

106TH CONGRESS
1ST SESSION

H. R. 2719

To amend the Elementary and Secondary Education Act of 1965 to reauthorize and make improvements to titles I, VII, and X of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. HINOJOSA (for himself, Ms. ROYBAL-ALLARD, Mr. REYES, Mr. RODRIGUEZ, Mr. GUTIERREZ, Mr. MARTINEZ, Mr. ORTIZ, Mr. SERRANO, Mr. PASTOR, Mr. BECERRA, Mr. MENENDEZ, Ms. VELÁZQUEZ, Mr. ROMERO-BARCELÓ, Mr. UNDERWOOD, Ms. SANCHEZ, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. GREEN of Texas, Mr. FATTAH, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. FROST, Ms. PELOSI, Mr. SANDLIN, Ms. KILPATRICK, Ms. DELAURO, Mr. FORD, Mr. EDWARDS, Mr. EVANS, Mr. LAMPSON, Ms. WATERS, Mr. UDALL of New Mexico, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BENTSEN) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Elementary and Secondary Education Act of 1965 to reauthorize and make improvements to titles I, VII, and X of such Act, and for other purposes.

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

1 **SECTION 1. SHORT TITLE; REFERENCES.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Access to Excellence in Education for the 21st Century
4 Act”.

5 (b) REFERENCES.—Except as otherwise expressly
6 provided, whenever in this Act an amendment or repeal
7 is expressed in terms of an amendment to, or repeal of,
8 a section or other provision, the reference shall be consid-
9 ered to be made to a section or other provision of the Ele-
10 mentary and Secondary Education Act of 1965 (20 U.S.C.
11 6301 et seq.).

12 (c) TABLE OF CONTENTS.—The table of contents of
13 this Act is as follows:

Sec. 1. Short title; references.
Sec. 2. Findings.

**TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH
STANDARDS**

Sec. 101. Findings.

**Subtitle A—Improving Basic Programs Operated by Local Educational
Agencies**

Sec. 102. Declaration of policy and statement of purpose.
Sec. 103. Authorization of appropriations.
Sec. 104. Reservations for accountability and evaluation.
Sec. 105. State plans.
Sec. 106. Local educational agency plans.
Sec. 107. Eligible school attendance areas.
Sec. 108. Schoolwide programs.
Sec. 109. Targeted assistance schools.
Sec. 110. School choice.
Sec. 111. Assessment and local educational agency and school improvement.
Sec. 112. State assistance for school support and improvement.
Sec. 113. Parental involvement.
Sec. 114. Parent training and information centers.
Sec. 115. Teacher qualifications and professional development.
Sec. 116. Participation of children enrolled in private schools.
Sec. 117. Preschool services and coordination requirements.
Sec. 118. Basic grants to local educational agencies.

Sec. 119. Program indicators.

Subtitle B—Education of Migratory Children

Sec. 131. Findings.
 Sec. 132. Consortium grants.
 Sec. 133. Parental involvement.
 Sec. 134. Consolidated plan.
 Sec. 135. Schoolwide programs.
 Sec. 136. Data collection.
 Sec. 137. Parent advisory committee.
 Sec. 138. Regulations.
 Sec. 139. Technical assistance.

Subtitle C—Federal Evaluations

Sec. 141. Evaluations.

TITLE II—BILINGUAL EDUCATION

Sec. 201. Findings.
 Sec. 202. Policy and purpose.
 Sec. 203. Authorization of appropriations for part a.
 Sec. 204. Accountability.
 Sec. 205. Multilingual education.
 Sec. 206. Program development and enhancement grants.
 Sec. 207. Comprehensive school grants.
 Sec. 208. Systemwide improvement grants.
 Sec. 209. Applications for awards under subpart 1.
 Sec. 210. Evaluations under subpart 1.
 Sec. 211. Research.
 Sec. 212. State grant program.
 Sec. 213. National clearinghouse on education of children and youth with limited English proficiency.
 Sec. 214. Instructional materials development.
 Sec. 215. Purpose of subpart 3.
 Sec. 216. Training for all teachers program.
 Sec. 217. Bilingual education teachers and personnel grants.
 Sec. 218. Bilingual education career ladder program.
 Sec. 219. Graduate fellowships in bilingual education program.
 Sec. 220. Applications for awards under subpart 3.
 Sec. 221. Evaluations under subpart 3.
 Sec. 222. Model programs for parent involvement.
 Sec. 223. Transition.
 Sec. 224. Findings of emergency immigrant education program.
 Sec. 225. State administrative costs.
 Sec. 226. Definitions.
 Sec. 227. Regulations, parental notification, and use of paraprofessionals.
 Sec. 228. Terminology.
 Sec. 229. Repeals.
 Sec. 230. Redesignations and conforming amendments.

TITLE III—HIGH SCHOOL REFORM

Sec. 301. Findings.
 Sec. 302. High school reform.

TITLE IV—DROPOUT PREVENTION AND STATE
RESPONSIBILITIES

Sec. 401. Findings.

Sec. 402. Dropout prevention.

Sec. 403. Office of dropout prevention and program completion.

Sec. 404. State responsibilities.

1 SEC. 2. FINDINGS.

2 (a) The Congress finds that—

3 (1) every child can learn and achieve to high
4 standards when expectations are high and there are
5 opportunities to learn challenging material;

6 (2) every child must realize his or her potential
7 if the United States is to prosper;

8 (3) all students are entitled to participate in a
9 broad and challenging curriculum and to have access
10 to resources sufficient to address their education
11 needs;

12 (4) the Bureau of the Census estimates that 1
13 in 5 Americans will be of Hispanic descent by the
14 year 2030 and that currently Hispanic Americans
15 are the largest minority group in American schools.

16 (5) the future cultural, political, and economic
17 strengths of this country are clearly dependent upon
18 our Nation's ability to harness the talents and skills
19 of this large and growing segment of the American
20 population;

21 (6) in 1996, approximately 1 out of every 4 stu-
22 dents who lived in a central city and who attended

1 public schools was Hispanic, up from approximately
2 1 out of every 10 students in 1972;

3 (7) despite an increase of 218 percent in the
4 Hispanic population over the past 30 years, $\frac{3}{4}$ of
5 Hispanic students attend predominantly minority
6 schools, a 10.5 percent increase from 1968–69;

7 (8) in 1997, first and later generation His-
8 panics were 2 to 3 times more likely than their non-
9 Hispanic peers to drop out of high schools;

10 (9) great disparities in educational opportunity
11 and achievement between Hispanic Americans and
12 other youth continue to this day as evidenced by the
13 recent National Council of la Raza Report, Latino
14 Education Status and Prospects, which found that
15 Hispanic American students are—

16 (A) more likely to enter school with signifi-
17 cant disadvantages, including high poverty
18 rates, low levels of parental education, and for
19 nearly $\frac{1}{3}$ of them, limited English proficiency;

20 (B) less likely to receive early childhood
21 educational development through preschool pro-
22 grams;

23 (C) more likely to be retained in grade;

1 (D) more likely to be placed in general or
2 special education tracks, and less likely to be
3 placed in gifted and talented programs;

4 (E) less likely to complete high school;

5 (F) less likely to pursue postsecondary
6 education, particularly at the baccalaureate
7 level; and

8 (G) less likely to obtain a bachelor degree
9 or an advanced degree; and

10 (10) it is in the national interest for the Fed-
11 eral Government to act to eliminate these dispari-
12 ties.—

13 **TITLE I—HELPING DISADVAN-**
14 **TAGED CHILDREN MEET**
15 **HIGH STANDARDS**

16 **SEC. 101. FINDINGS.**

17 The Congress finds that—

18 (1) according to United States Census data, 40
19 percent of Hispanic American children live in pov-
20 erty;

21 (2) Hispanic American youth face many bar-
22 riers that put them at risk of not meeting chal-
23 lenging State content and performance standards,
24 including—

25 (A) segregation;

1 (B) attendance at high poverty schools;
2 (C) low expectations;
3 (D) low levels of parental education; and
4 (E) high levels of limited English pro-
5 ficiency;

6 (3) in 1994, the Improving America's Schools
7 Act required that programs funded under title I of
8 the Elementary and Secondary Education Act of
9 1965 provide services to limited English proficient
10 youth and such programs be held accountable for
11 the academic achievement of such youth;

12 (4) according to United States Department of
13 Education data, nearly $\frac{1}{3}$ of students served under
14 title I of the Elementary and Secondary Education
15 Act of 1965 have limited proficiency with the
16 English language;

17 (5) the provisions of the Improving America's
18 Schools Act notwithstanding, States and local edu-
19 cation agencies funded under title I of the Elemen-
20 tary and Secondary Education Act of 1965 have not
21 been held accountable for the academic achievement
22 of limited English proficient students; and

23 (6) accountability measures must be enforced if
24 Hispanic and limited English proficient children are

1 to have equal educational opportunities in America’s
2 schools.

3 **Subtitle A—Improving Basic Pro-**
4 **grams Operated by Local Edu-**
5 **cational Agencies**

6 **SEC. 102. DECLARATION OF POLICY AND STATEMENT OF**
7 **PURPOSE.**

8 (a) STATEMENT OF POLICY.—Section 1001(a) is
9 amended—

10 (1) by striking “(a) STATEMENT OF POLICY.—

11 (1) IN GENERAL” and inserting “(a) STATEMENT OF
12 POLICY.”; and

13 (2) by striking paragraph (2).

14 (b) RECOGNITION OF NEED.—Section 1001(b) is
15 amended—

16 (1) in paragraph (4), by striking “and” at the
17 end;

18 (2) in paragraph (5) by striking the period at
19 the end and inserting “; and”; and

20 (3) by adding at the end a new paragraph (6)
21 to read as follows:

22 “(6) holding local educational agencies and
23 schools accountable for results, including processes
24 for identifying and turning around low-performing

1 schools, provides a focus for educators and promotes
2 better outcomes for students.”.

3 (c) WHAT HAS BEEN LEARNED.—Section 1001(c) is
4 amended—

5 (1) in the subsection heading, by striking
6 “SINCE 1988” and inserting “IN RECENT YEARS”;

7 (2) in the matter before paragraph (1), by
8 striking “learned”;

9 (3) in paragraph (7), by adding the following
10 sentence at the end: “Family literacy programs can
11 help parents make this contribution.”;

12 (4) in paragraph (8)—

13 (A) in the first sentence, by striking “De-
14 centralized” and inserting “Data-driven”; and

15 (B) in the second sentence, by inserting
16 “information,” before “resources”;

17 (5) by striking paragraphs (2), (3), (6), and
18 (10);

19 (6) by redesignating paragraphs (4), (5), (7),
20 (8), (9), (11), and (12) as paragraphs (8) through
21 (14), respectively; and

22 (7) by inserting new paragraphs (2) through
23 (7) to read as follows:

24 “(2) Schools that enroll high concentrations of
25 children living in poverty face the greatest chal-

1 lenges, but recent research demonstrates that, by
2 implementing effective, research-based educational
3 strategies, they can succeed in educating children to
4 high standards.

5 “(3) New survey data demonstrate that the de-
6 velopment and implementation of standards and as-
7 sessments under this title are driving educational re-
8 form in high-poverty schools and local educational
9 agencies, and in elementary and secondary education
10 generally.

11 “(4) Standards-based reform, as encouraged,
12 accelerated, and supported by both the Improving
13 America’s Schools Act of 1994 and the Goals 2000:
14 Educate America Act, has resulted in overall im-
15 proved student achievement and indications are that
16 it is helping to close the achievement gap between
17 minority and non-minority students. A recent study
18 of North Carolina and Texas, the States that reg-
19 istered the largest achievement gains on the Na-
20 tional Assessment of Educational Progress, found
21 that the most plausible cause for those gains was an
22 aligned system of standards, curriculum, and assess-
23 ments tied to accountability for improvement by all
24 students.

1 “(5) Other recent research also confirms the va-
2 lidity of amendments to this title made by the Im-
3 proving America’s Schools Act of 1994. For exam-
4 ple, the National Research Council (NRC) report,
5 Preventing Reading Difficulties in Young Children,
6 stresses the importance of language development and
7 literacy in the preschool years, upgrading the cur-
8 riculum and instruction provided to all children in a
9 school, intensive professional development to prepare
10 teachers and other instructional staff to teach to
11 high standards, and providing extended learning op-
12 portunities outside the regular school day.

13 “(6) The NRC report also recommended the
14 early identification of reading difficulties in children
15 in the first grade, to ensure that interventions can
16 be offered early to those who need them most,
17 through the use of multiple approaches, including
18 developmentally appropriate assessments, the careful
19 observation of children’s reading by skilled observ-
20 ers, and the targeting of interventions to groups in
21 schools with large numbers of at-risk children.

22 “(7) The educational progress of children par-
23 ticipating in programs under this title depends on
24 their being taught by credentialed and highly quali-
25 fied staff, particularly in schools with the highest

1 concentrations of poverty, where paraprofessionals,
2 uncertified teachers, and teachers teaching out of
3 field frequently provide instructional services.”.

4 (d) STATEMENT OF PURPOSE.—Section 1001(d) is
5 amended—

6 (1) in paragraph (3), by striking “promoting
7 schoolwide reform and”;

8 (2) in paragraph (6), by inserting a comma and
9 “such as family literacy programs,” after “opportu-
10 nities”;

11 (3) in paragraph (9), by striking “schools and”
12 and inserting “local educational agencies, schools,
13 and”;

14 (4) by redesignating paragraphs (2) through
15 (9) as paragraphs (3) through (10), respectively;
16 and

17 (5) by inserting after paragraph (1) a new
18 paragraph (2) to read as follows:

19 “(2) promoting comprehensive schoolwide re-
20 forms that are based on reliable research and effec-
21 tive practices;”.

22 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 1002 is amended to read as follows:

1 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
3 the purpose of carrying out part A, there are authorized
4 to be appropriated such sums as may be necessary for fis-
5 cal year 2001 and each of the 4 succeeding fiscal years.

6 “(b) EDUCATION OF MIGRATORY CHILDREN.—For
7 the purpose of carrying out part C, there are authorized
8 to be appropriated such sums as may be necessary for fis-
9 cal year 2001 and each of the 4 succeeding fiscal years.

10 “(c) FEDERAL ACTIVITIES.—For the purpose of car-
11 rying out section 1602, there are authorized to be appro-
12 priated such sums as may be necessary for fiscal year
13 2001 and each of the 4 succeeding fiscal years.”.

14 **SEC. 104. RESERVATIONS FOR ACCOUNTABILITY AND EVAL-**
15 **UATION.**

16 Section 1003 is amended to read as follows:

17 **“SEC. 1003. RESERVATIONS FOR ACCOUNTABILITY AND**
18 **EVALUATION.**

19 “(a) STATE RESERVATIONS.—

20 “(1) Each State educational agency shall re-
21 serve 2.5 percent of the amount it receives under
22 part A of this title for fiscal years 2001 and 2002,
23 and 3.5 percent of that amount for fiscal years 2003
24 through 2005, to carry out paragraph (2) and to
25 carry out its responsibilities under sections 1116 and

1 1117, including its statewide system of technical as-
2 sistance and support for local educational agencies.

3 “(2) Of the amount reserved under paragraph
4 (1) for any fiscal year, the State educational agency
5 shall either—

6 “(A) allocate at least 70 percent directly to
7 local educational agencies, by—

8 “(i) giving first priority to those agen-
9 cies with schools identified for corrective
10 action under section 1116(c)(5), which
11 those agencies shall use effectively to carry
12 out corrective action, as described in that
13 section, in those schools; and

14 “(ii) giving second priority to those
15 agencies with other schools identified for
16 school improvement under section
17 1116(c)(1), which those agencies shall use
18 to bring about substantial improvement in
19 the performance of those schools; or

20 “(B) use at least 70 percent to carry out
21 an alternative system of intervention and cor-
22 rective action approved by the Secretary under
23 section 1111(b)(3)(B)(ii).

24 “(b) NATIONAL ACTIVITIES.—From the total amount
25 appropriated for any fiscal year to carry out this title, the

1 Secretary may reserve not more than 0.30 percent to con-
2 duct evaluations and studies, collect data, and carry out
3 other activities under section 1603.”.

4 **SEC. 105. STATE PLANS.**

5 Section 1111 is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) by inserting a comma and “in
9 order to help all children achieve to high
10 State standards and to improve teaching
11 and learning in the State,” after “shall”;
12 and

13 (ii) by striking “the Goals 2000” and
14 all that follows through “section 14306”
15 and inserting “the Individuals with Dis-
16 abilities Education Act, the Carl D. Per-
17 kins Vocational and Technical Education
18 Act of 1998, and other Acts, as appro-
19 priate”; and

20 (B) by amending paragraph (2) to read as
21 follows:

22 “(2) CONSOLIDATED PLAN.—A State may sub-
23 mit its plan under paragraph (1) as part of a con-
24 solidated plan under section 14302.”;

25 (2) in subsection (b)—

1 (A) by amending the subsection heading to
2 read as follows: “STANDARDS, ASSESSMENTS,
3 AND ACCOUNTABILITY.”;

4 (B) in paragraph (1)—

5 (i) by amending subparagraph (B) to
6 read as follows:

7 “(B) The standards required by subpara-
8 graph (A) shall be the same standards that the
9 State applies to all schools and children in the
10 State.”; and

11 (ii) by amending subparagraph (C) to
12 read as follows:

13 “(C) If a State has not adopted State con-
14 tent and student performance standards for all
15 students, the State shall have such standards
16 for elementary and secondary school children
17 served under this part in subjects determined
18 by the State, but including at least mathematics
19 and reading or language arts, which shall in-
20 clude the same knowledge, skills, and levels of
21 performance expected of all children.”;

22 (C) by striking paragraph (2) and redesign-
23 ating paragraph (3) as paragraph (2);

24 (D) in paragraph (2), as so redesignated—

(i) by inserting a comma and “starting no later than the 2000–2001 school year,” after “that will be used”;

(ii) in subparagraph (F)—

(I) in clause (ii), by striking “and” at the end;

(II) by amending clause (iii) to read as follows—

“(iii) inclusion of limited English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what students know and can do in content areas other than English. For the purposes of this paragraph, tests written in Spanish shall be deemed to be practicable when administered to Spanish-speaking students with limited English proficiency if such tests are more likely than tests written in English to yield accurate and reliable information on what such students know and can do; and”;

(III) by inserting new clauses (iv) and (v) to read as follows:

1 “(iv) notwithstanding clause (iii), the
2 assessment of reading and language arts of
3 any student who has been in United
4 States’ schools (not including Puerto Rico)
5 for 5 consecutive years or more shall use
6 tests written in English; except that a
7 State or local educational agency, utilizing
8 the results of an assessment required in
9 section 1112(c)(7), may determine that a
10 student is sufficiently proficient to be test-
11 ed in reading and language arts using tests
12 written in English prior to the completion
13 of 5 years in United States schools.”;

14 “(v) no student shall be removed from
15 a program of bilingual education or
16 English as a second language based upon
17 his or her performance on the test admin-
18 istered under clause (iv).”; and

19 (iii) in subparagraph (G)—

20 (I) by striking “have attended
21 schools in a local educational agency
22 for a full academic year but”; and

23 (II) by striking “year, however
24 the” and inserting “year; however,
25 the”;

(E) by inserting after paragraph (2) a new paragraph (3) to read as follows:

“(3) ACCOUNTABILITY.—

“(A) Each State receiving assistance under this part shall develop and implement (and describe in its State plan) a statewide system for holding local educational agencies and schools accountable for student performance that meets the following criteria:

“(i) It is based on the State content and student performance standards described in paragraph (1) and on the assessments described in paragraph (2), and includes multiple indicators, such as attendance and dropout rates.

“(ii) It includes all students in the grades assessed under paragraph (2), in accordance with that paragraph.

“(iii) It holds local educational agencies and schools accountable for making continuous and substantial gains, as defined in paragraph (B), in overall student performance and in the performance of the lowest performing students in at least reading and mathematics.

“(B) For the purposes of this part, the term ‘continuous and substantial gains’ shall be defined in each State plan in a manner consistent with regulations that shall be published by the Secretary in the Federal Register not later than 1 year after the date of the enactment of the Access to Excellence in Education for the 21st Century Act. In defining this term, each State shall provide for the improvement by each local educational agency and school that is sufficient to ensure that each local educational agency and school funded under this part shall achieve the following goals—

“(i) each child served under this part shall demonstrate attainment of basic skills necessary to meet the State’s proficient and advanced levels of performance, particularly economically disadvantaged and limited English proficient children;

“(ii) each subgroup of children listed under paragraph (2)(I) served under this part is making progress at a rate that is no less than that of non-at-risk children; and

1 “(iii) each child served under this part
2 shall meet the State’s proficient and ad-
3 vanced levels of performance, particularly
4 economically disadvantaged and limited
5 English proficient children;

6 “(C) The accountability system described
7 in subparagraph (A), and described in the State
8 plan, shall also include a procedure for identi-
9 fying local educational agencies and schools in
10 need of improvement, intervening in those agen-
11 cies and schools, and (when those interventions
12 are not effective) implementing corrective ac-
13 tions no later than 3 years after first identi-
14 fying such an agency or school, that either—

15 “(i) complies with sections 1116 and
16 1117 and includes rigorous criteria for
17 identifying those agencies and schools that
18 are based on their failure to make contin-
19 uous and substantial gains in overall stu-
20 dent performance and in the performance
21 of the lowest performing students; or

22 “(ii) includes an alternative procedure
23 for identifying and intervening in those
24 agencies and schools, which gives highest
25 priority to corrective actions in the lowest-

1 performing agencies and schools that fail
2 to show gains over an extended period, if
3 the Secretary determines that—

4 “(I) the alternative procedure is
5 at least as effective as the procedures
6 described in clause (i) and in sections
7 1116 and 1117; and

8 (II) that the State has shown
9 substantial overall achievement gains
10 and a reduction in the achievement
11 gap between high-performing and low-
12 performing students in the State.

13 “(D) Each State plan shall also describe
14 how the State will recognize and reward local
15 educational agencies and schools under this
16 part, including, at a minimum, the designation
17 of distinguished schools under section 1116(b).

18 “(E) If a State does not have a statewide
19 system for holding local educational agencies
20 accountable that meets the requirements of sub-
21 paragraphs (A) through (C), it shall implement
22 a system that meets those requirements for
23 local educational agencies and schools partici-
24 pating under this part.”;

1 (F) in paragraph (4), by striking “para-
2 graph (3)(C)” and inserting “paragraph
3 (2)(C)”;

4 (G) by striking paragraphs (6) and (7) and
5 inserting a new paragraph (6) to read as fol-
6 lows:

7 “(6) REVISIONS.—A State may revise its final
8 assessments described in this subsection at any time,
9 but no such revision shall affect the timelines estab-
10 lished under this subsection for identifying, assist-
11 ing, and taking corrective action with respect to,
12 schools and local educational agencies in need of im-
13 provement.”;

14 (H) by redesignating paragraph (8) as
15 paragraph (7); and

16 (I) in paragraph (7), as so redesignated—
17 (i) in subparagraph (A)—

18 (I) by striking “sections
19 1112(c)(1)(D), 1114(b), and 1115(c)”
20 and inserting “sections 1114(b) and
21 (C) and 1115”; and

22 (II) by inserting a comma and
23 “and in implementing section
24 1120A(c)” before the semicolon at the
25 end; and

1 (ii) in subparagraph (B), by inserting
2 “as” after “factors”;

3 (3) by amending subsection (c) to read as fol-
4 lows:

5 “(c) ASSURANCES.—Each State plan shall contain
6 assurances that the State educational agency—

7 “(1) has involved the committee of practitioners
8 (established under section 1(b) of the Education
9 Flexibility Partnership Act in developing the plan;

10 “(2) will suballocate at least 97 percent of the
11 allocation it receives under this part for any fiscal
12 year to local educational agencies (except as pro-
13 vided by sections 1003 of this Act and section 1(c)
14 of the Education Flexibility Partnership Act) so
15 that those funds can be used to improve teaching
16 and learning in local schools; and

17 “(3) will work to reduce State fiscal and ac-
18 counting barriers so that local educational agencies
19 can combine funds under this part with funds from
20 other Federal, State, and local sources to achieve
21 schoolwide reform in schoolwide programs under sec-
22 tion 1114.”;

23 (4) in subsection (d)—

24 (A) by striking paragraph (2);

25 (B) in paragraph (1)—

1 (i) by striking the paragraph designa-
2 tion “(1)” and the paragraph heading “IN
3 GENERAL.”; and

4 (ii) by redesignating subparagraphs
5 (A) through (F) as paragraphs (1) through
6 (6);

7 (C) in paragraph (2), as so redesigned, by
8 inserting a comma and “and who include ex-
9 perts on educational standards, assessments,
10 accountability, and the diverse educational
11 needs of students” after “parents”; and

12 (D) in paragraph (5), as redesignated by
13 subparagraph (B)(ii), by redesignating clauses
14 (I) through (iii) as subparagraphs (A) through
15 (C), respectively;

16 (5) in subsection (e)(1)—

17 (A) by redesignating subparagraphs (A)
18 and (B) as subparagraphs (B) and (C); and

19 (B) by inserting before subparagraph (B)
20 a new subparagraph (A) to read as follows:

21 “(A) be submitted for the first year for
22 which this part is in effect following the enact-
23 ment of the Access to Excellence in Education
24 for the 21st Century Act;”; and

1 (6) by amending subsection (g) to read as fol-
2 lows:

3 “(g) ENFORCEMENT.—If the Secretary determines
4 that a State is not carrying out the requirements of sub-
5 section (b)(3), relating to accountability, the Secretary
6 may take any action authorized by law.”.

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

8 Section 1112 is amended—

9 (1) in subsection (a) by striking “Goals 2000”
10 and all that follows through “section 14306” and in-
11 serting “Individuals with Disabilities Education Act,
12 the Carl D. Perkins Vocational and Technical Edu-
13 cation Act of 1998, and other Acts, as appropriate”;

14 (2) in subsection (b)—

15 (A) in the matter before paragraph (1), by
16 striking “Each” and inserting “In order to help
17 all children achieve to high standards, each”;

18 (B) in paragraph (1)—

19 (i) in subparagraph (B), by striking
20 “and” at the end;

21 (ii) in subparagraph (C), by adding
22 “and” at the end; and

23 (iii) by adding at the end a new sub-
24 paragraph (D) to read as follows:

1 “(D) determine the literacy levels of first
2 graders and their need for interventions, and a
3 description of how it will ensure that any such
4 assessments—

5 “(i) are developmentally appropriate;

6 “(ii) use multiple measures to provide
7 information about the variety of skills that
8 research has identified as leading to early
9 reading;

10 “(iii) are administered to students in
11 the language most likely to yield valid re-
12 sults;

13 “(iv) are used for purposes for which
14 they are valid and reliable, and are con-
15 sistent with nationally recognized profes-
16 sional and technical standards for such as-
17 sessments; and

18 “(v) are not used for—

19 “(I) creating barriers to school
20 entry,

21 “(II) promoting or retaining stu-
22 dents;

23 “(III) labeling students;

24 “(IV) tracking students, or

1 “(V) a measure of continuous
2 and substantial progress under section
3 1111(b)(3).” . .

4 (C) in paragraph (3), by inserting a
5 comma and “which shall also be a component of
6 its plan for professional development under title
7 II of this Act, if it receives funds under that
8 title” after “section 1119”;

9 (D) in paragraph (4)(B)—

10 (i) by striking “or who were formerly”
11 and all that follows through “1994”;

12 (ii) by striking “and youth at risk of
13 dropping out”; and

14 (iii) by inserting “Indian children
15 served under title IX,” after “under part
16 D,”;

17 (E) in paragraph (7), by striking “eligi-
18 ble”;

19 (F) by amending paragraph (9) to read as
20 follows:

21 “(9) where appropriate, a description of how
22 the local educational agency will use funds under
23 this part to support preschool programs in accord-
24 ance with section 1120B;” and

1 (G) by adding at the end new paragraphs
2 (10) and (11) to read as follows:

3 “(10) a description of the actions the agency
4 will take to assist its low-performing schools (includ-
5 ing schools identified under section 1116 as in need
6 of improvement), if there are any such schools, in
7 making the changes needed to educate all children to
8 the State standards; and

9 “(11) a description of how the agency will pro-
10 mote the use of extended learning time, such as an
11 extended school year, before- and after-school pro-
12 grams, and summer programs.”;

13 (3) in subsection (c)—

14 (A) by striking paragraphs (2) and (3);
15 and

16 (B) in paragraph (1)—

17 (i) by striking the paragraph designa-
18 tion “(1)” and the paragraph heading “IN
19 GENERAL.—”;

20 (ii) by striking subparagraphs (D)
21 and (H);

22 (iii) by redesignating subparagraphs
23 (A) through (C) and (E) through (G) as
24 paragraphs (1) through (6), respectively;

1 (iv) in paragraph (3), as so redesign-
2 nated, by striking “adequate yearly
3 progress” and inserting “the continuous
4 and substantial gains called for under sec-
5 tion 1111(b)(3)”;

6 (v) in paragraph (6), as redesignated
7 by clause (iii), by striking “and” at the
8 end; and

9 (vi) by adding at the end new para-
10 graphs (7) and (8) to read as follows:

11 “(7) annually assess the English proficiency of
12 all children with limited English proficiency partici-
13 pating in programs under this part in order to—

14 “(A) ensure that children with limited
15 English proficiency are receiving effective
16 English language instruction;

17 “(B) use the results of those assessments
18 to help guide and modify instruction in the con-
19 tent areas; and

20 “(C) provide those results to the parents of
21 those children; and

22 “(8) comply with the requirements of section
23 1119 regarding qualifications of teachers and para-
24 professionals.”;

1 (4) by amending subsection (d) to read as fol-
2 lows:

3 “(d) PLAN DEVELOPMENT AND DURATION.—

4 “(1) Each local educational agency plan shall
5 be developed in consultation with teachers, adminis-
6 trators, and other appropriate school personnel, and
7 with parents of children in schools served under this
8 part.

9 “(2) Each such plan shall be submitted for the
10 first year for which this part is in effect following
11 the enactment of the Access to Excellence in Edu-
12 cation for the 21st Century Act and shall remain in
13 effect for the duration of the agency’s participation
14 under this part.

15 “(3) Each such local educational agency shall—

16 “(A) periodically review and, as necessary,
17 revise its plan, including revisions that respond
18 to any peer review carried out under this part;
19 and

20 “(B) submit any such revisions to the
21 State educational agency for its approval.”; and

22 (5) in subsection (e)—

23 (A) by amending paragraph (1) to read as
24 follows:

1 “(1) IN GENERAL.—Each local educational
2 agency plan shall be filed according to a schedule es-
3 tablished by the State educational agency.”;

4 (B) in paragraph (2), by inserting a
5 comma and “through a peer-review process,”
6 after “determines”; and

7 (C) by striking paragraph (3).

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

9 Section 1113 is amended—

10 (1) in subsection (a)(7), by striking “with” and
11 all that follows through “if” and inserting “under a
12 desegregation plan ordered by a State or court or
13 approved by the Secretary, or such a plan that the
14 agency continues to implement after it has expired,
15 if”;

16 (2) in subsection (b)(1)—

17 (A) in subparagraph (B), by striking
18 “and” at the end;

19 (B) in subparagraph (C)(iii), by striking
20 the period at the end and inserting a semicolon
21 and “and”; and

22 (C) by adding at the end a new subpara-
23 graph (D) to read as follows:

24 “(D) designate and serve a school attend-
25 ance area or school that is not eligible under

1 subsection (a)(2), but that was eligible and that
 2 was served in the preceding fiscal year, but only
 3 for 1 additional fiscal year.”; and
 4 (3) in subsection (c) in paragraph (3)(A), by
 5 striking “where appropriate, eligible”.

6 **SEC. 108. SCHOOLWIDE PROGRAMS.**

7 (a) PURPOSE AND ELIGIBILITY.—Section 1114(a) is
 8 amended—

9 (1) by amending the subsection heading to read
 10 as follows: “PURPOSE AND ELIGIBILITY.—”;

11 (2) by amending paragraphs (1) and (2) to
 12 read as follows:

13 “(1) PURPOSE.—The purpose of a schoolwide
 14 program under this section is to—

15 “(A) enable a local educational agency to
 16 use funds under this part, in combination with
 17 other Federal, State, and local funds, to up-
 18 grade the entire educational program in a high-
 19 poverty school; and

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

1 “(2) ELIGIBILITY.—A local educational agency
2 may use funds under this part for the purposes de-
3 scribed in paragraph (1) for a school that, in the
4 first year of the schoolwide program—

5 “(A) serves an eligible school attendance
6 area in which at least 50 percent of the children
7 are from low-income families; or

8 “(B) has a student enrollment at least 50
9 percent of which is comprised of such chil-
10 dren.”;

11 (3) in paragraph (4)(A)—

12 (A) by striking “subsection (b)” and in-
13 serting “subsections (b) and (c)”; and

14 (B) by inserting a comma and “except as
15 provided in section 613(a)(2)(D) of that Act”
16 after “Individuals with Disabilities Education
17 Act”; and

18 (4) by striking paragraph (5).

19 (b) REORGANIZATION OF SECTION.—Section 1114 is
20 further amended—

21 (1) by striking subsection (c); and

22 (2) by redesignating paragraph (2) of sub-
23 section (b) as subsection (c).

24 (c) COMPONENTS.—Section 1114(b), as amended by
25 subsection (b)(2), is amended to read as follows:

1 “(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

2 A schoolwide program shall include the following compo-
3 nents:

4 “(1) A comprehensive needs assessment of the
5 entire school that is based on—

6 “(A) information on the performance of all
7 children in the school in relation to the State
8 content standards and the State student per-
9 formance standards described in section
10 1111(b)(1); and

11 “(B) other factors that affect teaching and
12 learning in the school.

13 “(2) A coherent, research-based design to im-
14 prove teaching and learning throughout the entire
15 school that is based on the data from the needs as-
16 sessment described in paragraph (1) and includes—

17 “(A) schoolwide reform strategies that—

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

22 “(ii) use effective research-based
23 methods and instructional strategies
24 that—

1 “(I) strengthen the core aca-
2 demic program in the school;

3 “(II) increase the amount and
4 quality of learning time, such as pro-
5 viding an extended school year and
6 before- and after-school and summer
7 programs and opportunities, and help
8 provide an enriched and accelerated
9 curriculum; and

10 “(III) include strategies for meet-
11 ing the educational needs of histori-
12 cally underserved populations, includ-
13 ing children with limited English pro-
14 ficiency;

15 “(iii)(I) address the needs of all chil-
16 dren in the school, but particularly the
17 needs of children who are most at risk of
18 not meeting the State student performance
19 standards, including the needs of children
20 who are members of the target population
21 of any program that is included in the
22 schoolwide program; and

23 “(II) address how the school will de-
24 termine if those needs have been met; and

1 “(iv) are integrated with, and are de-
2 signed to implement, State and local im-
3 provement plans or policies for comprehen-
4 sive standards-based reform;

5 “(B) instruction by highly qualified profes-
6 sional staff employed in accordance with section
7 1119;

8 “(C) in accordance with section 1119, on-
9 going, high-quality professional development for
10 teachers and aides and, where appropriate,
11 pupil services personnel, parents, principals,
12 and other staff to enable all children in the
13 school to meet the State student performance
14 standards;

15 “(D) strategies to increase parental in-
16 volvement, such as family literacy services;

17 “(E) plans for addressing transitions to
18 and from the grade span served by the
19 schoolwide program by, for example—

20 “(i) assisting preschool children in the
21 transition from early childhood programs
22 to kindergarten; and

23 “(ii) preparing high-school students
24 for the transition from school to further
25 education or the workplace; and

1 “(F) activities to ensure that students who
2 experience difficulty mastering any of the
3 standards required by section 1111(b) during
4 the course of the school year are provided with
5 effective, timely additional assistance, which
6 shall include—

7 “(i) measures to ensure that students’
8 difficulties are identified on a timely basis
9 and to provide sufficient information on
10 which to base effective assistance;

11 “(ii) for any student who has not met
12 those standards, teacher-parent con-
13 ferences, at which the teacher and parents
14 shall discuss—

15 “(I) what the school will do to
16 help the student meet those stand-
17 ards;

18 “(II) what the parents can do to
19 help the student improve his or her
20 performance; and

21 “(III) additional assistance that
22 may be available to the student at the
23 school or elsewhere in the community;
24 and

1 “(iii) specific interventions, such as
2 providing before- and after-school and
3 summer programs, and 1-on-1 tutoring
4 during noninstructional time.

5 “(3) Regular review of the school’s progress in
6 implementing its program and in achieving its goals
7 for student achievement.”.

8 (d) SCHOOLWIDE PLANS.—Subsection (c) of section
9 1114, as redesignated by subsection (b)(2), is amended—

10 (1) by striking subparagraph (B);

11 (2) by redesignating subparagraphs (A) and (c)
12 as paragraphs (1) and (2), respectively;

13 (3) in paragraph (1), as so redesignated—

14 (A) by striking “date of enactment” and
15 all that follows through “section 1117,” and in-
16 serting “the date of the enactment of the Ac-
17 cess to Excellence in Education for the 21st
18 Century Act, in consultation with the local edu-
19 cational agency,”;

20 (B) by redesignating clauses (I) through
21 (vii) as subparagraphs (A) through (G);

22 (C) in subparagraph (A), as redesignated
23 by subparagraph (B), by striking “paragraph
24 (1)” and inserting “subsection (b)”; and

1 (D) in subparagraph (D), as redesignated
 2 by subparagraph (B), by striking “section
 3 1111(b)(3)” and inserting “section
 4 1111(b)(2)”;

5 (4) in paragraph (2), as redesignated by para-
 6 graph (2)—

7 (A) by redesignating clauses (I) through
 8 (v) as subparagraphs (A) through (E);

9 (B) in subparagraph (A), as so
 10 redesignated—

11 (i) by redesignating subclauses (I) and
 12 (II) as clauses (I) and (ii);

13 (ii) in clause (I), as so redesignated,
 14 by striking “agency” and all that follows
 15 through “1117,” and inserting “agency”;
 16 and

17 (iii) in clause (ii), as redesignated by
 18 clause (I), by striking “the date of enact-
 19 ment of the Improving America’s Schools
 20 Act of 1994” and inserting “the date of
 21 the enactment of the Access to Excellence
 22 in Education for the 21st Century Act”;
 23 and

24 (C) in subparagraph (B), as redesignated
 25 by subparagraph (A), by striking “other staff”

1 and all that follows through “personnel” and
2 inserting “appropriate school staff”; and
3 (5) by adding at the end a new paragraph (3)
4 to read as follows:

5 “(3) No school shall implement a new or revised
6 plan under this section until the local educational
7 agency subjects it to a peer-review process, which
8 may include reviewers from outside the agency, and
9 approves it.”.

10 **SEC. 109. TARGETED ASSISTANCE SCHOOLS.**

11 Section 1115 is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (1)(A)—

14 (i) by striking “part” and inserting
15 “section”; and

16 (ii) in clause (ii), by striking “public
17 education” and all that follows through
18 “setting” and inserting “public education”;
19 and

20 (B) in paragraph (2)—

21 (i) by amending subparagraph (A)(I)
22 to read as follows:

23 “(I) Children with disabilities,
24 migrant children, and children with
25 limited English proficiency are eligible

1 for services under this part on the
2 same basis as other children.”;

3 (ii) in subparagraph (B), by inserting
4 “or in preschool services under this title”
5 after “program”;

6 (iii) in subparagraph (C)—

7 (I) in clause (I), by striking “the
8 program” and all that follows through
9 “may be” and inserting “part D is”;
10 and

11 (II) in clause (ii), by striking
12 “may be eligible” and inserting “is el-
13 igible”; and

14 (iv) in subparagraph (D), by striking
15 “may be eligible” and inserting “is eligi-
16 ble”;

17 (2) in subsection (c)(1)—

18 (A) in subparagraph (B), by adding a
19 comma and “such as research-based approaches
20 for modifying instruction for children with lim-
21 ited English proficiency” after “children”;

22 (B) in subparagraph (D)(ii), by striking
23 “curriculum, including applied learning” and
24 inserting “curriculum”;

1 (C) by amending subparagraph (E) to read
 2 as follows:

3 “(E) coordinate with and support the reg-
 4 ular education program, which may include
 5 services to assist preschool children in the tran-
 6 sition from early childhood programs to elemen-
 7 tary school programs and, for programs serving
 8 high schools, preparing students for the transi-
 9 tion from school to further education or the
 10 workplace;”;

11 (D) in subparagraph (F), by inserting
 12 “employed in accordance with section 1119”
 13 after “staff”;

14 (E) in subparagraph (G), by striking “sub-
 15 section (e)(3) and”; and

16 (F) in subparagraph (H), by striking “lit-
 17 erary” and inserting “literacy”; and

18 (3) in subsection (e), by striking paragraph (3).

19 **SEC. 110. SCHOOL CHOICE.**

20 Section 1115A(b)(4) is amended by striking “section
 21 1111(b)(3)” and inserting “section 1111(b)(2)”.

22 **SEC. 111. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY**
 23 **AND SCHOOL IMPROVEMENT.**

24 Subsections (a) through (d) of section 1116 are
 25 amended to read as follows:

1 “(a) LOCAL REVIEW.—Each local educational agency
2 receiving funds under this part shall—

3 “(1) use the State assessments and other indi-
4 cators described in the State plan, as well as any ad-
5 ditional measures or indicators described in the local
6 educational agency’s plan, to review annually the
7 progress of each school served under this part to de-
8 termine if it is making continuous and substantial
9 gains as described in section 1111(b)(3) toward ena-
10 bling its students to meet the State student perform-
11 ance standards described in the State plan; and

12 “(2) provide the results of the local annual re-
13 view to schools so that they can continually refine
14 the program of instruction to help all children served
15 under this part in those schools meet those stand-
16 ards.

17 “(b) DESIGNATION OF DISTINGUISHED SCHOOLS.—
18 Each State educational agency shall designate as ‘Distin-
19 guished Schools’ those schools served under this part that
20 meet criteria established by the State, such as—

21 “(1) making the continuous and substantial
22 gains in student performance described in section
23 1111(b)(3) for 3 consecutive years;

1 “(2) having nearly all students meet the State
2 ‘proficient’ or ‘advanced’ levels of student perform-
3 ance; or

4 “(3) achieving, or significantly improving, eq-
5 uity in participation and achievement of students by
6 sex and race.

7 “(c) SCHOOL IMPROVEMENT.—

8 “(1) IN GENERAL.—

9 “(A) PURPOSE.—In order to improve staff,
10 curriculum, and the services offered to children,
11 so that they can meet challenging State stand-
12 ards, each local educational agency shall iden-
13 tify for school improvement any school served
14 under this part that—

15 “(i) for 2 consecutive years, failed to
16 meet the State’s criteria under section
17 1111(b)(3) either for overall improvement
18 or for improvement of the lowest-per-
19 forming students, unless the Secretary has
20 approved an alternative procedure pro-
21 posed by the State in its plan under sec-
22 tion 1111(b)(3)(C)(ii); or

23 “(ii) immediately preceding the enact-
24 ment of the Access to Excellence in Edu-
25 cation for the 21st Century Act, was in

1 school-improvement status under this sec-
2 tion, as then in effect.

3 “(B) TRANSITION.—The 2-year period de-
4 scribed in subparagraph (A) shall include any
5 continuous period of time, immediately pre-
6 ceding the enactment of the Access to Excel-
7 lence in Education for the 21st Century Act,
8 during which a school did not make adequate
9 progress as defined in the State’s plan under
10 section 1111(b)(2)(B) or (7)(B), as then in ef-
11 fect.

12 “(C) TARGETED ASSISTANCE SCHOOLS.—
13 In determining whether a school that is con-
14 ducting a targeted assistance program under
15 section 1115 should be identified as in need of
16 improvement under this paragraph, a local edu-
17 cational agency may choose to review the
18 progress of only those students in that school
19 who are served under this part.

20 “(2) OPPORTUNITY TO REVIEW AND PRESENT
21 EVIDENCE.—(A) Before identifying a school for
22 school improvement under paragraph (1), the local
23 educational agency shall provide the school with an
24 opportunity to review the school-level data, including

1 assessment data, on which that proposed identifica-
2 tion is based.

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

8 “(3) SCHOOL PLAN.—(A) Each school identified
9 under paragraph (1) shall, within 3 months of being
10 so identified, develop or revise a school plan, in con-
11 sultation with parents, school staff, the local edu-
12 cational agency, and a State school support team or
13 other outside experts, that includes research-based
14 strategies and specific goals and objectives for mak-
15 ing continuous and substantial gains as defined in
16 section 1111(b)(3) and that—

17 “(i) has the greatest likelihood of improv-
18 ing the performance of participating children in
19 meeting the State’s student performance stand-
20 ards;

21 “(ii) addresses the fundamental teaching
22 and learning needs in that school, and the spe-
23 cific academic problems of low-performing stu-
24 dents;

1 “(iii) identifies and addresses the need to
2 improve the skills of its staff through effective
3 professional development;

4 “(iv) identifies student performance tar-
5 gets and goals for the next 3 years; and

6 “(v) specifies the responsibilities of the
7 local educational agency and the school under
8 the plan.

9 “(B) The local educational agency shall prompt-
10 ly subject the plan to a peer-review process, work
11 with the school to revise the plan as necessary, and
12 approve the plan.

13 “(C) The school shall implement its plan (or re-
14 vised plan) as soon as it is approved.

15 “(4) TECHNICAL ASSISTANCE.—For each school
16 identified under paragraph (1), the local educational
17 agency shall provide technical or other assistance as
18 the school develops and implements its plan.

19 “(5) CORRECTIVE ACTION.—In order to help
20 students served under this part meet challenging
21 State standards, each local educational agency shall
22 implement a system of corrective action in accord-
23 ance with the following, unless the Secretary has ap-
24 proved an alternative procedure proposed by the
25 State in its plan under section 1111(b)(3)(C)(ii):

1 “(A) After providing technical assistance
2 under paragraph (4) and taking other remedial
3 measures, the local educational agency—

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

7 “(ii) shall take corrective action with
8 respect to any school that still fails to
9 make continuous and substantial gains, as
10 defined by the State in accordance with
11 section 1111(b)(3), immediately after the
12 3rd year following its identification under
13 paragraph (1), except that the local edu-
14 cational agency may refrain from taking
15 such action for not more than 1 additional
16 year if it assesses the school’s performance
17 and determines that—

18 “(I) the school is meeting the
19 targets and goals of the school im-
20 provement plan described in para-
21 graph (3)(A)(iv), as shown by an im-
22 provement in student achievement
23 through a 1-year gain in scores on the
24 State assessment; and

1 “(II) the school will meet the
2 State’s criteria for continuous and
3 substantial gains within 1 year; and

4 “(iii) shall continue to provide tech-
5 nical assistance while instituting any cor-
6 rective action under clause (I) or (ii).

7 “(B) As used in this paragraph, the term
8 ‘corrective action’ means action, consistent with
9 State and local law, that—

10 “(i) substantially and directly re-
11 sponds to the consistent academic failure
12 that caused that agency to take that action
13 and to any underlying staffing, curricular,
14 or other problems in the school; and

15 “(ii) is designed to substantially in-
16 crease the likelihood that students in that
17 school will meet challenging State stand-
18 ards.

19 “(C) In any case described in subpara-
20 graph (A)(ii), the local educational agency shall
21 take at least 1 of the following corrective ac-
22 tions:

23 “(i) Instituting and fully imple-
24 menting a new curriculum, including ap-
25 propriate professional development for all

1 relevant staff, that is research-based and
2 offers substantial promise of improving
3 educational achievement for low-per-
4 forming students.

5 “(ii) Redesigning the school by recon-
6 stituting all or part of the school staff in
7 a manner consistent with section 1119(a);
8 restructuring the school, such as by cre-
9 ating schools within schools or other small-
10 er learning environments; or re-opening the
11 school under alternative governance ar-
12 rangements, such as a public charter
13 school.

14 “(iii) Closing the school.

15 “(iv) In conjunction with any other
16 action described in clauses (i) through (iii),
17 allowing students in the school who are
18 served under this part to choose to attend
19 other public schools and providing them
20 transportation (or the costs of transpor-
21 tation) to those schools.

22 “(D) The local educational agency shall
23 make public and disseminate any corrective ac-
24 tion it takes under this paragraph.

1 “(E)(i) Before determining that it will take
2 corrective action with respect to any school
3 under this paragraph, the local educational
4 agency shall provide the school an opportunity
5 to review the school-level data, including assess-
6 ment data, on which the proposed determina-
7 tion is made.

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

14 “(6) STATE EDUCATIONAL AGENCY RESPON-
15 SIBILITIES.—If a State educational agency deter-
16 mines that a local educational agency failed to carry
17 out its responsibilities under paragraphs (4) and (5),
18 it shall take such action as it finds necessary to im-
19 prove the affected schools and to ensure that the
20 local educational agency carries out those respon-
21 sibilities.

22 “(7) SPECIAL RULE.—A local educational agen-
23 cy may remove from school-improvement status
24 under this subsection any school that meets the
25 State’s criteria under section 1111(b)(3), including

1 showing substantial gains by the lowest-performing
2 students, for at least 2 of the 3 years following its
3 identification under paragraph (1).

4 “(d) STATE REVIEW AND LEA IMPROVEMENT.—

5 “(1) PURPOSE.—In order to ensure that chil-
6 dren served under this part meet challenging State
7 standards, each State educational agency shall annu-
8 ally review the progress of each participating local
9 educational agency, in accordance with section
10 1111(b)(3), to determine whether it is meeting the
11 State’s criteria for accountability, including showing
12 continuous and substantial gains in the achievement
13 of the lowest-performing students.

14 “(2) DISTINGUISHED SCHOOL DISTRICTS.—

15 Each State may designate as ‘Distinguished School
16 Districts’ those local educational agencies that, over
17 a 3-year period, meet or exceed such criteria as the
18 State may establish for performance and improve-
19 ment under this part.

20 “(3) IDENTIFICATION.—

21 “(A) A State educational agency shall
22 identify for improvement any local educational
23 agency that, for 2 consecutive years, does not
24 meet the State’s criteria for accountability
25 under section 1111(b)(3), including showing

1 continuous and substantial gains in achieve-
2 ment for the lowest-performing students, unless
3 the Secretary has approved an alternative pro-
4 cedure in the State’s plan under section
5 1111(b)(3)(C)(ii).

6 “(B)(i) Before identifying a local edu-
7 cational agency for improvement under sub-
8 paragraph (A), the State educational agency
9 shall provide the local educational agency with
10 an opportunity to review the school-level data,
11 including assessment data, on which that pro-
12 posed identification is based.

13 “(ii) If the local educational agency be-
14 lieves that such proposed identification is in
15 error due to statistical or other substantive rea-
16 sons, the local educational agency may provide
17 supporting evidence, which the State edu-
18 cational agency shall consider before making a
19 final determination.

20 “(4) LOCAL EDUCATIONAL AGENCY REVI-
21 SIONS.—(A) Each local educational agency identified
22 under paragraph (3) shall, within 3 months of being
23 so identified, revise its plan under section 1112, in
24 consultation with schools, parents, and outside edu-
25 cational experts, to—

1 “(i) address the fundamental teaching and
2 learning needs in the schools of that agency,
3 and the specific academic problems of low-per-
4 forming students;

5 “(ii) have the greatest likelihood of improv-
6 ing the performance of participating children in
7 meeting the State’s student performance stand-
8 ards; and

9 “(iii) identify annual student performance
10 targets and goals for the next 3 years.

11 “(B) Such revision shall include determining
12 why the local educational agency’s plan failed to
13 bring about increased achievement.

14 “(C) The local educational agency shall submit
15 its revised plan to the State educational agency for
16 peer review and approval.

17 “(5) STATE EDUCATIONAL AGENCY RESPONSI-
18 BILITY.—For each local educational agency identi-
19 fied under paragraph (3), the State educational
20 agency shall provide technical or other assistance, if
21 requested, as authorized under section 1117, to bet-
22 ter enable the local educational agency to—

23 “(A) develop and implement its revised
24 plan; and

1 “(B) work with schools needing improve-
2 ment.

3 “(6) CORRECTIVE ACTION.—In order to ensure
4 that children served under this part meet chal-
5 lenging State standards, each State educational
6 agency shall implement a system of corrective action
7 in accordance with the following, unless the Sec-
8 retary has approved an alternative procedure in the
9 State’s plan under section 1111(b)(3)(C)(ii):

10 “(A) After providing technical assistance
11 under paragraph (5) and taking other remedial
12 measures, the State educational agency—

13 “(i) may take corrective action at any
14 time with respect to a local educational
15 agency that has been identified under
16 paragraph (3);

17 “(ii) shall take such action with re-
18 spect to any local educational agency that
19 still fails to make continuous and substan-
20 tial gains, as defined by the State in ac-
21 cordance with section 1111(b)(3), imme-
22 diately after the 3rd year following its
23 identification under paragraph (3), except
24 that the State educational agency may re-
25 frain from taking such action for not more

1 than 1 additional year if it assesses the
2 local educational agency’s performance and
3 determines that—

4 “(I) the local educational agency
5 is meeting the targets and goals in its
6 revised plan, as described in para-
7 graph (4)(A)(iii), as shown by an im-
8 provement in student achievement
9 through a 1-year gain in scores on the
10 State assessment; and

11 “(II) the local educational agency
12 will meet the State’s criteria for ac-
13 countability, including continuous and
14 substantial gains, within 1 year; and

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

18 “(B) As used in this paragraph, the term
19 ‘corrective action’ means action, consistent with
20 State law, that—

21 “(i) substantially and directly re-
22 sponds to the persistent academic failure
23 that caused that agency to take that action
24 and to any underlying staffing, curricular,

1 or other problems in the local educational
2 agency; and

3 “(ii) is designed to substantially in-
4 crease the likelihood that students in the
5 local educational agency’s schools will meet
6 challenging State standards.

7 “(C) In any case described in subpara-
8 graph (A)(ii), the State educational agency
9 shall take at least 1 of the following corrective
10 actions:

11 “(i) Withholding of funds.

12 “(ii) Appointing a receiver or trustee
13 to administer the affairs of the local edu-
14 cational agency in place of the super-
15 intendent and school board.

16 “(iii) Abolishing or restructuring the
17 local educational agency.

18 “(iv) In conjunction with any other
19 action described in this subparagraph, al-
20 lowing students in schools served under
21 this part to choose to attend public schools
22 in other local educational agencies and pro-
23 viding them transportation (or the costs of
24 transportation) to those schools.

1 “(D) Before implementing any corrective
 2 action under subparagraph (A), the State edu-
 3 cational agency shall provide due process and a
 4 hearing to the affected local educational agency,
 5 if State law provides for such process and hear-
 6 ing.

7 “(E) The State educational agency shall
 8 make public and disseminate any corrective ac-
 9 tion it takes under this paragraph.

10 “(7) SPECIAL RULE.—A State educational
 11 agency may remove from improvement status under
 12 this subsection any local educational agency that, for
 13 at least 2 of the 3 years following identification
 14 under paragraph (3), makes substantial gains to-
 15 ward meeting the State’s standards.”.

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

18 Section 1117 is amended to read as follows:

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

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

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

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

5 “(1) first provide support and assistance to
6 local educational agencies subject to corrective action
7 under section 1116 and to help schools, in accord-
8 ance with section 1116(c)(6), for which a local edu-
9 cational agency has failed to carry out its respon-
10 sibilities under section 1116(c)(4) and (5);

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

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

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

23 “(1) school support teams, composed of individ-
24 uals who are knowledgeable about research and
25 practice on teaching and learning, particularly about

1 strategies for improving educational results for low-
 2 achieving students;

3 “(2) the designation and use of ‘Distinguished
 4 Educators’, chosen from schools served under this
 5 part that have been especially successful in enabling
 6 children to meet (or make outstanding progress to-
 7 ward meeting) State standards; and

8 “(3) a peer-review process designed to increase
 9 the capacity of local educational agencies and
 10 schools to develop high-quality school improvement
 11 plans.

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

13 “(1) shall use funds reserved under section
 14 1003(a)(1), but not used under section 1003(a)(2),
 15 to carry out this section; and

16 “(2) may use State administrative funds re-
 17 served under section 1701(c) for that purpose.”.

18 **SEC. 113. PARENTAL INVOLVEMENT.**

19 Section 1118 is amended—

20 (1) in subsection (a)(3)(A), by striking “(other
 21 than funds allocated under section 1002(e))”;

22 (2) in subsection (c)—

23 (A) in paragraph (3), by striking “section
 24 1114(b)” and inserting “section 1114(c)”;

25 (B) in paragraph (4)(B)—

1 (i) by striking “school performance
 2 profiles required under section 1116(a)(3)”
 3 and inserting “the school report cards re-
 4 quired by section 11206”; and

5 (ii) by striking “section
 6 1111(b)(3)(H)” and inserting “section
 7 1111(b)(2)(H)”; and
 8 (C) in paragraph (5)—

9 (i) by striking “section 1114(b)(2)”
 10 and inserting “section 1114(c)”; and

11 (ii) by striking “participating chil-
 12 dren” and inserting “children attending
 13 the school”;

14 (3) in subsection (e)(1)—

15 (A) by striking “the National Education
 16 Goals” and inserting “America’s Education
 17 Goals”; and

18 (B) by striking “section 1111(b)(8)” and
 19 inserting “section 1111(b)(6)”;

20 (4) in subsection (f), by striking “the parental
 21 involvement requirements of”; and

22 (5) by striking subsection (g).

23 **SEC. 114. PARENT TRAINING AND INFORMATION CENTERS.**

24 Section 1118(g) is amended to read as follows:

1 “(g) PARENT TRAINING AND INFORMATION CEN-
2 TERS.—

3 “(1) IN GENERAL.—The Secretary may make
4 grants to, and enter into contracts and cooperative
5 agreements with, community-based organizations or
6 local parent organizations to support parent train-
7 ing, information, and to establish and support cen-
8 ters that will help ensure that parents of students in
9 schools receiving assistance under this title have the
10 training, information, and support they need to en-
11 able them to participate effectively in helping their
12 children to meet challenging standards that have
13 been established for all children.

14 “(2) REQUIRED ACTIVITIES.—Each parent
15 training, information, and support center that re-
16 ceives assistance under this section shall—

17 “(A) provide training, information, and
18 support that meets the needs of parents of chil-
19 dren in schools proposed to be served by the
20 grant, contract, or cooperative agreement, par-
21 ticularly underserved parents, low-income par-
22 ents, parents of students with limited English
23 proficiency, and parents of students in schools
24 identified as in need of assistance;

1 “(B) understand and effectively use the
2 parent involvement provisions under this Act,
3 including parent compacts, parent involvement
4 policies, and joint decision making provisions,
5 and the school level requirements of sections
6 1114, 1115, and 1115A of this Act.

7 “(C) provide information in a language
8 and form that parents understand, including
9 taking steps to ensure that parents with limited
10 English proficiency are effectively informed and
11 assisted.

12 “(D) assist parents to:

13 “(i) understand state content and per-
14 formance standards, state and local assess-
15 ments, and how schools receiving assist-
16 ance under this title are required to help
17 students meet the state standards;

18 “(ii) understand the accountability
19 system in place in the state, and support
20 activities which are likely to improve stu-
21 dent achievement in schools receiving as-
22 sistance under this title;

23 “(iii) understand and analyze the
24 meaning of data that schools, districts, and
25 states must provide under the public re-

1 porting requirements of this and other
2 statutes, including state reporting require-
3 ments;

4 “(iv) understand what their child’s
5 school is doing to enable students to meet
6 the standards, including understanding the
7 curriculum and instructional methods the
8 school is using to help students meet the
9 standards;

10 “(v) better understand their child’s
11 educational needs, where they are in com-
12 parison to state standards, and how the
13 school is addressing the child’s educational
14 needs;

15 “(vi) communicate effectively with
16 personnel responsible for providing edu-
17 cational services to their child and for
18 planning and implementing policies and
19 programs under this title in the school and
20 the district;

21 “(vii) participate in decision making
22 processes at the school and district levels,
23 and in the development, review, and
24 amendments of school parent compacts,
25 the school and district parent involvement

1 policies, and the school plan, as well as re-
2 view the needs assessment of the school;

3 “(viii) understand the provisions of
4 other Federal education programs which
5 may provide resources and opportunities
6 for the school to improve, or which may
7 provide educational resources to individual
8 students, including chapters 1 and 2 of
9 subpart 2 of part A of title IV of the High-
10 er Education Act of 1965;

11 “(ix) participate in other school re-
12 form activities; and

13 “(x) understand public school choice
14 options available in the local community,
15 including magnet, charter and alternative
16 schools;

17 “(E) be designed to meet the specific needs
18 of families who experience significant isolation
19 from available sources of information and sup-
20 port;

21 “(F) network with appropriate clearing-
22 houses;

23 “(G) annually report to the Secretary on—

24 “(i) the number of parents to whom it
25 provided information, training, and sup-

1 port in the most recently concluded fiscal
2 year;

3 “(ii) the number of parents who par-
4 ticipated in training sessions and the aver-
5 age number of parents at training sessions;

6 “(iii) evidence that trainings have
7 been held at times and places designed to
8 allow the largest number of parents of stu-
9 dents in schools receiving assistance under
10 this title to attend;

11 “(iv) the effectiveness of strategies
12 used to reach and serve parents, including
13 underserved parents, low-income parents of
14 students with limited English proficiency;

15 “(v) how the parent training and in-
16 formation center ensured that parents had
17 the skills necessary to participate in their
18 children’s education, as outlined in sub-
19 paragraph (D);

20 “(vi) what information is provided to
21 parents by the school district(s) in the area
22 served by the Center; and

23 “(vii) other measures, as deemed ap-
24 propriate by the Secretary.

1 “(3) OPTIONAL ACTIVITIES.—Optional activities
2 may include—

3 “(A) providing information to teachers and
4 other professionals in schools receiving assist-
5 ance under this title; and

6 “(B) providing appropriate information
7 about the research on ways in which high pov-
8 erty schools have made real progress in getting
9 all students to meet state standards.

10 “(4) APPLICATION REQUIREMENTS.—Each ap-
11 plication for assistance under this section shall detail
12 the special efforts that the applicant will
13 undertake—

14 “(A) to ensure that the needs for training
15 and information and support of underserved
16 parents of students in schools receiving assist-
17 ance under this title, particularly low-income
18 and parents of limited English proficient chil-
19 dren, are effectively met; and

20 “(B) to work with community-based orga-
21 nizations.

22 “(5) DISTRIBUTION OF FUNDS.—

23 “(A) IN GENERAL.—The Secretary shall
24 make at least 2 awards to community-based or-
25 ganizations or parent organizations in each

1 State, unless the Secretary does not receive at
2 least 2 applications from such organizations in
3 each State of sufficient quality to warrant ap-
4 proval.

5 “(B) ALLOCATION OF FUNDS.—The Sec-
6 retary shall make grants to organizations that
7 serve parents of students, 50 percent of whom
8 are eligible for free and reduced price lunch,
9 with a particular emphasis on areas with a
10 large concentration of limited English proficient
11 students, or areas with a high dropout rate.

12 “(6) QUARTERLY REVIEW.—

13 “(A) REQUIREMENTS.—

14 “(i) MEETINGS.—The board of direc-
15 tors or special governing committee of each
16 organization that receives an award under
17 this section shall meet at least once in each
18 calendar quarter to review the activities for
19 which the award was made.

20 “(ii) CONTINUATION AWARD.—When
21 an organization requests a continuation
22 award under this section, the board of di-
23 rectors or special governing committee
24 shall submit to the Secretary a written re-
25 view of the parent training and informa-

1 tion program conducted by the organiza-
2 tion during the preceding fiscal year.

3 “(7) ELIGIBILITY REQUIREMENTS.—To be eligi-
4 ble to receive a grant under this subsection an orga-
5 nization shall—

6 “(A) be a private nonprofit organization
7 (other than an institution of higher education);

8 “(B) a special governing committee to ad-
9 minister the grant, contract, or cooperative
10 agreement, a majority of the members of which
11 are parents of students in schools receiving as-
12 sistance under this title, and a memorandum of
13 understanding between the special governing
14 committee and the board of directors of the or-
15 ganization that clearly outlines the decision
16 making responsibilities and authority of the
17 special governing committee; and

18 “(C) is located in a community that has
19 schools which receive assistance under this title,
20 and is readily accessible to families of students
21 in those schools.

22 “(8) EVALUATION.—The Secretary shall con-
23 duct an evaluation of each grant, and shall report on
24 the interim findings of such evaluation 3 years after

1 the date of the enactment of the Access to Excel-
2 lence in Education for the 21st Century Act.”.

3 **SEC. 115. TEACHER QUALIFICATIONS AND PROFESSIONAL**
4 **DEVELOPMENT.**

5 Section 1119 is amended—

6 (1) by amending the section heading to read as
7 follows: “**HIGH-QUALITY INSTRUCTION**”;

8 (2) by striking subsections (f), (h), and (i) and
9 redesignating subsections (b) through (e) and sub-
10 section (g) as subsections (d) through (h), respec-
11 tively;

12 (3) by amending subsection (a) to read as fol-
13 lows:

14 “(a) **PURPOSE AND GENERAL REQUIREMENTS.**—In
15 order to enable all children to meet challenging State
16 standards, each local educational agency receiving assist-
17 ance under this part shall—

18 “(1) hire qualified instructional staff, consistent
19 with subsections (b) and (c);

20 “(2) provide high-quality professional develop-
21 ment that will improve teaching and learning in core
22 content areas, consistent with subsection (d); and

23 “(3) use at least 5 percent of its allocation
24 under this part for fiscal years 2001 and 2002, and

1 10 percent of that allocation for subsequent fiscal
2 years, for that professional development.”;

3 (4) by inserting new subsections (b) and (c) to
4 read as follows:

5 “(b) MINIMUM QUALIFICATIONS FOR TEACHERS.—
6 Each local educational agency shall ensure that, by not
7 later than the date of the enactment of the Access to Ex-
8 cellence in Education for the 21st Century Act, all new
9 teachers in programs supported with funds under this
10 part—

11 “(1) are certified in the field in which they will
12 teach; or

13 “(2) have a bachelors degree and are enrolled
14 in a program through which they will obtain such
15 certification within 3 years.

16 “(c) PARAPROFESSIONALS.—

17 “(1) Each local educational agency shall ensure
18 that, not later than July 1, 2002, all paraprofes-
19 sionals working in programs supported with funds
20 under this part meet the educational requirements of
21 paragraph (2) or (3) and perform only the duties de-
22 scribed in those paragraphs.

23 “(2) A paraprofessional may perform any of the
24 following duties only if he or she has completed at

1 least 2 years of college and is under the direct su-
2 pervision of a teacher:

3 “(A) 1-on-1 tutoring for eligible students.
4 Any such tutoring must be at times that are in
5 addition to the time a student would otherwise
6 receive instruction from a teacher.

7 “(B) Assisting with classroom manage-
8 ment, such as organizing instructional and
9 other materials.

10 “(C) Providing assistance in a computer
11 laboratory.

12 “(3) A paraprofessional who possesses a sec-
13 ondary school diploma or its equivalent, but who has
14 not completed at least 2 years of college, may per-
15 form only non-instructional duties, such as improv-
16 ing parental involvement, providing support in a li-
17 brary or media center, or providing non-instructional
18 communication.

19 “(4) Each local educational agency shall ensure
20 that each paraprofessional described in paragraph
21 (1)—

22 “(A) is appropriately trained and possesses
23 the knowledge and skills sufficient to support
24 teachers, parents, or school administrators, as

1 the case may be, in meeting the goals of this
2 part;

3 “(B) participates in professional develop-
4 ment and other training opportunities directly
5 relevant to his or her work assignment or to up-
6 grading his or her assignment; and

7 “(C) is supervised by a teacher or other
8 appropriate school staff member.”;

9 (5) in subsection (d), as redesignated by para-
10 graph (2)—

11 (A) by amending paragraph (1) to read as
12 follows:

13 “(1) Professional development under this sec-
14 tion shall include principals, teachers, and other
15 school staff in its design and shall—

16 “(A) improve the ability of teachers to help
17 all students, including children with disabilities,
18 children with limited English proficiency, and
19 economically disadvantaged children, reach high
20 State content and student performance stand-
21 ards;

22 “(B) advance teacher understanding of 1
23 or more of the core academic subject areas and
24 effective instructional strategies for improving
25 student achievement in those areas;

1 “(C) be of sufficient duration to have a
2 positive and lasting impact on classroom in-
3 struction;

4 “(D) be an integral part of broader school
5 and district-wide plans for raising student
6 achievement to State standards;

7 “(E) be based on the best available re-
8 search on teaching and learning;

9 “(F) include professional development ac-
10 tivities that involve collaborative groups of
11 teachers and administrators from the same
12 school or district and, to the greatest extent
13 possible, include follow-up and school-based
14 support such as coaching or study groups; and

15 “(G) as a whole, be regularly evaluated for
16 its impact on increased teacher effectiveness
17 and improved student achievement, with the
18 findings of such evaluations used to improve the
19 quality of professional development.”; and

20 (B) in paragraph (2)—

21 (i) by amending subparagraph (A) to
22 read as follows:

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

1 (ii) by amending subparagraph (D) to
2 read as follows:

3 “(D) instruction in the use of technology
4 as a tool to improve instruction;”; and

5 (iii) in subparagraph (H), by striking
6 “Head Start” and all that follows through
7 “personnel” and inserting “Head Start, or
8 family literacy programs such as Even
9 Start; State-run preschool program per-
10 sonnel; and child-care providers”; and

11 (6) in subsection (h), as redesignated by para-
12 graph (2), by striking “this Act” and all that follows
13 through “sources” and inserting “this Act and other
14 sources”.

15 **SEC. 116. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
16 **VATE SCHOOLS.**

17 Section 1120 is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1), by inserting “that
20 address their needs, and shall ensure that
21 teachers and families of these students partici-
22 pate, on an equitable basis, in services and ac-
23 tivities under sections 1118 and 1119” before
24 the period at the end; and

1 (B) in paragraph (4), by inserting, before
2 the period at the end, a comma and “which the
3 local educational agency may determine each
4 year or every 2 years”;

5 (2) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) in subparagraph (D), by striking
8 “assessed; and” and inserting “assessed,
9 and how the results of that assessment will
10 be used to improve those services”;

11 (ii) in subparagraph (E), by striking
12 “what is” and all that follows through the
13 period at the end and inserting “the
14 amounts of funds generated by low-income
15 private school children in each partici-
16 pating attendance area for those services;”;
17 and

18 (iii) by adding at the end new sub-
19 paragraphs (F) and (G) to read as follows:

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

“(G) how and when the agency will make decisions about the delivery of services to those children.”; and

(B) in paragraph (2)—

(i) by inserting “shall include meetings of agency and private school officials and” after “consultation”; and

(ii) by inserting a comma and “and shall continue throughout implementation and assessment of activities under this section” before the period at the end; and

(3) by striking subsection (e).

SEC. 117. PRESCHOOL SERVICES AND COORDINATION REQUIREMENTS.

Section 1120B is amended—

(1) by amending the section heading to read as follows: **“PRESCHOOL SERVICES; COORDINATION REQUIREMENTS”**;

(2) in subsection (c), by striking “Head Start Act Amendments of 1994” and inserting “Head Start Amendments of 1998”; and

(3) by adding the following at the end the following:

“(d) PRESCHOOL SERVICES.—

1 “(1) A local educational agency may use funds
2 received under this part to provide preschool
3 services—

4 “(A) directly to eligible preschool children
5 in all or part of its jurisdiction;

6 “(B) through any school participating in
7 the agency’s program under this part; or

8 “(C) through a contract with a local Head
9 Start agency, a partnership operating an Even
10 Start program, a State-funded preschool pro-
11 gram, or a comparable public early-childhood
12 development program.

13 “(2) Preschool programs operated with funds
14 provided under this part may be operated and fund-
15 ed jointly with Even Start programs under part B
16 of this title, Head Start programs, or State-funded
17 preschool programs.

18 “(3) All preschool programs funded under this
19 part shall—

20 “(A) focus on the developmental needs of
21 participating children, including their social,
22 cognitive, and language-development needs, and
23 use research-based approaches that build on
24 competencies that lead to school success, par-

1 ticularly in language and literacy development
2 and in reading; and

3 “(B) ensure that participating children, at
4 a minimum—

5 “(i) understand and use language to
6 communicate for various purposes;

7 “(ii) understand and use increasingly
8 complex and varied vocabulary;

9 “(iii) develop and demonstrate an ap-
10 preciation of books; and

11 “(iv) develop phonemic, print, and
12 numeracy awareness.”.

13 **SEC. 118. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
14 **CIES.**

15 Section 1124 is amended in subsection (a)—

16 (1) by amending paragraph (1) to read as
17 follows—

18 “(1) GRANTS FOR LOCAL EDUCATIONAL AGEN-
19 CIES.—Except as provided in paragraph (4) and in
20 section 1126, the grant that a local educational
21 agency is eligible to receive under this section for a
22 fiscal year is the amount determined by
23 multiplying—

24 “(A) the number of children under sub-
25 section (c); and

1 “(B) 40 percent of the average per-pupil
 2 expenditure in the State, except that the
 3 amount determined under this subparagraph
 4 shall not be less than 37 percent, and not more
 5 than 48 percent, of the average per-pupil ex-
 6 penditure in the United States.”; and

7 (2) by amending paragraph (3) to read as
 8 follows—

9 “(3) PUERTO RICO.—The grant that the Com-
 10 monwealth of Puerto Rico is eligible to receive under
 11 this section for a fiscal year is the amount deter-
 12 mined for Puerto Rico under paragraph (1), multi-
 13 plied by the following:

14 “(A) for fiscal year 2001, 77.6 percent;

15 “(B) for fiscal year 2002, 83.2 percent;

16 “(C) for fiscal year 2003, 88.8 percent;

17 “(D) for fiscal year 2004, 94.4 percent;

18 “(E) for fiscal years starting with fiscal
 19 year 2005, 100 percent.”.

20 **SEC. 119. PROGRAM INDICATORS.**

21 Part A of title I is further amended by adding at the
 22 end the following:

“Subpart 3—Program Indicators

“SEC. 1131. PROGRAM INDICATORS.

“Each State receiving assistance under this part shall report to the Secretary each year with respect to its progress in meeting the following performance indicators for participating schools and local educational agencies, and shall use those indicators to improve its program performance:

“(1) Increasing percentages of students in schools with at least 50 percent poverty will meet proficient and advanced performance levels on State assessments in reading and mathematics.

“(2) The average scores representing the performance of the lowest achieving students on State assessments will increase annually in both reading and mathematics.

“(3) Increasing percentages of schools identified as in need of improvement under this part will show academic progress after 2 years.

“(4) The percentage of teachers in programs under this part who are certified in the field in which they teach will increase annually.

“(5) Increasing percentages of school principals will report that curricula and instructional materials in use in their school are aligned with challenging State content standards.

1 “(6) Increasing percentages of schools will oper-
2 ate before- and after-school, summer, and other pro-
3 grams designed to extend and reinforce student
4 learning.

5 “(7) Increasing percentages of parents will re-
6 port that their schools engage them in supporting
7 their children’s learning.”.

8 **Subtitle B—Education of Migratory** 9 **Children**

10 **SEC. 131. FINDINGS.**

11 Section 1301 is amended by—

12 (1) inserting a new paragraph (2) to read as
13 follows—

14 “(2) ensure that migratory children who move
15 among the States are not penalized in any manner
16 by disparities among the States in curriculum, grad-
17 uation requirements, and content and performance
18 standards;”;

19 (2) redesignating paragraph (2) as paragraph
20 (3);

21 (3) adding at the end new paragraphs (5) and
22 (6) to read as follows:

23 “(5) coordinate programs and services for mi-
24 gratory children who attend school in 2 or more of
25 the States; and

1 “(6) ensure that migratory children receive full
 2 and appropriate opportunities to meet the same
 3 challenging State content and performance stand-
 4 ards that all children are expected to meet.”.

5 **SEC. 132. CONSORTIUM GRANTS.**

6 (a) REPEAL OF GRANTS.—Subsection 1303(d) is re-
 7 pealed.

8 (b) SHARED STUDENT INCENTIVE GRANTS.—Section
 9 1308 (a) is amended to read as follows—

10 “(a) SHARED STUDENT INCENTIVE GRANTS.—

11 “(1) IN GENERAL.—The Secretary may make
 12 grants to or enter into contracts with State edu-
 13 cational agencies or consortia of State educational
 14 agencies to improve interstate coordination among
 15 such agencies’ educational programs, including the
 16 establishment or improvement of programs for credit
 17 accrual and exchange, and the development of reci-
 18 procity across States with respect to curriculum,
 19 standards, and graduation requirements for migra-
 20 tory children that attend school in more than 1
 21 State.

22 “(2) DURATION.—Grants under this subpart
 23 may be awarded for not more than 5 years.”.

1 **SEC. 133. PARENTAL INVOLVEMENT.**

2 (a) PARENT INVOLVEMENT.—Paragraph 1304(c)(3)
3 is amended to read as follows—

4 “(3) in the planning and operation of programs
5 and projects at both the State and local operating
6 agency level—

7 “(A) there is appropriate consultation with
8 parent advisory councils for programs of 1
9 school year in duration;

10 “(B) all such programs and projects are
11 carried out, to the extent feasible, in a manner
12 consistent with section 1118; and

13 “(C) migratory parents are provided infor-
14 mation, in a form and language understandable
15 to them, about the key elements in the agree-
16 ment between the State educational agency and
17 the local operating agency.”.

18 (b) OUTREACH ACTIVITIES.—Section 1304(c)(6) is
19 amended by inserting after “including” the following—

20 “(A) providing leadership development and
21 informational activities for migratory parents
22 about the programs funded under this part,
23 and”.

1 **SEC. 134. CONSOLIDATED PLAN.**

2 Section 1306 is amended by, in subparagraph
3 (a)(1)(B), inserting after “section 14302” the following:
4 “provided that—

5 “(i) the special needs of migratory
6 children are specifically addressed in such
7 plan;

8 “(ii) the consolidated plan is devel-
9 oped in collaboration with migrant parent
10 advisory councils and appropriate migrant
11 program personnel; and

12 “(iii) consolidated planning shall not
13 be used to supplant State effort or admin-
14 istrative funding for this part.”.

15 **SEC. 135. SCHOOLWIDE PROGRAMS.**

16 Section 1306 is amended by—

17 (1) amending subsection (b)(3) to read as fol-
18 lows:

19 “(3)(A) USE OF FUNDS IN SCHOOLWIDE PRO-
20 GRAMS.—

21 “(i) Notwithstanding section 1114, a
22 school that receives funds under this part shall
23 continue to address the needs described in para-
24 graph (1)(A) before funds under this part may
25 be expended in school-wide programs;

1 “(ii) the State educational agency must
2 provide prior approval to schools to use funds
3 under this part for schoolwide programs;

4 “(iii) the needs of preschool and out-of-
5 school migratory children, including students
6 who have never attended school and those who
7 have dropped out, must be addressed before
8 funds under this part may be expended in
9 schoolwide programs; and

10 “(iv) the State educational agency shall
11 monitor schoolwide programs receiving funds
12 under this part and shall take corrective action
13 when the special needs of migratory children
14 are not being addressed in such programs.

15 “(B) FLEXIBILITY.—States requesting waivers
16 of statutory or regulatory requirements under this
17 part consistent with section 14401 shall provide in-
18 formation and seek public comments from the mi-
19 grant community.” and

20 (2) in section 14302(b)(1), strike “representa-
21 tives of.”

22 **SEC. 136. DATA COLLECTION.**

23 Section 1308(d) is amended to read as follows—

24 “(d) DATA COLLECTION.—The Secretary shall direct
25 the National Center for Education Statistics to collect

1 data on migratory children, including preschool children,
 2 children who have never attended school, and children who
 3 have dropped out of school, and their families, as part of
 4 the core data elements.”.

5 **SEC. 137. PARENT ADVISORY COMMITTEE.**

6 Part C is amended by adding at the end the following:

7 **“SEC. 1310. NATIONAL PARENT ADVISORY COUNCIL.**

8 “(a) IN GENERAL.—A National Parent Advisory
 9 Council (hereafter in this section referred to as the “Advi-
 10 sory Council”) shall be established to advise the Secretary
 11 on the implementation of programs under this part and
 12 coordination with other programs serving migratory chil-
 13 dren and families.

14 “(b) MEMBERSHIP.—The Advisory Council shall in-
 15 clude a minimum of 10 geographically representative par-
 16 ent members and 5 others members appointed by the Sec-
 17 retary, in consultation with State education agencies,
 18 State and local parent advisory councils, local operating
 19 agencies, the National Association for Migrant Education,
 20 the National Association for State Directors of Migrant
 21 Education, and other interested parties.

22 “(c) COMPENSATION AND EXPENSES.—

23 “(1) Members of the Advisory Council who are
 24 officers or full time employees of the United States
 25 shall serve without compensation in addition to that

1 received for their services as officers or employees of
2 the United States; but they may be allowed travel
3 expenses, including per diem in lieu of subsistence,
4 as authorized by section 5703 of title 5, United
5 States Code, for persons in the Government service
6 employed intermittently.

7 “(2) Members of the Advisory Council who are
8 not officers or full-time employees of the United
9 States may each receive reimbursement for travel ex-
10 penses incident to attending Advisory Council meet-
11 ings, including per diem in lieu of subsistence, as
12 authorized by section 5703 of title 5, United States
13 Code, for persons in the Government service em-
14 ployed intermittently.”.

15 **SEC. 138. REGULATIONS.**

16 Part C is amended by adding at the end the following:

17 **“SEC. 1311. REGULATIONS AND NEGOTIATED RULEMAKING.**

18 “(a) PUBLICATION OF REGULATIONS.—The Sec-
19 retary shall, within 1 year of the enactment of the Access
20 to Excellence in Education for the 21st Century Act, pub-
21 lish in the Federal Register final regulations to implement
22 the provisions of this part.

23 “(b) NEGOTIATED RULEMAKING.—

24 “(1) MEETINGS.—In order to carry out his re-
25 sponsibility under subsection (a) the Secretary shall

1 convene meetings to obtain public involvement in the
2 development of proposed regulations for this part.
3 Such meetings shall include individuals and rep-
4 resentatives of the groups involved in migrant edu-
5 cation

6 “(2) ISSUES.—During such meetings, the Sec-
7 retary shall provide for a comprehensive discussion
8 and exchange of information concerning the imple-
9 mentation of this part. The Secretary shall take into
10 account the information received at such meetings in
11 the development of proposed regulations and shall
12 publish a summary of such information in the Fed-
13 eral Register together with such proposed regula-
14 tions.

15 “(c) DRAFT REGULATIONS.—After holding meetings
16 and before publishing proposed regulations in the Federal
17 Register, the Secretary shall prepare draft regulations im-
18 plementing this part and shall submit such regulations to
19 a negotiated rulemaking process. The Secretary shall fol-
20 low the guidance provided in sections 305.82–4 and
21 305.85–5 of chapter 1, Code of Federal Regulations, and
22 any successor recommendation, regulation, or law. Partici-
23 pants in the negotiations process shall be chosen by the
24 Secretary from individuals nominated by groups partici-
25 pating in the meetings described in subsection (b)(1) of

1 this section, and shall include representatives of such
2 groups from Washington, D.C., providers in the program,
3 and parents of migrant children. The negotiation process
4 shall be conducted in a timely manner in order that the
5 final regulations may be issued by the Secretary within
6 the 1-year period described in subsection (a).

7 “(d) FUTURE NEGOTIATED RULEMAKING.—All regu-
8 lations pertaining to this part that are promulgated after
9 the date of the enactment of this part shall be subject to
10 a negotiated rulemaking (including the selection of the
11 issues to be negotiated), unless the Secretary determines
12 that applying such a requirement with respect to given
13 regulations is impracticable, unnecessary, or contrary to
14 the public interest (within the meaning of section
15 553(b)(3)(B) of title 5, United States Code), and pub-
16 lishes the basis for such determination in the Federal Reg-
17 ister at the same time as the proposed regulations in ques-
18 tion are first published. All published proposed regulations
19 shall conform to agreements resulting from such nego-
20 tiated rulemaking unless the Secretary reopens the nego-
21 tiated rulemaking process or provides a written expla-
22 nation to the participants in that process why the Sec-
23 retary has decided to depart from such agreements. Such
24 negotiated rulemaking shall be conducted in accordance
25 with the provisions of this section, and the Secretary shall

1 ensure that a clear and reliable record of agreements
 2 reached during the negotiations process is maintained.

3 “(e) APPLICABILITY OF FEDERAL ADVISORY COM-
 4 MITTEE ACT.—The Federal Advisory Committee Act shall
 5 not apply to activities carried out under this section.

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated in any fiscal year or
 8 made available from funds appropriated to carry out this
 9 part in any fiscal year such sums as may be necessary
 10 to carry out the provisions of this section, except that if
 11 no funds are appropriated pursuant to this subsection, the
 12 Secretary shall make funds available to carry out this sec-
 13 tion from amounts appropriated for the operations and ex-
 14 penses of the Department of Education.”.

15 **SEC. 139. TECHNICAL ASSISTANCE.**

16 Part C is amended by adding at the end the following:

17 **“SEC. 1312. EVALUATIONS.**

18 “The Secretary shall from funds appropriated for this
 19 title spend not less than \$1,000,000 annually to establish
 20 and maintain a technical assistance center to provide as-
 21 sistance to programs under this part and under section
 22 418A of the Higher Education Act of 1965.”.

23 **Subtitle C—Federal Evaluations**

24 **SEC. 141. EVALUATIONS.**

25 Section 1501 is amended to read as follows:

1 **“SEC. 1501. EVALUATIONS.**

2 “(a) PURPOSE.—The purpose of this section is to
3 authorize—

4 “(1) evaluations of the activities assisted under
5 this title to determine their effectiveness, consistent
6 with the Government Performance and Results Act
7 of 1993;

8 “(2) activities undertaken in partnership with
9 the States to develop information needed to inform
10 program management and support continuous im-
11 provement at the State, school district, and school
12 levels;

13 “(3) applied research, technical assistance, dis-
14 semination, and recognition activities relating to this
15 title; and

16 “(4) obtaining biennial updates of census data
17 used under this title.

18 “(b) NATIONAL ASSESSMENT.—

19 “(1) IN GENERAL.—The Secretary shall con-
20 duct a national assessment of programs assisted
21 under this title, in coordination with the national
22 longitudinal study of schools under subsection (d),
23 which shall be planned, reviewed, and conducted
24 with an independent panel authorized under section
25 14701.

1 “(2) SCOPE OF ASSESSMENT.—The national as-
2 sessment shall examine—

3 “(A) the implementation and impact of the
4 programs carried out under this title on student
5 academic performance, particularly in schools
6 with high concentrations of children living in
7 poverty;

8 “(B) the implementation and impact of
9 State standards, assessments, and account-
10 ability systems developed under this title on
11 educational programs and instruction at the
12 local level;

13 “(C) the effect of schoolwide programs
14 under section 1114 and targeted-assistance pro-
15 grams under section 1115 on increasing the
16 number of students who have access to an en-
17 riched, challenging curriculum consistent with
18 high standards;

19 “(D) the implementation and impact of the
20 professional development activities supported
21 under this title on instruction and student per-
22 formance;

23 “(E) the extent to which local educational
24 agencies and schools, in carrying out activities
25 under this title, provide parents with meaning-

1 ful opportunities to participate in the education
2 of their children at home and at school, and the
3 impact of those opportunities;

4 “(F) the extent to which the resources pro-
5 vided under this title are effectively targeted to
6 schools that need them most;

7 “(G) the effectiveness of Federal adminis-
8 tration, including monitoring and technical as-
9 sistance, on programs under this title; and

10 “(H) such other issues as the Secretary
11 may determine.

12 “(3) SOURCES OF INFORMATION.—The Sec-
13 retary shall use information from a variety of
14 sources, including the National Assessment of Edu-
15 cational Progress, State evaluations, and available
16 research studies, in carrying out the national assess-
17 ment.

18 “(4) INTERIM AND FINAL REPORTS.—The Sec-
19 retary shall submit to the President and the appro-
20 priate committees of the Congress an interim report
21 on the national assessment within 3 years of the
22 date of the enactment of the Access to Excellence in
23 Education for the 21st Century Act and a final re-
24 port within 4 years of that enactment.

25 “(c) STUDIES AND DATA COLLECTION.—

1 “(1) IN GENERAL.—In addition to other activi-
2 ties described in this section, the Secretary may, di-
3 rectly or through grants to, and contracts with, ap-
4 propriate entities—

5 “(A) conduct studies and evaluations of
6 the need for, and effectiveness of, programs
7 under this title;

8 “(B) collect data that are needed to com-
9 ply with the Government Performance and Re-
10 sults Act of 1993; and

11 “(C) provide guidance and technical assist-
12 ance to State educational agencies and local
13 educational agencies in developing and main-
14 taining management-information systems
15 through which they can develop program-per-
16 formance indicators, collect data to measure
17 performance against those indicators, and use
18 the data to improve services and performance.

19 “(2) MINIMUM INFORMATION.—At a minimum,
20 the Secretary shall collect trend information on the
21 effect of programs under this title, which shall com-
22 plement the data collected and reported under sub-
23 sections (b) and (d).

24 “(d) NATIONAL LONGITUDINAL STUDY OF
25 SCHOOLS.—

1 “(1) The Secretary shall carry out an ongoing
2 longitudinal study of schools in order to provide the
3 public, the Congress, and educators involved in the
4 program carried out under this title—

5 “(A) an accurate description of its short-
6 term and long-term effectiveness;

7 “(B) information that can be used to im-
8 prove its effectiveness in enabling students to
9 meet challenging State student performance
10 standards; and

11 “(C) information on such other topics as
12 the Secretary may find appropriate, such as the
13 program’s effectiveness in enabling students to
14 graduate from secondary school and make suc-
15 cessful transitions to postsecondary education
16 and work.

17 “(2) The longitudinal study shall—

18 “(A) include a nationally representative
19 sample of schools participating in programs
20 under this title that serve large concentrations
21 of children with limited English proficiency; and

22 “(B) evaluate the extent to which those
23 children are—

“(i) participating in services and school-improvement efforts supported by this title; and

“(ii) included and accommodated in State assessments under this title.”.

TITLE II—BILINGUAL EDUCATION

SEC. 201. FINDINGS.

(a) The Congress finds that—

(1) since 1979, the number of limited English proficient children in America’s schools has doubled and demographic trends indicate the population of limited English proficient children will continue to increase;

(2) language minority Americans speak virtually all world languages plus many that are indigenous to the United States, although Spanish is the native language for 3 out of 4 language minority Americans;

(3) multilingualism, or the ability to speak languages in addition to English, is a tremendous resource to the United States because such ability enhances American competitiveness in global markets by permitting improved communication and cross-cultural understanding between producers and sup-

1 pliers, vendors and clients, and retailers and con-
2 sumers;

3 (4) language minority students bring a rich lin-
4 guistic diversity to America's classrooms which en-
5 hances the learning environment for all students—
6 their contribution should be valued for the signifi-
7 cant and positive impact it has on the entire school
8 environment;

9 (5) for many limited English proficient stu-
10 dents, fluency in a language other than English has
11 been treated as a deficit rather than as a societal
12 benefit in our Nation's schools;

13 (6) the Federal Government, as reflected in title
14 VI of the Civil Rights Act of 1964 and section
15 204(f) of the Equal Education Opportunities Act of
16 1974, has a special and continuing obligation to en-
17 sure that States and local school districts take ap-
18 propriate action to provide equal educational oppor-
19 tunities to children and youth of limited English
20 proficiency;

21 (7) the Federal Government also, as exemplified
22 by programs authorized under title VII of the Ele-
23 mentary and Secondary Education Act of 1965, has
24 a special and continuing obligation to assist States
25 and local school districts to develop the capacity to

1 provide programs of instruction that offer limited
2 English proficient children and youth an equal edu-
3 cational opportunity;

4 (8) limited English proficient children and
5 youth face a number of challenges in receiving an
6 education that will enable them to participate fully
7 in American society, including—

8 (A) segregated education programs;

9 (B) disproportionate and improper place-
10 ment in special education and other special pro-
11 grams, due to the use of inappropriate evalua-
12 tion procedures;

13 (C) disproportionate attendance in high-
14 poverty schools, as demonstrated by the fact
15 that, in 1994, 75 percent of limited English
16 proficient students attended schools in which at
17 least half of all students were eligible for free
18 or reduced-price meals;

19 (D) the limited English proficiency of their
20 parents, which hinders parents' ability to par-
21 ticipate fully in the education of their children;

22 (E) a shortage of teachers and other staff
23 who are professionally trained and qualified to
24 serve such children and youth; and

1 (F) lack of appropriate performance and
2 assessment standards that distinguish between
3 language and academic achievement so that
4 there is equal accountability on the part of
5 states and local education agencies for the
6 achievement of limited English proficient stu-
7 dents in academic content while acquiring
8 English;

9 (9) research has delineated the most effective
10 methodologies for teaching a second language, which
11 should be adopted, including—

12 (A) that the most effective environment for
13 second language teaching and learning are
14 those that promote limited English proficient
15 students' native language and literacy develop-
16 ment as a foundation for English language and
17 academic development; and

18 (B) that parent and community participa-
19 tion in bilingual education programs contributes
20 to program effectiveness.

21 **SEC. 202. POLICY AND PURPOSE.**

22 (a) POLICY.—Section 7102(b) is amended to read as
23 follows:

24 “(b) POLICY.—The Congress declares it to be the pol-
25 icy of the United States—

1 “(1) in order to ensure equal educational oppor-
2 tunity for all children and youth and to promote
3 educational excellence, that the Federal Government
4 should assist State and local educational agencies,
5 institutions of higher education, and community-
6 based organizations to build their capacity to estab-
7 lish, implement, and sustain programs of instruction
8 and language development for children and youth of
9 limited English proficiency;

10 “(2) ensuring limited English proficient chil-
11 dren also meet challenging State standards in the
12 core content areas, including the ability to under-
13 stand, speak, read and write English at the same
14 level as native English speakers;

15 “(3) developing fully bilingual/biliterate skills;
16 and

17 “(4) developing the English language skills of
18 such children and youth and the native language
19 skills of such children and youth.”.

20 (b) PURPOSES.—Section 7102(c) is amended by in-
21 serting in the matter before paragraph (1) the following:
22 “promoting systemic improvement and reform of, and de-
23 veloping accountability systems for, educational programs
24 serving students with limited English proficiency.”.

1 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS FOR**
2 **PART A.**

3 Section 7103(a) is amended to read as follows:

4 “(a) IN GENERAL.—For the purpose of carrying out
5 this part, there are authorized to be appropriated
6 \$700,000,00 for fiscal year 2001 and such sums as may
7 be necessary for each of fiscal years 2002 through 2005.”.

8 **SEC. 204. ACCOUNTABILITY.**

9 Subpart 1 of title VII is amended by—

10 (1) inserting a new section 7112 to read as fol-
11 lows:

12 **“SEC. 7112. ACCOUNTABILITY.**

13 “(a) In order to ensure that limited English pro-
14 ficient students are receiving effective English language
15 instruction and effective instruction that enables such stu-
16 dents to achieve to challenging State standards—

17 “(1) all programs funded under this subpart
18 shall annually assess the English proficiency of all
19 limited English proficient students served by the
20 program;

21 “(2) such students shall be included in the
22 State assessments of academic performance, as pro-
23 vided for under section 1111(b)(2); and

24 “(3) such students shall be assessed, to the ex-
25 tent practicable, in the language and form most like-
26 ly to yield accurate and reliable information on what

1 those students know, and can do, in content areas
2 other than English.

3 For the purposes of this subsection, tests written in Span-
4 ish shall be deemed practicable when administered to
5 Spanish-speaking students with limited English pro-
6 ficiency if such tests are more likely than tests written
7 in English to yield accurate and reliable information on
8 what those students know and can do in content areas
9 other than English.

10 “(b) Notwithstanding paragraph (3), such students
11 who have been in United States’ schools (not including
12 Puerto Rico) for 5 consecutive years or more shall be test-
13 ed in reading and language arts using tests written in
14 English, except that a State or school district, based upon
15 the scores of a student on the tests required in paragraph
16 (1), may determine that a student is sufficiently proficient
17 to be tested in reading and language arts using tests writ-
18 ten English, prior to the completion of 5 years in United
19 States schools.;

20 “(c) No student shall be removed from a program of
21 bilingual education or English as a second language based
22 upon his or her performance on the test administered
23 under clause (2).”; and

24 (2) renumbering subsequent sections appro-
25 priately.

1 **SEC. 205. MULTILINGUAL EDUCATION.**

2 (a) FINANCIAL ASSISTANCE FOR BILINGUAL EDU-
3 CATION.—Section 7111(2)(A) is amended by striking
4 “, and to the extent possible,” and inserting “and”.

5 (b) PROGRAM DEVELOPMENT AND IMPLEMENTATION
6 GRANTS.—Section 7112(b)(2)(i) is amended by striking
7 “; and” and inserting “and will promote proficiency in
8 English and in such students’ native language; and”.

9 (c) APPLICATIONS.—Subparagraph 7116(b)(2)(B) is
10 amended by—

11 (1) striking “and” at the end of clause (i);

12 (2) inserting a new clause (ii) to read as fol-
13 lows:

14 “(ii) will further both English lan-
15 guage proficiency and native language pro-
16 ficiency in limited English proficient stu-
17 dents served pursuant to a grant received
18 under this subpart; and”; and

19 (3) by redesignating clause (ii) as (iii).

20 (d) FUNDING PRIORITY.—Section 7120 is amended
21 by—

22 (1) striking the “and” at the end of paragraph
23 (2);

24 (2) striking the period at the end of paragraph

25 (3) and inserting “; and

1 (3) adding a new paragraph (4) to read as
2 follows—

3 “(4) establishes programs for dual language
4 proficiency in English and students’ native lan-
5 guages.”.

6 (e) EVALUATION.—Section 7123(c)(1) is amended by
7 striking “(and, where applicable, native language)” and
8 inserting “and native language”.

9 **SEC. 206. PROGRAM DEVELOPMENT AND ENHANCEMENT**
10 **GRANTS.**

11 Section 7113 is amended—

12 (1) by amending the section heading to read as
13 follows: “**PROGRAM DEVELOPMENT AND**
14 **ENHANCEMENT GRANTS**”;

15 (2) by amending subsection (a) to read as fol-
16 lows:

17 “(a) PURPOSE.—The purpose of this section is to
18 provide grants to eligible entities to carry out effective and
19 innovative instructional programs for limited English pro-
20 ficient students.”;

21 (3) in subsection (b)—

22 (A) in paragraph (1)(B), by striking “two”
23 and inserting “three”; and

24 (B) by amending paragraph (2) to read as
25 follows:

1 “(2) AUTHORIZED ACTIVITIES.—

2 “(A) Grants under this section shall be
3 used for—

4 “(i) developing and implementing
5 comprehensive, preschool, elementary, or
6 secondary education programs for children
7 and youth with limited English proficiency,
8 that are aligned with standards-based
9 State and local school reform efforts and
10 coordinated with other relevant programs
11 and services to meet the full range of edu-
12 cational needs of such children and youth;

13 “(ii) providing high-quality profes-
14 sional development to classroom teachers,
15 administrators, and other school or com-
16 munity-based organization personnel to im-
17 prove the instruction and assessment of
18 limited English proficient students; and

19 “(iii) annually assessing the English
20 proficiency of all limited English proficient
21 students served by the program.

22 “(B) Grants under this section may be
23 used for—

24 “(i) implementing programs to up-
25 grade the reading and other academic

1 skills of limited English proficient students
2 and to promote proficiency in English and
3 in the students' native language;

4 “(ii) developing accountability systems
5 to track the academic progress of limited
6 English proficient and formerly limited
7 English proficient students;

8 “(iii) implementing family education
9 programs and parent outreach and train-
10 ing activities designed to assist parents to
11 become active participants in the education
12 of their children;

13 “(iv) improving the instructional pro-
14 gram for limited English proficient stu-
15 dents by identifying, acquiring, and apply-
16 ing effective curriculum, instructional ma-
17 terials, assessments, and educational tech-
18 nology aligned with State and local stand-
19 ards;

20 “(v) providing tutorials and academic
21 or career counseling for children and youth
22 who are limited English proficient; and

23 “(vi) such other activities, consistent
24 with the purposes of this part, as the Sec-
25 retary may approve.”.

1 **SEC. 207. COMPREHENSIVE SCHOOL GRANTS.**

2 Section 7114 is amended—

3 (1) by amending subsection (a) to read as fol-
4 lows:

5 “(a) PURPOSE.—The purpose of this section is to im-
6 plement school-wide education programs, in coordination
7 with title I, for children and youth with limited English
8 proficiency—

9 “(1) to assist such children and youth to learn
10 English and achieve to challenging State content
11 and performance standards; and

12 “(2) to improve, reform, and upgrade relevant
13 programs and operations, in schools with significant
14 concentrations of such students or that serve signifi-
15 cant numbers of such students.”;

16 (2) by amending subsection (b)—

17 (A) in paragraph (1)(B) by inserting at
18 the end a new sentence to read as follows: “Any
19 entity not receiving a satisfactory evaluation of
20 a grant received under this section shall be in-
21 eligible to apply for another grant under this
22 section for at least 3 years.”; and

23 (B) amending paragraph (3) to read as fol-
24 lows:

25 “(3) AUTHORIZED ACTIVITIES.—

1 “(A) Grants under this section shall be
2 used to improve the education of limited
3 English proficient students and their families
4 by—

5 “(i) coordinating the program with
6 district policies and practices, as well as
7 other relevant programs and services, and
8 aligning the program with school reform
9 efforts to meet the full range of edu-
10 cational needs of limited English proficient
11 students;

12 “(ii) providing training to all, or vir-
13 tually all, school personnel and partici-
14 pating community-based organization per-
15 sonnel to improve the instruction and as-
16 sessment of limited English proficient stu-
17 dents;

18 “(iii) developing or improving ac-
19 countability systems to track the academic
20 progress of limited English proficient and
21 formerly limited English proficient stu-
22 dents; and

23 “(iv) annually assessing the English
24 proficiency of all limited English proficient
25 students served by the program.

1 “(B) Grants under this section may also be
2 used for—

3 “(i) implementing programs to up-
4 grade the reading and other academic
5 skills of limited English proficient stu-
6 dents;

7 “(ii) developing and using educational
8 technology, including interactive tech-
9 nology, to improve learning, assessments,
10 and accountability;

11 “(iii) implementing and adapting re-
12 search-based models for meeting the needs
13 of limited English proficient students;

14 “(iv) developing and implementing
15 programs to meet the needs of limited
16 English proficient students with disabil-
17 ities;

18 “(v) implementing family education
19 programs and parent outreach and train-
20 ing activities designed to assist parents to
21 become active participants in the education
22 of their children;

23 “(vi) improving the instructional pro-
24 gram for limited English proficient stu-
25 dents by identifying, acquiring, and up-

grading curriculum, instructional materials, educational software and assessment procedures;

“(vii) providing tutorials and academic or career counseling for children and youth of limited English proficiency;

“(viii) developing and implementing programs to help all students become proficient in more than 1 language; and

“(ix) carrying out such other activities, consistent with the purposes of this part, as the Secretary may approve.”;

(3) by amending paragraph (4) to read as follows:

“(4) SPECIAL RULES.—A grant recipient—

“(A) before carrying out a program assisted under this section, shall plan, train personnel, develop curriculum, and acquire or develop materials, but shall not use funds under this section for planning purposes for more than 90 days; and

“(B) shall not carry out a program under this section in more than 2 schools for each grant it receives under this section.”.

1 **SEC. 208. SYSTEMWIDE IMPROVEMENT GRANTS.**

2 Section 7115 is amended—

3 (1) in subsection (a), by striking “bilingual edu-
4 cation programs or special alternative instruction
5 programs to” and inserting “instructional programs
6 for children and youth with limited English pro-
7 ficiency”;

8 (2) by amending subsection (b)—

9 (A) in paragraph (1)(B) inserting at the
10 end a new sentence to read as follows: “Any en-
11 tity not receiving a satisfactory evaluation of a
12 grant received under this section shall be ineli-
13 gible to apply for another grant under this sec-
14 tion for at least 3 years.”; and

15 (B) by amending paragraph (4) to read as
16 follows:

17 “(4) AUTHORIZED ACTIVITIES.—

18 “(A) Grants under this section shall be
19 used for—

20 “(i) aligning programs for limited
21 English proficient students in the district
22 with school, district, and State reform ef-
23 forts and coordinating the program with
24 other relevant programs, such as title I,
25 and services to meet the full range of edu-

1 cational needs of limited English proficient
2 students throughout the district;

3 “(ii) providing high-quality profes-
4 sional development that is aligned with
5 high standards to classroom teachers, ad-
6 ministrators, and other school or commu-
7 nity-based organization personnel to im-
8 prove the instruction and assessment of
9 limited English proficient students;

10 “(iii) developing and implementing a
11 plan, coordinated with programs under
12 title II of Higher Education Act of 1965
13 where applicable, to recruit teachers
14 trained to serve limited English proficient
15 students;

16 “(iv) annually assessing the English
17 proficiency of all limited English proficient
18 students served by the program; and

19 “(v) developing or improving account-
20 ability systems that are consistent with the
21 State’s accountability system to measure
22 limited English proficient students aca-
23 demic progress in a valid and reliable man-
24 ner;

1 “(vi) reviewing student grade pro-
2 motion policies and graduation require-
3 ments to provide the required additional
4 education services for limited English pro-
5 ficient students; and

6 “(vii) developing and improving family
7 education programs and parent outreach
8 and training activities designed to assist
9 parents to become informed and active de-
10 cision makers regarding the education of
11 their children.

12 “(B) Grants under this section may also be
13 used for—

14 “(i) developing and implementing pro-
15 grams to help all students become pro-
16 ficient in more than 1 language;

17 “(ii) developing content and perform-
18 ance standards for learning English as a
19 second language, as well as for learning
20 other languages;

21 “(iii) developing assessments tied to
22 State performance standards;

23 “(iv) developing performance stand-
24 ards for students with limited English pro-

1 iciency that are aligned with challenging
2 State content standards;

3 “(v) redesigning programs for limited
4 English proficient students to meet the
5 needs of changing populations of such stu-
6 dents;

7 “(vi) coordinating assessments with
8 State accountability systems;

9 “(vii) implementing policies and pro-
10 cedures to ensure that limited English pro-
11 ficient students have access to all district
12 programs, such as gifted and talented, vo-
13 cational education, and special education
14 programs; and

15 “(viii) integrating technology into all
16 aspects of educating limited English pro-
17 ficient students, including data manage-
18 ment systems and the delivery of instruc-
19 tional services to limited English proficient
20 students.”.

21 **SEC. 209. APPLICATIONS FOR AWARDS UNDER SUBPART 1.**

22 (a) APPLICATIONS.—Section 7116 is amended—

23 (1) in subsection (b)—

1 (A) in paragraph (1), by striking “such ap-
2 plication” and inserting “its written comments
3 on the application”; and

4 (B) by amending paragraph (2)(B) to read
5 as follows:

6 “(B) For purposes of this subpart, such
7 comments shall address—

8 “(i) how the grant activities will fur-
9 ther the academic achievement and English
10 proficiency of limited English proficient
11 students served under a grant received
12 under this subpart;

13 “(ii) how the grant activities will fur-
14 ther both English language proficiency and
15 native language proficiency, if applicable,
16 in limited English proficient students
17 served pursuant to a grant received under
18 this subpart; and

19 “(iii) how the grant application is con-
20 sistent with the State plan, especially with
21 regard to State assessments, required
22 under section 1111.”;

23 (2) by amending subsection (f) to read as fol-
24 lows:

1 “(f) REQUIRED DOCUMENTATION.—Such application
2 shall include documentation that—

3 “(1) the applicant has the qualified personnel
4 required to develop, administer, and implement the
5 proposed program; and

6 “(2) the leadership of each participating school
7 has been involved in the development and planning
8 of the program in the school.”;

9 (3) in subsection (g)(1)—

10 (A) by amending subparagraph (A) to read
11 as follows:

12 “(A) A description of the need for the pro-
13 posed program, including data on the number
14 of children and youth of limited English pro-
15 ficiency in the schools or school districts to be
16 served and the characteristics of such children
17 and youth, including—

18 “(i) the native languages of the stu-
19 dents to be served;

20 “(ii) student proficiency in English
21 and the native language;

22 “(iii) current achievement data of the
23 limited English proficient students to be
24 served by the program (and in comparison
25 to their English proficient peers) in—

1 “(I) reading or language arts (in
2 English and in the native language, if
3 applicable); and

4 “(II) mathematics;

5 “(iv) information related to reclassi-
6 fication including applicants that—

7 “(I) demonstrate that they have
8 a proven record of success in helping
9 children and youth with limited
10 English proficiency learn English and
11 achieve to high academic standards;
12 or

13 “(II) propose programs that pro-
14 vide for the development of bilingual
15 proficiency both in English and their
16 native language for all participating
17 students;

18 “(v) the previous schooling experi-
19 ences of participating students;

20 “(vi) the professional development
21 needs of the instructional personnel who
22 will provide services for limited English
23 proficient students, including the need for
24 certified teachers; and

1 “(vii) how the grant would supple-
2 ment the basic services provided to limited
3 English proficient students.”;

4 (B) in subparagraph (B)—

5 (i) by amending clause (ii) to read as
6 follows:

7 “(ii) is coordinated with other pro-
8 grams under this Act, and other Acts as
9 appropriate, such as the Individuals with
10 Disabilities Education Act and the Carl D.
11 Perkins Vocational and Technical Edu-
12 cation Act, in accordance with section
13 14306;”;

14 (ii) by redesignating clauses (ii)
15 through (v) as clauses (iii) through (vi), re-
16 spectively; and

17 (iii) by inserting a new clause (ii) to
18 read as follows:

19 “(ii) will supplement the basic services
20 the applicant provides to limited English
21 proficient students;”;

22 (C) by amending subparagraph (E) to read
23 as follows:

24 “(E) An assurance that the applicant will
25 employ teachers in the proposed program who

1 individually, or in combination, are proficient
2 in—

3 “(i) English, including written, as well
4 as oral, communication skills; and

5 “(ii) the native language of the major-
6 ity of students they teach, if instruction in
7 the program is also in the native lan-
8 guage.”

9 “(v) the previous schooling experi-
10 ences of participating students;

11 “(vi) the professional development
12 needs of the instructional personnel who
13 will provide services for limited English
14 proficient students, including the need for
15 certified teachers; and

16 “(vii) how the grant would supple-
17 ment the basic services provided to limited
18 English proficient students.”; and

19 (4) in subsection (i)—

20 (A) by amending paragraph (2) to read as
21 follows:

22 “(2) LIMITATION.—Grants for programs under
23 this subpart that do not use the students’ native lan-
24 guage shall not exceed 25 percent of the funds pro-
25 vided for any type of grant under that section, or of

1 the total funds provided under this subpart, for any
2 fiscal year.”; and

3 (B) in paragraph (3), by striking “special
4 alternative instructional programs” and insert-
5 ing “programs that do not use the students’ na-
6 tive language”.

7 (b) EXPANDING EDUCATION SERVICES.—Section
8 7116 is amended—

9 (1) by inserting (1) in the matter before “Each
10 recipient”; and

11 (2) by inserting a new paragraph (2) to read as
12 follows:

13 “(2) In order to increase its capacity to provide
14 educational services to limited English proficient
15 students, each grant recipient may intensify instruc-
16 tion for limited English proficient students by—

17 “(A) expanding the educational calendar of
18 the school in which such student is enrolled to
19 include programs before and after school and
20 during the summer months; and

21 “(B) providing intensified instruction
22 through supplementary instructional activities,
23 including educationally enriching extra-
24 curricular activities, during times when school
25 is not routinely in session.”.

1 **SEC. 210. EVALUATIONS UNDER SUBPART 1.**

2 Section 7123 is amended—

3 (1) in subsection (a), by striking “every 2
4 years” and inserting “every year”;

5 (2) by amending subsection (c) to read as fol-
6 lows:

7 “(c) EVALUATION COMPONENTS.—

8 “(1) In preparing evaluation reports, the recipi-
9 ent shall—

10 “(A) use the data provided in the applica-
11 tion as baseline data against which to report
12 academic achievement and gains in English pro-
13 ficiency for students in the program;

14 “(B) report on the validity and reliability
15 of all instruments used to measure student
16 progress; and

17 “(C) enable results to be disaggregated by
18 relevant factors, such as a student’s grade, gen-
19 der, and language group, and whether the stu-
20 dent has a disability.

21 “(2) Evaluations shall include—

22 “(A) data on the project’s progress in
23 achieving its objectives;

24 “(B) data showing the extent to which all
25 students served by the program are achieving to

1 the State’s student performance standards,
2 including—

3 “(i) data comparing limited English
4 proficient children and youth with English
5 proficient students with regard to grade re-
6 tention and academic achievement in read-
7 ing and language arts, in English and in
8 the native language if the project develops
9 native language proficiency, and in math;

10 “(ii) gains in English proficiency, in-
11 cluding speaking, comprehension, reading,
12 and writing, as developmentally appro-
13 priate, and such gains in native language
14 proficiency if the project develops native
15 language proficiency; and

16 “(iii) reclassification rates (including
17 average duration in a program) for limited
18 English proficient students by grade, and
19 data on the academic achievement of re-
20 designated students for 2 years after re-
21 designation;

22 “(C) program implementation indicators
23 that provide information related to program
24 management and effectiveness, including—

1 “(i) data on appropriateness of cur-
2 rriculum in relationship to course require-
3 ments;

4 “(ii) appropriateness of program man-
5 agement;

6 “(iii) appropriateness of staff profes-
7 sional development;

8 “(iv) appropriateness of the language
9 of instruction; and

10 “(v) appropriateness of the assess-
11 ment and accountability system;

12 “(D) a description of how the activities
13 funded under the grant are coordinated and in-
14 tegrated with the overall school program and
15 other Federal, State, or local programs serving
16 limited English proficient children and youth;
17 and

18 “(E) such other information as the Sec-
19 retary shall require.”; and

20 (3) by adding a new subsection (d) to read as
21 follows:

22 “(d) PERFORMANCE MEASURES.—The Secretary
23 shall establish performance indicators to determine if pro-
24 grams under sections 7113 and 7114 are making contin-
25 uous and substantial gains, as defined in section

1 1111(b)(3), and may establish performance indicators to
2 determine if programs under section 7112 are making
3 continuous and substantial progress, toward assisting chil-
4 dren and youth with limited English proficiency to learn
5 English and achieve to challenging State content and per-
6 formance standards.”.

7 **SEC. 211. RESEARCH.**

8 Section 7132 is amended—

9 (1) in subsection (a), by—

10 (A) inserting the paragraph designation

11 “(1)” before “The Secretary shall”; and

12 (B) inserting after paragraph (1) the fol-
13 lowing:

14 “(2) Such research may include—

15 “(A) collecting data needed for compliance
16 with the Government Performance and Results
17 Act;

18 “(B) improving data collection procedures
19 and the infrastructure for data collection on
20 limited English proficient students, for pur-
21 poses of improving instruction and account-
22 ability;

23 “(C) developing research-based models for
24 serving limited English proficient students of

1 diverse language backgrounds and in diverse
2 educational settings;

3 “(D) identifying technology-based ap-
4 proaches that show effectiveness in helping lim-
5 ited English proficient students reach chal-
6 lenging State standards; and

7 “(E) other research, demonstration, and
8 data collection activities consistent with the
9 purpose of this title.”;

10 (2) in subsection (b)—

11 (A) in paragraph (1), by inserting “and”
12 at the end;

13 (B) by striking paragraphs (2) and (3);
14 and

15 (C) by redesignating paragraph (4) as
16 paragraph (2);

17 (3) in subsection (c)—

18 (A) in paragraph (1), by—

19 (i) striking “(1) IN GENERAL.—”; and

20 (ii) by striking “under subpart 1 or
21 2” and inserting “under subpart 1, section
22 7124, or subpart 3”; and

23 (B) striking paragraph (2); and

24 (4) by inserting a new subsection (e) as follows:

1 “(e) DATA COLLECTION.—The Secretary shall pro-
 2 vide for the continuation of data collection on limited
 3 English proficient students as part of the data systems
 4 operated by the Department and shall publish on an an-
 5 nual basis a list of grantees under this title for public dis-
 6 semination.”.

7 **SEC. 212. STATE GRANT PROGRAM.**

8 Section 7134(c) is amended to read as follows:

9 “(c) USES OF FUNDS.—A State educational agency
 10 shall use funds awarded under this section to—

11 “(1) assist local educational agencies in the
 12 State with program design, capacity building, assess-
 13 ment of student performance, program evaluation,
 14 and development of data collection and account-
 15 ability systems for limited English proficient stu-
 16 dents that are aligned with State reform efforts; and

17 “(2) collect data on limited English proficient
 18 populations in the State and the educational pro-
 19 grams and services available to such populations.”.

20 **SEC. 213. NATIONAL CLEARINGHOUSE ON EDUCATION OF**
 21 **CHILDREN AND YOUTH WITH LIMITED**
 22 **ENGLISH PROFICIENCY.**

23 Section 7135 is amended to read as follows:

1 **“SEC. 7135. NATIONAL CLEARINGHOUSE ON EDUCATION OF**
 2 **CHILDREN AND YOUTH WITH LIMITED**
 3 **ENGLISH PROFICIENCY.**

4 “The Secretary shall establish and support the oper-
 5 ation of a National Clearinghouse on the Education of
 6 Children and Youth with Limited English Proficiency,
 7 which shall collect, analyze, synthesize, and disseminate
 8 information about programs related to the education of
 9 children and youth with limited English proficiency and
 10 coordinate its activities with Federal data and information
 11 clearinghouses and dissemination networks and systems.”.

12 **SEC. 214. INSTRUCTIONAL MATERIALS DEVELOPMENT.**

13 Section 7136 is amended to read as follows:

14 **“SEC. 7136. INSTRUCTIONAL MATERIALS DEVELOPMENT.**

15 “(a) **AUTHORITY.**—The Secretary may award grants
 16 for the development, publication, and dissemination of
 17 high-quality instructional materials—

18 “(1) in Native American and Native Hawaiian
 19 languages;

20 “(2) in the language of Native Pacific Islanders
 21 and other natives of the outlying areas for whom in-
 22 structional materials are not readily available;

23 “(3) in other low-incidence languages in the
 24 United States and for which instructional materials
 25 are not readily available; and

1 “(4) on standards and assessments, and in-
2 structional programs related to the education of chil-
3 dren and youth with limited English proficiency, for
4 dissemination to parents of such children and youth.

5 “(b) PRIORITIES.—The Secretary shall give priority
6 to applications that provide for—

7 “(1) developing instructional materials in lan-
8 guages indigenous to the United States or the out-
9 lying areas; and

10 “(2) developing and evaluating instructional
11 materials, including technology-based application,
12 that reflect challenging State and local content
13 standards, in collaboration with activities assisted
14 under subpart 1 and section 7124.”.

15 **SEC. 215. PURPOSE OF SUBPART 3.**

16 Section 7141 is amended to read as follows:

17 **“SEC. 7141. PURPOSE.**

18 “The purpose of this subpart is to assist in preparing
19 educators to improve educational services for children and
20 youth with limited English proficiency by supporting pro-
21 fessional development programs for such educators.”.

22 **SEC. 216. TRAINING FOR ALL TEACHERS PROGRAM.**

23 Section 7142 is amended—

24 (1) by amending subsection (a) to read as fol-
25 lows:

1 “(a) PURPOSE.—The purpose of this section is to as-
2 sist eligible applicants under subsection (b)(1) to develop
3 and provide ongoing professional development to teachers
4 and other educational personnel with a baccalaureate de-
5 gree to improve their provision of services to limited
6 English proficient students or to become certified as a bi-
7 lingual or English as a second language teacher.”;

8 (2) in subsection (b)—

9 (A) by amending paragraph (1) to read as
10 follows:

11 “(1) AUTHORITY.—The Secretary is authorized
12 to award grants under this section to local edu-
13 cational agencies or to 1 or more local educational
14 agencies in consortium with 1 or more State edu-
15 cational agencies, institutions of higher education, or
16 nonprofit organizations.”; and

17 (B) in paragraph (2), by striking “five”
18 and inserting “three”; and

19 (3) by amending subsection (c) to read as fol-
20 lows:

21 “(c) ACTIVITIES.—

22 “(1) Funds under this section shall be used to
23 conduct high-quality, long-term professional develop-
24 ment activities.

25 “(2) Funds under this section may be used to—

1 “(A) design and implement induction pro-
2 grams for new teachers, including mentoring
3 and coaching by trained teachers, team teach-
4 ing with experienced teachers, time for observa-
5 tion of, and consultation with, experienced
6 teachers, and additional time for course prepa-
7 ration;

8 “(B) implement school-based collaborative
9 efforts among teachers to improve instruction
10 in reading and other core academic areas for
11 students with limited English proficiency, in-
12 cluding programs that facilitate teacher obser-
13 vation and analyses of fellow teachers’ class-
14 room practice;

15 “(C) support long-term collaboration
16 among teachers and outside experts to improve
17 instruction of limited English proficient stu-
18 dents;

19 “(D) coordinate project activities with
20 other programs such as those under the Head
21 Start Act and titles I and II of this Act;

22 “(E) implement programs that support ef-
23 fective teacher use of education technologies to
24 improve instruction and assessment;

1 “(F) establish and maintain local profes-
2 sional networks;

3 “(G) develop curricular materials and as-
4 sessments for teachers that are aligned with
5 State and local standards and the needs of the
6 limited English proficient students to be served;

7 “(H) implement professional development
8 focused on the appropriate use of multiple as-
9 sessments, the appropriate use of assessment
10 results and how to communicate such results to
11 parents;

12 “(I) develop education technology to en-
13 hance professional development; and

14 “(J) such other activities as are consistent
15 with the purpose of this section.”.

16 **SEC. 217. BILINGUAL EDUCATION TEACHERS AND PER-**
17 **SONNEL GRANTS.**

18 Section 7143 is amended—

19 (1) by amending subsection (a) to read as fol-
20 lows:

21 “(a) PURPOSE.—The purpose of this section is to
22 support preservice professional development to improve
23 the preparation of prospective teachers who are preparing
24 to teach children and youth of limited English pro-
25 ficiency.”;

1 (2) by amending subsection (c) to read as fol-
2 lows:

3 “(c) AUTHORITY.—

4 “(1) The Secretary is authorized to make
5 grants to institutions of higher education for
6 preservice professional development in order to im-
7 prove preparation for prospective teachers who are
8 preparing to teach children and youth of limited
9 English proficiency.

10 “(2) Each grant under this section shall be
11 awarded for a period of not more than 5 years.

12 “(3) A recipient of a grant under this section
13 shall coordinate its grant program activities with
14 other programs under this Act and other Acts as ap-
15 propriate.”; and

16 (3) by adding a new subsection (d) to read as
17 follows:

18 “(d) ACTIVITIES.—

19 “(1) Funds under this section shall be used
20 to—

21 “(A) put in place a course of study that
22 prepares teachers to serve limited English pro-
23 ficient students;

24 “(B) integrate course content relating to
25 meeting the needs of limited English proficient

1 students into all programs for prospective
2 teachers;

3 “(C) assign tenured faculty to train teach-
4 ers to serve limited English proficient students;

5 “(D) incorporate State content and per-
6 formance standards into the institution’s
7 coursework; and

8 “(E) expand clinical experiences for par-
9 ticipants.

10 “(2) Funds under this section may be used to—

11 “(A) support partnerships with local edu-
12 cational agencies that include placing partici-
13 pants in intensive internships in local edu-
14 cational agencies that serve large numbers of
15 limited English proficient students;

16 “(B) restructure higher education course
17 content, including improving coursework and
18 clinical experiences for all prospective teachers
19 regarding the needs of limited English pro-
20 ficient students and preparation for teacher cer-
21 tification tests;

22 “(C) assist other institutions of higher
23 education to improve the quality of professional
24 development programs for limited English pro-
25 ficient students;

1 “(D) expand recruitment of students who
2 will be trained to serve limited English pro-
3 ficient students;

4 “(E) improve the skills and knowledge of
5 faculty related to the needs of limited English
6 proficient students;

7 “(F) coordinate project activities with ac-
8 tivities under title II of the Higher Education
9 Act of 1965; and

10 “(G) use technology to enhance profes-
11 sional development.”.

12 **SEC. 218. BILINGUAL EDUCATION CAREER LADDER PRO-**
13 **GRAM.**

14 Section 7144 is amended—

15 (1) by amending subsection (a) to read as fol-
16 lows:

17 “(a) PURPOSE.—The purpose of this section is to as-
18 sist eligible consortia to develop and implement high-qual-
19 ity bilingual education career ladder programs.”;

20 (2) by amending subsection (b)(1) to read as
21 follows:

22 “(b) IN GENERAL.—

23 “(1)(A) The Secretary is authorized to award
24 grants to consortia of 1 or more institutions of high-
25 er education and 1 or more State educational agen-

1 cies or local educational agencies or community-
2 based organizations to develop and implement bilin-
3 gual education career ladder programs.

4 “(B) For purposes of this section, a ‘bilingual
5 education career ladder program’ means a program
6 that—

7 “(i) is designed to provide high-quality,
8 prebaccalaureate coursework and teacher train-
9 ing to educational personnel who do not have a
10 baccalaureate degree; and

11 “(ii) leads to timely receipt of a bacca-
12 laureate degree and certification or licensure of
13 program participants as bilingual education
14 teachers or other educational personnel who
15 serve limited English proficient students.

16 “(C) Recipients of grants under this section
17 shall—

18 “(i) coordinate with programs under title
19 II of the Higher Education Act of 1965, and
20 other relevant programs, for the recruitment
21 and retention of bilingual students in postsec-
22 ondary programs to train them to become bilin-
23 gual educators; and

24 “(ii) make use of all existing sources of
25 student financial aid before using grant funds

1 to pay tuition and stipends for participating
2 students.”;

3 (3) in subsection (c)—

4 (A) in paragraph (1)—

5 (i) by striking “consortium”; and

6 (ii) at the end by inserting “and”

7 after the semicolon;

8 (B) in paragraph (2), by striking “teach-
9 ers; and” and inserting “teachers.”; and

10 (C) by striking paragraph (3); and

11 (4) by amending subsection (d) to read as fol-
12 lows:

13 “(d) SPECIAL CONSIDERATION.—The Secretary shall
14 give special consideration to applications under this sec-
15 tion that provide training in English as a second language,
16 including developing proficiency in the instructional use
17 of English and, as appropriate, a second language in class-
18 room contexts.”.

19 **SEC. 219. GRADUATE FELLOWSHIPS IN BILINGUAL EDU-**
20 **CATION PROGRAM.**

21 Section 7145(a) is amended—

22 (1) in paragraph (1), by striking “masters, doc-
23 toral, and post-doctoral” and inserting “masters and
24 doctoral”;

25 (2) by striking paragraph (2); and

1 (3) by redesignating paragraph (3) as para-
2 graph (2).

3 **SEC. 220. APPLICATIONS FOR AWARDS UNDER SUBPART 3.**

4 Section 7146 is amended—

5 (1) in subsection (a)(4), by inserting “and ap-
6 plicants for grants under section 7145” after “Bu-
7 reau of Indian Affairs”; and

8 (2) in subsection (b)—

9 (A) in paragraph (1)—

10 (i) by striking “of such application
11 copy” and inserting “an application under
12 sections 7132, 7133, or 7134”; and

13 (ii) by inserting “the written review
14 of” after “and transmit”; and

15 (B) in paragraph (2), by striking “this
16 subpart” and inserting “sections 7132, 7133,
17 and 7134”.

18 **SEC. 221. EVALUATIONS UNDER SUBPART 3.**

19 Section 7149 is amended to read as follows:

20 **“SEC. 7149. PROGRAM EVALUATIONS.**

21 “Each recipient of funds under this subpart shall pro-
22 vide the Secretary with an evaluation of its program every
23 year. Such evaluations shall include—

24 “(1) the number of participants served, the
25 number of participants who have completed program

1 requirements, and the number of participants who
 2 have taken positions in an instructional setting with
 3 limited English proficient students;

4 “(2) the effectiveness of the program in impart-
 5 ing the professional skills necessary for participants
 6 to achieve the objectives of the program; and

7 “(3) the teaching effectiveness of graduates or
 8 other persons who have completed the training pro-
 9 gram.”.

10 **SEC. 222. MODEL PROGRAMS FOR PARENT INVOLVEMENT.**

11 (a) IN GENERAL.—Part A of title VII is amended
 12 by inserting after subpart 3 the following:

13 **“Subpart 4—Model Programs for Parent Involvement**

14 **“SEC. 7161. PROGRAM AUTHORIZED.**

15 “(a) PROGRAM AUTHORITY.—

16 “(1) IN GENERAL.—The Secretary shall make
 17 grants, on a competitive basis, to local educational
 18 agencies to develop and implement model programs
 19 to—

20 “(A) assist parents of limited English pro-
 21 ficient students in making informed educational
 22 decisions for their children; and

23 “(B) assist such parents in meeting their
 24 own educational needs.

1 “(2) ELIGIBLE ENTITIES.—Entities eligible to
2 apply for grants under this subpart include consortia
3 of—

4 “(A) at least 1 community-based organiza-
5 tion;

6 “(B) at least 1 local educational agency;
7 and

8 “(C) other consortia members such as, but
9 not limited to, institutions of higher education,
10 local or state government entities, or other enti-
11 ties with expertise in working with limited
12 English proficient adults.

13 “(3) DURATION.—Each grant under paragraph
14 (1) shall be awarded for a period of 3 years.

15 “(b) REQUIREMENTS.—

16 “(1) GRANTS FOR MODEL PROGRAMS TO PRO-
17 VIDE INFORMATION TO PARENTS.—In awarding
18 grants under subparagraph (a)(1)(A), the Secretary
19 shall support programs that—

20 “(A) provide parents with necessary infor-
21 mation that is easily understandable in the lan-
22 guage of the parent;

23 “(B) provide necessary parent training to
24 assist parents in understanding the choices they
25 have for their children’s education; and

1 “(C) at a minimum, provide parents with
2 the following information—

3 “(i) curriculum and any options avail-
4 able to their children regarding their pro-
5 gram of study;

6 “(ii) full disclosure of the purpose of
7 assessments, their results, and the appro-
8 priate uses of assessment scores, as de-
9 scribed by the publishers of the test; and

10 “(iii) complete information about
11 school policies and disciplinary procedures.

12 “(2) GRANTS TO ASSIST PARENTS OF LIMITED
13 ENGLISH PROFICIENT STUDENTS WITH THEIR EDU-
14 CATIONAL NEEDS.—In awarding grants under sub-
15 paragraph (a)(1)(B), the Secretary shall support
16 programs that—

17 “(A) provide parents of limited English
18 proficient students educational services, such as
19 English as a second language classes, literacy
20 programs, introduction to the education system,
21 and civics education; and

22 “(B) provide information on their chil-
23 dren’s educational programs and their rights to
24 participate in educational decisions involving
25 their children.

1 **“SEC. 7162. APPLICATIONS.**

2 “Any consortia wishing to apply for a grant under
3 this subpart shall submit an application to the Secretary
4 at such time, in such form, and containing such informa-
5 tion and assurances as the Secretary may require.

6 **“SEC. 7163. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated
8 \$20,000,000 for fiscal year 2001, and such sums as may
9 be necessary for each of the 4 succeeding fiscal years to
10 carry out this subpart, of which 50 percent shall be used
11 for grants under section 7161(a)(1)(A), and 50 percent
12 shall be available for grants under section
13 7161(a)(1)(B).”.

14 (b) CONFORMING AMENDMENTS.—Subpart 4 of title
15 XII is redesignated as subpart 5.

16 **SEC. 223. TRANSITION.**

17 Subpart 5 of part A of title VII (as redesignated by
18 section 222(b)) is amended to read as follows:

19 **“Subpart 5—Transition**

20 **“SEC. 7171. TRANSITION.**

21 “Notwithstanding any other provision of law, a re-
22 cipient of a grant under subpart 1 of part A of this title
23 that is in its 3rd or 4th year of that grant on the day
24 preceding the date of the enactment of the Access to Ex-
25 cellence in Education for the 21st Century Act shall be

1 eligible to receive continuation funding under the terms
2 and conditions of the original grant.”.

3 **SEC. 224. FINDINGS OF EMERGENCY IMMIGRANT EDU-**
4 **CATION PROGRAM.**

5 Section 7301(a) is amended—

6 (1) in paragraph (3), by striking “and” at the
7 end;

8 (2) by redesignating paragraph (4) as para-
9 graph (5); and

10 (3) by adding at the end the following new
11 paragraph:

12 “(4) an increasing number of immigrant chil-
13 dren are entering United States’ schools with inter-
14 rupted or little previous schooling; and”.

15 **SEC. 225. STATE ADMINISTRATIVE COSTS.**

16 Section 7302 is amended by inserting a comma and
17 “or 2 percent if the State educational agency distributes
18 funds received under this part to local educational agen-
19 cies on a competitive basis,” after “1.5 percent of the
20 amount”.

21 **SEC. 226. DEFINITIONS.**

22 Section 7501 is amended by striking paragraph (15)
23 and inserting a new paragraph to read as follows:

24 “(15) RECLASSIFICATION RATE.—The term ‘re-
25 classification rate’ means the annual percentage of

1 limited English proficient students who have met the
 2 State criteria for no longer being considered limited
 3 English proficient.”.

4 **SEC. 227. REGULATIONS, PARENTAL NOTIFICATION, AND**
 5 **USE OF PARAPROFESSIONALS.**

6 Section 7502 is amended—

7 (1) by amending the section heading to read as
 8 follows: **“REGULATIONS, PARENTAL NO-**
 9 **TIFICATION, AND USE OF PARA-**
 10 **PROFESSIONALS”**;

11 (2) in subsection (b)—

12 (A) in paragraph (1)—

13 (i) in the matter before subparagraph
 14 (A), by striking “youth participating in”
 15 and inserting “youth who will participate
 16 in”; and

17 (ii) in subparagraph (C)—

18 (I) in the matter before clause
 19 (i), by striking “goals of the bilingual
 20 education or special alternative in-
 21 structional program” and inserting
 22 “goals of the program related to the
 23 education of children and youth with
 24 limited English proficiency”; and

1 (II) in clause (i), by striking “re-
2 sults of the bilingual educational pro-
3 gram and of the instructional alter-
4 natives” and inserting “results of the
5 instructional programs related to the
6 education of children and youth with
7 limited English proficiency”; and

8 (B) in paragraph (2)—

9 (i) by amending the paragraph head-
10 ing to read “OPTION TO WITHDRAW.—”;
11 and

12 (ii) by amending subparagraph (A) to
13 read as follows:

14 “(A) A recipient of funds under subpart 1
15 of part A shall also provide a written notice to
16 parents of children who will participate in the
17 programs under that subpart, in a form and
18 language understandable to the parents, that
19 informs them that they may withdraw their
20 child from the program at any time.”; and

21 (3) by adding a new subsection (c) to read as
22 follows:

23 “(c) USE OF PARAPROFESSIONALS.—The provisions
24 of section 1119(c) of this Act shall apply to all new staff
25 hired to provide academic instruction in programs sup-

1 ported under subpart 1 of part A of this title on or after
2 the date of the enactment of the Access to Excellence in
3 Education for the 21st Century Act, except that para-
4 professionals possessing a high school diploma may be
5 used for the purposes of non-instructional communication,
6 if there are no other qualified personnel, as described in
7 section 1119(c), who are able to provide such communica-
8 tion.”.

9 **SEC. 228. TERMINOLOGY.**

10 (a) PART A.—Subparts 1 and 2 of part A of title
11 VII are amended by striking “bilingual education or spe-
12 cial alternative instruction programs” and “bilingual edu-
13 cation or special alternative instructional programs” each
14 place they appear and inserting “instructional programs”.

15 (b) PART E.—Section 7501(6) is amended by strik-
16 ing “a bilingual education and special alternative instruc-
17 tional program” and inserting “an instructional pro-
18 gram”.

19 **SEC. 229. REPEALS.**

20 (a) REPEALS IN PART A.—Sections 7112, 7117,
21 7120, and 7121 are repealed.

22 (b) REPEAL OF PART B.—Part B of title VII is re-
23 pealed.

1 **SEC. 230. REDESIGNATIONS AND CONFORMING AMEND-**
2 **MENTS.**

3 (a) PART REDESIGNATIONS.—Parts C, D, and E of
4 title VII are redesignated as parts B, C, and D, respec-
5 tively.

6 (b) SECTION REDESIGNATIONS.—Sections 7113,
7 7114, 7115, 7116, 7118, 7122, 7123, 7124, 7131, 7132,
8 7133, 7134, 7135, 7136, 7141, 7142, 7143, 7144, 7145,
9 7146, 7148, 7149, 7150, 7161, 7301, 7302, 7303, 7304,
10 7305, 7306, 7307, 7308, 7309, 7401, 7402, 7403, 7404,
11 7405, 7501, and 7502 are redesignated as sections 7112,
12 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7121, 7122,
13 7123, 7124, 7125, 7126, 7131, 7132, 7133, 7134, 7135,
14 7136, 7137, 7138, 7139, 7141, 7201, 7202, 7203, 7204,
15 7205, 7206, 7207, 7208, 7209, 7301, 7302, 7303, 7304,
16 7305, 7401, and 7402, respectively.

17 (c) CONFORMING AMENDMENTS.—

18 (1) Section 7111 is amended by striking “7114,
19 and 7115” and inserting “and 7114”.

20 (2) Section 7112(b)(1)(A), as redesignated by
21 subsection (b), is amended by striking “section
22 7116” and inserting “section 7115”.

23 (3) Section 7113(b)(1)(A), as redesignated by
24 subsection (b), is amended by striking “section
25 7116” and inserting “section 7115”.

1 (4) Section 7114(b)(1)(A), as redesignated by
2 subsection (b), is amended by striking “section
3 7116” and inserting “section 7115”.

4 (5) Section 7115(g)(2), as redesignated by sub-
5 section (b), is amended by striking “section 7114 or
6 7115” and inserting “section 7113 or 7114”.

7 (6) Section 7135(a)(3), as redesignated by sub-
8 section (b), is amended by striking “section 7149”
9 and inserting “section 7138”.

10 (7) Section 7202 as redesignated by subsection
11 (b), is amended by striking “section 7304” and in-
12 serting “section 7204”.

13 (8) Section 7204, as redesignated by subsection
14 (b), is amended—

15 (A) in subsection (a), by striking “section
16 7301(b)” and inserting “section 7201(b)”; and

17 (B) in subsection (e)(2), by striking “sec-
18 tion 7307” and inserting “section 7207”.

19 (9) Section 7205(a), as redesignated by sub-
20 section (b), is amended—

21 (A) in paragraph (2), by striking “sections
22 7301 and 7307” and inserting “sections 7201
23 and 7207”;

24 (B) in paragraph (4), by—

1 (i) striking “section 7304(e)” and in-
 2 serting “sections 7204(e)”; and

3 (ii) striking “section 7304(b)(1)” and
 4 inserting “section 7204(b)(1)”; and

5 (C) in paragraph (8), by striking “section
 6 7304” and inserting “section 7204”.

7 (10) Section 7206, as redesignated by sub-
 8 section (b), is amended—

9 (A) in subsection (a)—

10 (i) by striking “section 7305” and in-
 11 serting “section 7205”; and

12 (ii) by striking “section 7305” and in-
 13 serting “section 7205”; and

14 (B) in subsection (b), by striking “section
 15 7305(a)(7)” and inserting “section
 16 7205(a)(7)”.

17 (11) Section 7305(d)(2), as redesignated by
 18 subsection (b), is amended by striking “section
 19 7134” and inserting “section 7124”.

20 **TITLE III—HIGH SCHOOL** 21 **REFORM**

22 **SEC. 301. FINDINGS.**

23 The Congress finds that—

24 (1) recent studies have shown that the quality
 25 and rigor of the secondary school program of study

1 is the most effective predictor of success in postsec-
2 ondary education;

3 (2) Hispanic Americans students are more like-
4 ly to be enrolled in general programs in secondary
5 schools and less likely to be enrolled in academic or
6 college preparatory programs;

7 (3) according to the Hispanic Dropout Project
8 effective schools—

9 (A) have high academic and behavioral
10 standards for their students;

11 (B) clearly communicate standards and
12 provide students with the necessary support and
13 opportunities to meet those standards;

14 (C) connect students to adults in meaning-
15 ful ways;

16 (D) connect students to possible futures in
17 college and the workforce; and

18 (E) provide families with useful informa-
19 tion about how their children are doing and
20 about their futures; and

21 (4) secondary schools should structure reforms
22 to reflect the characteristics of effective schools.

23 **SEC. 302. HIGH SCHOOL REFORM.**

24 Title X is amended by inserting after part G the fol-
25 lowing:

1 **“PART H—HIGH SCHOOL REFORM**

2 **“SEC. 10801. PURPOSES.**

3 “(a) The purposes of this part are to—

4 “(1) support the planning and implementation
5 of educational reforms in high schools, particularly
6 in urban and rural high schools that educate con-
7 centrations of students from low-income families, in
8 order to—

9 “(A) meet the needs of students at risk of
10 failing to achieve to challenging standards, by
11 strengthening curriculum and instruction, offer-
12 ing extended learning opportunities, and pro-
13 viding professional development opportunities to
14 school staff; and

15 “(B) improve title I schoolwide programs
16 in high schools;

17 “(2) support the further development of edu-
18 cational reforms, designed specifically for high
19 schools, that—

20 “(A) help students meet challenging State
21 standards; and

22 “(B) increase connections between stu-
23 dents and adults and provide safe learning envi-
24 ronments;

25 “(3) create positive incentives for serious
26 change in high schools, by offering rewards to par-

1 ticipating schools that achieve significant improve-
2 ments in student achievement;

3 “(4) increase the national knowledge base on
4 effective high school reforms by identifying the most
5 effective approaches and disseminating information
6 on those approaches so that they can be adopted na-
7 tionally; and

8 “(5) support the implementation of reforms in
9 at least 5,000 American high schools by the year
10 2007.

11 **“SEC. 10802. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

12 “(a) GRANTS AUTHORIZED.—The Secretary may
13 make grants to local educational agencies, on a competi-
14 tive basis, for activities, consistent with this part, carried
15 out in their high schools.

16 “(b) DURATION.—Each grant under this section shall
17 be for a period of up to 3 years.

18 “(c) LIMITATION.—The Secretary shall not provide
19 assistance under this part to any high school under more
20 than 1 grant.

21 **“SEC. 10803. APPLICATIONS.**

22 “(a) APPLICATIONS REQUIRED.—A local educational
23 agency that desires to receive a grant under this part shall
24 submit an application at such time, in such manner, and

1 containing such information as the Secretary may deter-
2 mine.

3 “(b) CONTENTS.—Each such application shall, for
4 each high school for which assistance is sought—

5 “(1) identify the school and describe its need
6 for assistance under this part;

7 “(2) include—

8 “(A) a preliminary plan for grades above
9 8th grade in the school that describes the edu-
10 cational reforms that will take place, as well as
11 the specific activities to be carried out with
12 grant funds; and

13 “(B) an assurance that the local edu-
14 cational agency will have a final plan for those
15 reforms and activities within 6 months of re-
16 ceiving a grant under this part; and

17 “(3) demonstrate that a substantial percentage
18 of administrators, teachers, and students at the
19 school, as well as parents of students and other
20 members of the community, were (and will be) in-
21 volved in developing and carrying out that plan.

22 **“SEC. 10804. SELECTION OF GRANTEES.**

23 “(a) IN GENERAL.—The Secretary shall select grant-
24 ees, using a peer review process, on the basis of—

1 “(1) the relative need of each high school for
2 which assistance is sought, considering such factors
3 as the percentage of students who are from low-in-
4 come families, student achievement data, dropout
5 rates, and attendance rates; and

6 “(2) the quality of applications, including the
7 likelihood that the proposed reforms will succeed.

8 “(b) APPLICATIONS FOR MORE THAN 1 HIGH
9 SCHOOL.—In the case of a meritorious application that
10 requests assistance for more than 1 high school, the Sec-
11 retary may approve the application for any number of
12 those schools.

13 “(c) SPECIAL RULES.—In approving applications
14 under this section, the Secretary shall—

15 “(1) to the extent possible, award a majority of
16 grants under this part to assist high schools that
17 participate in programs under part A of title I of
18 this Act or serve high-poverty school attendance
19 areas; and

20 “(2) equitably distribute grants among the geo-
21 graphic regions of the Nation and among urban and
22 rural local educational agencies.

1 **“SEC. 10805. PRINCIPLES AND COMPONENTS OF EDU-**
2 **CATIONAL REFORMS.**

3 “(a) PRINCIPLES.—Each grantee under this part
4 shall ensure that the reforms it carries out under this part
5 are designed so that each assisted high school—

6 “(1) is a place where students receive individual
7 attention and support, through such strategies as
8 creating smaller learning environments, such as
9 “schools within schools” and career academies and
10 providing students with counselors and mentors;

11 “(2) provides all students in the school with
12 challenging coursework, aligned with State content
13 and performance standards, through such strategies
14 as the use of technology to enhance academic in-
15 struction and the establishment or expansion of
16 international baccalaureate programs or advanced
17 placement programs;

18 “(3) is a place where students are motivated to
19 learn, through such strategies as applied learning
20 and linking the arts, music, and cultural opportuni-
21 ties with the school, both during and after the nor-
22 mal school day;

23 “(4) enables students to receive an education
24 that is continuous and integrated, through such
25 strategies as partnerships with middle schools and
26 institutions of higher education;

1 “(5) helps students achieve their educational
2 and career goals, through such strategies as inte-
3 grated academic and vocational instruction that con-
4 nects students with career opportunities; and

5 “(6) functions as a center for the community,
6 through such strategies as increasing the involve-
7 ment of parents, employers, and others in the com-
8 munity.

9 “(b) REQUIRED COMPONENTS.—In order to institu-
10 tionalize the principles described in subsection (a), each
11 grantee under this part shall use funds that are provided
12 on behalf of a high school to implement (and, if necessary,
13 to use not more than 6 months to complete the planning
14 and development of) research-based educational reform
15 strategies throughout the entire school that—

16 “(1) in the case of a school with a schoolwide
17 program under part A of title I, build on and im-
18 prove the schoolwide reform program;

19 “(2) address the needs of students who are at
20 risk of failing to be promoted to the next grade or
21 to graduate, including—

22 “(A) covering material that students need
23 to master in order to pass State mandated exit
24 exams; and

1 “(B) strengthening curriculum, instruc-
2 tion, and assessments and by offering extended
3 learning opportunities such as after school,
4 weekend, and summer programs;

5 “(3) are implemented at the school level, but in-
6 clude strong support and assistance from the local
7 educational agency, as documented in its application;

8 “(4) make full and effective use of the re-
9 sources that the school receives under other Federal
10 programs;

11 “(5) make use of outside experts in high school
12 reform, unless the local educational agency dem-
13 onstrates in its application, to the Secretary’s satis-
14 faction, that the school’s reform strategy can be im-
15 plemented effectively without outside assistance;

16 “(6) include professional development of school
17 staff, including development of the skills needed to
18 use student achievement and other outcome data to
19 refine and improve the educational reform strategy;
20 and

21 “(7) provide for collecting data on, and evalu-
22 ating, the reforms and for reporting to the Secretary
23 on the results of those evaluations.

1 **“SEC. 10806. PRIVATE SCHOOLS.**

2 “(a) PROFESSIONAL DEVELOPMENT.—Each grantee
3 under section 10804 shall, in accordance with sections
4 11803 through 11806, provide for the equitable participa-
5 tion of private school personnel in the professional devel-
6 opment activities it carries out with grant funds.

7 “(b) INFORMATION.—If a grantee uses grant funds
8 to develop curricular materials, it shall make information
9 about those materials available to private schools at their
10 request.

11 **“SEC. 10807. ADDITIONAL ACTIVITIES.**

12 “From the amount available to carry out this part
13 for any fiscal year under section 10809, the Secretary
14 shall reserve the amount he finds appropriate to carry out
15 1 or more of the following:

16 “(1) INCENTIVE AWARDS.—

17 “(A)(i) The Secretary shall select a ran-
18 dom sample of schools from each of the first 2
19 years cohorts of grantees, along with a similarly
20 selected control group of comparable schools, to
21 participate in an incentive-based experiment,
22 under which the Secretary makes incentive pay-
23 ments to teachers and administrators in the
24 grantee schools if, after 3 years of program
25 participation, their students demonstrate sig-
26 nificant gains in student educational outcomes

1 compared to the gains made in the schools in
2 the control group.

3 “(ii) If those significant gains continue,
4 the Secretary may make further incentive pay-
5 ments to those teachers and administrators for
6 up to 2 additional years.

7 “(B) The Secretary shall base determina-
8 tions of student educational outcomes on mul-
9 tiple measures, including scores on State as-
10 sessments.

11 “(C) The maximum amount of an incentive
12 award under this paragraph is \$3,000 per
13 teacher and administrator per year, which may
14 be used by those individuals for any purpose.

15 “(2) RECOGNITION, DISSEMINATION, NET-
16 WORKS, AND PEER REVIEW.—The Secretary may—

17 “(A) recognize high schools and high
18 school reforms that show outstanding results;

19 “(B) disseminate information on those
20 schools and reforms;

21 “(C) carry out other activities to encourage
22 the spread and adoption of successful high
23 school reform strategies;

24 “(D) facilitate the creation of networks
25 among participating schools and local edu-

1 cational agencies, which may include schools
 2 and local educational agencies interested in
 3 meeting the purpose of this part; and

4 “(E) pay the costs of the peer review of
 5 applications under this part.

6 “(3) EVALUATION.—The Secretary may reserve
 7 funds, consistent with section 14701, to evaluate ac-
 8 tivities carried out under this part.

9 **“SEC. 10808. DEFINITION.**

10 “For the purpose of this part, the term ‘high school’
 11 means any school that serves students in 12th grade.

12 **“SEC. 10809. AUTHORIZATION OF APPROPRIATIONS.**

13 For the purpose of carrying out this part, there are
 14 authorized to be appropriated such sums as may be nec-
 15 essary for fiscal year 2001 and each of the 4 succeeding
 16 fiscal years.”.

17 **TITLE IV—DROPOUT PREVEN-**
 18 **TION AND STATE RESPON-**
 19 **SIBILITIES**

20 **SEC. 401. FINDINGS.**

21 The Congress finds that—

22 (1) Hispanic American students drop out of
 23 school at 3.5 times the rate of their white counter-
 24 parts;

1 (2) there are severe adverse personal and eco-
2 nomic consequences for youth that do not complete
3 secondary school including high unemployment rates
4 and low wages; and

5 (3) dropout prevention should be a national pri-
6 ority.

7 **SEC. 402. DROPOUT PREVENTION.**

8 Part C of title V is amended to read as follows:

9 **“PART C—ASSISTANCE TO ADDRESS SCHOOL**
10 **DROPOUT PROBLEMS**

11 **“Subpart 1—Coordinated National Strategy**

12 **“SEC. 5301. NATIONAL ACTIVITIES.**

13 “(a) NATIONAL PRIORITY.—It shall be a national pri-
14 ority, for the 5-year period beginning on the date of the
15 enactment of the Access to Excellence in Education for
16 the 21st Century Act, to lower the school dropout rate,
17 and increase school completion, for middle school and sec-
18 ondary school students in accordance with Federal law.
19 As part of this priority, all Federal agencies that carry
20 out activities that serve students at risk of dropping out
21 of school or that are intended to help address the school
22 dropout problem shall make school dropout prevention a
23 top priority in the agencies’ funding priorities during the
24 5-year period.

1 “(b) ENHANCED DATA COLLECTION.—The Secretary
2 shall collect systematic data on the participation of dif-
3 ferent racial and ethnic groups (including migrant and
4 limited English proficient students) in all Federal pro-
5 grams.

6 **“SEC. 5302. NATIONAL SCHOOL DROPOUT PREVENTION**
7 **STRATEGY.**

8 “(a) PLAN.—The Director shall develop, implement,
9 and monitor an interagency plan (in this section referred
10 to as the ‘plan’) to assess the coordination, use of re-
11 sources, and availability of funding under Federal law that
12 can be used to address school dropout prevention, or mid-
13 dle school or secondary school reentry. The plan shall be
14 completed and transmitted to the Secretary and Congress
15 not later than 180 days after the first Director is ap-
16 pointed.

17 “(b) COORDINATION.—The plan shall address inter-
18 and intra-agency program coordination issues at the Fed-
19 eral level with respect to school dropout prevention and
20 middle school and secondary school reentry, assess the tar-
21 geting of existing Federal services to students who are
22 most at risk of dropping out of school, and the cost effec-
23 tiveness of various programs and approaches used to ad-
24 dress school dropout prevention.

1 “(c) AVAILABLE RESOURCES.—The plan shall also
2 describe the ways in which State and local agencies can
3 implement effective school dropout prevention programs
4 using funds from a variety of Federal programs, including
5 the programs under title I and the School-to-Work Oppor-
6 tunities Act of 1994 (20 U.S.C. 6101 et seq.).

7 “(d) SCOPE.—The plan will address all Federal pro-
8 grams with school dropout prevention or school reentry
9 elements or objectives, programs under chapter 1 of sub-
10 part 2 of part A of title IV of the Higher Education Act
11 of 1965 (20 U.S.C. 1070a–11 et seq.), title I of this Act,
12 the School-to-Work Opportunities Act of 1994 (20 U.S.C.
13 6101 et seq.), part B of title IV of the Job Training Part-
14 nership Act (29 U.S.C. 1691 et seq.), subtitle C of title
15 I of the Workforce Investment Act of 1998 (29 U.S.C.
16 2881 et seq.), and other programs.

17 **“SEC. 5303. NATIONAL CLEARINGHOUSE.**

18 “Not later than 6 months after the date of the enact-
19 ment of the Access to Excellence in Education for the 21st
20 Century Act, the Director shall establish a national clear-
21 inghouse on effective school dropout prevention, interven-
22 tion and reentry programs. The clearinghouse shall be es-
23 tablished through a competitive grant or contract awarded
24 to an organization with a demonstrated capacity to pro-
25 vide technical assistance and disseminate information in

1 the area of school dropout prevention, intervention, and
2 reentry programs. The clearinghouse shall—

3 “(1) collect and disseminate to educators, par-
4 ents, and policymakers information on research, ef-
5 fective programs, best practices, and available Fed-
6 eral resources with respect to school dropout preven-
7 tion, intervention, and reentry programs, including
8 dissemination by an electronically accessible data-
9 base, a Worldwide Web site, and a national journal;
10 and

11 “(2) provide technical assistance regarding se-
12 curing resources with respect to, and designing and
13 implementing, effective and comprehensive school
14 dropout prevention, intervention, and reentry pro-
15 grams.

16 **“SEC. 5304. NATIONAL RECOGNITION PROGRAM.**

17 “(a) IN GENERAL.—The Director shall carry out a
18 national recognition program that recognizes schools that
19 have made extraordinary progress in lowering school drop-
20 out rates under which a public middle school or secondary
21 school from each State will be recognized. The Director
22 shall use uniform national guidelines that are developed
23 by the Director for the recognition program and shall rec-
24 ognize schools from nominations submitted by State edu-
25 cational agencies.

“Subpart 2—National School Dropout Prevention Initiative

14 “Congress finds that, in order to lower dropout rates
15 and raise academic achievement levels, improved and rede-
16 signed schools must—

19 “(2) ensure that all students have substantial
20 and ongoing opportunities to—

23 “(B) prepare for college and careers;

•HR 2719 IH

1 “(D) work with teachers in small schools
2 within schools;

3 “(E) receive ongoing support from adult
4 mentors;

5 “(F) access a wide variety of information
6 about careers and postsecondary education and
7 training;

8 “(G) use technology to enhance and moti-
9 vate learning; and

10 “(H) benefit from strong links among mid-
11 dle schools, secondary schools, and postsec-
12 ondary institutions.

13 **“SEC. 5312. PROGRAM AUTHORIZED.**

14 “(a) ALLOTMENTS TO STATES.—

15 “(1) IN GENERAL.—From the sum made avail-
16 able under section 5332(b) for a fiscal year the Sec-
17 retary shall make an allotment to each State in an
18 amount that bears the same relation to the sum as
19 the amount the State received under title I for the
20 preceding fiscal year bears to the amount received
21 by all States under such title for the preceding fiscal
22 year.

23 “(2) DEFINITION OF STATE.—In this subpart,
24 the term ‘State’ means each of the several States of
25 the United States, the District of Columbia, the

1 Commonwealth of Puerto Rico, the United States
2 Virgin Islands, Guam, American Samoa, the Com-
3 monwealth of the Northern Mariana Islands, the Re-
4 public of the Marshall Islands, the Federated States
5 of Micronesia, and the Republic of Palau.

6 “(b) GRANTS.—From amounts made available to a
7 State under subsection (a), the State educational agency
8 may award grants to public middle schools or secondary
9 schools, that have school dropout rates which are in the
10 highest 1/3 of all school dropout rates in the State, to en-
11 able the schools to pay only the startup and implementa-
12 tion costs of effective, sustainable, coordinated, and whole
13 school dropout prevention programs that involve activities
14 such as—

15 “(1) professional development;

16 “(2) obtaining curricular materials;

17 “(3) release time for professional staff;

18 “(4) planning and research;

19 “(5) remedial education;

20 “(6) reduction in pupil-to-teacher ratios;

21 “(7) efforts to meet State student achievement
22 standards; and

23 “(8) counseling for at-risk students.

24 “(c) INTENT OF CONGRESS.—It is the intent of Con-
25 gress that the activities started or implemented under sub-

1 section (a) shall be continued with funding provided under
2 part A of title I.

3 “(d) AMOUNT.—

4 “(1) IN GENERAL.—Subject to subsection (d)
5 and except as provided in paragraph (2), a grant
6 under this subpart shall be awarded—

7 “(A) in the first year that a school receives
8 a grant payment under this subpart, in an
9 amount that is not less than \$50,000 and not
10 more than \$100,000, based on factors such
11 as—

12 “(i) school size;

13 “(ii) costs of the model being imple-
14 mented; and

15 “(iii) local cost factors such as poverty
16 rates;

17 “(B) in the second such year, in an
18 amount that is not less than 75 percent of the
19 amount the school received under this subpart
20 in the first such year;

21 “(C) in the 3d year, in an amount that is
22 not less than 50 percent of the amount the
23 school received under this subpart in the first
24 such year; and

1 “(D) in each succeeding year in an amount
2 that is not less than 30 percent of the amount
3 the school received under this subpart in the
4 first such year.

5 “(2) INCREASES.—The Director shall increase
6 the amount awarded to a school under this subpart
7 by 10 percent if the school creates smaller learning
8 communities within the school and the creation is
9 certified by the State educational agency.

10 “(e) DURATION.—A grant under this subpart shall
11 be awarded for a period of 3 years, and may be continued
12 for a period of 2 additional years if the State educational
13 agency determines, based on the annual reports described
14 in section 5328(a), that significant progress has been
15 made in lowering the school dropout rate for students par-
16 ticipating in the program assisted under this subpart com-
17 pared to students at similar schools who are not partici-
18 pating in the program.

19 **“SEC. 5313. STRATEGIES AND ALLOWABLE MODELS.**

20 “(a) STRATEGIES.—Each school receiving a grant
21 under this subpart shall implement research based, sus-
22 tainable, and widely replicated, strategies for school drop-
23 out prevention and reentry that address the needs of an
24 entire school population rather than a subset of students.
25 The strategies may include—

1 “(1) specific strategies for targeted purposes;
2 and

3 “(2) approaches such as breaking larger schools
4 down into smaller learning communities and other
5 comprehensive reform approaches, developing clear
6 linkages to career skills and employment, and ad-
7 dressing specific gatekeeper hurdles that often limit
8 student retention and academic success.

9 “(b) ALLOWABLE MODELS.—The Director shall an-
10 nually establish and publish in the Federal Register the
11 principles, criteria, models, and other parameters regard-
12 ing the types of effective, proven program models that are
13 allowed to be used under this subpart, based on existing
14 research.

15 “(c) CAPACITY BUILDING.—

16 “(1) IN GENERAL.—The Director, through a
17 contract with a non-Federal entity, shall conduct a
18 capacity building and design initiative in order to in-
19 crease the types of proven strategies for dropout
20 prevention on a schoolwide level.

21 “(2) NUMBER AND DURATION.—

22 “(A) NUMBER.—The Director shall award
23 not more than 5 contracts under this sub-
24 section.

1 “(B) DURATION.—The Director shall
2 award a contract under this section for a period
3 of not more than 5 years.

4 “(d) SUPPORT FOR EXISTING REFORM NET-
5 WORKS.—

6 “(1) IN GENERAL.—The Director shall provide
7 appropriate support to eligible entities to enable the
8 eligible entities to provide training, materials, devel-
9 opment, and staff assistance to schools assisted
10 under this subpart.

11 “(2) DEFINITION OF ELIGIBLE ENTITY.—The
12 term ‘eligible entity’ means an entity that, prior to
13 the date of the enactment of the Access to Excel-
14 lence in Education for the 21st Century Act—

15 “(A) provided training, technical assist-
16 ance, and materials to 100 or more elementary
17 schools or secondary schools; and

18 “(B) developed and published a specific
19 educational program or design for use by the
20 schools.

21 **“SEC. 5314. SELECTION OF SCHOOLS.**

22 “(a) SCHOOL APPLICATION.—

23 “(1) IN GENERAL.—Each school desiring a
24 grant under this subpart shall submit an application
25 to the State educational agency at such time, in

1 such manner, and accompanied by such information
2 as the State educational agency may require.

3 “(2) CONTENTS.—Each application submitted
4 under paragraph (1) shall—

5 “(A) contain a certification from the local
6 educational agency serving the school that—

7 “(i) the school has the highest number
8 or rates of school dropouts in the age
9 group served by the local educational agen-
10 cy;

11 “(ii) the local educational agency is
12 committed to providing ongoing oper-
13 ational support, for the school’s com-
14 prehensive reform plan to address the
15 problem of school dropouts, for a period of
16 5 years; and

17 “(iii) the local educational agency will
18 support the plan, including—

19 “(I) release time for teacher
20 training;

21 “(II) efforts to coordinate activi-
22 ties for feeder schools; and

23 “(III) encouraging other schools
24 served by the local educational agency
25 to participate in the plan;

1 “(B) demonstrate that the faculty and ad-
2 ministration of the school have agreed to apply
3 for assistance under this subpart, and provide
4 evidence of the school’s willingness and ability
5 to use the funds under this subpart, including
6 providing an assurance of the support of 80
7 percent or more of the professional staff at the
8 school;

9 “(C) describe the instructional strategies
10 to be implemented, how the strategies will serve
11 all students, and the effectiveness of the strate-
12 gies;

13 “(D) describe a budget and timeline for
14 implementing the strategies;

15 “(E) contain evidence of interaction with
16 an eligible entity described in section
17 5323(d)(2);

18 “(F) contain evidence of coordination with
19 existing resources;

20 “(G) provide an assurance that funds pro-
21 vided under this subpart will supplement and
22 not supplant other Federal, State, and local
23 funds;

1 “(H) describe how the activities to be as-
 2 sisted conform with an allowable model de-
 3 scribed in section 5323(b); and

4 “(I) demonstrate that the school and local
 5 educational agency have agreed to conduct a
 6 schoolwide program under 1114.

7 “(b) STATE AGENCY REVIEW AND AWARD.—The
 8 State educational agency shall review applications and
 9 award grants to schools under subsection (a) according to
 10 a review by a panel of experts on school dropout preven-
 11 tion.

12 “(c) CRITERIA.—The Director shall establish clear
 13 and specific selection criteria for awarding grants to
 14 schools under this subpart. Such criteria shall be based
 15 on school dropout rates and other relevant factors for
 16 State educational agencies to use in determining the num-
 17 ber of grants to award and the type of schools to be award-
 18 ed grants.

19 “(d) ELIGIBILITY.—

20 “(1) IN GENERAL.—A school is eligible to re-
 21 ceive a grant under this subpart if the school is—

22 “(A) a public school—

23 “(i) that is eligible to receive assist-
 24 ance under part A of title I, including a
 25 comprehensive secondary school, a voca-

1 tional or technical secondary school, and a
2 charter school; and

3 “(ii)(I) that serves students 50 per-
4 cent or more of whom are low-income indi-
5 viduals; or

6 “(II) with respect to which the feeder
7 schools that provide the majority of the in-
8 coming students to the school serve stu-
9 dents 50 percent or more of whom are low-
10 income individuals; or

11 “(B) is participating in a schoolwide pro-
12 gram under section 1114 during the grant pe-
13 riod.

14 “(2) OTHER SCHOOLS.—A private or parochial
15 school, an alternative school, or a school within a
16 school, is not eligible to receive a grant under this
17 subpart, but an alternative school or school within a
18 school may be served under this subpart as part of
19 a whole school reform effort within an entire school
20 building.

21 “(e) COMMUNITY-BASED ORGANIZATIONS.—A school
22 that receives a grant under this subpart may use the grant
23 funds to secure necessary services from a community-
24 based organization, including private sector entities, if—

25 “(1) the school approves the use;

1 “(2) the funds are used to provide school drop-
2 out prevention and reentry activities related to
3 schoolwide efforts; and

4 “(3) the community-based organization has
5 demonstrated the organization’s ability to provide ef-
6 fective services as described in section 107(a) of the
7 Job Training Partnership Act (29 U.S.C. 1517(a)),
8 or section 122 of the Workforce Investment Act of
9 1998 (29 U.S.C. 2842).

10 “(f) COORDINATION.—Each school that receives a
11 grant under this subpart shall coordinate the activities as-
12 sisted under this subpart with other Federal programs,
13 such as programs assisted under chapter 1 of subpart 2
14 of part A of title IV of the Higher Education Act of 1965
15 (20 U.S.C. 1070a–11 et seq.) and the School-to-Work Op-
16 portunities Act of 1994 (20 U.S.C. 6101 et seq.).

17 **“SEC. 5315. DISSEMINATION ACTIVITIES.**

18 “Each school that receives a grant under this subpart
19 shall provide information and technical assistance to other
20 schools within the school district, including presentations,
21 document sharing, and joint staff development.

22 **“SEC. 5316. PROGRESS INCENTIVES.**

23 “Notwithstanding any other provision of law, each
24 local educational agency that receives funds under title I
25 shall use such funding to provide assistance to schools

1 served by the agency that have not made progress toward
2 lowering school dropout rates after receiving assistance
3 under this subpart for 2 fiscal years.

4 **“SEC. 5317. SCHOOL DROPOUT RATE CALCULATION.**

5 “For purposes of calculating a school dropout rate
6 under this subpart, a school shall use—

7 “(1) the annual event school dropout rate for
8 students leaving a school in a single year determined
9 in accordance with the National Center for Edu-
10 cation Statistics’ Common Core of Data, if available;
11 or

12 “(2) in other cases, a standard method for cal-
13 culating the school dropout rate as determined by
14 the State educational agency.

15 **“SEC. 5318. REPORTING AND ACCOUNTABILITY.**

16 “(a) REPORTING.—In order to receive funding under
17 this subpart for a fiscal year after the first fiscal year a
18 school receives funding under this subpart, the school shall
19 provide, on an annual basis, to the Director a report re-
20 garding the status of the implementation of activities
21 funded under this subpart, the disaggregated outcome
22 data for students at schools assisted under this subpart
23 such as dropout rates, and certification of progress from
24 the eligible entity whose strategies the school is imple-
25 menting.

1 “(b) ACCOUNTABILITY.—On the basis of the reports
 2 submitted under subsection (a), the Director shall evaluate
 3 the effect of the activities assisted under this subpart on
 4 school dropout prevention compared to a control group.

5 **“SEC. 5319. PROHIBITION ON TRACKING.**

6 “(a) IN GENERAL.—A school shall be ineligible to re-
 7 ceive funding under this subpart for a fiscal year, if the
 8 school—

9 “(1) has in place a general education track;

10 “(2) provides courses with significantly dif-
 11 ferent material and requirements to students at the
 12 same grade level; or

13 “(3) fails to encourage all students to take a
 14 core curriculum of courses.

15 “(b) REGULATIONS.—The Secretary shall promul-
 16 gate regulations implementing subsection (a).

17 **“Subpart 3—Definitions; Authorization of**
 18 **Appropriations**

19 **“SEC. 5321. DEFINITIONS.**

20 “‘In this Act:

21 “(1) DIRECTOR.—The term ‘Director’ means
 22 the Director of the Office of Dropout Prevention and
 23 Program Completion established under section 220
 24 of the General Education Provisions Act.

1 “(2) LOW-INCOME.—The term ‘low-income’,
2 used with respect to an individual, means an indi-
3 vidual determined to be low-income in accordance
4 with measures described in section 1113(a)(5) of the
5 Elementary and Secondary Education Act of 1965
6 (20 U.S.C. 6313(a)(5)).

7 “(3) SCHOOL DROPOUT.—The term ‘school
8 dropout’ has the meaning given the term in section
9 4(17) of the School-to-Work Opportunities Act of
10 1994 (20 U.S.C. 6103(17)).

11 **“SEC. 5322. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) SUBPART 1.—There are authorized to be appro-
13 priated to carry out subpart 1, \$5,000,000 for fiscal year
14 2000 and such sums as may be necessary for each of the
15 4 succeeding fiscal years.

16 “(b) SUBPART 2.—There are authorized to be appro-
17 priated to carry out subpart 2, \$145,000,000 for fiscal
18 year 2000 and such sums as may be necessary for each
19 of the 4 succeeding fiscal years, of which—

20 “(1) \$125,000,000 shall be available to carry
21 out section 5312; and

22 “(2) \$20,000,000 shall be available to carry out
23 section 5313.”.

1 **SEC. 403. OFFICE OF DROPOUT PREVENTION AND PRO-**
2 **GRAM COMPLETION.**

3 Title II of the Department of Education Organization
4 Act (20 U.S.C. 3411) is amended—

5 (1) by redesignating section 216 (as added by
6 Public Law 103–227) as section 218; and

7 (2) by adding at the end the following:

8 **“SEC. 220. OFFICE OF DROPOUT PREVENTION AND PRO-**
9 **GRAM COMPLETION.**

10 “(a) ESTABLISHMENT.—There shall be in the De-
11 partment of Education an Office of Dropout Prevention
12 and Program Completion (hereafter in this section re-
13 ferred to as the ‘Office’), to be administered by the Direc-
14 tor of the Office of Dropout Prevention and Program
15 Completion. The Director of the Office shall report di-
16 rectly to the Secretary and shall perform such additional
17 functions as the Secretary may prescribe.

18 “(b) DUTIES.—The Director of the Office of Dropout
19 Prevention and Program Completion (hereafter in this
20 section referred to as the ‘Director’), through the Office,
21 shall—

22 “(1) help coordinate Federal, State, and local
23 efforts to lower school dropout rates and increase
24 program completion by middle school, secondary
25 school, and college students;

1 “(2) recommend Federal policies, objectives,
2 and priorities to lower school dropout rates and in-
3 crease program completion;

4 “(3) oversee the implementation of subpart 2 of
5 part C of title V of the Elementary and Secondary
6 Education Act of 1965;

7 “(4) develop and implement the National
8 School Dropout Prevention Strategy under section
9 5302 of the Elementary and Secondary Education
10 Act of 1965;

11 “(5) annually prepare and submit to Congress
12 and the Secretary a national report describing ef-
13 forts and recommended actions regarding school
14 dropout prevention and program completion;

15 “(6) recommend action to the Secretary and the
16 President, as appropriate, regarding school dropout
17 prevention and program completion; and

18 “(7) consult with and assist State and local
19 governments regarding school dropout prevention
20 and program completion.

21 “(c) SCOPE OF DUTIES.—The scope of the Director’s
22 duties under subsection (b) shall include examination of
23 all Federal and non-Federal efforts related to—

24 “(1) promoting program completion for children
25 attending middle school or secondary school;

1 “(2) programs to obtain a secondary school di-
 2 ploma or its recognized equivalent (including general
 3 equivalency diploma (GED) programs), or college
 4 degree programs; and

5 “(3) reentry programs for individuals aged 12
 6 to 24 who are out of school.

7 “(d) DETAILING.—In carrying out the Director’s du-
 8 ties under this section, the Director may request the head
 9 of any Federal department or agency to detail personnel
 10 who are engaged in school dropout prevention activities
 11 to another Federal department or agency in order to im-
 12 plement the National School Dropout Prevention Strat-
 13 egy.”.

14 **SEC. 404. STATE RESPONSIBILITIES.**

15 Title XIV is amended by adding at the end the fol-
 16 lowing:

17 **“PART I—DROPOUT PREVENTION**

18 **“SEC. 14851. DROPOUT PREVENTION.**

19 “In order to receive any assistance under this Act,
 20 a State educational agency shall comply with the following
 21 provisions regarding school dropouts:

22 “(1) UNIFORM DATA COLLECTION.—Within 1
 23 year after the date of the enactment of the Access
 24 to Excellence in Education for the 21st Century Act,
 25 a State educational agency shall report to the Sec-

1 retary and statewide, all school district and school
2 data regarding school dropout rates in the State,
3 and demographic breakdowns, according to proce-
4 dures that conform with the National Center for
5 Education Statistics' Common Core of Data.

6 “(2) ATTENDANCE NEUTRAL FUNDING POLI-
7 CIES.—Within 2 years after the date of the enact-
8 ment of the Access to Excellence in Education for
9 the 21st Century Act, a State educational agency
10 shall develop and implement education funding for-
11 mula policies for public schools that provide appro-
12 priate incentives to retain students in school
13 throughout the school year, such as—

14 “(A) a student count methodology that
15 does not determine annual budgets based on at-
16 tendance on a single day early in the academic
17 year; and

18 “(B) specific incentives for retaining en-
19 rolled students throughout each year.

20 “(3) SUSPENSION AND EXPULSION POLICIES.—
21 Within 2 years after the date of the enactment of
22 the Access to Excellence in Education for the 21st
23 Century Act, a State educational agency shall de-
24 velop uniform, long-term suspension and expulsion
25 policies for serious infractions resulting in more than

1 10 days of exclusion from school per academic year
2 so that similar violations result in similar pen-
3 alties.”.

○