

106TH CONGRESS  
1ST SESSION

# S. 1422

To amend the Elementary and Secondary Education Act of 1965 to improve the quality of education and raise student achievement by strengthening accountability, raising standards for teachers, rewarding success, and providing better information to parents.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 1999

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to improve the quality of education and raise student achievement by strengthening accountability, raising standards for teachers, rewarding success, and providing better information to parents.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “School Quality Counts  
5 Act”.

1 **TITLE I—STATE PLANS FOR IM-**  
 2 **PROVING BASIC PROGRAMS**  
 3 **OPERATED BY STATE AND**  
 4 **LOCAL EDUCATIONAL AGEN-**  
 5 **CIES.**

6 **SEC. 101. ACCOUNTABILITY.**

7 (a) IN GENERAL.—Section 1111(b)(2) of the Ele-  
 8 mentary and Secondary Education Act of 1965 (20 U.S.C.  
 9 6311(b)(2)) is amended—

10 (1) in subparagraph (A)—

11 (A) by striking “and” at the end of clause

12 (i);

13 (B) by striking the period at the end of  
 14 clause (ii) and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(iii) the State toward enabling all  
 17 children in schools receiving assistance  
 18 under this part to meet the State’s student  
 19 performance standards.”;

20 (2) in subparagraph (B), by striking clauses (i)  
 21 and (ii) and inserting the following:

22 “(i) that establishes a single high  
 23 standard of performance for all students;

24 “(ii) that takes into account the  
 25 progress of all students of each local edu-

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

3           “(iii) that compares the proportions of  
4           students who are ‘not proficient’, ‘partially  
5           proficient’, ‘proficient’, and ‘advanced’ at  
6           the grade levels at which assessments are  
7           conducted with the proportions of students  
8           in each of the 4 categories at the same  
9           grade level in the previous school year;

10          “(iv) that considers separately, within  
11          each State, local educational agency, and  
12          school, the performance and progress of  
13          students by gender, by each major ethnic  
14          and racial group, by English proficiency  
15          status, by migrant status, by students with  
16          disabilities as compared to nondisabled  
17          students, and by economically disadvan-  
18          taged students as compared to students  
19          who are not economically disadvantaged  
20          (except that such disaggregation shall not  
21          be required in a case where the number of  
22          students in a category is insufficient to  
23          yield statistically reliable information or  
24          the results would reveal individually identi-

1                   fiable information about an individual stu-  
 2                   dent); and

3                   “(v) that includes annual numerical  
 4                   goals for improving the performance of all  
 5                   groups specified in clause (iv) and nar-  
 6                   rowing gaps in performance between these  
 7                   groups.”; and

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

9                   “(C) The Secretary shall collect and review  
 10                  the information from States on the adequate  
 11                  yearly progress of schools and local educational  
 12                  agencies required under subparagraphs (A) and  
 13                  (B) for the purpose of determining State and  
 14                  local compliance with section 1116.”.

15           (b) REGULATIONS.—The Secretary shall promulgate  
 16 regulations and amendments to regulations to carry out  
 17 the amendments made by subsection (a) not later than  
 18 6 months after the date of the enactment of this Act and  
 19 shall review State plans submitted under section 1111 of  
 20 the Elementary and Secondary Education Act of 1965 be-  
 21 fore such date to determine their compliance with the reg-  
 22 ulations. The Secretary shall require States to revise their  
 23 plans if necessary to satisfy the requirements of the regu-  
 24 lations. Such revised plans shall be submitted to the Sec-

1   retary for approval not later than 1 year after the date  
2   of enactment of this Act.

3   **SEC. 102. SCHOOL REPORT CARDS.**

4       Section 1111(b) of the Elementary and Secondary  
5   Education Act of 1965 (20 U.S.C. 6311(b)) is amended—

6           (1) by amending the subsection heading to read  
7       as follows: “(b) STANDARDS, ASSESSMENTS, AND  
8       ACCOUNTABILITY.—”

9           (2) by redesignating paragraphs (4) through  
10       (8) as paragraphs (6) through (10), respectively;  
11       and

12           (3) by inserting after paragraph (3) the fol-  
13       lowing:

14           “(4) DISSEMINATION OF RESULTS TO PAR-  
15       ENTS.—Each State plan shall contain assurances  
16       that, beginning in the 2001–2002 school year, and  
17       annually thereafter, all schools served under this  
18       part shall—

19           “(A) report the results of all assessments  
20       described in paragraph (3) used to measure the  
21       performance of a student attending the school  
22       to each parent or legal guardian of the student;

23           “(B) report the results in a uniform and  
24       understandable format;

1 “(C) ensure that the reports are based on  
 2 the same assessments described in paragraph  
 3 (3);

4 “(D) include in the reports a description of  
 5 whether the student has demonstrated ‘ad-  
 6 vanced’, ‘proficient’, ‘partially proficient’, or  
 7 ‘not proficient’ levels of performance in each  
 8 subject area;

9 “(E) include in the reports—

10 “(i) a comparison of the proportions  
 11 of students enrolled in that school, in the  
 12 local educational agency, and in the State  
 13 who are ‘not proficient’, ‘partially pro-  
 14 ficient’, ‘proficient’, and ‘advanced’ in each  
 15 subject area, for each grade level at which  
 16 assessments are conducted, with propor-  
 17 tions in each of the same 4 categories at  
 18 the same grade levels in the previous  
 19 school year;

20 “(ii) the percentage of students in the  
 21 school on which the results in clause (i)  
 22 are based; and

23 “(iii) information, in the aggregate,  
 24 on the qualifications of classroom teachers  
 25 in the student’s school, including—

1 “(I) the percentage of classroom  
 2 teachers in the school who meet all  
 3 State and local requirements to teach  
 4 at all grade levels and in all subject  
 5 areas in which they provide instruc-  
 6 tion;

7 “(II) in middle and secondary  
 8 schools, the percentage of classes  
 9 taught by teachers who do not have a  
 10 college major, or who have not passed  
 11 a rigorous subject area test, in the  
 12 subject being taught; and

13 “(III) the percentage of class-  
 14 room teachers in the school teaching  
 15 under ‘emergency’ or other provisional  
 16 credentials.

17 “(5) DISSEMINATION OF RESULTS TO THE PUB-  
 18 LIC.—Each State plan shall contain assurances that,  
 19 beginning in the 2001–2002 school year, and annu-  
 20 ally thereafter, each State shall—

21 “(A) ensure that overall student perform-  
 22 ance data on all assessments described in para-  
 23 graph (3) are compiled, published, and dissemi-  
 24 nated widely to the general public;

1           “(B) ensure that the data includes a com-  
2           parison of the proportions of students who are  
3           ‘not proficient’, ‘partially proficient’, ‘pro-  
4           ficient’, and ‘advanced’ at the grade levels at  
5           which assessments are conducted with propor-  
6           tions in each of the same 4 categories at the  
7           same grade levels in the previous school year;

8           “(C) ensure that the data is disaggregated  
9           within the State, local educational agency, and  
10          school by gender, by each major racial and eth-  
11          nic group, by English proficiency status, by mi-  
12          grant status, by students with disabilities as  
13          compared to nondisabled students, and by eco-  
14          nomicallly disadvantaged students as compared  
15          to students who are not economically disadvan-  
16          taged (except that such disaggregation shall not  
17          be required in a case where the number of stu-  
18          dents in any category is insufficient to yield  
19          statistically reliable information or the results  
20          would reveal individually identifiable informa-  
21          tion about an individual student);

22          “(D) ensure that the reports are—

23                  “(i) distributed to local print and  
24                  broadcast media; and



1 “(ii) posted on a web site on the  
2 Internet.”.

3 **SEC. 103. TEACHER QUALITY.**

4 Section 1111 of the Elementary and Secondary Edu-  
5 cation Act of 1965 (20 U.S.C. 6311) is amended—

6 (1) by redesignating subsections (c) through (g)  
7 as subsections (e) through (i), respectively; and

8 (2) by inserting after subsection (b) the fol-  
9 lowing:

10 “(c) TEACHER QUALITY.—

11 “(1) DISSEMINATION TO PARENTS.—Each  
12 State plan shall contain assurances that all schools  
13 served under this part make available to each par-  
14 ent, in a uniform and understandable format, infor-  
15 mation on the qualifications of their child’s class-  
16 room teachers with regard to the subject areas and  
17 grade levels in which the teacher provides instruc-  
18 tion. Such information shall include—

19 “(A) whether the teacher has met all State  
20 qualification and licensing criteria for the grade  
21 levels and subject areas in which the teacher  
22 provides instruction;

23 “(B) whether the teacher is teaching under  
24 ‘emergency’ or other provisional status;

1           “(C) the college major of the teacher and  
2           any other graduate certification or degree held  
3           by the teacher, and the field or discipline of  
4           each certification or degree.

5           “(2) SPECIAL PARENTAL NOTIFICATION.—Each  
6           State plan shall contain assurances that—

7           “(A) the State shall ensure that all schools  
8           served under this part notify in writing the par-  
9           ents or guardians of any student who is receiv-  
10          ing academic instruction from a teacher who  
11          has not fully met all State requirements to pro-  
12          vide instruction at the grade level at which, and  
13          in the subject areas in which, the teacher is  
14          providing instruction to the student;

15          “(B) the notification required under sub-  
16          paragraph (A) shall be made—

17                 “(i) to parents or guardians of any  
18                 student who is receiving instruction from a  
19                 teacher who has been exempted from State  
20                 qualification and licensing criteria or for  
21                 whom State qualification or licensing cri-  
22                 teria have been waived under ‘emergency’,  
23                 ‘provisional’, or other similar procedures;

1 “(ii) not more than 15 days after the  
2 student has been assigned to a teacher de-  
3 scribed in the subparagraph; and

4 “(C) before being allowed to accept a  
5 teaching assignment in the State, a teacher who  
6 has not fully met all State requirements to pro-  
7 vide instruction at a grade level or in a subject  
8 area in which the teacher is to provide instruc-  
9 tion is informed of the notification requirement  
10 under this paragraph.

11 “(3) PUBLIC REPORTING.—Each State plan  
12 shall contain assurances that the State shall compile,  
13 aggregate, publish, distribute to major print and  
14 broadcast media outlets throughout the State and  
15 post on a web site on the Internet the information  
16 described in paragraph (1) for each school, local  
17 educational agency, and the State.

18 “(4) QUALIFICATIONS OF CERTAIN INSTRU-  
19 CTIONAL STAFF.—

20 “(A) Each State plan shall contain assur-  
21 ances that, not later than 2 years after the date  
22 of the enactment of the School Quality Counts  
23 Act—

24 “(i) all instructional staff who provide  
25 services to students under section 1114 or

1           1115 have demonstrated the subject mat-  
2           ter knowledge, teaching knowledge, and  
3           teaching skill necessary to teach effectively  
4           in the content area or areas in which they  
5           provide instruction, according to the cri-  
6           teria described in this paragraph;

7           “(ii) except as provided in subpara-  
8           graph (F), funds under this part may not  
9           be used to support instructional staff who  
10          provide services to students under section  
11          1114 or 1115 for whom State qualification  
12          or licensing requirements have been waived  
13          or who are teaching under an ‘emergency’  
14          or other provisional credential.

15          “(B) For purposes of subparagraph (A),  
16          instructional staff who teach elementary school  
17          students are required, at a minimum, to hold a  
18          bachelor’s degree and demonstrate general  
19          knowledge, teaching skill, and subject matter  
20          knowledge required to teach effectively in read-  
21          ing, writing, mathematics, social studies,  
22          science, and other elements of a liberal arts  
23          education.

24          “(C) For purposes of subparagraph (A),  
25          instructional staff who teach in middle schools

1 and secondary schools are required, at a min-  
2 imum, to hold a bachelor's degree or higher and  
3 demonstrate a high level of competence in all  
4 subject areas in which they teach through—

5 “(i) a high level of performance on  
6 rigorous academic subject area tests; or

7 “(ii) completion of an academic major  
8 in each of the subject areas in which they  
9 provide instruction and at least a B aver-  
10 age.

11 “(D) For purposes of subparagraph (A)  
12 funds under this part may be used to employ  
13 teacher aides or other paraprofessionals who do  
14 not meet the requirements under subparagraphs  
15 (B) and (C) only if such aides or  
16 paraprofessionals—

17 “(i) provide instruction only when  
18 under the direct and immediate super-  
19 vision, and in the immediate presence, of  
20 instructional staff who meet the criteria of  
21 this paragraph; and

22 “(ii) possess particular skills nec-  
23 essary to assist instructional staff in pro-  
24 viding services to students served under  
25 this Act.

1           “(E) Each State plan shall contain assur-  
2           ances that beginning on the date of the enact-  
3           ment of the School Quality Counts Act, no  
4           school served under this part may use funds re-  
5           ceived under this Act to hire instructional staff  
6           who do not fully meet all the criteria for in-  
7           structional staff described in this paragraph.

8           “(F) Each State plan shall contain assur-  
9           ances that not later than 6 months after the  
10          date of the enactment of the School Quality  
11          Counts Act, and annually thereafter, the prin-  
12          cipal of each school served under this part shall,  
13          in writing, attest to the fact that all members  
14          of their instructional staff meet the require-  
15          ments of this paragraph. In a case in which  
16          there are instructional staff who have yet to  
17          meet all requirements to provide instruction in  
18          each of the subject areas and at each of the  
19          grade levels to which they are assigned to teach,  
20          the principal shall submit, in writing, a plan for  
21          ensuring that not later than 2 years after the  
22          date of the enactment of the School Quality  
23          Counts Act all instructional staff will either  
24          meet all requirements under this paragraph or

1 will no longer provide instruction to students  
 2 served under this part.

3 “(G) For purposes of this paragraph, the  
 4 term ‘instructional staff’ includes any individual  
 5 who has responsibility for providing any student  
 6 or group of students with instruction in any of  
 7 the core academic subject areas, including read-  
 8 ing, writing, language arts, mathematics,  
 9 science, and social studies.

10 “(d) Each State plan shall describe how the State  
 11 educational agency will help each local educational agency  
 12 and school develop the capacity to comply with the require-  
 13 ments of this section.”.

14 **SEC. 104. QUALIFIED TEACHER IN EVERY CLASSROOM.**

15 (a) IN GENERAL.—Title I of the Elementary and  
 16 Secondary Education Act of 1965 is amended by inserting  
 17 after section 1119 the following new section:

18 **“SEC. 1119A. A QUALIFIED TEACHER IN EVERY CLASSROOM.**

19 “(a) USES OF FUNDS.—In order to meet the goal  
 20 under section 1111(c)(4) of ensuring that all instructional  
 21 staff have the subject matter knowledge, teaching knowl-  
 22 edge, and teaching skill necessary to teach effectively in  
 23 the content area or areas in which they provide instruc-  
 24 tion, local educational agencies may, notwithstanding any  
 25 other provision of law, use funds received under title II,

1 title VI, and section 307 of the Department of Education  
 2 Appropriations Act, 1999, the Higher Education Act of  
 3 1965, or the Goals 2000: Educate America Act—

4 “(1) to recruit fully qualified teachers, includ-  
 5 ing through the use of signing bonuses or other fi-  
 6 nancial incentives;

7 “(2) to collaborate with programs that recruit,  
 8 place, and train qualified teachers; or

9 “(3) to provide the necessary education and  
 10 training, including paying the costs of college tuition  
 11 and other student fees (for programs that meet the  
 12 criteria under section 203(2)(A)(i) of the Higher  
 13 Education Amendments of 1998), to help current  
 14 teachers or other school personnel who do not meet  
 15 these criteria attain the necessary qualifications and  
 16 licensing requirements, except that in order to qual-  
 17 ify for college tuition payments under this clause, an  
 18 individual must be within 2 years of completing an  
 19 undergraduate degree and must agree to teach for  
 20 at least 2 subsequent years after receiving such de-  
 21 gree in a school that—

22 “(A) is located in a local educational agen-  
 23 cy that is eligible in that academic year for as-  
 24 sistance under this title; and



1           “(B) for that academic year, has been de-  
 2           termined by the Secretary to be a school in  
 3           which the enrollment of children counted under  
 4           section 1124(c) exceeds 50 percent of the total  
 5           enrollment of that school.

6           “(b) CORRECTIVE ACTION.—The State educational  
 7           agency shall take corrective action consistent with section  
 8           1116(c)(5)(B)(i), with the goal of meeting the require-  
 9           ments under this paragraph, against any local educational  
 10          agency that does not make sufficient effort to comply with  
 11          section 103 within the time specified. Such corrective ac-  
 12          tion shall be taken regardless of the conditions set forth  
 13          in section 1116(c)(5)(B)(ii). In a case in which the State  
 14          fails to take corrective action, the Secretary shall withhold  
 15          funds from such State up to an amount equal to that re-  
 16          served under sections 1003(a) and 1603(c).”.

17          (b) INSTRUCTIONAL AIDES.—Section 1119 of Ele-  
 18          mentary and Secondary Education Act of 1965 is amend-  
 19          ed by striking subsection (i).

20          (c) CLERICAL AMENDMENT.—The table of sections  
 21          for the Elementary and Secondary Education Act of 1965  
 22          is amended by inserting after the item relating to section  
 23          1119 the following new item:

“Sec. 1119A. A qualified teacher in every classroom.”.

1 **SEC. 105. LIMITATION.**

2 Part E of title XIV of the Elementary and Secondary  
3 Education Act of 1965 is amended by adding at the end  
4 the following:

5 **“SEC. 14515. PROHIBITION REGARDING PROFESSIONAL DE-**  
6 **VELOPMENT SERVICES.**

7 “None of the funds provided under this Act may be  
8 used for any professional development services for a teach-  
9 er that are not directly related to the curriculum and con-  
10 tent areas in which the teacher provides instruction.”.

11 **TITLE II—ACADEMIC ACHIEVE-**  
12 **MENT AWARDS PROGRAM**

13 **SEC. 201. ACADEMIC ACHIEVEMENT AWARDS.**

14 Subpart 1 of part A of title I of the Elementary and  
15 Secondary Education Act of 1965 (20 U.S.C. 6311–6323)  
16 is amended—

17 (1) by redesignating sections 1120, 1120A, and  
18 1120B as sections 1120A, 1120B, and 1120C, re-  
19 spectively; and

20 (2) by inserting after section 1119A, as added  
21 by section 104 of this Act, the following:

22 **“SEC. 1120. ACADEMIC ACHIEVEMENT AWARDS.**

23 “(a) ESTABLISHMENT OF PROGRAMS.—Each State  
24 receiving a grant under this title shall establish an Aca-  
25 demic Achievement Awards Program to recognize and  
26 reward—

1           “(1) local educational agencies and schools that  
2           operate programs under section 1114 or 1115 and  
3           that demonstrate outstanding yearly progress, con-  
4           sistent with section 1111(b)(2)(A), for 2 or more  
5           consecutive years; and

6           “(2) teachers who provide instruction in such  
7           programs.

8           “(b) RESERVATION.—Each State receiving a grant  
9           under this title shall reserve, from the amount (if any)  
10          by which the funds received by the State under this title  
11          for the fiscal year exceed the amount received by the State  
12          in the preceding fiscal year, 25 percent of such additional  
13          amount (plus any additional amount the State may find  
14          necessary to address a demonstrated need for an academic  
15          achievement award program), for awards to local edu-  
16          cational agencies, schools, and teachers of classes that  
17          demonstrate outstanding yearly progress (consistent with  
18          section 1111(b)(2)(B)) for 2 or more consecutive years.

19          “(c) TYPES OF AWARDS.—Each State shall use funds  
20          reserved under this section to present financial awards  
21          to—

22               “(1) the schools and local educational agencies  
23               that the State determines have demonstrated the  
24               greatest progress in improving student achievement  
25               (consistent with section 1111(b)(2)(B)); and

1           “(2) teachers who demonstrate the ability to  
 2           consistently help students make significant achieve-  
 3           ment gains, consistent with section 1111(b)(2)(B),  
 4           in the subject areas in which the teacher provides in-  
 5           struction.

6           “(d) CALCULATION OF AWARD AMOUNTS.—Award  
 7           amounts to local educational agencies and schools shall be  
 8           proportionate to the amount of aid such local educational  
 9           agency or school received under this part for the preceding  
 10          fiscal year. The amount awarded to a teacher that quali-  
 11          fies for an award under this section shall be uniform  
 12          throughout the State.

13          “(e) SPECIAL RULE.—Each State shall allocate not  
 14          less than 85 percent of funds reserved under subsection  
 15          (b) to schools that—

16               “(1) reside in a local educational agency that is  
 17               eligible in that academic year for assistance under  
 18               section 1124; and

19               “(2) for that academic year, have been deter-  
 20               mined by the Secretary to be a school in which the  
 21               enrollment of children counted under section 1124(c)  
 22               exceeds 50 percent of the total enrollment of that  
 23               school,  
 24          or to teachers providing instruction within such schools.

1       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
 2 are authorized to be appropriated to carry out this section  
 3 such additional sums as may be necessary to supplement  
 4 the academic achievement awards program. Such funds  
 5 shall be allocated to a State in an amount proportionate  
 6 to the amount of aid such State received under this part  
 7 for the preceding fiscal year.”.

## 8           **TITLE III—CONFORMING** 9 **AMENDMENTS; EFFECTIVE DATE**

### 10 **SEC. 301. CONFORMING AMENDMENTS.**

11       (a) SECTION 102 CONFORMING AMENDMENTS.—

12           (1) STANDARDS AND ASSESSMENTS.—Section  
 13 1111(b) of the Elementary and Secondary Edu-  
 14 cation Act of 1965 (20 U.S.C. 6311(b)) is  
 15 amended—

16           (A) in paragraph (1)(C), by striking  
 17 “paragraph (6)” and inserting “paragraph  
 18 (8)”; and

19           (B) in paragraph (7)(A), by striking  
 20 “paragraph (6)(B)” and inserting “paragraph  
 21 (8)(B)”.

22       (2) SCHOOL IMPROVEMENT.—Section  
 23 1116(e)(1)(C) of such Act (20 U.S.C.  
 24 6317(e)(1)(C)) is amended by striking “section

1       1111(b)(7)(B)”       and       inserting       “section  
2       1111(b)(9)(B)”.

3               (3) STATE REVIEW AND LOCAL EDUCATIONAL  
4       AGENCY IMPROVEMENT.—Section 1116(d)(3)(A)(ii)  
5       of such Act (20 U.S.C. 6317(d)(3)(A)) is amended  
6       by striking “section 1111(b)(7)(B)” and inserting  
7       “section 1111(b)(9)(B)”.

8               (4) BUILDING CAPACITY FOR INVOLVEMENT.—  
9       Section 1118(e)(1) of such Act (20 U.S.C.  
10       6319(e)(1)) is amended by striking “section  
11       1111(b)(8)” and inserting “section 1111(b)(10)”.

12       (b) SECTION 103 CONFORMING AMENDMENTS.—Sec-  
13       tion 1111(d)(1) of the Elementary and Secondary Edu-  
14       cation Act of 1965 (20 U.S.C. 6311(d)(1)) is amended—

15               (1) in subparagraphs (C) and (E)(ii), by strik-  
16       ing “and (c)” and inserting “and (e)”; and

17               (2) in subparagraph (D), by striking “or (c)”  
18       and inserting “or (d)”.

19       (c) SECTION 201 CONFORMING AMENDMENTS.—

20               (1) AUTHORIZATION OF APPROPRIATIONS.—  
21       Section 1002 of the Elementary and Secondary Edu-  
22       cation Act of 1965 (20 U.S.C. 6302) is amended—

23               (A) in subsection (a), by striking “section  
24       1120(e)” and inserting “section 1120A(e)”; and

1 (B) in subsection (e), by striking “section  
2 1120(e)” and inserting “section 1120A(e)”.

3 (2) ADDITIONAL STATE ALLOCATIONS FOR  
4 SCHOOL IMPROVEMENT.—Section 1003(b) of such  
5 Act (20 U.S.C. 6303(b)) is amended by striking  
6 “section 1120(e)” both places it appears and insert-  
7 ing “section 1120A(e)”.

8 (3) ASSURANCES.—Section 1112(c)(1)(F) of  
9 such Act (20 U.S.C. 6312(c)(1)(F)) is amended by  
10 striking “section 1120” and inserting “section  
11 1120A”.

12 (4) LOCAL EDUCATIONAL AGENCY DISCRE-  
13 TION.—Section 1113(b)(1)(C)(i) of such Act (20  
14 U.S.C. 6313(b)(1)(C)(i)) is amended by striking  
15 “section 1120A(c)” and inserting “section  
16 1120B(c)”.

17 (5) ASSURANCES.—Section 1304(c)(2) of such  
18 Act (20 U.S.C. 6394(c)(2)) is amended—

19 (A) by striking “section 1120” and insert-  
20 ing “section 1120A”; and

21 (B) by striking “section 1120A” and in-  
22 serting “section 1120B”.

23 (6) PROGRAMS AND PROJECTS.—Section  
24 1415(a)(2)(C) of such Act (20 U.S.C.

1       6435(a)(2)(C)) is amended by striking “section  
2       1120A” and inserting “section 1120B”.

3           (7) SUPPLEMENT, NOT SUPPLANT.—Section  
4       1415(b) of such Act (20 U.S.C. 6435(b)) is amend-  
5       ed by striking “section 1120A” and inserting “sec-  
6       tion 1120B”.

7   **SEC. 302. EFFECTIVE DATE.**

8       Except as otherwise provided, the amendments made  
9   by this Act shall take effect on the date of the enactment  
10 of this Act.

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