in this subpart shall be construed as prohibiting men and boys from participating in any programs or activities assisted with funds under this subpart.

**[SEC. 5616. REPORT.**

[Not later than January 1, 2006, the Secretary shall submit to the President and Congress a report on the status of educational equity for girls and women in the Nation.

**[SEC. 5617. ADMINISTRATION.**

[(a) EVALUATION AND DISSEMINATION.—Not later than January 1, 2005, the Secretary shall evaluate and disseminate materials and programs developed under this subpart and shall report to Congress regarding such evaluation materials and programs.

[(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the activities assisted under this subpart are administered within the Department by a person who has recognized professional qualifications and experience in the field of gender equity education.

**[SEC. 5618. AMOUNT.**

[From amounts made available to carry out this subpart for a fiscal year, not less than two-thirds of such amount shall be used to carry out the activities described in section 5613(b)(1).]

**TITLE VI—FLEXIBILITY AND ACCOUNTABILITY**

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**PART B—RURAL EDUCATION INITIATIVE**

\* \* \* \* \*

**Subpart 2—Rural and Low-Income School Program**

\* \* \* \* \*

**SEC. 6222. USES OF FUNDS.**

(a) LOCAL AWARDS.—Grant funds awarded to local educational agencies under this subpart shall be used for any of the following:

(1) \* \* \*

\* \* \* \* \*

(3) Educational technology, including software and hardware[, as described in part D of title II].

\* \* \* \* \*

**TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION**

\* \* \* \* \*

**[PART B—NATIVE HAWAIIAN EDUCATION**

**[SEC. 7201. SHORT TITLE.**

[This part may be cited as the “Native Hawaiian Education Act”.

**[SEC. 7202. FINDINGS.**

**[**Congress finds the following:

**[(1)** Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

**[(2)** At the time of the arrival of the first nonindigenous people in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

**[(3)** A unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.

**[(4)** From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawaii, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawaii, and entered into treaties and conventions with the Kingdom of Hawaii to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

**[(5)** In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawaii, the Kingdom of Hawaii, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawaii, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103-150 (107 Stat. 1510).

**[(6)** In 1898, the joint resolution entitled “Joint Resolution to provide for annexing the Hawaiian Islands to the United States”, approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawaii, including the government and crown lands of the former Kingdom of Hawaii, to the United States, but mandated that revenue generated from the lands be used “solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes”.

**[(7)** By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

**[(8)** Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: “One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say,



and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.”

[(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b-1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area “only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.”

[(10) Under the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

[(11) In 1959, under the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, the United States also ceded to the State of Hawaii title to the public lands formerly held by the United States, but mandated that such lands be held by the State “in public trust” and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

[(12) The United States has recognized and reaffirmed that—

[(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

[(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

[(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

[(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

[(E) the aboriginal, indigenous people of the United States have—

[(i) a continuing right to autonomy in their internal affairs; and

[(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

[(13) The political relationship between the United States and the Native Hawaiian people has been recognized and re-

affirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

【(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

【(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

【(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

【(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

【(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

【(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

【(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

【(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

【(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

【(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the “Native Hawaiian Educational Assessment Project”, was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

【(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

【(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

【(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

【(i) late or no prenatal care;

【(ii) high rates of births by Native Hawaiian women who are unmarried; and

【(iii) high rates of births to teenage parents;

【(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

【(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

【(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

【(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild intellectual disabilities, emotional impairment, and other such disabilities;

【(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed four or more years of college;

【(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

【(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

【(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawaii; and

【(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

【(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawaii Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

【(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawaii.

【(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

【(19) Following the overthrow of the Kingdom of Hawaii in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawaii, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a cul-

ture that placed a very high value on the power of language, as exemplified in the traditional saying: “I ka “olelo no ke ola; I ka “olelo no ka make. In the language rests life; In the language rests death.”

[(20) Despite the consequences of over 100 years of non-indigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

[(21) The State of Hawaii, in the constitution and statutes of the State of Hawaii—

[(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

[(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii, which may be used as the language of instruction for all subjects and grades in the public school system; and

[(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.

**[SEC. 7203. PURPOSES.**

[(The purposes of this part are to—

[(1) authorize and develop innovative educational programs to assist Native Hawaiians;

[(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

[(3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and

[(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

**[SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.**

[(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (hereafter in this part referred to as the “Education Council”).

[(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

[(c) CONDITIONS AND TERMS.—

[(1) CONDITIONS.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition,

a representative of the State of Hawaii Office of Hawaiian Affairs shall serve as a member of the Education Council.

[(2) APPOINTMENTS.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

[(3) TERMS.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

[(4) COUNCIL DETERMINATIONS.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.

[(d) NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.—The Secretary shall make a direct grant to the Education Council to carry out the following activities:

[(1) Coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.

[(2) Assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education.

[(3) Provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity.

[(4) Make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

[(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

[(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

[(2) ANNUAL REPORT.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

[(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

[(f) ESTABLISHMENT OF ISLAND COUNCILS.—

[(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as an “island council”) for the following islands:

- [(A) Hawaii.
- [(B) Maui.
- [(C) Molokai.
- [(D) Lanai.
- [(E) Oahu.
- [(F) Kauai.
- [(G) Niihau.

[(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least three-fourths of the members of each island council shall be Native Hawaiians.

[(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

[(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

[(i) REPORT.—Not later than 4 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

**[SEC. 7205. PROGRAM AUTHORIZED.**

[(a) GENERAL AUTHORITY.—

[(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—

- [(A) Native Hawaiian educational organizations;
  - [(B) Native Hawaiian community-based organizations;
  - [(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and
  - [(D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),
- to carry out programs that meet the purposes of this part.

[(2) PRIORITIES.—In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

- [(A) beginning reading and literacy among students in kindergarten through third grade;
- [(B) the needs of at-risk children and youth;
- [(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

[(D) the use of the Hawaiian language in instruction.

[(3) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

[(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

[(B) the operation of family-based education centers that provide such services as—

[(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

[(ii) preschool programs for Native Hawaiians; and

[(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

[(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;

[(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

[(i) the identification of such students and their needs;

[(ii) the provision of support services to the families of those students; and

[(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

[(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

[(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

[(ii) activities that involve the parents of those students in a manner designed to assist in the students' educational progress;

[(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

[(G) professional development activities for educators, including—

[(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

[(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

[(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

[(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

[(i) preschool programs;

[(ii) after-school programs;

[(iii) vocational and adult education programs; and

[(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;

[(I) activities, including program co-location, to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

[(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

[(ii) family literacy services;

[(iii) counseling and support services for students receiving scholarship assistance;

[(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

[(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;

[(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

[(K) other research and evaluation activities related to programs carried out under this part; and

[(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

[(4) SPECIAL RULE AND CONDITIONS.—

[(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawaii from receiving a scholarship pursuant to paragraph (3)(I).

[(B) SCHOLARSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a scholarship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.



[(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a recipient of a grant or contract under subsection (a) for any fiscal year may be used for administrative purposes.

[(c) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section and section 7204 such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve \$500,000 for fiscal year 2002 and each of the 5 succeeding fiscal years to make a direct grant to the Education Council to carry out section 7204.

[(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.

**[SEC. 7206. ADMINISTRATIVE PROVISIONS.]**

[(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

[(b) SPECIAL RULE.—Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

**[SEC. 7207. DEFINITIONS.]**

[In this part:

[(1) NATIVE HAWAIIAN.—The term “Native Hawaiian” means any individual who is—

[(A) a citizen of the United States; and

[(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

[(i) genealogical records;

[(ii) Kupuna (elders) or Kamaaina (long-term community residents) verification; or

[(iii) certified birth records.

[(2) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term “Native Hawaiian community-based organization” means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

[(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term “Native Hawaiian educational organization” means a private nonprofit organization that—

[(A) serves the interests of Native Hawaiians;

[(B) has Native Hawaiians in substantive and policy-making positions within the organization;

[(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

[(D) has demonstrated expertise in the education of Native Hawaiian youth; and

[(E) has demonstrated expertise in research and program development.

[(4) NATIVE HAWAIIAN LANGUAGE.—The term “Native Hawaiian language” means the single Native American language indigenous to the original inhabitants of the State of Hawaii.

[(5) NATIVE HAWAIIAN ORGANIZATION.—The term “Native Hawaiian organization” means a private nonprofit organization that—

[(A) serves the interests of Native Hawaiians;

[(B) has Native Hawaiians in substantive and policy-making positions within the organization; and

[(C) is recognized by the Governor of Hawaii for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

[(6) OFFICE OF HAWAIIAN AFFAIRS.—The term “Office of Hawaiian Affairs” means the Office of Hawaiian Affairs established by the Constitution of the State of Hawaii.

## **[PART C—ALASKA NATIVE EDUCATION**

### **[SEC. 7301. SHORT TITLE.**

[This part may be cited as the “Alaska Native Educational Equity, Support, and Assistance Act”.

### **[SEC. 7302. FINDINGS.**

[Congress finds and declares the following:

[(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

[(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

[(3) Alaska Native children enter and exit school with serious educational handicaps.

[(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

[(5) The programs authorized in this part, combined with expanded Head Start, infant learning, and early childhood education programs, and parent education programs, are essential if educational handicaps are to be overcome.

[(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

[(7) Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

**[SEC. 7303. PURPOSES.**

[The purposes of this part are as follows:

[(1) To recognize the unique educational needs of Alaska Natives.

[(2) To authorize the development of supplemental educational programs to benefit Alaska Natives.

[(3) To supplement existing programs and authorities in the area of education to further the purposes of this part.

[(4) To provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

**[SEC. 7304. PROGRAM AUTHORIZED.**

[(a) GENERAL AUTHORITY.—

[(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this part.

[(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include the following:

[(A) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

[(B) The development of curricula and educational programs that address the educational needs of Alaska Native students, including the following:

[(i) Curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives.

[(ii) Instructional programs that make use of Native Alaskan languages.

[(iii) Networks that introduce successful programs, materials, and techniques to urban and rural schools.

[(C) Professional development activities for educators, including the following:

[(i) Programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students.

[(ii) In-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students.

[(iii) Recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely

to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska.

【(D) The development and operation of home instruction programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages.

【(E) Family literacy services.

【(F) The development and operation of student enrichment programs in science and mathematics that—

【(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math;

【(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and

【(iii) may include activities that recognize and support the unique cultural and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and seniors.

【(G) Research and data collection activities to determine the educational status and needs of Alaska Native children and adults.

【(H) Other research and evaluation activities related to programs carried out under this part.

【(I) Remedial and enrichment programs to assist Alaska Native students in performing at a high level on standardized tests.

【(J) Education and training of Alaska Native students enrolled in a degree program that will lead to certification or licensing as teachers.

【(K) Parenting education for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development), including parenting education provided through in-home visitation of new mothers.

【(L) Cultural education programs operated by the Alaska Native Heritage Center and designed to share the Alaska Native culture with students.

【(M) A cultural exchange program operated by the Alaska Humanities Forum and designed to share Alaska Native culture with urban students in a rural setting, which shall be known as the Rose Cultural Exchange Program.

【(N) Activities carried out through Even Start programs carried out under subpart 3 of part B of title I and Head Start programs carried out under the Head Start Act, including the training of teachers for programs described in this subparagraph.

【(O) Other early learning and preschool programs.

【(P) Dropout prevention programs operated by the Cook Inlet Tribal Council's Partners for Success program.

【(Q) An Alaska Initiative for Community Engagement program.

【(R) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employ-

ment, including programs providing tech-prep, mentoring, training, and apprenticeship activities.

[(S) Provision of operational support and purchasing of equipment, to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.

[(T) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

[(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include the following:

[(A) Programs for parents and their infants, from the prenatal period of the infant through age 3.

[(B) Preschool programs.

[(C) Training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

[(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

[(c) PRIORITIES.—In awarding grants or contracts to carry out activities described in subsection (a)(2), except for activities listed in subsection (d)(2), the Secretary shall give priority to applications from Alaska Native regional nonprofit organizations, or consortia that include at least one Alaska Native regional nonprofit organization.

[(d) AUTHORIZATION OF APPROPRIATIONS.—

[(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

[(2) AVAILABILITY OF FUNDS.—Of the funds appropriated and made available under this section for a fiscal year, the Secretary shall make available—

[(A) not less than \$1,000,000 to support activities described in subsection (a)(2)(K);

[(B) not less than \$1,000,000 to support activities described in subsection (a)(2)(L);

[(C) not less than \$1,000,000 to support activities described in subsection (a)(2)(M);

[(D) not less than \$2,000,000 to support activities described in subsection (a)(2)(P); and

[(E) not less than \$2,000,000 to support activities described in subsection (a)(2)(Q).

**[SEC. 7305. ADMINISTRATIVE PROVISIONS.]**

[(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

[(b) APPLICATIONS.—A State educational agency or local educational agency may apply for an award under this part only as

part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

[(c) CONSULTATION REQUIRED.—Each applicant for an award under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

[(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the program to be carried out under the grant or contract about the application.

**[SEC. 7306. DEFINITIONS.**

**[In this part:**

**[(1) ALASKA NATIVE.—**The term “Alaska Native” has the same meaning as the term “Native” has in section 3(b) of the Alaska Native Claims Settlement Act.

**[(2) ALASKA NATIVE ORGANIZATION.—**The term “Alaska Native organization” means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and another organization that—

**[(A) has or commits to acquire expertise in the education of Alaska Natives; and**

**[(B) has Alaska Natives in substantive and policy-making positions within the organization.]**

\* \* \* \* \*

**TITLE IX—GENERAL PROVISIONS**

**PART A—DEFINITIONS**

**SEC. 9101. DEFINITIONS.**

Except as otherwise provided, in this Act:

(1) \* \* \*

\* \* \* \* \*

**[(13) COVERED PROGRAM.—**The term “covered program” means each of the programs authorized by—

**[(A) part A of title I;**

**[(B) subpart 3 of part B of title I;**

**[(C) part C of title I;**

**[(D) part D of title I;**

**[(E) part F of title I;**

**[(F) part A of title II;**

**[(G) part D of title II;**

**[(H) part A of title III;**

**[(I) part A of title IV;**

**[(J) part B of title IV;**

**[(K) part A of title V; and**

**[(L) subpart 2 of part B of title VI.]**

*(13) COVERED PROGRAM.—The term “covered program” means each of the programs authorized by—*

*(A) part A of title I;*

*(B) part C of title I;*

*(C) part D of title I;*

*(D) part A of title II;*

- (E) part A of title III;
- (F) part A of title IV;
- (G) part B of title IV;
- (H) part A of title V; and
- (I) subpart 2 of part B of title VI.

\* \* \* \* \*

(34) PROFESSIONAL DEVELOPMENT.—The term “professional development”—

(A) includes activities that—

(i) \* \* \*

\* \* \* \* \*

(vii) advance teacher understanding of effective instructional strategies that are—

(I) based on scientifically based research [(except that this subclause shall not apply to activities carried out under part D of title II)]; and

\* \* \* \* \*

**PART E—UNIFORM PROVISIONS**

**Subpart 1—Private Schools**

**SEC. 9501. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.**

(a) \* \* \*

(b) APPLICABILITY.—

[(1) IN GENERAL.—This section applies to programs under—

[(A) subparts 1 and 3 of part B of title I;

[(B) part C of title I;

[(C) part A of title II, to the extent provided in paragraph (3);

[(D) part B of title II;

[(E) part D of title II;

[(F) part A of title III;

[(G) part A of title IV; and

[(H) part B of title IV.]

(1) IN GENERAL.—This section applies to programs under—

(A) subpart 1 of part B of title I;

(B) part C of title I;

(C) part A of title II, to the extent provided in paragraph (3);

(D) part B of title II;

(E) part A of title III;

(F) part A of title IV; and

(G) part B of title IV.

\* \* \* \* \*

## MINORITY VIEWS

H.R. 1891, reported out of the Committee on Education and the Workforce, with all Committee Democrats in attendance voting in opposition, eliminates 43 education programs without regard to the needs of students, schools, communities, or the country.

Committee Democrats believe the central role of the Federal government in education policy is to ensure that all students have access to an equal, high-quality education. To truly ensure access to this type of education, Committee Democrats believe that the system must be modernized. States and districts should have easier access to Federal funds through streamlined programs with less administrative burden. States and districts should also have more flexibility. To allow for this increased flexibility, educators must rely on data-based decision making and maintain strong accountability for student outcomes. Committee Democrats also believe that Congress has a responsibility to ensure that all students are held to high standards, and that teachers are prepared to teach to those standards.

In 2009, the United States was among 34 developed countries that participated in the Programme for International Student Assessment (PISA). On that exam, our nation had improved in math and science since 2006.<sup>1</sup> But despite those improvements, our students were still outperformed by numerous countries. The countries at the top of the international rankings have each made it a national goal to develop the best education system in the world. Those countries have also focused on all students. While the top 10 percent of students in the United States are still competitive internationally, the country's poor and minority students continue to struggle.

H.R. 1891 does nothing to improve the United States education system. The bill does nothing to improve student outcomes, increase academic achievement, nor graduate students who are college and career ready. In actuality, the bill fails to modernize the system; it simply eliminates essential services to students provided through the Elementary and Secondary Education Act.<sup>2</sup>

### ESSENTIAL LITERACY SERVICES TO STUDENTS

Committee Democrats believe that a student's ability to read, write, and comprehend material is paramount to their success in school. Unfortunately students continue to struggle in these areas. American 15-year-olds rank 14th among developed nations in reading, lagging behind countries such as Japan, Australia, and the Netherlands.<sup>3</sup> Despite our students' moderate standing in the glob-

<sup>1</sup>OECD Programme for International Student Assessment (PISA) (2009). Available at: [www.oecd.org/edu/pisa/2009](http://www.oecd.org/edu/pisa/2009).

<sup>2</sup>20 U.S.C. ch. 70.

<sup>3</sup>*Supra* note 1.



al education system, the Majority's bill chooses to eliminate literacy services for students.

Committee Democrats believe that when it comes to literacy services for students, research has been very clear on what works. A number of interventions and practices demonstrate a clear positive impact on student literacy skills. With federal support from programs that H.R. 1891 eliminates, 46 states are working to implement comprehensive literacy strategies to strengthen our students' ability to compete in the 21st century economy. Kentucky, for example, created a comprehensive set of state actions and implementation indicators to embed literacy learning as part of school improvement planning that will support effective implementation of the Kentucky Core Academic Standards. Louisiana developed a comprehensive plan to ensure students meet the literacy expectations that will prepare them to enter college and the workforce ready to succeed.

H.R. 1891 will undercut the work of states and districts successfully preparing our students for their future. The Majority argues the country cannot afford literacy services, but in actuality, the country cannot afford to move backwards on initiatives that work.

#### ESSENTIAL SUPPORT SERVICES TO STUDENTS

There is clear evidence that essential services to address students' mental health and drug and violence prevention have played a significant role in education reform. Committee Democrats believe these services must be supported and advanced for all students to graduate college and career ready. Unfortunately, H.R. 1891 eliminates these services for students, putting the students and their schools at greater risk for failure.

One such successful example can be found in New York City. A 2008 independent evaluation of five New York City schools implementing an intervention created by an expert team of senior educators and social workers, which provided family engagement services, mental health services, and school-based counseling, and it showed that the schools became calmer and more productive environments, with fewer problem behaviors and higher ratings on the NYC Department of Education Learning Environment Survey. In these schools, there was a 51 percent decrease in police-reported incidents and a 32 percent decrease in suspensions. In addition, the schools became better places for teachers to teach: there was a 77 percent decline in teacher turnover, and a 34 percent decrease in teacher absences. Over a four-year intervention period ending in 2009, students in these schools also showed notable academic gains. Students' math proficiency scores increased from 49 percent to 82 percent at the elementary level; and from 24 percent to 64 percent at the middle school level. Students' English Language Arts proficiency scores increased from 47 percent to 57 percent at the elementary level; and from 27 percent to 49 percent at the middle school level.<sup>4</sup>

<sup>4</sup> Kendziora, K., & Osher, D., "Starting to Turn Schools Around: The Academic Outcomes of the Safe Schools, Successful Students Initiative," American Institutes for Research (2009).

## ESSENTIAL SERVICES TO SUPPORT TEACHERS AND LEADERS

Research clearly demonstrates that teacher quality is one of the primary influences on student achievement. Committee Democrats believe that if we are serious about closing the achievement gap and graduating more students ready for college and careers, then we need an education system that is designed to have an effective teacher in every classroom. However, H.R. 1891 eliminates essential services that support teachers and leaders.

In order to compete in a global economy, students must be taught complex, analytical skills in a variety of issue areas. Currently, too many poor and minority students do not have access to great schools or great teachers who can provide these skills. Data across states show that low-income and minority students are disproportionately taught by inexperienced teachers. For example, core academic classes in high-poverty secondary schools are almost twice as likely as classes in low-poverty schools to be taught by teachers with neither a major nor certification in their assigned subject (27 percent compared to 14 percent). Furthermore, high-minority secondary schools have almost double the percentage of math classes taught by teachers with neither certification nor a major as do their low-minority counterparts.<sup>5</sup>

Committee Republicans claim that teacher support services eliminated by H.R. 1891 are duplicative. However, during an April 6, 2011 hearing in the Committee on Education and the Workforce, the Comptroller General, Mr. Dodaro, testified on the Government Accountability Office report entitled, “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue”<sup>6</sup> and stated that the GAO had not found any actual duplication in teaching programs.<sup>7</sup> In addition, the report acknowledges that some of the potential duplication may not be unnecessary or wasteful.

Committee Democrats believe strongly that Congress must ensure that our teachers have the tools and professional development opportunities they need to successfully teach and support student achievement. Over the past decade, the country has seen the start of systemic reforms to improve teacher and leader effectiveness. Many states and districts are developing systems that recruit, prepare and reward effective teachers, that elevate the profession, and that strengthen pathways to teaching and school leadership. These reforms are integral to modernizing our education system.

Committee Democrats also believe that the Federal government has a responsibility to ensure essential services for principal and leader professional development and growth. Research finds that 60 percent of a school’s impact on student achievement is attrib-

<sup>5</sup> Richard Ingersoll, “Analysis of the 2003–2004 Schools and Staffing Survey Data for the Education Trust, “Core Problems: Out-of-Field Teaching Persists in Key Academic Courses and High-Poverty Schools” (2007). Available at: <http://www.edtrust.org/sites/edtrust.org/files/publications/files/SASSreportCoreProblem.pdf>.

<sup>6</sup> Government Accountability Office, “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (Mar. 2011). Available at: <http://www.gao.gov/new.items/d11318sp.pdf>.

<sup>7</sup> Streamlining Federal Education and Workforce Programs: A Look at the GAO Report on Government Waste, Hearing Before the Committee on Education and the Workforce, 112th Cong., 1st Sess. (2011) (testimony of the Honorable Gene Dodaro).

utable to principal and teacher effectiveness.<sup>8</sup> Furthermore, even though a single teacher can have a profound impact on student learning over the course of a year, that effect generally fades unless a student's subsequent teachers are equally effective, with half the gains being lost the following year, and nearly all of the gains being lost within two years.<sup>9</sup> In order for students to have significant learning gains year after year, whole schools must be high-functioning and led by effective principals with effective teachers across the school. This is especially vital for turnaround schools, where studies find no examples of success without effective principal leadership.

#### ESSENTIAL DROPOUT PREVENTION SERVICES

Committee Democrats additionally believe that academic tutoring, summer bridge programs, early identification of at risk students, and dropout recovery efforts—all programs eliminated in H.R. 1891—are also essential services for student success. As a whole, federal policy does not address the needs of students in middle and high schools. At a time when our standing in the global economy depends more than ever on graduating an educated and skilled workforce, this lack of focus is dangerous. Eliminating the few effective programs we do have for dropout prevention is unacceptable. We need to invest in what works.

According to the Alliance for Excellent Education, minority students are disproportionately represented in the nation's dropout statistics: only 56 percent of Latino students, 54 percent of African American students, and 51 percent of American Indian and Alaska Native students graduate with a regular diploma compared to 77 percent of white students and 81 percent of Asian Americans.<sup>10</sup>

One example of a successful model for dropout prevention services is the Talent Development High School model, which is a comprehensive school reform initiative that targets some of the most troubled schools in the country. Findings from an independent evaluation of the first five high schools to begin using the model in the School District of Philadelphia found that Talent Development produced substantial gains in attendance, academic course credits earned, and promotion rates during students' first year of high school. These impacts emerged in the first year of implementation and were reproduced as the model was extended to other schools in the district and as subsequent cohorts of students entered the ninth grade. In addition, the improvements in credits earned and promotion rates for ninth-graders were sustained as students moved through high school. Improvements in student performance on the eleventh grade state standards assessment emerged in later cohorts of students due to the comprehensive and intensive elements of the model that were extended beyond the ninth grade. There are also early indications that Talent Develop-

<sup>8</sup>Marzano, R. J., Waters, T., & McNulty, B., "School Leadership that Works: From Research to Results," Association for Supervision and Curriculum Development (2005).

<sup>9</sup>Kane, T. J., & Staiger, D. O., "Estimating Teacher Impacts on Student Achievement: An Experimental Evaluation," National Bureau of Economic Research (2008).

<sup>10</sup>Alliance for Excellent Education, "About the Crisis," available at: [http://www.all4ed.org/about\\_the\\_crisis](http://www.all4ed.org/about_the_crisis).

ment is improving graduation rates.<sup>11</sup> Committee Democrats believe Congress should support more successful dropout prevention models, such as the Talent Development School model. More resources are needed at the middle and high school levels to stem the dropout crisis in our country, yet H.R. 1891 would eliminate support for dropout programs.

#### ESSENTIAL SERVICES TO PREVENT NARROWING OF THE CURRICULUM

In the years following the passage of No Child Left Behind,<sup>12</sup> one of the most consistent concerns heard from parents, teachers, and principals is that the law led to the narrowing of the curriculum for students. In some districts and schools the intense focus on increasing achievement in reading and math among students unintentionally came at the expense of other subjects such as foreign languages, the arts, history, and financial and economic education.

Passage of H.R. 1891 demonstrates that the Majority is not listening to concerns from communities. Instead of arbitrarily cutting program services, Committee Democrats believe in supporting states and districts to provide students with a well-rounded education that meets educational demands and the needs of a global economy. Committee Democrats believe that current law grant programs must be reformed and that the status quo is not working effectively as it could. Funding for services must be administratively easier to apply for and better address the needs of students, and there must also be more flexibility in how funds for services are used.

#### FUNDING CUTS

The Majority seems to believe that the remaining education programs not eliminated in H.R. 1891 will be robust enough to maintain all essential services to students. However, the Fiscal Year 2012 (FY 12) Republican budget includes significant funding cuts to these remaining programs. The remaining programs will be forced to do much more with much fewer resources. As a result, services to students will be lost and academic achievement is sure to suffer.

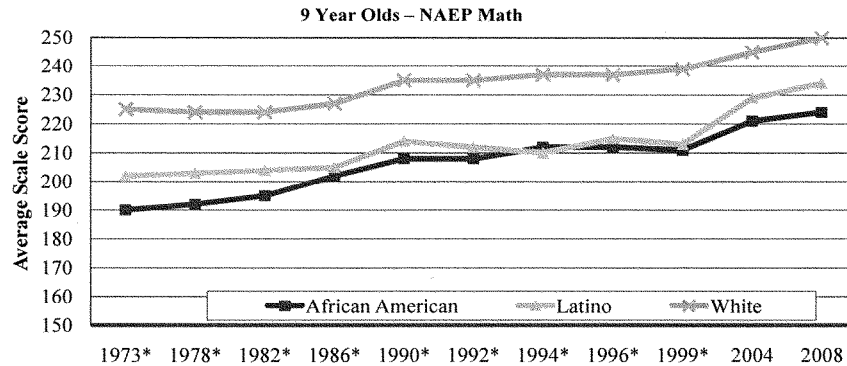
For example, the Majority claims that programs supporting the following activities are duplicative of Title I: literacy instruction; Native Hawaiians and Alaska Natives education; dropout prevention programs; and activities to support a well-rounded education. Yet the FY12 Republican budget cuts Title I funding by more than \$550 million. This cut to Title I will mean 2,400 schools serving nearly a million low-income students will lose funding and nearly 10,000 teachers and aides could lose their jobs. This cut would make it impossible for Title I to cover the essential services to students eliminated in H.R. 1891.

In addition, Committee Republicans of the Education and Workforce Committee have claimed that education funding has exponentially increased while student achievement has gone down. This claim is clearly inaccurate. Federal funding through ESEA has

<sup>11</sup>James J. Kemple, Corinne M. Herlihy, and Thomas J. Smith, "Making Progress Toward Graduation, Evidence from the Talent Development High School Model," MDRC (May 2005). Available at: <http://www.mdrc.org/publications/408/overview.html>.

<sup>12</sup>P.L. 107-110.

gone predominately to elementary schools. Students in elementary grades have seen increases in achievement. For example, according to the NAEP chart below, there were significant gains among all 4th graders from 1999 to 2008.<sup>13</sup>



Unfortunately, only 17 percent of eligible low performing high schools received funding from the School Improvement Grant program, leaving 2,500 low performing high schools without federal support. For high school age students achievement gaps remain wide.

Researchers at Johns Hopkins University have identified almost 2,000 high schools (about 13 percent of American high schools) where the typical freshman class shrinks by 40 percent or more by the time the students reach their senior year. These “dropout factories” serve large numbers of minority and low-income students, and have fewer resources and less-qualified teachers than schools in more affluent neighborhoods with larger numbers of white students. In fact, 38 percent of African American students and 33 percent of Latino students attend dropout factories.<sup>14</sup>

Clearly now is not the time to be eliminating dropout prevention funding, yet the Majority eliminates essential dropout prevention services to students in H.R. 1891.

#### AMENDMENTS

Due to the detrimental effect H.R. 1891 would have on students and schools, Committee Democrats offered a series of amendments to ensure students have access to essential services that improve student outcomes, increase academic achievement, and graduate students who are college and career ready. The amendments simply refined current law programs and added support for public/private partnerships to enhance the delivery of services. The amendments consolidated critical functions from the programs being eliminated by H.R. 1891 in order to salvage those services for schools and students. The amendments provided that the services restored would not be duplicated elsewhere. The following Democratic amendments were offered but defeated due to the opposition of Committee Republicans:

<sup>13</sup> National Assessment of Educational Progress (2008). Available at: <http://nces.ed.gov/nationsreportcard>.

<sup>14</sup> Balfanz, R. and Legters, N., “Locating the Drop Out Crisis” (Sept. 2004). Available at: <http://www.csos.jhu.edu/cresp/techReports/Report70.pdf>.

Mr. Kildee, Mr. Hinojosa, and Mr. Grijalva offered an amendment to restore essential literacy services to students by amending the Reading First program under current law to provide students in pre-kindergarten through grade twelve literacy (reading and writing) services, including through school libraries and family literacy programs. The amendment was defeated 16–23.

Mr. Holt and Ms. Woolsey offered an amendment that would have ensured that the Federal government is not contributing to the narrowing of curriculum in schools by amending the Fund for the Improvement of Education (FIE) to support foreign language learning, arts education, and the teaching of American history through: professional development; the development of state standards and assessments; school-based student activities; distance learning and other technology needs related to the development of rigorous academic courses and curricula; services for gifted and talented students and any other activities related to the development of rigorous academic courses and curricula. The amendment was defeated 16–23.

Mr. Loeb sack offered an amendment to restore support services to students that are lost through H.R. 1891, including: crisis intervention services; mental health services; expanding counseling services through qualified school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists; providing in-service training for teachers, instructional staff, and appropriate school personnel; efforts to effectively engage parents, families, and communities in the education of their children; and programs that enable students to participate actively in physical education activities (including through staff and teacher training and education). The amendment was defeated 16–23.

Ms. Davis offered an amendment that would have ensured that critical support for teachers and leaders is not lost as a result of H.R. 1891, including: the development of teacher standards; outreach, and teacher recruitment, and teacher support programs, related to teacher certification or continuing education; programs to assist high-need local educational agencies in recruiting and training principals; and professional development programs in instructional leadership and management. The amendment was defeated 16–23.

Mr. Scott, Mr. Hinojosa, and Mr. Grijalva offered an amendment to ensure that the Federal government is not contributing to the dropout crisis in this country by providing support for critical services including: strategies to identify and serve students most at risk of dropping out; strengthening teacher effectiveness; making education more relevant for students through career-themed education and strategies; ensuring that every student has a relationship with school personnel and a plan to graduate; and providing summer opportunities for at-risk students, to reduce summer learning loss. The amendment was defeated 16–23.

Ms. Hirono offered an amendment to strike the repeal of the Native Hawaiian Education Act and the Alaska Native Educational Equity Act. These competitive grant programs ensure that Native Hawaiian and Alaska Native students continue to receive quality education through rigorous culturally based curricula and edu-

cational programs. A similar amendment, offered earlier this year by Mr. Young of Alaska and Ms. Hirono, to restore these programs, passed with bipartisan support during floor consideration of H.R. 1.<sup>15</sup> Mr. Young and Ms. Hirono also sent a letter in support of these programs during the Education and the Workforce Committee markup. The amendment was defeated 16–23.

#### CONCLUSION

The current state of the public education system is hindering the economic performance of the nation. Comprehensive reform of ESEA is essential to closing the achievement gap, eliminating the dropout problem, and ensuring that all students graduate from high school prepared for college and careers. Committee Democrats do not believe eliminating essential services to students in the manner undertaken by H.R. 1891 will create efficiencies or improve the performance of school districts or students. True reform efforts will.

According to the Alliance for Excellent Education, nearly 600,000 students dropped out from the Class of 2008. By graduating just half of these students, they together would earn \$4.1 billion in additional wages over the course of an average year, and as incomes grow, so too would local tax revenues—by nearly \$536 million during the average year.<sup>16</sup>

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<sup>15</sup> *Full-Year Continuing Appropriations Act, 2011.*

<sup>16</sup> Alliance for Excellent Education, “The Economic Benefits from Halving the Dropout Rate—A Boom to Businesses in the Nation’s Largest Metropolitan Areas” (Jan. 2010). *Available at:* <http://www.all4ed.org/files/EconBeneCityCardBooklet011210.pdf>.

Committee Democrats believe true reform includes updating the law to respond to student, parent, local, and national needs through college and career-ready standards, modernizing the teaching and learning workforce, and modernizing the system to provide States and districts with easier access to federal funds and more flexibility to use those funds while still maintaining a strong system of accountability for all students.

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