

107TH CONGRESS
1ST SESSION

H. R. 958

To assist local educational agencies in financing and establishing alternative education systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2001

Mr. KILDEE (for himself, Mr. SCOTT, Mr. GEORGE MILLER of California, and Mrs. MCCARTHY of New York) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To assist local educational agencies in financing and establishing alternative education systems, 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. SHORT TITLE.**

4 This Act may be cited as the “Alternative Education
5 for Safe Schools and Safe Communities Act of 2001”.

**TITLE I—ALTERNATIVE
EDUCATION PROGRAM**

Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is amended by adding at the end the following new part:

**“PART B—ALTERNATIVE EDUCATION FINANCING
AND ESTABLISHMENT GRANTS**

“SEC. 4201. PURPOSE.

“The purpose of this part is to assist local educational agencies to implement, establish, develop, or improve—

“(1) sound and equitable policies that ensure a safe, orderly, and drug-free learning environment for all children, while reducing the need to suspend or expel students and the number of such suspensions and expulsions; and

“(2) educational supports, services, and programs, using trained and qualified staff, for children aged 5 through 21 who have been suspended or expelled so such children make continuing progress toward meeting the State’s challenging academic standards.

1 **“SEC. 4202. RESERVATION AND ALLOTMENTS.**

2 “(a) RESERVATION.—From the amount made avail-
3 able under section 4214 to carry out this part for each
4 fiscal year, the Secretary—

5 “(1) shall reserve 0.5 percent of such amount
6 for grants to Guam, American Samoa, the United
7 States Virgin Islands, the Commonwealth of the
8 Northern Mariana Islands, the Republic of Palau,
9 the Marshall Islands, and the Federated States of
10 Micronesia;

11 “(2) shall reserve 1 percent of such amount for
12 the Secretary of Interior to carry out programs
13 under this part for Indian children; and

14 “(3) may reserve not more than the lesser of 5
15 percent or \$5,000,000 for evaluation and national
16 activities under section 4212.

17 “(b) STATE EDUCATIONAL AGENCY ALLOTMENTS.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), and after making the reservations in sub-
20 section (a), the Secretary shall, for each fiscal year,
21 allot among the States the remainder according to
22 the ratio between the amount each State received
23 under part A of title I for the preceding year and
24 the sum of such amounts received by all the States
25 for such year.

1 “(2) MINIMUM.—For any fiscal year, the Sec-
 2 retary shall not allot to a State an amount under
 3 this subsection that is less than one-quarter of 1
 4 percent of the total amount allotted to all the States
 5 under this subsection.

6 “(3) REALLOTMENT.—The Secretary may
 7 reallot any amount of any allotment to a State if the
 8 Secretary determines that the State will be unable to
 9 use such amount within two years of such allotment.
 10 Such reallotments shall be made on the same basis
 11 as allotments are made under paragraph (1).

12 “(c) WITHIN-STATE DISTRIBUTION OF FUNDS.—
 13 Each State educational agency having an approved appli-
 14 cation pursuant to section 4203 and receiving an allot-
 15 ment under subsection (b), shall—

16 “(1) allot not less than 95 percent of such allo-
 17 cation to local educational agencies pursuant to sec-
 18 tion 4207(a) or 4207(b); and

19 “(2) reserve not more than 5 percent for State
 20 level activities and evaluation, of which not more
 21 than 40 percent may be used for administration.

22 **“SEC. 4203. STATE EDUCATIONAL AGENCY APPLICATIONS.**

23 “Each State educational agency seeking a grant
 24 under this part shall submit an application in such form,
 25 and containing such information, as the Secretary may

1 reasonably require. At a minimum, the application shall
2 include—

3 “(1) a description of the competitive process the
4 State educational agency will use to award grants to
5 local educational agencies if the total amount appro-
6 priated under this part is less than \$350,000,000 in
7 any given fiscal year;

8 “(2) a description of the performance indicators
9 the State educational agency will establish, con-
10 sistent with section 4206 that will be used to evalu-
11 ate local educational agency programs funded under
12 this part;

13 “(3) an assurance that State educational agen-
14 cy programs funded under this part shall be based
15 on the most effective research;

16 “(4) a description of the research-base of pro-
17 grams funded under this part;

18 “(5) a description of the professional develop-
19 ment necessary for teachers, other educators, and
20 pupil services personnel to implement alternative
21 education supports, services, and programs based on
22 the most effective research;

23 “(6) a description of how the State will ensure
24 a reduction in the number of suspensions and expul-

1 sions, including reductions among groups of minor-
2 ity, low-income, and disabled children;

3 “(7) a description of the programs and activi-
4 ties the State will carry out under section 4205;

5 “(8) an assurance that the State educational
6 agency will make awards to local educational agen-
7 cies under section 4207(a) based on the quality of
8 their programs and their need for assistance under
9 this part;

10 “(9) a description of how the State will ensure
11 the implementation of disciplinary policies that are
12 fair and equitable;

13 “(10) a description of how the State will ensure
14 that supports, services, and programs funded under
15 this part will enable children to meet challenging
16 State academic standards;

17 “(11) a description of how the State will ensure
18 that programs funded under this part include ade-
19 quate support services for students and their fami-
20 lies, including counseling, and will coordinate with
21 and use services available through juvenile justice,
22 mental health, and social services agencies;

23 “(12) an assurance that the State and local
24 educational agencies which receive funds under this
25 part will use such funds to provide educational serv-

1 ices to children who have been suspended or expelled
2 from school; and

3 “(13) a description of how the State will ensure
4 the programs funded under this part provide ade-
5 quate support for students to return to a regular
6 education setting, if appropriate.

7 **“SEC. 4204. STATE APPLICATION APPROVAL.**

8 “The Secretary shall review the application of a State
9 educational agency for assistance under this part and shall
10 approve the application, unless the Secretary makes a de-
11 termination in writing that such application does not meet
12 the specific requirements of this part or is of insufficient
13 quality to meet the purposes of this part.

14 **“SEC. 4205. STATE EDUCATIONAL AGENCY ACTIVITIES.**

15 “(a) REQUIRED USES OF FUNDS.—A State edu-
16 cational agency shall use funds made available under sec-
17 tion 4202(c)(2) for the following activities:

18 “(1) IDENTIFICATION.—Identification and dis-
19 semination of effective supports, services, and pro-
20 grams that are consistent with the purposes of this
21 part, based on the most effective research, to local
22 educational agencies within the State.

23 “(2) ASSISTANCE.—Technical assistance de-
24 signed to improve the performance of supports, serv-
25 ices, and programs funded under this part.

1 “(3) EVALUATION.—Evaluation of programs
2 funded under this part, and dissemination of the
3 findings of the evaluations.

4 “(b) PERMISSIVE USES OF FUNDS.—A State edu-
5 cational agency may use funds made available under sec-
6 tion 4202(c)(2) for the following activities:

7 “(1) DEVELOPMENT.—Development of effective
8 supports, services, and programs consistent with the
9 purposes of this part.

10 “(2) PROFESSIONAL DEVELOPMENT.—Profes-
11 sional development designed to provide teachers,
12 pupil services personnel, and other related instruc-
13 tional personnel with skills necessary to integrate be-
14 havior intervention techniques and methodology into
15 the academic curriculum used by the State and local
16 educational agencies to maintain effective discipline
17 and an environment conducive to learning that re-
18 duces the need to suspend or expel students.

19 “(3) OTHER ACTIVITIES.—Any other activities
20 consistent with the purposes of this part.

21 **“SEC. 4206. STATE PERFORMANCE MEASURES.**

22 “Each State educational agency shall establish per-
23 formance indicators and acceptable goals of progress to
24 evaluate the effectiveness of programs funded under this

1 part. Such performance indicators shall include, at a min-
 2 imum:

3 “(1) reduction in the number of incidents of
 4 disruptive and violent behavior;

5 “(2) reduction in the number of suspensions
 6 and expulsions;

7 “(3) reduction in the total amount of time stu-
 8 dents are out of school as a result of being sus-
 9 pended or expelled;

10 “(4) attainment of challenging State academic
 11 standards by students in programs funded under
 12 this part;

13 “(5) reduction in dropout rate; and

14 “(6) an increase in the number of students re-
 15 turning successfully to a regular education program,
 16 as appropriate.

17 **“SEC. 4207. LOCAL EDUCATIONAL AGENCY DISTRIBUTION**
 18 **OF FUNDS.**

19 “(a) COMPETITIVE GRANTS.—In any fiscal year in
 20 which the total amount provided under section 4214 is less
 21 than \$350,000,000, a State educational agency shall dis-
 22 tribute funds under section 4202(c)(1) on a competitive
 23 basis to local educational agencies that have an approved
 24 application under section 4208 and can demonstrate a sig-
 25 nificant number of incidents of children aged 5 through

1 21 who have been suspended or expelled from public
2 school. Such competitive grant process shall—

3 “(1) give priority to local educational agencies
4 in which more than 30 percent of the children are
5 from families with incomes below the poverty line;

6 “(2) ensure that each grant shall be of suffi-
7 cient size and scope so as to be effective;

8 “(3) ensure, to the extent practicable, distribu-
9 tion of grants on an equitable geographic basis, in-
10 cluding selecting agencies that serve urban, subur-
11 ban, and rural populations; and

12 “(4) utilize a peer review process to approve ap-
13 plications.

14 “(b) FORMULA GRANTS.—

15 “(1) IN GENERAL.—In any fiscal year in which
16 the total amount provided under section 4214 equals
17 or exceeds \$350,000,000, the State educational
18 agency shall distribute funds under section
19 4202(c)(1) on the following basis:

20 “(A) 80 percent of such amount shall be
21 allocated to such local educational agencies in
22 proportion to the number of children, aged 5
23 through 17, who reside in the school district
24 served by the local educational agency from
25 families with incomes below the poverty line ap-

1 plicable to a family of the size involved for the
2 most recent fiscal year for which satisfactory
3 data are available compared to the number of
4 such individuals who reside in the school dis-
5 tricts served by all the local educational agen-
6 cies in the State for that fiscal year.

7 “(B) 20 percent of such amount to local
8 educational agencies, based on the relative en-
9 rollments in public and private nonprofit ele-
10 mentary and secondary schools within the
11 boundaries of such agencies.

12 “(2) REALLOCATION.—If a local educational
13 agency chooses not to apply to receive the amount
14 allocated to such agency under paragraph (1), or if
15 such agency’s application is disapproved by the State
16 educational agency pursuant to section 4209, the
17 State educational agency shall reallocate such
18 amount to other local educational agencies on the
19 same basis as allocations are made under paragraph
20 (1).

21 “(c) FEDERAL SHARE.—The Federal share of pro-
22 grams funded under this part shall be—

23 “(1) 75 percent for local educational agencies in
24 which 30 or more percent of the children who reside
25 in the school district served by the local educational

1 agency are from families with incomes below the
2 poverty line; and

3 “(2) 35 percent for local educational agencies in
4 which less than 30 percent of the children who re-
5 side in the school district served by the local edu-
6 cational agency are from families with incomes below
7 the poverty line.

8 “(d) NON-FEDERAL SHARE.—Local educational
9 agencies may satisfy the non-Federal share funding re-
10 quirements of this section with in-kind contributions and
11 may use Federal funds, other than those provided under
12 this part, that may be used to carry out the purposes of
13 this part.

14 **“SEC. 4208. LOCAL APPLICATION.**

15 “In order to be eligible to receive a grant under sec-
16 tion 4207, for any fiscal year, a local educational agency
17 shall submit an application to the State educational agen-
18 cy, at such time, and containing such information as the
19 State educational agency shall require. Such application
20 shall, at a minimum, include—

21 “(1) an assurance that programs shall serve
22 children aged 5 through 21 who have been sus-
23 pended or expelled from another public school within
24 the local educational agency;

1 “(2) a description of how the local educational
2 agency will provide, in a safe, orderly, and drug-free
3 learning environment with trained and qualified
4 staff, educational supports, services, and programs
5 for students who have been suspended or expelled so
6 such students are able to meet the State’s chal-
7 lenging academic standards;

8 “(3) a description of the plan of the local edu-
9 cational agency for reducing the number of suspen-
10 sions and expulsions and reducing the total amount
11 of time students are out of a regular education set-
12 ting as a result of being suspended or expelled;

13 “(4) a plan for training teachers, pupil services
14 personnel, and other appropriate school staff on ef-
15 fective strategies for dealing with disruptive stu-
16 dents;

17 “(5) a description of how the local educational
18 agency will involve parents in the education of chil-
19 dren who have been suspended or expelled, to the ex-
20 tent possible;

21 “(6) an assurance that local educational agen-
22 cies will develop annually increasing quantifiable
23 program performance goals, consistent with the
24 State’s performance indicators under section 4206;

1 “(7) information demonstrating how the appli-
2 cant will continue the programs and activities devel-
3 oped under this part after completion of the grant;

4 “(8) an assurance that the program will provide
5 sufficient support services for children and their
6 families, including counseling, and will coordinate
7 with and utilize services provided through juvenile
8 justice, social service, and mental health agencies;

9 “(9) an assurance that the program will assist
10 participating students in making the transition back
11 to a regular education setting, as appropriate; and

12 “(10) provide an assurance that such program
13 will place an emphasis on personal, academic, social,
14 and workplace skills and behavior modification, as
15 appropriate.

16 **“SEC. 4209. LOCAL APPLICATION APPROVAL.**

17 “The State educational agency shall review the appli-
18 cation of a local educational agency for assistance under
19 this part. For the purposes of grants awarded under sec-
20 tion 4207(b), such application shall be deemed approved
21 unless the State makes a determination in writing that
22 such application does not meet the specific requirements
23 of this part or is of insufficient quality to meet the pur-
24 poses of this part.

1 **“SEC. 4210. LOCAL EDUCATIONAL AGENCY USES OF FUNDS.**

2 “Each local educational agency, with an approved ap-
3 plication under section 4209, shall use funds provided
4 under section 4207 for one or more of the following activi-
5 ties, which shall be based on the most effective research:

6 “(1) The development, establishment, or im-
7 provement of alternative schools, either established
8 within a school or separate and apart from an exist-
9 ing school, that are designed—

10 “(A) to reduce disruptive behavior;

11 “(B) to reduce the need for repeat suspen-
12 sions and expulsions; and

13 “(C) to enable students to meet chal-
14 lenging State academic standards.

15 “(2) The development, establishment, or im-
16 provement of alternative supports, services, pro-
17 grams, and strategies for students served by pro-
18 grams funded under this part.

19 “(3) Professional development for teachers, ad-
20 ministrators, pupil services personnel, and other
21 school staff on the most effective ways of preventing
22 students from disrupting class, and for dealing with
23 those students who disrupt class.

24 “(4) Mentoring, tutoring, and other services for
25 students.

1 “(5) Counseling and mental health services,
2 such as mental health assessment and counseling,
3 counseling on transitioning to work or other edu-
4 cational options, and family counseling.

5 “(6) Programs in such areas as conflict resolu-
6 tion, peer mediation, character education, social
7 skills building, alcohol, drug, and violence preven-
8 tion, and behavior interventions.

9 “(7) Programs providing sufficient support
10 services for children and their families, including
11 counseling, and coordination with and utilization of
12 services provided through juvenile justice, social
13 service, and mental health agencies.

14 “(8) Activities to assist students in making the
15 transition back to regular school programs, as ap-
16 propriate.

17 “(9) Programs to assist students to meet chal-
18 lenging academic standards.

19 “(10) Other programs and activities consistent
20 with the purposes of this part.

21 **“SEC. 4211. PROGRAM EVALUATION.**

22 “(a) IN GENERAL.—(1) Each State educational
23 agency receiving funds under this part shall evaluate the
24 effectiveness of programs and activities carried out under
25 this part in reducing the need to suspend or expel students

1 and in helping students who have been suspended or ex-
2 pelled to meet the State’s challenging academic standards.

3 “(2) In evaluating local programs, the State edu-
4 cational agency shall, as appropriate, review performance
5 data based on the attainment of the goals established by
6 local educational agencies under section 4208(6),
7 disaggregated, as appropriate, on the basis of gender,
8 race, ethnicity, migrant status, limited English proficiency
9 status, disability, primary versus secondary education, and
10 economic status.

11 “(b) EVALUATION RESULTS, CORRECTIVE ACTION,
12 AND TERMINATION OF FUNDS.—

13 “(1) RESULTS.—Each State educational agency
14 shall submit the results of its evaluation to the Sec-
15 retary in an annual report. The Secretary shall sub-
16 mit a summary of the annual reports to both the
17 Committee on Education and the Workforce of the
18 House of Representatives and the Health, Edu-
19 cation, Labor, and Pensions Committee of the Sen-
20 ate.

21 “(2) DISTRIBUTION.—Each State educational
22 agency shall distribute the results of the evaluation
23 of individual programs to each evaluated program.

24 “(3) INSUFFICIENT PROGRESS.—If a State edu-
25 cational agency determines that a local educational

1 agency’s program under this part did not make suf-
2 ficient progress toward the performance indicators
3 established by the State educational agency based on
4 the goals described in section 4208(6), the State
5 educational agency shall provide technical assistance
6 to such program. After two consecutive years of fail-
7 ure by a program to make sufficient progress toward
8 the levels of performance established by the State
9 educational agency, the State educational agency
10 shall take such action as may be necessary, includ-
11 ing the withdrawal of funds, in whole or in part,
12 from such program.

13 **“SEC. 4212. NATIONAL ACTIVITIES AND EVALUATION.**

14 “(a) EVALUATION BY THE SECRETARY.—The Sec-
15 retary shall evaluate a representative sample of the pro-
16 grams funded under this part, and shall report the find-
17 ings of the evaluation to the Committee on Education and
18 the Workforce of the House of Representatives and the
19 Committee on Health, Education, Labor, and Pensions of
20 the Senate not later than 3 years after the first grants
21 are made under this part.

22 “(b) RESEARCH.—The Secretary shall conduct re-
23 search, directly or through grants or contracts, to develop
24 and identify proven alternative education practices. The
25 Secretary shall disseminate such alternative education

1 practices to State educational agencies and local edu-
 2 cational agencies receiving funds under this Act.

3 “(c) OTHER NATIONAL ACTIVITIES.—The Secretary
 4 may directly, or through grants or contracts, carry out
 5 programs and activities consistent with the purposes of
 6 this part such as, collection of data, dissemination of infor-
 7 mation, and development of model programs and activi-
 8 ties.

9 **“SEC. 4213. SPECIAL RULE, DEFINITION.**

10 “(a) CONSTRUCTION.—Nothing in this part shall be
 11 construed to affect the requirements of the Individuals
 12 with Disabilities Education Act (20 U.S.C. 1400 et seq.)
 13 or the Gun-Free Schools Act (20 U.S.C. 8921 et seq.).

14 “(b) SUPPLEMENT.—Funds made available under
 15 this part shall be used to supplement, and shall not sup-
 16 plant, non-Federal funds expended to carry out programs
 17 and activities authorized by this part.

18 “(c) DEFINITION.—For the purposes of this part, the
 19 term ‘poverty line’ is defined as such term is defined by
 20 the Office of Management and Budget and revised annu-
 21 ally in accordance with section 672(2) of the Community
 22 Services Block Grant Act (42 U.S.C. 9902(2)).

23 **“SEC. 4214. AUTHORIZATION OF APPROPRIATIONS.**

24 “There are authorized to be appropriated to carry out
 25 this part \$200,000,000 for fiscal year 2002, and such

- 1 sums as may be necessary for each of the four succeeding
- 2 fiscal years.

