

106TH CONGRESS
1ST SESSION

S. 1677

To establish a child centered program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 1999

Mr. GREGG (for himself and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish a child centered program, 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,*

3 **SECTION 1. ESTABLISHMENT OF THE CHILD CENTERED**
4 **PROGRAM.**

5 Part A of title I of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 6311 et seq.) is amend-
7 ed by adding at the end the following:

8 **“Subpart 3—Child Centered Program**

9 **“SEC. 1131. DEFINITIONS.**

10 **“In this subpart:**

1 “(1) ELIGIBLE CHILD.—The term ‘eligible
2 child’ means a child who—

3 “(A) is eligible to be counted under section
4 1124(c); or

5 “(B)(i) the State or participating local
6 educational agency elects to serve under this
7 subpart; and

8 “(ii) is a child eligible to be served under
9 this part pursuant to section 1115(b).

10 “(2) PARTICIPATING LOCAL EDUCATIONAL
11 AGENCY.—The term ‘participating local educational
12 agency’ means a local educational agency that elects
13 under section 1133(b) to carry out a child centered
14 program under this subpart.

15 “(3) SCHOOL.—The term ‘school’ means an in-
16 stitutional day or residential school that provides el-
17 elementary or secondary education, as determined
18 under State law, except that such term does not in-
19 clude any school that provides education beyond
20 grade 12.

21 “(4) SUPPLEMENTAL EDUCATION SERVICES.—
22 The term ‘supplemental education services’ means
23 educational services intended—

24 “(A) to meet the individual educational
25 needs of eligible children; and

1 “(B) to enable eligible children to meet
 2 challenging State curriculum, content, and stu-
 3 dent performance standards.

4 “(5) TUTORIAL ASSISTANCE PROVIDERS.—The
 5 term ‘tutorial assistance provider’ means a public or
 6 private entity that—

7 “(A) has a record of effectiveness in pro-
 8 viding tutorial assistance to school children; or

9 “(B) uses instructional practices based on
 10 scientific research.

11 **“SEC. 1132. CHILD CENTERED PROGRAM FUNDING.**

12 “(a) FUNDING.—Notwithstanding any other provi-
 13 sion of law, each State or participating local educational
 14 agency may use the funds made available under subparts
 15 1 and 2, and shall use the funds made available under
 16 subsection (c), to carry out a child centered program
 17 under this subpart.

18 “(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY
 19 ELECTION.—

20 “(1) IN GENERAL.—If a State does not carry
 21 out a child centered program under this subpart or
 22 does not have an application approved under section
 23 1134 for a fiscal year, a local educational agency in
 24 the State may elect to carry out a child centered
 25 program under this subpart, and the Secretary shall

1 provide the funds that the local educational agency
2 (with an application approved under section 1134) is
3 eligible to receive under subparts 1 and 2, and sub-
4 section (c), directly to the local educational agency
5 to enable the local educational agency to carry out
6 the child centered program.

7 “(2) SUBMISSION APPROVAL.—In order to be
8 eligible to carry out a child centered program under
9 this subpart a participating local educational agency
10 shall obtain from the State approval of the submis-
11 sion, but not the contents, of the application sub-
12 mitted under section 1134.

13 “(c) INCENTIVE GRANTS.—

14 “(1) IN GENERAL.—From amounts appro-
15 priated under paragraph (3) for a fiscal year the
16 Secretary shall award grants to each State, or par-
17 ticipating local educational agency described in sub-
18 section (b), that elects to carry out a child centered
19 program under this subpart and has an application
20 approved under section 1134, to enable the State or
21 participating local educational agency to carry out
22 the child centered program.

23 “(2) AMOUNT.—Each State or participating
24 local educational agency that elects to carry out a
25 child centered program under this subpart and has

1 an application approved under section 1134 for a
 2 fiscal year shall receive a grant in an amount that
 3 bears the same relation to the amount appropriated
 4 under paragraph (3) for the fiscal year as the
 5 amount the State or participating local educational
 6 agency received under subparts 1 and 2 for the fis-
 7 cal year bears to the amount all States and partici-
 8 pating local educational agencies carrying out a child
 9 centered program under this subpart received under
 10 subparts 1 and 2 for the fiscal year.

11 “(3) AUTHORIZATION OF APPROPRIATIONS.—

12 There are authorized to be appropriated such sums
 13 as may be necessary to carry out this subsection for
 14 fiscal year 2000 and each of the 4 succeeding fiscal
 15 years.

16 **“SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.**

17 “(a) USES.—Each State or participating local edu-
 18 cational agency with an application approved under sec-
 19 tion 1134 shall use funds made available under subparts
 20 1 and 2, and subsection (c), to carry out a child centered
 21 program under which—

22 “(1) the State or participating local educational
 23 agency establishes a per pupil amount based on the
 24 number of eligible children in the State or the school

1 district served by the participating local educational
2 agency; and

3 “(2) the State or participating local educational
4 agency may vary the per pupil amount to take into
5 account factors that may include—

6 “(A) variations in the cost of providing
7 supplemental education services in different
8 parts of the State or the school district served
9 by the participating local educational agency;

10 “(B) the cost of providing services to pu-
11 pils with different educational needs; or

12 “(C) the desirability of placing priority on
13 selected grades; and

14 “(3) in the case of a child centered program for
15 eligible children at a public school, the State or the
16 participating local educational agency makes avail-
17 able, not later than 3 months after the beginning of
18 the school year, the per pupil amount determined
19 under paragraphs (1) and (2) to the school in which
20 an eligible child is enrolled, which per pupil amount
21 shall be used for supplemental education services for
22 the eligible child that are—

23 “(A) subject to subparagraph (B), pro-
24 vided by the school directly or through a con-
25 tract for the provision of supplemental edu-

1 cation services with any governmental or non-
 2 governmental agency, school, postsecondary
 3 educational institution, or other entity, includ-
 4 ing a private organization or business; or

5 “(B) if requested by the parent or legal
 6 guardian of an eligible child, purchased from a
 7 tutorial assistance provider, another public
 8 school, or a private school, selected by the par-
 9 ent or guardian.

10 “(b) SCHOOLWIDE PROGRAMS.—

11 “(1) IN GENERAL.—In the case of a public
 12 school in which 50 percent of the students enrolled
 13 in the school are eligible children, the public school
 14 may use funds provided under this subpart, in com-
 15 bination with other Federal, State, and local funds,
 16 to carry out a schoolwide program to upgrade the
 17 entire educational program in the school.

18 “(2) PLAN.—If the public school elects to use
 19 funds provided under this part in accordance with
 20 paragraph (1), and does not have a plan approved
 21 by the Secretary under section 1114(b)(2), the pub-
 22 lic school shall develop and adopt a comprehensive
 23 plan for reforming the entire educational program of
 24 the public school that—

25 “(A) incorporates—

1 “(i) strategies for improving achieve-
2 ment for all children to meet the State’s
3 proficient and advanced levels of perform-
4 ance described in section 1111(b);

5 “(ii) instruction by highly qualified
6 staff;

7 “(iii) professional development for
8 teachers and aides in content areas in
9 which the teachers or aides provide in-
10 struction and, where appropriate, profes-
11 sional development for pupil services per-
12 sonnel, parents, and principals, and other
13 staff to enable all children in the school to
14 meet the State’s student performance
15 standards; and

16 “(iv) activities to ensure that eligible
17 children who experience difficulty mas-
18 tering any of the standards described in
19 section 1111(b) during the course of the
20 school year shall be provided with effective,
21 timely additional assistance;

22 “(B) describes the school’s use of funds
23 provided under this subpart and from other
24 sources to implement the activities described in
25 subparagraph (A);

1 “(C) includes a list of State and local edu-
2 cational agency programs and other Federal
3 programs that will be included in the schoolwide
4 program;

5 “(D) describes how the school will provide
6 individual student assessment results, including
7 an interpretation of those results, to the par-
8 ents of an eligible child who participates in the
9 assessment; and

10 “(E) describes how and where the school
11 will obtain technical assistance services and a
12 description of such services.

13 “(3) SPECIAL RULE.—In the case of a public
14 school operating a schoolwide program under this
15 subsection, the Secretary may, through publication
16 of a notice in the Federal Register, exempt child
17 centered programs under this section from statutory
18 or regulatory requirements of any other noncompeti-
19 tive formula grant program administered by the Sec-
20 retary, or any discretionary grant program adminis-
21 tered by the Secretary (other than formula or discre-
22 tionary grant programs under the Individuals with
23 Disabilities Education Act), to support the
24 schoolwide program, if the intent and purposes of

1 such other noncompetitive or discretionary programs
2 are met.

3 “(c) PRIVATE SCHOOL CHILDREN.—A State or par-
4 ticipating local educational agency carrying out a child
5 centered program under this subpart for eligible children
6 at a private school shall ensure that eligible children who
7 are enrolled in the private school receive supplemental
8 education services that are comparable to services for eligi-
9 ble children enrolled in public schools provided under this
10 subpart. The supplemental education services, including
11 materials and equipment, shall be secular, neutral, and
12 nonideological.

13 “(d) OPEN ENROLLMENT.—

14 “(1) IN GENERAL.—In order to be eligible to
15 carry out a child centered program under this sub-
16 part a State or participating local educational agen-
17 cy shall operate a statewide or school district wide,
18 respectively, open enrollment program that permits
19 parents to enroll their child in any public school in
20 the State or school district, respectively, if space is
21 available in the public school and the child meets the
22 qualifications for attendance at the public school.

23 “(2) WAIVER.—The Secretary may waive para-
24 graph (1) for a State or participating local edu-
25 cational agency if the State or agency, respectively,

1 demonstrates that parents served by the State or
2 agency, respectively—

3 “(A) have sufficient options to enroll their
4 child in multiple public schools; or

5 “(B) will have sufficient options to use the
6 per pupil amount made available under this
7 subpart to purchase supplemental education
8 services from multiple tutorial assistance pro-
9 viders or schools.

10 “(e) PARENT INVOLVEMENT.—

11 “(1) IN GENERAL.—Any public school receiving
12 funds under this subpart shall convene an annual
13 meeting at a convenient time. All parents of eligible
14 children shall be invited and encouraged to attend
15 the meeting, in order to explain to the parents the
16 activities assisted under this subpart and the re-
17 quirements of this subpart. At the meeting, the pub-
18 lic school shall explain to parents how the school will
19 use funds provided under this subpart to enable eli-
20 gible children enrolled at the school to meet chal-
21 lenging State curriculum, content, and student per-
22 formance standards. In addition, the public school
23 shall inform parents of their right to choose to use
24 the per pupil amount described in subsection (a) to
25 purchase supplemental education services from a tu-

1 torial assistance provider, another public school or a
2 private school.

3 “(2) INFORMATION.—Any public school receiv-
4 ing funds under this subpart shall provide to parents
5 a description and explanation of the curriculum in
6 use at the school, the forms of assessment used to
7 measure student progress, and the proficiency levels
8 students are expected to meet.

9 **“SEC. 1134. APPLICATION.**

10 “(a) IN GENERAL.—Each State or participating local
11 educational agency desiring to carry out a child centered
12 program under this subpart shall submit an application
13 to the Secretary at such time, in such manner, and accom-
14 panied by such information as the Secretary may require.
15 Each such application shall contain—

16 “(1) a detailed description of the program to be
17 assisted, including an assurance that—

18 “(A) the per pupil amount established
19 under section 1133(a) will follow each eligible
20 child described in that section to the school or
21 tutorial assistance provider of the parent or
22 guardian’s choice;

23 “(B) funds made available under this sub-
24 part will be spent in accordance with the re-
25 quirements of this subpart; and

1 “(C) parents have the option to use the per
2 pupil amount to purchase supplemental edu-
3 cation services for their children from a wide
4 variety of tutorial assistance providers and
5 schools;

6 “(2) an assurance that the State or partici-
7 pating local educational agency will publish in a
8 widely read or distributed medium an annual report
9 card that contains—

10 “(A) information regarding the academic
11 progress of all students served by the State or
12 participating local educational agency in meet-
13 ing State standards, including students assisted
14 under this subpart, with results disaggregated
15 by race, family income, limited English pro-
16 ficiency, and gender, if such disaggregation can
17 be performed in a statistically sound manner;
18 and

19 “(B) such other information as the State
20 or participating local educational agency may
21 require;

22 “(3) a description of how the State or partici-
23 pating local educational agency will make available,
24 to parents of children participating in the child cen-
25 tered program, annual school report cards, with re-

1 sults disaggregated by race, family income, limited
2 English proficiency, and gender, for schools in the
3 State or in the school district of the participating
4 local educational agency;

5 “(4) in the case of an application from a par-
6 ticipating local educational agency, an assurance
7 that the participating local educational agency has
8 notified the State regarding the submission of the
9 application;

10 “(5) a description of specific measurable objec-
11 tives for improving the student performance of stu-
12 dents served under this subpart;

13 “(6) a description of the process by which the
14 State or participating local educational agency will
15 measure progress in meeting the objectives;

16 “(7)(A) in the case of an application from a
17 State, an assurance that the State meets the re-
18 quirements of subsections (a), (b) and (e) of section
19 1111 as applied to activities assisted under this sub-
20 part; and

21 “(B) in the case of an application from a par-
22 ticipating local educational agency, an assurance
23 that the State’s application under section 1111 met
24 the requirements of subsections (a), (b) and (e) of
25 such section; and

1 “(8) an assurance that each local educational
2 agency serving a school that receives funds under
3 this subpart will meet the requirements of sub-
4 sections (a) and (c) of section 1116 as applied to ac-
5 tivities assisted under this subpart.

6 **“SEC. 1135. ADMINISTRATIVE PROVISIONS.**

7 “(a) PROGRAM DURATION.—A State or participating
8 local educational agency shall carry out a child centered
9 program under this subpart for a period of 5 years.

10 “(b) ADMINISTRATIVE COSTS.—A State may reserve
11 2 percent of the funds made available to the State under
12 this subpart, and a participating local educational agency
13 may reserve 5 percent of the funds made available to the
14 participating local educational agency under this subpart,
15 to pay the costs of administrative expenses of the child
16 centered program. The costs may include costs of pro-
17 viding technical assistance to schools receiving funds
18 under this subpart, in order to increase the opportunity
19 for all students in the schools to meet the State’s content
20 standards and student performance standards. The tech-
21 nical assistance may be provided directly by the State edu-
22 cational agency, local educational agency, or, with a local
23 educational agency’s approval, by an institution of higher
24 education, by a private nonprofit organization, by an edu-
25 cational service agency, by a comprehensive regional as-

1 sistance center under part A of title XIII, or by another
 2 entity with experience in helping schools improve student
 3 achievement.

4 “(c) REPORTS.—

5 “(1) ANNUAL REPORTS.—

6 “(A) IN GENERAL.—The State educational
 7 agency serving each State, and each partici-
 8 pating local educational agency, carrying out a
 9 child centered program under this subpart shall
 10 submit to the Secretary an annual report, that
 11 is consistent with data provided under section
 12 1134(a)(2)(A), regarding the performance of el-
 13 igible children receiving supplemental education
 14 services under this subpart.

15 “(B) DATA.—Not later than 2 years after
 16 establishing a child centered program under
 17 this subpart and each year thereafter, each
 18 State or participating local educational agency
 19 shall include in the annual report data on stu-
 20 dent achievement for eligible children served
 21 under this subpart with results disaggregated
 22 by race, family income, limited English pro-
 23 ficiency, and gender, demonstrating the degree
 24 to which measurable progress has been made

1 toward meeting the objectives described in sec-
2 tion 1134(a)(5).

3 “(C) DATA ASSURANCES.—Each annual
4 report shall include—

5 “(i) an assurance from the managers
6 of the child centered program that data
7 used to measure student achievement
8 under subparagraph (B) is reliable, com-
9 plete, and accurate, as determined by the
10 State or participating local educational
11 agency; or

12 “(ii) a description of a plan for im-
13 proving the reliability, completeness, and
14 accuracy of such data as determined by the
15 State or participating local educational
16 agency.

17 “(2) SECRETARY’S REPORT.—The Secretary
18 shall make each annual report available to Congress,
19 the public, and the Comptroller General of the
20 United States (for purposes of the evaluation de-
21 scribed in section 1136).

22 “(d) TERMINATION.—Three years after the date a
23 State or participating local educational agency establishes
24 a child centered program under this subpart the Secretary
25 shall review the performance of the State or participating

1 local educational agency in meeting the objectives de-
 2 scribed in section 1134(a)(5). The Secretary, after pro-
 3 viding notice and an opportunity for a hearing, may termi-
 4 nate the authority of the State or participating local edu-
 5 cational agency to operate a child centered program under
 6 this subpart if the State or participating local educational
 7 agency submitted data that indicated the State or partici-
 8 pating local educational agency has not made any progress
 9 in meeting the objectives.

10 “(e) TREATMENT OF AMOUNTS RECEIVED.—The per
 11 pupil amount provided under this subpart for an eligible
 12 child shall not be treated as income of the eligible child
 13 or the parent of the eligible child for purposes of Federal
 14 tax laws, or for determining the eligibility for or amount
 15 of any other Federal assistance.

16 **“SEC. 1136. EVALUATION.**

17 “(a) ANNUAL EVALUATION.—

18 “(1) CONTRACT.—The Comptroller General of
 19 the United States shall enter into a contract, with
 20 an evaluating entity that has demonstrated experi-
 21 ence in conducting evaluations, for the conduct of an
 22 ongoing rigorous evaluation of child centered pro-
 23 grams under this subpart.

24 “(2) ANNUAL EVALUATION REQUIREMENT.—

25 The contract described in paragraph (1) shall re-

1 quire the evaluating entity entering into such con-
 2 tract to annually evaluate each child centered pro-
 3 gram under this subpart in accordance with the eval-
 4 uation criteria described in subsection (b).

5 “(3) TRANSMISSION.—The contract described
 6 in paragraph (1) shall require the evaluating entity
 7 entering into such contract to transmit to the Comp-
 8 troller General of the United States the findings of
 9 each annual evaluation under paragraph (2).

10 “(b) EVALUATION CRITERIA.—The Comptroller Gen-
 11 eral of the United States, in consultation with the Sec-
 12 retary, shall establish minimum criteria for evaluating the
 13 child centered programs under this subpart. Such criteria
 14 shall provide for a description of—

15 “(1) the implementation of each child centered
 16 program under this subpart;

17 “(2) the effects of the programs on the level of
 18 parental participation and satisfaction with the pro-
 19 grams; and

20 “(3) the effects of the programs on the edu-
 21 cational achievement of eligible children partici-
 22 pating in the programs.

23 **“SEC. 1137. REPORTS.**

24 “(a) REPORTS BY COMPTROLLER GENERAL.—

1 “(1) INTERIM REPORTS.—Three years after the
 2 date of enactment of this subpart the Comptroller
 3 General of the United States shall submit an interim
 4 report to Congress on the findings of the annual
 5 evaluations under section 1136(a)(2) for each child
 6 centered program assisted under this subpart. The
 7 report shall contain a copy of the annual evaluation
 8 under section 1136(a)(2) of each child centered pro-
 9 gram under this subpart.

10 “(2) FINAL REPORT.—The Comptroller General
 11 shall submit a final report to Congress, not later
 12 than March 1, 2006, that summarizes the findings
 13 of the annual evaluations under section
 14 1136(a)(2).”.

15 **“SEC. 1138. LIMITATION ON CONDITIONS; PREEMPTION.**

16 Nothing in this subpart shall be construed—

17 “(1) to authorize or permit an officer or em-
 18 ployee of the Federal Government to mandate, di-
 19 rect, or control a State, local educational agency, or
 20 school’s specific instructional content or student per-
 21 formance standards and assessments, curriculum, or
 22 program of instruction, as a condition of eligibility
 23 to receive funds under this subpart; and

24 “(2) to preempt any provision of a State con-
 25 stitution or State statute that pertains to the ex-

- 1 penditure of State funds in or by religious institu-
- 2 tions.”.

