

111TH CONGRESS
1ST SESSION

H. R. 1717

To allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2009

Mr. HOEKSTRA (for himself, Mr. AKIN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BLUNT, Mr. BONNER, Mr. BURTON of Indiana, Mr. BROUN of Georgia, Mr. CAMPBELL, Mr. CANTOR, Mr. CARTER, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. CULBERSON, Ms. FALLIN, Mr. FLAKE, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. HENSARLING, Mr. HERGER, Mr. INGLIS, Mr. ISSA, Mr. JONES, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LINDER, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MCHENRY, Mr. MANZULLO, Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. PAUL, Mr. PENCE, Mr. PITTS, Mr. PRICE of Georgia, Mr. ROGERS of Michigan, Mr. ROHRBACHER, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. THORNBERRY, Mr. TIAHRT, Mr. WESTMORELAND, and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students.

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; TABLE OF CONTENTS; PURPOSE;**
2 **DEFINITIONS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
4 “Academic Partnerships Lead Us to Success Act” or the
5 “A PLUS Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents; purpose; definitions.
- Sec. 2. Declaration of intent.
- Sec. 3. Transparency for results of public education.
- Sec. 4. Maintenance of funding levels spent by States on education.
- Sec. 5. Administrative expenses.
- Sec. 6. Equitable participation of private schools.

8 (c) **PURPOSE.**—The purposes of this Act are as fol-
9 lows:

10 (1) To give States and local communities max-
11 imum flexibility to determine how to improve aca-
12 demic achievement and implement education re-
13 forms.

14 (2) To reduce the administrative costs and com-
15 pliance burden of Federal education programs in
16 order to focus Federal resources on improving aca-
17 demic achievement.

18 (3) To ensure that States and communities are
19 accountable to the public for advancing the academic
20 achievement of all students, especially disadvantaged
21 children.

22 (d) **DEFINITIONS.**—

1 (1) IN GENERAL.—Except as otherwise pro-
2 vided, the terms used in this Act have the meanings
3 given the terms in section 9101 of the Elementary
4 and Secondary Education Act of 1965 (20 U.S.C.
5 7801 et seq.).

6 (2) OTHER TERMS.—In this Act:

7 (A) DECLARATION OF INTENT.—The term
8 “declaration of intent” means a decision by a
9 State made by State Authorizing Officials or by
10 referendum to assume full management respon-
11 sibility for the expenditure of Federal funds for
12 certain eligible programs for the purpose of ad-
13 vancing on a more comprehensive and effective
14 basis the educational policy of such State.

15 (B) STATE.—The term “State” has the
16 meaning given such term in section 1122(e) of
17 the Elementary and Secondary Education Act
18 of 1965 (20 U.S.C. 6332(e)).

19 (C) STATE AUTHORIZING OFFICIALS.—The
20 term “State Authorizing Officials” means the
21 State officials who shall authorize the submis-
22 sion of a declaration of intent, and any amend-
23 ments thereto, on behalf of the State. Such offi-
24 cials shall include not less than 2 of the fol-
25 lowing:

1 (i) The governor of the State.

2 (ii) The highest elected education offi-
3 cials of the State, if any.

4 (iii) The legislature of the State.

5 (D) STATE DESIGNATED OFFICER.—The
6 term “State Designated Officer” means the
7 person designated by the State Authorizing Of-
8 ficials to submit to the Secretary on behalf of
9 the State a declaration of intent, and any
10 amendments thereto, and to function as the
11 point-of-contact for the State for the Secretary
12 and others relating to any responsibilities aris-
13 ing under this Act.

14 (E) ACCOUNTABILITY.—The term “ac-
15 countability” means that public schools are an-
16 swerable to parents and other taxpayers for the
17 use of public funds and shall report student
18 progress to them regularly.

19 **SEC. 2. DECLARATION OF INTENT.**

20 (a) IN GENERAL.—Each State is authorized to sub-
21 mit to the Secretary a declaration of intent permitting the
22 State to receive Federal funds on a consolidated basis to
23 manage the expenditure of such funds to advance the edu-
24 cational policy of the State.

1 (b) PROGRAMS ELIGIBLE FOR CONSOLIDATION AND
2 PERMISSIBLE USE OF FUNDS.—

3 (1) SCOPE.—A State may choose to include
4 within the scope of its declaration of intent any pro-
5 gram for which Congress makes funds available to
6 the State if the program is for a purpose described
7 in section 1001 of the Elementary and Education
8 Secondary Act of 1965 (20 U.S.C. 6301). A State
9 may not include any program funded pursuant to
10 the Individuals with Disabilities Education Act (20
11 U.S.C. 1400 et seq.).

12 (2) USES OF FUNDS.—Funds made available to
13 a State pursuant to a declaration of intent under
14 this Act shall be used for any educational purpose
15 permitted by State law of the State submitting a
16 declaration of intent.

17 (c) CONTENTS OF DECLARATION.—Each such dec-
18 laration shall contain—

19 (1) a list of eligible programs that are subject
20 to the declaration of intent;

21 (2) an assurance that the submission of the
22 declaration of intent has been authorized by the
23 State Authorizing Officials, specifying the identity of
24 the State Designated Officer;

1 (3) the duration of the declaration of intent
2 shall not exceed 5 years;

3 (4) an assurance that the State will use fiscal
4 control and fund accounting procedures;

5 (5) an assurance that the State will meet the
6 requirements of applicable Federal civil rights laws
7 in carrying out the declaration of intent and in con-
8 solidating and using the funds under the declaration
9 of intent;

10 (6) an assurance that in implementing the dec-
11 laration of intent the State will seek to advance edu-
12 cational opportunities for the disadvantaged; and

13 (7) a description of the plan for maintaining di-
14 rect accountability to parents and other citizens of
15 the State.

16 (d) REVIEW AND RECOGNITION BY THE SEC-
17 RETARY.—

18 (1) IN GENERAL.—The Secretary shall review
19 the declaration of intent received from the State
20 Designated Officer within 60 days of the date of re-
21 ceipt, and shall recognize such declaration of intent
22 unless it fails to meet the requirements of subsection
23 (c).

24 (2) RECOGNITION BY OPERATION OF LAW.—If
25 the Secretary fails to take action within the time

1 specified in paragraph (1), the declaration of intent,
2 as submitted, shall be deemed to be approved.

3 (e) AMENDMENT TO DECLARATION OF INTENT.—

4 (1) IN GENERAL.—The State Authorizing Offi-
5 cials may direct the State Designated Officer to sub-
6 mit amendments to the declaration of intent which
7 is in effect. Such amendments shall be submitted to
8 the Secretary and considered by such officer pursu-
9 ant to subsection (d).

10 (2) AMENDMENTS AUTHORIZED.—A declaration
11 of intent in effect may be amended to—

12 (A) expand the scope of such declaration of
13 intent to encompass additional eligible pro-
14 grams;

15 (B) reduce the scope of such declaration of
16 intent by excluding coverage of a Federal pro-
17 gram included in the original declaration of in-
18 tent;

19 (C) modifying the duration of such dec-
20 laration of intent; or

21 (D) such other modifications that the
22 State Authorizing Officials deem appropriate.

23 (3) EFFECTIVE DATE.—The amendment shall
24 specify an effective date. Such effective date shall
25 provide adequate time to assure full compliance with

1 Federal program requirements relating to an eligible
 2 program that has been removed from the coverage of
 3 the declaration of intent by the proposed amend-
 4 ment.

5 (4) TREATMENT OF PROGRAM FUNDS WITH-
 6 DRAWN FROM DECLARATION OF INTENT.—Begin-
 7 ning on the effective date of an amendment executed
 8 under paragraph (2)(B), each program requirement
 9 of each program removed from the declaration of in-
 10 tent shall apply to the State’s use of funds made
 11 available under the program.

12 **SEC. 3. TRANSPARENCY FOR RESULTS OF PUBLIC EDU-**
 13 **CATION.**

14 (a) IN GENERAL.—Each State operating under a
 15 declaration of intent pursuant to under this Act shall in-
 16 form parents and the general public regarding the student
 17 achievement assessment system, demonstrating student
 18 progress relative to the State’s determination of student
 19 proficiency, for the purpose of public accountability to par-
 20 ents and taxpayers.

21 (b) ACCOUNTABILITY SYSTEM.—The accountability
 22 system shall be determined by the State.

23 (c) REPORT ON STUDENT PROGRESS.—Not later
 24 than 1 year after the effective date of the declaration of
 25 intent, and annually thereafter, a State shall disseminate

1 widely to parents and the general public a report that de-
2 scribes student progress. The report shall include—

3 (1) student performance data disaggregated in
4 the same manner as data are disaggregated under
5 section 1111(b)(3)(C)(xiii) of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C.
7 6311(b)(3)(C)(xiii)); and

8 (2) a description of how the State has used
9 Federal funds to improve academic achievement, re-
10 duce achievement disparities between various stu-
11 dent groups, and improve educational opportunities
12 for the disadvantaged.

13 **SEC. 4. MAINTENANCE OF FUNDING LEVELS SPENT BY**
14 **STATES ON EDUCATION.**

15 (a) IN GENERAL.—For each State consolidating and
16 using funds pursuant to a declaration of intent under this
17 Act, for each school year of the declaration of intent, the
18 aggregate amount of funds spent by the State on elemen-
19 tary and secondary education shall be not less than 90
20 percent of the aggregate amount of funds spent by the
21 State on elementary and secondary education for the
22 school year that coincides with the date of enactment of
23 this Act.

24 (b) EXCEPTION.—The requirement of subsection (a)
25 may be waived by the State Authorizing Officials if the

1 State having a declaration of intent in effect makes a de-
2 termination, supported by specific findings, that uncon-
3 trollable or exceptional circumstances, such as a natural
4 disaster or extreme contraction of economic activity, pre-
5 clude compliance for a specified period, which may be ex-
6 tended. Such determination shall be presented to the Sec-
7 retary by the State Designated Officer and action shall
8 be taken in the manner prescribed by section 2(d).

9 **SEC. 5. ADMINISTRATIVE EXPENSES.**

10 (a) IN GENERAL.—Except as provided in subsection
11 (b), the amount that a State with a declaration of intent
12 may expend for administrative expenses shall be limited
13 to 1 percent of the aggregate amount of Federal funds
14 made available to the State through the eligible programs
15 included within the scope of such declaration of intent.

16 (b) STATES NOT CONSOLIDATING FUNDS UNDER
17 PART A OF TITLE I.—If the declaration of intent does
18 not include within its scope part A of title I of the Elemen-
19 tary and Secondary Education Act of 1965 (20 U.S.C.
20 6311 et seq.), the amount spent on administrative ex-
21 penses shall be limited to 3 percent of the aggregate
22 amount of Federal funds made available to the State pur-
23 suant to such declaration of intent.

1 **SEC. 6. EQUITABLE PARTICIPATION OF PRIVATE SCHOOLS.**

2 Funds made available by a State pursuant to a dec-
3 laration of intent under this Act shall be distributed in
4 a manner that provides for the equitable, as determined
5 by the State, participation of private schools, and the stu-
6 dents and professional staff of such schools.

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