

fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. BISHOP.
 H.R. 73: Mr. LARGENT.
 H.R. 274: Mr. DIAZ-BALART.
 H.R. 303: Ms. GRANGER, Mr. DEMINT, Mr. BONILLA, Mr. DAVIS of Illinois, Mr. CAMPBELL, Mr. UDALL of New Mexico, Mr. FOLEY, Mr. THOMPSON of Mississippi, and Mr. KUCINICH.
 H.R. 306: Mrs. JONES of Ohio and Mr. TOWNS.
 H.R. 329: Mr. RAHALL and Mr. CARDIN.
 H.R. 382: Mr. EVANS, Ms. ESHOO, Mr. OLVER, Mr. WEINER, Mr. CROWLEY, and Mr. LANTOS.
 H.R. 389: Mrs. THURMAN.
 H.R. 407: Mr. SOUDER.
 H.R. 443: Mr. MCGOVERN.
 H.R. 460: Mr. EHRLICH.
 H.R. 531: Ms. PELOSI.
 H.R. 534: Mr. ETHERIDGE, Mr. MOORE, and Mr. WEXLER.
 H.R. 595: Mr. NADLER.
 H.R. 623: Mr. ROGAN and Mr. SWEENEY.
 H.R. 721: Mr. FORBES and Mr. KENNEDY of Rhode Island.
 H.R. 729: Mr. WAXMAN.
 H.R. 742: Mr. UDALL of New Mexico.
 H.R. 765: Mr. HUTCHINSON, Mr. WHITFIELD, Mr. CALLAHAN, Mr. PICKETT, Mr. HASTINGS of Washington, Mr. SIMPSON, Mr. BLUNT, and Ms. BROWN of Florida.
 H.R. 783: Mr. HOEFFEL and Mr. WALSH.
 H.R. 784: Mr. SCHAFER.
 H.R. 827: Mrs. LOWEY and Ms. BERKLEY.
 H.R. 864: Mr. ABERCROMBIE.
 H.R. 865: Mr. SCHAFER.
 H.R. 961: Mr. WYNN and Mr. HASTINGS of Florida.
 H.R. 976: Mr. FOSSELLA and Ms. PELOSI.
 H.R. 997: Mr. DIAZ-BALART.
 H.R. 1046: Mr. THOMPSON of California.
 H.R. 1060: Mr. FRANK of Massachusetts.
 H.R. 1071: Mr. HOYER, Mr. LAMPSON, and Ms. LOFGREN.
 H.R. 1095: Mr. PRICE of North Carolina, Mr. BOEHLERT, and Mr. MARTINEZ.
 H.R. 1107: Mr. LATOURETTE and Mr. BOEHLERT.
 H.R. 1111: Mr. HASTINGS of Florida.
 H.R. 1115: Mr. ETHERIDGE, Mr. WATT of North Carolina, Mr. VENTO, Mr. REYNOLDS, Mr. HEFLEY, Mr. HOBSON, Mr. HOUGHTON, and Mr. TANNER.
 H.R. 1129: Ms. NORTON.
 H.R. 1174: Mr. FLETCHER.
 H.R. 1227: Ms. MCKINNEY.
 H.R. 1239: Mr. LEVIN and Mr. JEFFERSON.
 H.R. 1267: Ms. JACKSON-LEE of Texas.
 H.R. 1290: Mr. BILIRAKIS, Mr. LINDER, and Mr. HERGER.
 H.R. 1313: Mr. BERMAN.
 H.R. 1329: Mr. WHITFIELD.
 H.R. 1367: Mr. SENSENBRENNER.
 H.R. 1396: Mr. GEORGE MILLER of California.
 H.R. 1456: Mr. MCINTOSH.
 H.R. 1457: Mr. TURNER.
 H.R. 1593: Mr. MCINNIS.
 H.R. 1598: Mr. THOMPSON of California, Mr. HOBSON, and Mr. SIMPSON.
 H.R. 1622: Mr. CLEMENT.
 H.R. 1675: Mr. HALL of Ohio.
 H.R. 1775: Mr. LOBIONDO, Mr. DIAZ-BALART, Ms. VELAZQUEZ, Mr. BASS, Mr. PAYNE, Mr. HINCHEY, Mr. NADLER, Mr. GANSKE, Mr. MORAN of Virginia, Mr. DEFAZIO, and Mr. TAYLOR of Mississippi.
 H.R. 1816: Mr. PRICE of North Carolina.
 H.R. 1838: Mr. TIAHRT, Mr. HUTCHINSON, Mr. HOEFFEL, and Mr. MEEKS of New York.

H.R. 1841: Mr. SABO and Mr. MARTINEZ.
 H.R. 1926: Mr. THOMPSON of California.
 H.R. 2059: Mr. STRICKLAND.
 H.R. 2060: Mr. CONYERS and Mr. OWENS.
 H.R. 2119: Mr. ROMERO-BARCELÓ.
 H.R. 2120: Mr. LUTHER.
 H.R. 2200: Mr. MARTINEZ and Mr. LUTHER.
 H.R. 2241: Mr. KANJORSKI, Mr. PICKERING, and Mr. CANADY of Florida.
 H.R. 2244: Mr. ROGAN and Mr. WAMP.
 H.R. 2258: Mrs. MALONEY of New York, Mr. BONIOR, and Mr. NADLER.
 H.R. 2269: Mr. FRANKS of New Jersey.
 H.R. 2303: Mr. VISCOSKY and Mr. BONILLA.
 H.R. 2420: Mrs. MORELLA, Mr. WATKINS, Mr. PACKARD, Mr. MCINTOSH, Mr. COOKSEY, Mr. CARDIN, Mr. ENGLISH, Mr. DUNCAN, and Mr. MOAKLEY.
 H.R. 2498: Mr. BURTON of Indiana, Mr. PALLONE, Mr. CLEMENT, Mrs. BONO, and Mr. GREEN of Texas.
 H.R. 2539: Mrs. BONO.
 H.R. 2543: Ms. DUNN and Mr. COBLE.
 H.R. 2544: Ms. PRYCE of Ohio and Mr. ISAKSON.
 H.R. 2554: Mr. CUNNINGHAM.
 H.R. 2631: Mrs. CAPPIS, Ms. LOFGREN, and Mr. THOMPSON of Mississippi.
 H.R. 2686: Mr. SISISKY.
 H.R. 2697: Mr. LAMPSON.
 H.R. 2722: Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. LAMPSON, Ms. JACKSON-LEE of Texas and Ms. BALDWIN.
 H.R. 2726: Mr. SHOWS, Mr. ARMEY, and Mrs. EMERSON.
 H.R. 2730: Mr. ABERCROMBIE, Mr. WAXMAN, Mrs. FOWLER, Mr. MCNULTY, Mr. BARRETT of Wisconsin, Mrs. JONES of Ohio, Mr. FARR of California, Mr. WATT of North Carolina, Mr. FROST, Mr. MEEKS of New York, Ms. DELAUBO, and Mrs. CLAYTON.
 H.R. 2732: Mrs. MCCARTHY of New York.
 H.R. 2733: Mr. BATEMAN, Mr. HORN, and Mr. SOUDER.
 H.R. 2750: Mrs. CLAYTON and Mr. TRAFICANT.
 H.R. 2764: Mr. SNYDER and Mr. BECERRA.
 H.R. 2774: Mr. WYNN.
 H.R. 2790: Mr. HILLIARD.
 H.R. 2807: Mr. WATT of North Carolina.
 H.R. 2825: Mr. SUNUNU, Mr. STEARNS, and Mr. SCHAFER.
 H.R. 2868: Mr. BLUMENAUER, Mr. WAXMAN, Mr. VENTO, Ms. PELOSI, Mr. STRICKLAND, Mr. HOLT, Mr. KUCINICH, and Ms. MCKINNEY.
 H.R. 2901: Mr. RILEY.
 H.R. 2909: Mr. RADANOVICH, Mr. LUTHER, and Mr. FOLEY.
 H.R. 2960: Mr. SESSIONS and Mr. GIBBONS.
 H.R. 2962: Ms. MILLENDER-MCDONALD, Ms. WATERS, and Mr. FOLEY.
 H.R. 2999: Mr. ROGAN.
 H.R. 3003: Mr. LANTOS and Mr. FILNER.
 H.R. 3027: Mr. ENGLISH, Mr. TURNER, and Mr. SMITH of Michigan.
 H.R. 3059: Mr. MCINNIS.
 H.R. 3075: Mr. SUNUNU.
 H.R. 3082: Mr. SAM JOHNSON of Texas and Mr. ENGLISH.
 H.J. Res. 21: Mr. BARTLETT of Maryland.
 H.J. Res. 53: Mr. HASTINGS of Washington and Mr. HEFLEY.
 H. Con. Res. 30: Mr. DEMINT.
 H. Con. Res. 62: Ms. BERKLEY, Mr. THOMPSON of California, and Mr. FILNER.
 H. Con. Res. 89: Mr. DOYLE, Mr. SOUDER, and Mr. WOLF.
 H. Con. Res. 119: Mr. FOSSELLA.
 H. Con. Res. 175: Mr. SHAYS, Mr. WOLF, and Mr. LANTOS.
 H. Con. Res. 188: Mr. CASTLE.
 H. Con. Res. 189: Mr. PALLONE.
 H. Res. 41: Mr. FRELINGHUYSEN, Mrs. NORTHUP, Ms. RIVERS, Mrs. ROUKEMA, Mr. SANDLIN, Mr. SKELTON, and Ms. WATERS.
 H. Res. 298: Mr. LANTOS, Mr. MARTINEZ, Mrs. LOWEY, Ms. SLAUGHTER, Ms. BERKLEY, Mr. REYES, Mr. DEUTSCH, Mr. FORD, and Mr. BERMAN.

H. Res. 325: Mr. SMITH of Michigan, Mr. BORSKI, Mr. MCINTYRE, Mr. JENKINS, and Mr. DAVIS of Virginia.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY MR. GOODLING

AMENDMENT NO. 5: In section 1112(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (10), by striking the “and” after the semicolon;

(2) in paragraph (11), by striking the period and inserting “; and”; and

(3) by adding at the end the following: “(12) a description of the criteria established by the local educational agency pursuant to section 1119(b)(1).”

In section 1124(c)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) in subparagraph (A), strike “and” after the semicolon;

(2) in subparagraph (B), strike the period and insert “; and”; and

(3) add at the end the following:

“(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4).”

In section 1124(c)(4) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) insert before the first sentence the following: “For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.”;

(2) in the first sentence after the sentence inserted by paragraph (1)—

(A) insert “the number of such children and” after “determine”; and

(B) insert “(using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October)” after “fiscal year”.

Amend subparagraph (C) of section 1701(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill, to read as follows:

“(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).”

In section 5204(a) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), insert “the design and development of new strategies for overcoming transportation barriers,” after “effective public school choice”; and

(2) in paragraph (2)(A), after “inter-district” insert “or intra-district”; and

(3) amend subparagraph (E) to read as follows:

“(E) public school choice programs that augment the existing transportation services necessary to meet the needs of children participating in such programs.”.

In section 5204(b) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

- (1) in paragraph (1), after the semicolon insert “and”;
- (2) strike paragraph (2); and
- (3) redesignate paragraph (3) as paragraph (2).

In section 9116(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

- (1) insert “funds for” after “(b) shall include”; and

(2) strike “, or portion thereof,” and insert “exclusively serving Indian children or the funds reserved under any program to exclusively serve Indian children”.

In section 15004(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 301 of the bill, strike “state, or federal laws, rules or regulations” and insert “State, and Federal laws, rules and regulations”.

In section 1121(c)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike “1 year” and insert “2 years”.

In the heading for section 1123 of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, insert “**CODIFICATION OF**” before “**REGULATIONS**”.

In section 1126(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike “maintenance to schools” and insert “maintenance of schools”.

In the heading for section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ““GENERAL” and all that follows through the semicolon.

In section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ““Regulations required” and all that follows through “Such regulations shall” and insert ““Regulations issued to implement this Act shall”.

In section 1138A(b)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike “, provided that the” and all that follow through the end of the paragraph and insert a period.

In section 1138A(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, redesignate paragraph (2) as paragraph (3), and insert the following new paragraph (2) after paragraph (1):

“(2) NOTIFICATION TO CONGRESS.—If draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 are not issued in final form by the deadline provided in paragraph (1), the Secretary shall notify the appropriate committees of Congress of which draft regulations were not issued in final form by the deadline and the reason such final regulations were not issued.

In section 5209(a) of Public Law 100-297, as proposed to be amended by section 420 of the bill—

- (1) strike “106(f)” and insert “106(e)”;
- (2) strike “106(j)” and insert “106(i)”;
- (3) strike “106(k)” and insert “106(j)”.

In section 722(g)(3)(C) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(C)), as proposed to be amended by section 704 of the bill—

- (1) in clause (i), strike “Except as provided in clause (iii), a” and insert “A”; and

(2) amend clause (iii) to read as follows:

“(iii) “If the child or youth needs to obtain immunizations or immunization records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations or immunization records in accordance with subparagraph (E).”

In section 722(g)(3)(E)(i) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(E)(i)), as proposed to be amended by section 704 of the bill, strike “except as provided in subparagraph (C)(iii),”.

In section 1112(g) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106(f) of the bill, strike paragraph (2)(A) and insert the following:

“(2) CONSENT.—

“(A) AGENCY REQUIREMENTS.—

“(i) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

“(I) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

“(II) instruction is tailored for limited English proficient children.

“(ii) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

“(iii) RESPONSE NOT OBTAINED.—

“(I) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in that it has given such notice and its specific efforts made to obtain such consent.

“(II) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

“(III) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

At the end of the bill, add the following:

TITLE IX—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

SEC. 901. PROGRAMS AUTHORIZED.

Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended to read as follows:

TITLE VII—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

PART A—ENGLISH LANGUAGE EDUCATION

SEC. 7101. SHORT TITLE.

“This part may be cited as the ‘English Language Proficiency and Academic Achievement Act’.

SEC. 7102. FINDINGS AND PURPOSES.

“(a) FINDINGS.—The Congress finds that—

“(I) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential;

“(2) limited English proficient children must overcome a number of challenges in receiving an education in order to enable such children to participate fully in American society, including—

“(A) segregated education programs;

“(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

“(C) the limited English proficiency of their own parents, which hinders the parents’ ability to fully participate in the education of their children; and

“(D) a need for additional teachers and other staff who are professionally trained and qualified to serve such children;

“(3) States and local educational agencies need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to children who need special assistance because English is not their dominant language;

“(4) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act), including native residents of the outlying areas, have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States;

“(5) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local educational agencies take appropriate action to provide equal educational opportunities to children of limited English proficiency; and

“(6) research, evaluation, and data collection capabilities in the field of instruction for limited English proficient children need to be strengthened so that educators and other staff teaching limited English proficient children in the classroom can better identify and promote programs, program implementation strategies, and instructional practices that result in the effective education of limited English proficient children.

“(b) PURPOSES.—The purposes of this part are—

“(1) to help ensure that children who are limited English proficient attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State content standards and challenging State student performance standards expected of all children; and

“(2) to develop high quality programs designed to assist local educational agencies in teaching limited English proficient children.

SEC. 7103. PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.

“(a) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part of—

“(1) the reasons for the identification of the child as being in need of English language instruction;

“(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

“(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;

“(4) what the specific exit requirements are for the program;

“(5) the expected rate of transition from the program into a classroom that is not tailored for limited English proficient children; and

“(6) the expected rate of graduation from high school for the program if funds under this part are used for children in secondary schools.

(b) CONSENT.—**(I) AGENCY REQUIREMENTS.—**

“(A) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

“(i) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

“(ii) instruction is tailored for limited English proficient children.

“(B) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

(C) RESPONSE NOT OBTAINED.—

“(i) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such notice and its specific efforts made to obtain such consent.

“(ii) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

“(iii) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall in-

clude information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

“(2) PARENTAL RIGHTS.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under subpart 1 or 2 shall—

“(A) select among methods of instruction, if more than one method is offered in the program; and

“(B) have the right to have their child immediately removed from the program upon their request.

“(c) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

“(1) timely information about English language instruction programs for limited English proficient children assisted under this part;

“(2) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents; and

“(3) procedural information for removing a child from a program for limited English proficient children.

“(d) BASIS FOR ADMISSION OR EXCLUSION.—Students shall not be admitted to or excluded from any federally assisted education program on the basis of a surname or language-minority status.

SEC. 7104. TESTING OF LIMITED ENGLISH PROFICIENT CHILDREN.

“(a) IN GENERAL.—Assessments of limited English proficient children participating in programs funded under this part, to the extent practicable, shall be in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas.

“(b) SPECIAL RULE.—Notwithstanding subsection (a), in the case of an assessment of reading or language arts of any student who has attended school in the United States (excluding Puerto Rico) for 3 or more consecutive school years, the assessment shall be in the form of a test written in English, except that, if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional year.

SEC. 7105. CONDITIONS ON EFFECTIVENESS OF SUBPARTS 1 AND 2.

“(a) SUBPART 1.—Subpart 1 shall be in effect only for a fiscal year for which subpart 2 is not in effect.

(b) SUBPART 2.—

“(1) IN GENERAL.—Subpart 2 shall be in effect only for—

“(A) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds \$215,000,000; and

“(B) all succeeding fiscal years.

“(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this part, a State receiving a grant under subpart 2 shall provide 1 additional year of funding to eligible entities in accordance with section 7133(3).

SEC. 7106. AUTHORIZATIONS OF APPROPRIATIONS.

“(a) SUBPART 1 OR 2.—Subject to section 7105, for the purpose of carrying out subpart 1 or 2, as applicable, there are authorized to be appropriated \$215,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

“(b) SUBPART 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated \$60,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

“(c) SUBPART 4.—For the purpose of carrying out subpart 4, there are authorized to be appropriated \$16,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

Subpart 1—Discretionary Grant Program**SEC. 7111. FINANCIAL ASSISTANCE FOR PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN.**

“The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under section 7112, to—

“(1) develop and enhance their capacity to provide high-quality instruction through English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children; and

(2) help such children—

“(A) develop proficiency in English; and

“(B) meet the same challenging State content standards and challenging State student performance standards expected for all children as required by section 1111(b).

SEC. 7112. FINANCIAL ASSISTANCE FOR INSTRUCTIONAL SERVICES.**(a) PROGRAM AUTHORIZED.—**

“(1) IN GENERAL.—In accordance with section 7105, before the amount appropriated to carry out this part for a fiscal year equals or exceeds \$210,000,000, the Secretary is authorized to award grants to eligible entities having applications approved under section 7114 to enable such entities to carry out activities described in subsection (b).

“(2) LENGTH OF GRANT.—Each grant under this section shall be awarded for a period of time to be determined by the Secretary based on the type of grant for which the eligible entity applies.

“(b) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards using scientifically-based research approaches and methodologies, by—

“(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

“(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

“(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

“(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and

academic content instruction for limited English proficient students.

“(c) USES OF FUNDS.—Grants under this section may be used—

“(1) to upgrade—

“(A) educational goals, curriculum guidelines and content, standards, and assessments; and

“(B) professional development activities;

“(2) to improve the instruction program for limited English proficient students by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures; and

“(3) to provide—

“(A) tutorials and academic or vocational education for limited English proficient children;

“(B) intensified instruction; and

“(C) for such other activities, related to the purposes of this subpart, as the Secretary may approve.

“(d) SPECIAL RULE.—A grant recipient, before carrying out a program assisted under this section, shall plan, train personnel, develop curricula, and acquire or develop materials.

“(e) ELIGIBLE ENTITIES.—For the purpose of this section, the term ‘eligible entity’ means—

“(1) 1 or more local educational agencies; or

“(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or local or State educational agency.

“SEC. 7113. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

“(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this subpart, subject to the following qualifications:

“(I) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

“(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term ‘tribally sanctioned educational authority’ means—

“(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

“(B) any nonprofit institution or organization that is—

“(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

“(ii) approved by the Secretary for the purpose of this section.

“(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this subpart, each eligible entity described in subsection (a) shall submit any application for assistance under this subpart directly to the Secretary along with timely comments on the need for the proposed program.

“SEC. 7114. APPLICATIONS.

“(a) IN GENERAL.—

“(1) SECRETARY.—To receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

“(2) STATE EDUCATIONAL AGENCY.—An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of its application under this section to the State educational agency.

“(b) REQUIRED DOCUMENTATION.—Such application shall include documentation that the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

“(c) CONTENTS.—

“(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

“(A) A description of the need for the proposed program, and a comprehensive description of the characteristics relevant to the children being served.

“(B) An assurance that, if the applicant includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year.

“(C) A description of the program to be implemented and how such program’s design—

“(i) relates to the English language and academic needs of the children of limited English proficiency to be served;

“(ii) is coordinated with other programs under this Act and other Acts, as appropriate, in accordance with section 14306;

“(iii) involves the parents of the children of limited English proficiency to be served;

“(iv) ensures accountability in achieving high academic standards; and

“(v) promotes coordination of services for the children of limited English proficiency to be served and their families.

“(D) A description, if appropriate, of the applicant’s collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

“(E) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for programs for limited English proficient children if the applicant receives an award under this subpart.

“(F) An assurance that the applicant will employ teachers in the proposed program who are proficient in English, including written and oral communication skills, and another language, if appropriate.

“(G) A budget for grant funds.

“(H) A description, if appropriate of how the applicant annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart.

“(2) ADDITIONAL INFORMATION.—Each applicant for a grant under section 7112 who intends to use the grant for a purpose described in paragraph (3) or (4) of subsection (b) of such section—

“(A) shall describe—

“(i) how services provided under this subpart are supplementary to existing services;

“(ii) how funds received under this subpart will be integrated, as appropriate, with all other Federal, State, local, and private resources that may be used to serve children of limited English proficiency;

“(iii) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

“(iv) current family literacy programs if applicable; and

“(B) shall provide assurances that the program funded will be integrated with the overall educational program.

“(d) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

“(1) the program will use qualified personnel, including personnel who are proficient in English and other languages used in instruction, if appropriate.

“(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

“(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited English proficient students, and that limited English proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

“(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such Federal funds, would have been expended for special programs for limited English proficient children and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children; and

“(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this subpart is reduced or no longer available.

“(e) CONSIDERATION.—In approving applications under this subpart, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or businesses.

“SEC. 7115. INTENSIFIED INSTRUCTION.

“In carrying out this subpart, each grant recipient may intensify instruction for limited English proficient students by—

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

“(2) applying technology to the course of instruction; and

“(3) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

"SEC. 7116. CAPACITY BUILDING."

"Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children, once Federal assistance is reduced or eliminated.

"SEC. 7117. SUBGRANTS."

"A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

"SEC. 7118. SPECIAL CONSIDERATION."

"The Secretary shall give special consideration to applications under this subpart that describe a program that—

"(1) enrolls a large percentage or large number of limited English proficient students;

"(2) takes into account significant increases in limited English proficient children, including such children in areas with low concentrations of such children; and

"(3) ensures that activities assisted under this subpart address the needs of school systems of all sizes and geographic areas, including rural and urban schools.

"SEC. 7119. COORDINATION WITH OTHER PROGRAMS."

"In order to secure the most flexible and efficient use of Federal funds, any State receiving funds under this subpart shall coordinate its program with other programs under this Act and other Acts, as appropriate, in accordance with section 14306.

"SEC. 7120. NOTIFICATION."

"The State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days of the date an award under this subpart is made to an eligible entity within the State.

"SEC. 7121. STATE GRANT PROGRAM."

"(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's own programs and other Federal education programs, effectively provides for the education of children of limited English proficiency within the State.

"(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than \$100,000.

"(c) USE OF FUNDS."

"(1) IN GENERAL.—A State educational agency shall use funds awarded under this section for programs authorized by this section—

"(A) to assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation; and

"(B) to collect data on the State's limited English proficient populations and the educational programs and services available to such populations.

"(2) EXCEPTION.—States that do not, as of the date of enactment of the Student Results Act of 1999, have in place a system for collecting the data described in paragraph (1)(B) for all students in such State, are not re-

quired to meet the requirement of such paragraph. In the event such State develops a system for collecting data on the educational programs and services available to all students in the State, then such State shall comply with the requirement of paragraph (1)(B).

"(3) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

"(4) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

"(d) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase to the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

"(f) REPORT TO THE SECRETARY.—State educational agencies receiving awards under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of such funds.

"Subpart 2—Formula Grant Program"**"SEC. 7131. FORMULA GRANTS TO STATES."**

"(a) IN GENERAL.—In accordance with section 7105, after the amount appropriated to carry out this part for a fiscal year equals or exceeds \$215,000,000, in the case of each State that in accordance with section 7133 submits to the Secretary an application for a fiscal year, the Secretary shall offer rescuing funds under subsection (b) make a grant for the year to the State for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State under section 7135.

"(b) RESERVATION.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve not less than .5 percent to provide Federal financial assistance under this subpart to entities that are considered to be a local educational agency under section 7108(a).

"(c) PURPOSES OF GRANTS."

"(1) REQUIRED EXPENDITURES.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 95 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to limited English proficient children in accordance with section 7134.

"(2) AUTHORIZED EXPENDITURES.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 5 percent of the amount of the funds provided under the grant for one or more of the following purposes:

"(A) Professional development and activities that assist personnel in meeting State and local certification requirements for English language instruction.

"(B) Planning, administration, and inter-agency coordination related to the subgrants referred to in paragraph (1).

"(C) Providing technical assistance and other forms of assistance to local educational agencies that—

"(i) educate limited English proficient children; and

"(ii) are not receiving a subgrant from a State under this subpart.

"(D) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children enrolled in the subgrantee's programs and activities attain English language proficiency and meet challenging State content standards and challenging State student performance standards.

"(3) LIMITATION ON ADMINISTRATIVE COSTS.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend not more than 2 percent of the amount of the funds provided under the grant for the purposes described in paragraph (2)(B).

"SEC. 7132. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL."

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, the following shall be considered to be a local educational agency:

"(1) An Indian tribe.

"(2) A tribally sanctioned educational authority.

"(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

"(4) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

"(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

"(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

"(b) SUBMISSION OF APPLICATIONS FOR ASSISTANCE.—Notwithstanding any other provision of this subpart, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a grant under this subpart on the same basis as any other local educational agency.

"SEC. 7133. APPLICATIONS BY STATES."

"For purposes of section 7131, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

"(1) describes the process that the State will use in making subgrants to eligible entities under this subpart;

"(2) contains an agreement that the State annually will submit to the Secretary a summary report, describing the State's use of the funds provided under the grant;

"(3) contains an agreement that the State—

"(A) will provide one year of funding for an application for a subgrant under section 7134 from an eligible entity that describes a program that, on the day preceding the date of the enactment of the Student Results Act of 1999, was receiving funding under a grant—

"(i) awarded by the Secretary under subpart 1 or 3 of part A of the Bilingual Education Act (as such Act was in effect on such day); and

"(ii) that was not under its terms due to expire before a period of 1 year or more had elapsed; and

“(B) after such one-year extension, will give special consideration to such applications if the period of their award would not yet otherwise have expired if the Student Results Act of 1999 had not been enacted.

“(4) contains an agreement that, in carrying out this subpart, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

“(5) contains an agreement that subgrants to eligible entities under section 7134 shall be of sufficient size and scope to allow such entities to carry out high quality education programs for limited English proficient children;

“(6) contains an agreement that the State will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

“(7) contains an agreement that the State—

“(A) shall monitor the progress of students enrolled in programs and activities receiving assistance under this subpart in attaining English proficiency and in attaining challenging State content standards and challenging State performance standards;

“(B) subject to subparagraph (C), shall withdraw funding from such programs and activities in cases where the majority of students are not attaining English proficiency and attaining challenging State content standards and challenging State performance standards after 3 academic years of enrollment based on the evaluation measures in section 7403(d); and

“(C) shall provide technical assistance to eligible entities that fail to satisfy the criterion in subparagraph (B) prior to the withdrawal of funding under such subparagraph;

“(8) contains an assurance that the State will require eligible entities receiving a subgrant under section 7134 annually to assess the English proficiency of all children with limited English proficiency participating in a program funded under this subpart; and

“(9) contains an agreement that States will require eligible entities receiving a grant under this subpart to use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in attaining challenging State content standards and challenging State performance standards once assistance under this subpart is no longer available.

SEC. 7134. SUBGRANTS TO ELIGIBLE ENTITIES.

“(a) PURPOSES OF SUBGRANTS.—A State may make a subgrant to an eligible entity from funds received by the State under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards, using scientifically-based research approaches and methodologies, by—

“(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

“(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

“(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant

programs and operations relating to English language and academic content instruction for limited English proficient students; or

“(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

“(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—

“(1) IN GENERAL.—Subject to paragraph (2), a State may make a subgrant to an eligible entity from funds received by the State under this subpart in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities to improve the understanding, and use, of the English language, based on a child's learning skills:

“(A) Developing and implementing comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

“(B) Providing professional development to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children.

“(C) Improving the English language proficiency and academic performance of limited English proficient children.

“(D) Improving the instruction of limited English proficient children by providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, providing training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

“(E) Developing tutoring programs for limited English proficient children that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among limited English proficient children, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for limited English proficient children.

“(F) Providing family literacy services and parent outreach and training activities to limited English proficient children and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

“(G) Other activities that are consistent with the purposes of this subpart.

“(2) MOVING CHILDREN OUT OF SPECIALIZED CLASSROOMS.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this subpart shall be designed to assist students enrolled in the program or activity to attain English proficiency and meet challenging State content standards and challenging State performance standards as soon as possible and to move into a classroom where instruction is not tailored for limited English proficient children.

“(c) SELECTION OF METHOD OF INSTRUCTION.—To receive a subgrant from a State under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State content standards and challenging State student performance standards. Such selection shall be consistent with sections 7406 and 7407.

“(d) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State under

this section shall be determined by the State in its discretion.

“(e) APPLICATIONS BY ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—To receive a subgrant from a State under this subpart, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

“(2) REQUIRED DOCUMENTATION.—The application shall describe the programs and activities proposed to be developed, implemented, and administered under the subgrant and shall provide an assurance that the applicant will only employ teachers and other personnel for the proposed programs and activities who are proficient in English, including written and oral communication skills.

“(3) REQUIREMENTS FOR APPROVAL.—A State may approve an application submitted by an eligible entity for a subgrant under this subpart only if the State determines that—

“(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English to children who are limited English proficient;

“(B) if the eligible entity includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year;

“(C) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart;

“(D) the eligible entity has based its proposal on sound research and theory;

“(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be fluent in English after 3 academic years of enrollment;

“(F) the eligible entity will ensure that programs will enable children to speak, read, write, and comprehend the English language and meet challenging State content and challenging State performance standards; and

“(G) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children.

“(4) QUALITY.—In determining which applications to select for approval, a State shall consider the quality of each application and ensure that it is of sufficient size and scope to meet the purposes of this subpart.

SEC. 7135. DETERMINATION OF AMOUNT OF ALLOTMENT.

“(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), from the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sum as the total number of children who are limited English proficient and who reside in the State bears to the total number of such children residing in all States (excluding the Commonwealth of Puerto Rico and the outlying areas) that, in accordance with section 7133, submit to the Secretary an application for the year.

“(b) PUERTO RICO.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 1.5 percent of the sums appropriated under section 7106(a).

“(c) OUTLYING AREAS.—

“(1) TOTAL AVAILABLE FOR ALLOTMENT.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot

to the outlying areas, in accordance with paragraph (2), a total amount equal to .5 percent of the sums appropriated under section 7120.

“(2) DETERMINATION OF INDIVIDUAL AREA AMOUNTS.—From the total amount determined under paragraph (1), the Secretary shall allot to each outlying area an amount which bears the same ratio to such amount as the total number of children who are limited English proficient and who reside in the outlying area bears to the total number of such children residing in all outlying areas, that, in accordance with section 7133, submit to the Secretary an application for the year.

“(d) MINIMUM ALLOTMENT.—

“(i) IN GENERAL.—Notwithstanding subsections (a) through (c), and subject to section 7105, the Secretary shall not allot to any State, for fiscal years 2000 through 2004, an amount that is less than 100 percent of the baseline amount for the State.

“(2) BASELINE AMOUNT DEFINED.—For purposes of this subsection, the term ‘baseline amount’, when used with respect to a State, means the total amount received under this part for fiscal year 2000 by the State, the State educational agency, and all local educational agencies of the State.

“(3) RATABLE REDUCTION.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

“(e) USE OF STATE DATA FOR DETERMINATIONS.—For purposes of subsections (a) and (c), any determination of the number of children who are limited English proficient and reside in a State shall be made using the most recent limited English proficient school enrollment data available to, and reported to the Secretary by, the State. The State shall provide assurances to the Secretary that such data are valid and reliable.

“(f) NO REDUCTION PERMITTED BASED ON TEACHING METHOD.—The Secretary may not reduce a State’s allotment based on the State’s selection of the immersion method of instruction as its preferred method of teaching the English language to children who are limited English proficient.

SEC. 7136. DISTRIBUTION OF GRANTS TO ELIGIBLE ENTITIES.

“Of the amount expended by a State for subgrants to eligible entities—

“(1) at least one-half shall be allocated to eligible entities that enroll a large percentage or a large number of children who are limited English proficient, as determined based on the relative enrollments of such children enrolled in the eligible entities; and

“(2) the remainder shall be allocated on a competitive basis to—

“(A) eligible entities within the State to address a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children who are limited English proficient in a school or local educational agency, including schools and agencies in areas with low concentrations of such children; and

“(B) other eligible entities serving limited English proficient children.

SEC. 7137. SPECIAL RULE ON PRIVATE SCHOOL PARTICIPATION.

For purposes of this Act, this subpart shall be treated as a covered program, as defined in section 14101(10).

Subpart 3—Professional Development

SEC. 7141. PURPOSE.

“The purpose of this subpart is to assist in preparing educators to improve educational services for limited English proficient children by supporting professional development programs primarily aimed at improving and developing the skills of instructional staff in

elementary and secondary schools and on assisting limited English proficient children to attain English proficiency and meet challenging State academic content standards and challenging State performance standards.

SEC. 7142. PROFESSIONAL DEVELOPMENT AND FELLOWSHIPS.

“(a) PROGRAM AUTHORIZED.—

“(i) IN GENERAL.—The Secretary is authorized to award grants, as appropriate, to local educational agencies, institutions of higher education, State educational agencies, public and private organizations in consortium with a local educational agency, or a consortium of such agencies or institutions, except that any such consortium shall include a local educational agency.

“(2) GRANT PURPOSE.—Grants awarded under this section shall be used for one or more of the following purposes:

“(A) To develop and provide ongoing in-service professional development, including professional development necessary to receive certification as a teacher of limited English proficient children, for teachers of limited English proficient children, school administrators and, if appropriate, pupil services personnel, and other educational personnel who are involved in, or preparing to be involved in, the provision of educational services to limited English proficient children.

“(B) To provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies, and resources specific to limited English proficient students into in-service professional development programs for teachers, administrators and, if appropriate, pupil services personnel, and other educational personnel in order to prepare such individuals to provide effective services to limited English proficient students.

“(C) To upgrade the qualifications and skills of teachers to ensure that they are fully qualified (as defined by section 1610) and meet high professional standards, including certification and licensure as a teacher of limited English proficient students.

“(D) To upgrade the qualifications and skills of paraprofessionals to ensure they meet the requirements under section 1119 and meet high professional standards to assist, as appropriate, teachers who instruct limited English proficient students.

“(E) To train secondary school students as teachers of limited English proficient children and to train, as appropriate, other education personnel to serve limited English proficient students.

“(F) To award fellowships for—

“(i) study in such areas as teacher training, program administration, research and evaluation, and curriculum development, at the master’s, doctoral, or post-doctoral degree level, related to instruction of children and youth of limited English proficiency; and

“(ii) the support of dissertation research related to such study.

“(G) To recruit elementary and secondary school teachers of limited English proficient children.

“(b) DURATION AND LIMITATION.—

“(i) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

“(2) LIMITATION.—Not more than 15 percent of the amount of the grant may be expended for the purposes described in subparagraphs (F) and (G) of subsection (a)(2).

“(c) PROFESSIONAL DEVELOPMENT REQUIREMENTS.—

“(i) ACTIVITIES.—A recipient of a grant under this section may use the grant funds

for the following professional development activities:

“(A) Designing and implementing of induction programs for new teachers, including mentoring and coaching by trained teachers, team teaching with experienced teachers, compensation for, and availability of, time for observation of, and consultation with, experienced teachers, and compensation for, and availability of, additional time for course preparation.

“(B) Implementing collaborative efforts among teachers to improve instruction in reading and other core academic areas for students with limited English proficiency, including programs that facilitate teacher observation and analysis of fellow teachers’ classroom practice.

“(C) Supporting long-term collaboration among teachers and outside experts to improve instruction of limited English proficient students.

“(D) Coordinating project activities with other programs, such as those under the Head Start Act, and titles I and II of this Act, and titles II and V of the Higher Education Act of 1965.

“(E) Developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served.

“(F) Instructing teachers and, where appropriate, other personnel working with limited English children on how—

“(i) to utilize test results to improve instruction for limited English proficient children so the children can meet the same challenging State content standards and challenging State performance standards as other students; and

“(ii) to help parents understand the results of such assessments.

“(G) Contracting with institutions of higher education to allow them to provide in-service training to teachers, and, where appropriate, other personnel working with limited English proficient children to improve the quality of professional development programs for limited English proficient students.

“(H) Such other activities as are consistent with the purpose of this section.

“(2) ADDITIONAL REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT FUNDS.—Uses of funds received under this section for professional development—

“(A) shall advance teacher understanding of effective instructional strategies based on scientifically based research for improving student achievement;

“(B) shall be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers’ performance in the classroom;

“(C) shall be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under subparts 1 and 2 of part A; and

“(D) as a whole, shall be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development.

“(d) FELLOWSHIP REQUIREMENTS.—

“(i) IN GENERAL.—Any person receiving a fellowship under subsection (a)(2)(F) shall agree—

“(A) to work as a teacher of limited English proficient children, or in a program or an activity funded under this part, for a period of time equivalent to the period of time during which the person receives such fellowship; or

“(B) to repay the amount received pursuant to the fellowship award.

“(2) REGULATIONS.—The Secretary shall establish in regulations such terms and conditions for agreements under paragraph (1) as the Secretary deems reasonable and necessary and may waive the requirement of such paragraph in extraordinary circumstances.

“(3) PRIORITY.—In awarding fellowships under this section, the Secretary shall give priority to fellowship applicants applying for study or dissertation research at institutions of higher education that have demonstrated a high level of success in placing fellowship recipients into employment in elementary and secondary schools.

“(4) INFORMATION.—The Secretary shall include information on the operation and the number of fellowships awarded under this section in the evaluation required under section 7145.

SEC. 7143. APPLICATION.

“(a) IN GENERAL.—

“(i) SUBMISSION TO SECRETARY.—In order to receive a grant under section 7142, an agency, institution, organization, or consortium described in subsection (a)(1) of such section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

“(2) CONTENTS.—Each such application shall include—

“(A) a description of the proposed professional development or graduate fellowship programs to be implemented with the grant;

“(B) a description of the scientific research on which the program or programs are based; and

“(C) an assurance that funds will be used to supplement and not supplant other professional development activities that affect the teaching and learning in elementary and secondary schools, as appropriate.

“(b) APPROVAL.—The Secretary shall only approve an application under this section if it meets the requirements of this section and is of sufficient quality to meet the purposes of this subpart.

“(c) SPECIAL RULES.—

“(i) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under titles III and V of the Higher Education Act of 1965 and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate the participation of such institutions under this subpart.

“(2) DISTRIBUTION.—In making awards under this subpart, the Secretary shall ensure adequate representation of Hispanic-serving institutions (as defined in section 502 of the Higher Education Act of 1965) that demonstrate competence and experience in the programs and activities authorized under this subpart and are otherwise qualified.

SEC. 7144. PROGRAM EVALUATIONS.

“Each recipient of funds under this subpart shall provide the Secretary with an evaluation of the program assisted under this subpart every 2 years. Such evaluation shall include data on—

“(1) post-program placement of persons trained in a program assisted under this subpart;

“(2) how such training relates to the employment of persons served by the program;

“(3) program completion; and

“(4) such other information as the Secretary may require.

SEC. 7145. USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.

Not more than 10 percent of the funds received under this subpart may be used to develop any program participant's competence in a second language for use in instructional programs.

Subpart 4—Research, Evaluation, and Dissemination

SEC. 7151. AUTHORITY.

“The Secretary shall conduct and coordinate, through the Office of Educational Research and Improvement and in coordination with the Office of Educational Services for Limited English Proficient Children, research for the purpose of improving English language and academic content instruction for children who are limited English proficient. Activities under this section shall be limited to research to identify successful models for teaching limited English proficient children English, research to identify successful models for assisting such children to meet challenging State content and student performance standards, and distribution of research results to States for dissemination to schools with populations of students who are limited English proficient. Research conducted under this section may not focus solely on any one method of instruction.

PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

SEC. 7201. FINDINGS AND PURPOSE.

“(a) FINDINGS.—The Congress finds that—

“(i) the education of our Nation's children and youth is one of the most sacred government responsibilities;

“(2) local educational agencies have struggled to fund adequately education services; and

“(3) immigration policy is solely a responsibility of the Federal Government.

“(b) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

“(1) provide high-quality instruction to immigrant children and youth; and

“(2) help such children and youth—

“(A) with their transition into American society; and

“(B) meet the same challenging State performance standards expected of all children and youth.

SEC. 7202. STATE ADMINISTRATIVE COSTS.

“For any fiscal year, a State educational agency may reserve not more than 1.5 percent of the amount allocated to such agency under section 7204 to pay the costs of performing such agency's administrative functions under this part.

SEC. 7203. WITHHOLDING.

“Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

SEC. 7204. STATE ALLOCATIONS.

“(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2000 through 2004 for the purpose set forth in section 7201(b).

“(b) ALLOCATIONS.—

“(i) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in nonpublic elementary or secondary schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of such agencies, and in nonpublic elementary or secondary schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

“(A) at least 500; or

“(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year, whichever number is less.

(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.

“(i) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

“(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

“(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

(e) RESERVATION OF FUNDS.

“(i) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds \$50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

“(A) At least one-half of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

“(B) Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

“(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 7207.

“(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

SEC. 7205. STATE APPLICATIONS.

“(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

“(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

“(2) provide assurances that payments under this part will be used for purposes set forth in sections 7201(b) and 7207, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes and will coordinate with other programs assisted under this Act and other Acts as appropriate;

“(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under part A or title I;

“(4) provide assurances that such payments, with the exception of payments reserved under section 7204(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 7204(b)(1);

“(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

“(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

“(7) provide assurances—

“(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

“(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in

this part, and a public agency shall administer such funds and property; and

“(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

“(8) provide that funds reserved under section 7204(e) be awarded on a competitive basis based on merit and need in accordance with such subsection; and

“(9) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

“(b) APPLICATION REVIEW.

“(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

“(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

“(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State.

SEC. 7206. ADMINISTRATIVE PROVISIONS.

“(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 7205 of the amount of such agency's allocation under section 7204 for the succeeding year.

“(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 7205(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this part, to such children. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

SEC. 7207. USES OF FUNDS.

“(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

“(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

“(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

“(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

“(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

“(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, in-

cluding the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

“(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

“(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

“(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

“(d) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

SEC. 7208. REPORTS.

“(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every two years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

“(b) REPORT TO CONGRESS.—The Secretary shall submit, once every two years, a report to the appropriate committees of the Congress concerning programs assisted under this part in accordance with section 14701.

SEC. 7209. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated \$175,000,000 for fiscal year 2000 and such sums as may be necessary for each of the four succeeding fiscal years.

PART C—ADMINISTRATION

SEC. 7301. REPORTING REQUIREMENTS.

“(a) STATES.—Based upon the evaluations provided to a State under section 7403, each State receiving a grant under this title annually shall report to the Secretary on programs and activities undertaken by the State under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

“(b) SECRETARY.—Every other year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on programs and activities undertaken by States under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

SEC. 7302. COORDINATION WITH RELATED PROGRAMS.

“In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies.

PART D—GENERAL PROVISIONS**“SEC. 7401. DEFINITIONS.****“SEC. 7402. CONSTRUCTION.**

“Nothing in subpart 1 or 2 shall be construed to prohibit a local educational agency from serving limited English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

“SEC. 7403. EVALUATION.

“(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State or a grant from the Secretary under part A shall provide the State or the Secretary, at the conclusion of every second fiscal year during which the subgrant or grant is received, with an evaluation, in a form prescribed by the State or the Secretary, of—

“(1) the programs and activities conducted by the entity with funds received under part A during the 2 immediately preceding fiscal years;

“(2) the progress made by students in learning the English language and meeting challenging State content standards and challenging State student performance standards;

“(3) the number and percentage of students in the programs and activities attaining English language proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

“(4) the progress made by students in meeting challenging State content and challenging State performance standards for each of the 2 years after such students are no longer receiving services under this part.

“(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State or the Secretary—

“(1) for improvement of programs and activities;

“(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State content standards and challenging State student performance standards; and

“(3) in determining whether or not to continue funding for specific programs or projects.

“(c) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under subsection (a) shall include—

“(1) an evaluation of whether students enrolling in a program or activity conducted by the entity with funds received under part A—

“(A) have attained English proficiency and are meeting challenging State content standards and challenging State student performance standards; and

“(B) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, in a classroom that is not tailored to limited English proficient children; and

“(2) such other information as the State or the Secretary may require.

“(d) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under subsection (a), a State or the Secretary shall approve evaluation measures, as applicable, for use under subsection (c) that are designed to assess—

“(1) oral language proficiency in kindergarten;

“(2) oral language proficiency, including speaking and listening skills, in first grade;

“(3) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades two and higher; and

“(4) attainment of challenging State performance standards.

“SEC. 7404. CONSTRUCTION.

“Nothing in part A shall be construed as requiring a State or a local educational agency to establish, continue, or eliminate a program of native language instruction.

“SEC. 7405. LIMITATION ON FEDERAL REGULATIONS.

“The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this title.

“SEC. 7406. LEGAL AUTHORITY UNDER STATE LAW.

“Nothing in this title shall be construed to negate or supersede the legal authority, under State law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the State agency, entity, or official.

“SEC. 7407. CIVIL RIGHTS.

“Nothing in this title shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

“SEC. 7408. RULE OF CONSTRUCTION.

“Nothing in part A shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages.

“SEC. 7409. REPORT.

“The Secretary shall prepare, and submit to the Secretary and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on—

“(1) the activities carried out under this title and the effectiveness of such activities in increasing the English proficiency of limited English proficient children and helping them to meet challenging State content standards and challenging State performance standards;

“(2) the types of instructional programs used under subpart 1 to teach limited English proficient children;

“(3) the number of programs, if any, which were terminated from the program because they were not able to reach program goals; and

“(4) other information gathered as part of the evaluation conducted under section 7403.

“SEC. 7410. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

“Programs authorized under subparts 1 and 2 of this part that serve Native American children, Native Pacific Island children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this title may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that a primary outcome of programs serving such children shall be increased English proficiency among such children.”

“SEC. 902. CONFORMING AMENDMENT TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) IN GENERAL.—The Department of Education Organization Act is amended by striking “Office of Bilingual Education and Minority Languages Affairs” each place such term appears in the text and inserting “Office of Educational Services for Limited English Proficient Children”.

(b) CLERICAL AMENDMENTS.—

(1) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

“OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN”.

(2) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

“SEC. 216. OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN.”**(3) TABLE OF CONTENTS.—**

(A) SECTION 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

“Sec. 209. Office of Educational Services for Limited English Proficient Children.”

(B) SECTION 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

“Sec. 216. Office of Educational Services for Limited English Proficient Children.”

H.R. 2

OFFERED BY: MR. ACKERMAN

AMENDMENT NO. 6: After section 1113(f)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 107 of the bill, insert the following (and redesignate any subsequent paragraphs accordingly):

“(3) COUNTIES.—If sufficient funds are available, any local educational agency which contains 2 or more counties in their entirety shall provide to each eligible public school attendance area or eligible public school an amount of funds, per pupil from a low-income family, under this part for any fiscal year which is not less than 90 percent of the amount provided for the preceding fiscal year.

In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the third and fourth sentences.

H.R. 2

OFFERED BY: MR. ACKERMAN

AMENDMENT NO. 7: In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the following: “If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency’s total grant that is no less than the county’s share of the population counts used to calculate the local educational agency’s grant.”

H.R. 2

OFFERED BY: MR. ACKERMAN

AMENDMENT NO. 8: At the end of the bill, add the following:

TITLE IX—PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN**SEC. 901. TREATMENT OF AMERICAN SIGN LANGUAGE FOR PURPOSES OF PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN.**

Section 7501(8)(A) (20 U.S.C. 7601(8)(A)) is amended—

(1) in clauses (i) and (ii), by striking “or” at the end;

(2) in clause (iii), by striking “and” at the end and inserting “or”; and

(3) by adding at the end the following:

“(iv) is a person whose native language is American Sign Language; and”.

H.R. 2

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 9: At the end of section 1114 of the the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill, add the following:

“(e) PREKINDERGARTEN PROGRAM.—

“(1) IN GENERAL.—A school that is eligible for a schoolwide program under this section may use funds made available under this title to establish or enhance prekindergarten programs in accordance with paragraph (2).

“(2) CONTENTS.—Before a school uses funds made available under this title to establish or enhance prekindergarten programs it shall consider the following:

“(A) The need to establish or expand a prekindergarten program.

“(B) Hiring individuals to work with children in the prekindergarten program who are teachers or child development specialists certified by the State.

“(C) The ratio of teacher or child development specialist to children not exceeding 10-1.

“(D) Developing a sliding fee schedule to ensure that the parents of a child who attends a prekindergarten program established under this section share in the cost of providing the prekindergarten program, with the amount of such contribution not to exceed \$50 each week that a child attends such program.

“(E) That none of the funds received under this title may be used for the construction or renovation of existing or new facilities (except for minor remodeling needed to accomplish the purposes of this subsection).

“(F) Using a collaborative process with organizations and members of the community that have an interest and experience in early childhood development and education to establish prekindergarten programs.

“(G) Coordinating with and expanding, but not duplicating or supplanting, early childhood programs that exist in the community.

“(H) Providing scientifically based research on early childhood education services that focus on language, literacy, and reading development.

“(I) How the program will meet the diverse needs of children aged 0-5 in the community, including children who have special needs.

“(J) Employing methods that ensure a smooth transition for participating students from early childhood education to kindergarten and early elementary education.

“(K) The results the programs are intended to achieve, and what tools to use to measure the progress in attaining those results.

“(L) Providing, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the funds used under this title for the prekindergarten programs, with such contributions including in kind contributions and parental co-payments.

“(M) Developing a plan to operate the program without using funds made available under this title.

H.R. 2

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 10: In section 1119A(b)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 116 of the bill, insert after subparagraph (E) the following (and redesignate any subsequent subparagraphs accordingly):

“(F) include the training of principals and vice principals.”

H.R. 2

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 11: Add at the end of section 1604 of the Elementary and Secondary Education Act of 1965, as proposed to be

amended by section 161 of the bill, the following:

“(d) PURCHASING REQUIREMENTS.—None of the funds made available under this title shall be used to purchase needles that are not infusion safety devices, commonly known as safe needles.”

H.R. 2

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 12: Add at the end of the bill the following new title:

TITLE IX—PREKINDERGARTEN PROGRAM

SEC. 901. SENSE OF CONGRESS.

Title XIV of the Act is amended by adding at the end the following:

SEC. 14802. SENSE OF CONGRESS REGARDING EARLY CHILDHOOD DEVELOPMENT SERVICES.

“It is the sense of Congress that the amount of funds authorized for the Head Start Act should be appropriated to provide vital early childhood development services to children who might not otherwise receive such services.”

SEC. 902. PREKINDERGARTEN PROGRAM.

Add at the end of the Act the following:

TITLE XVII—PREKINDERGARTEN PROGRAM

SEC. 1701. FINDINGS.

“Congress finds the following:

“(1) Countless studies have shown what every parent already knows: High-quality preschool education programs work. They prepare children to learn when they go to school, and the programs increase the success of students throughout their lives.

“(2) Children who get a high-quality prekindergarten education are more likely to increase their overall IQ, improve their results on achievement tests, and increase their chances of graduating from high school and pursuing some form of higher education. These same children are less likely to repeat a grade level and have less need for special education instruction than those with no preschool background, thus saving local educational agencies funds that might otherwise be necessary to provide special education instruction.

“(3) Prekindergarten education makes an enormous difference in the lives of children from lower-income families. The following specific results were found for children eligible for Head Start services or child care assistance, children who belong to a single parent, 2-child families earning less than \$22,000 per year, or families of 4 earning less than \$31,000 per year—

“(A) 29 percent of the children who attended prekindergarten program were employed in jobs paying over \$2,000 by age 27, as opposed to 7 percent of those from the same income group who did not receive prekindergarten education.

“(B) Only 57 percent of the children who attended a prekindergarten program grew up to become single mothers, as opposed to 83 percent of the same income group who did not attend a prekindergarten program.

“(C) 36 percent of the children who attended a prekindergarten program grew up to own their own homes, as opposed to only 13 percent of the same income group who did not attend such a program.

“(D) Less than 13 percent of the boys in the group who attended a prekindergarten program grew up to be arrested 5 or more times, as opposed to 49 percent of the boys from the same income group who did not attend a prekindergarten program.

SEC. 1702. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Secretary is authorized to provide grants to local educational agencies with an approved application under section 1703 to allow such agencies to estab-

lish or expand prekindergarten early learning programs in to be operated by the local education agency.

“(b) PRIORITY.—The Secretary shall give priority for grants under this title to local educational agencies with the highest population of children, ages 3 to 5, not enrolled in a prekindergarten program.

SEC. 1703. APPLICATIONS.

“(a) IN GENERAL.—A local education agency that desires to receive a grant under this title shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(b) CONTENT.—An application referred to in subsection (a), at a minimum, shall—

“(1) demonstrate a need for the establishment or expansion of a prekindergarten program;

“(2) provide an assurance that each individual hired to work with children in the prekindergarten program is a teacher or child development specialist certified by the State;

“(3) provide an assurance that the ratio of teacher or child development specialist to children shall not exceed 10-1;

“(4) provide an assurance that the local educational agency will provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant award, these contributions shall include in kind contributions and parental co-payments;

“(5) provide an assurance that the local educational agency will develop a sliding fee schedule to ensure that the parents of a child who attends a prekindergarten program established under this title share in the cost of providing the prekindergarten program, but the amount of such contributions shall not exceed \$50 each week that a child attends such program;

“(6) provide a description of how funds will be used to coordinate with and build on, but not duplicate or supplant, early childhood programs that exist in the community; and

“(7) provide an assurance that none of the funds received under this title may be used for the construction or renovation of existing or new facilities (except for minor remodeling needed to accomplish the purposes of this title).

SEC. 1704. USES OF FUNDS.

“(a) IN GENERAL.—A local educational agency that receives a grant award under this title may use funds received to establish or expand prekindergarten programs for three- and four-year-old children.

“(b) PREKINDERGARTEN PROGRAMS.—Each prekindergarten program that is established pursuant to this title shall—

“(1) focus on the developmental needs of participating children, including their social, cognitive, and language-development needs, and use research-based approaches that build on competencies that lead to school success, particularly in language and literacy development and in reading; and

“(2) ensure that participating children, at a minimum—

“(A) understand and use language to communicate for various purposes;

“(B) understand and use increasingly complex and varied vocabulary;

“(C) develop and demonstrate an appreciation of books;

“(D) develop phonemic, print, and numeracy awareness; and

“(E) in the case of children with limited English proficiency, progress toward acquisition of the English language.

SEC. 1705. REPORTING.

“(a) LOCAL REPORTS.—Each local educational agency that receives a grant award

under this title shall submit to the Secretary annually a report that reviews the effectiveness of the prekindergarten program established with funds provided under this title.

“(b) REPORT TO CONGRESS.—The Secretary shall submit to Congress annually a report that evaluates the prekindergarten programs established under this title.

“SEC. 1706. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$210,000,000 for fiscal year 2000, \$210,000,000 for fiscal year 2001, \$1,000,000,000 for fiscal year 2002, \$1,500,000,000 for fiscal year 2003, and \$2,100,000,000 for fiscal year 2004.”.

H.R. 2

OFFERED BY: MR. ARMEY

AMENDMENT NO. 13: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

“SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

“(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

“(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student’s parent; or

“(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student’s parent.

“(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

“(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

“(2) The State educational agency shall determine which schools in the State are unsafe public schools.

“(3) The term ‘unsafe public schools’ means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

(A) expulsions and suspensions of students from school;

(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

(D) enrolled students who are under court supervision for past criminal behavior;

(E) possession, use, sale or distribution of illegal drugs;

(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

(G) possession or use of guns or other weapons;

(H) participation in youth gangs; or

(I) crimes against property, such as theft or vandalism.

“(c) TRANSPORTATION COSTS.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds hereafter provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student’s parent.

“(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

“(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

“(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

“(g) CONSTRUCTION.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private elementary school or secondary school that a child of the parent will attend within the State.

“(h) CONSIDERATION OF ASSISTANCE.—Assistance used under this section to pay the costs for a student to attend a private school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private school as a result of assistance received under this section.

“(i) CONTINUING ELIGIBILITY.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for 5 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

“(j) STATE LAW.—All actions undertaken under this section shall be undertaken in accordance with State law and may be undertaken only to the extent such actions are permitted under State law.

“(k) TUITION CHARGES.—Assistance under this section may not be used to pay tuition or required fees at a private elementary school or secondary school in an amount that is greater than the tuition and required fees paid by students not assisted under this section at such school.

“(l) SECTARIAN INSTITUTIONS.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution that prohibits the expenditure of public funds in or by sectarian institutions.

After part G of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 171 of the bill, insert the following:

PART F—ACADEMIC EMERGENCIES

SEC. 181. ACADEMIC EMERGENCIES.

(a) ACADEMIC EMERGENCIES.—Title I of the Act is amended by adding at the end the following:

PART H—ACADEMIC EMERGENCIES

“SEC. 1801. SHORT TITLE.

“This part may be cited as the ‘Academic Emergency Act’.”

“SEC. 1802. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Secretary is authorized to provide funds to States that have 1 or more schools designated under section 1803 as academic emergency schools to provide parents whose children attend such schools with education alternatives.

“(b) GRANTS TO STATES.—Grants awarded to a State under this part shall be awarded for a period of not more than 5 years.

“SEC. 1803. ACADEMIC EMERGENCY DESIGNATION.

“(a) DESIGNATION.—The Governor of each State may designate 1 or more schools in the State that meet the eligibility requirements set forth in subsection (b) or are identified for school improvement under section 1116(b) as academic emergency schools.

“(b) ELIGIBILITY.—To be designated as an academic emergency school, the school shall be a public elementary school—

“(i) with a consistent record of poor performance by failing to meet minimum academic standards as determined by the State; and

“(2) in which more than 50 percent of the children attending are eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

“(c) LIST TO SECRETARY.—To receive a grant under this part, the Governor shall submit a list of academic emergency schools to the State educational agency and the Secretary.

“SEC. 1804. APPLICATION AND STATE SELECTION.

“(a) APPLICATION.—Each State in which the Governor has designated 1 or more schools as academic emergency schools shall submit an application to the Secretary that includes the following:

“(i) ASSURANCES.—Assurances that the State shall—

“(A) use the funds provided under this part to supplement, not supplant, State and local funds that would otherwise be available for the purposes of this part;

“(B) provide written notification to the parents of every student eligible to receive academic emergency relief funds under this part, informing the parents of the voluntary nature of the program established under this part, and the availability of qualified schools within their geographic area;

“(C) provide parents and the education community with easily accessible information regarding available education alternatives; and

“(D) not reserve more than 4 percent of the amount made available under this part to pay administrative expenses.

“(2) INFORMATION.—Information regarding each academic emergency school, for the school year in which the application is submitted, regarding the number of children attending such school, including the number of children who are eligible for free or reduced-price lunch under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the level of student performance.

“(b) STATE AWARDS.—

“(i) STATE SELECTION.—From the amount appropriated pursuant to the authority of section 1814 in any fiscal year, the Secretary shall award grants to States in accordance with this section.

“(2) PRIORITY.—To the extent practicable, the Secretary shall ensure that each State that completes an application in accordance with subsection (a) shall receive a grant of sufficient size to provide education alternatives to not less than 1 academic emergency school.

“(3) AWARD CRITERIA.—In determining the amount of a grant award to a State under this part, the Secretary shall take into consideration the number of schools designated as academic emergencies in the State and

the number of eligible students in such schools.

“(4) STATE PLAN.—Each State that applies for funds under this part shall establish a plan—

“(A) to ensure that the greatest number of eligible students who attend academic emergency schools have an opportunity to receive an academic emergency relief funds; and

“(B) to develop a simple procedure to allow parents of participating eligible students to redeem academic emergency relief funds.

“SEC. 1805. SELECTION OF ACADEMIC EMERGENCY SCHOOLS AND AWARDS TO PARENTS.

“(a) SELECTION.—The State shall select academic emergency schools based on—

“(1) the number of eligible students attending an academic emergency school;

“(2) the availability of qualified schools near the academic emergency school; and

“(3) the academic performance of students in the academic emergency school.

“(b) INSUFFICIENT FUNDS.—If the amount of funds made available to a State under this part is insufficient to provide every eligible student in a selected academic emergency school with academic emergency relief funds, the State shall devise a random selection process to provide eligible students in such school whose family income does not exceed 185 percent of the poverty line the opportunity to participate in education alternatives established pursuant to this part.

“(c) PAYMENTS.—

“(1) IN GENERAL.—From the funds made available to a State under this part and not reserved under section 1804(a)(1)(D), a State shall pay not more than \$3,500 in academic emergency relief funds to the parents of each participating eligible student.

“(2) PERIOD OF AWARDS.—The academic emergency relief funds awarded to parents of participating eligible students shall be awarded for each school year during the grant period which shall terminate—

“(A) when a participating eligible student is no longer a student in the State; or

“(B) at the end of 5 years, whichever occurs first.

“(3) DURATION.—A State shall continue to receive funds under this part for distribution to parents of participating eligible students throughout the 5-year grant period.

“SEC. 1806. QUALIFIED SCHOOLS.

“(a) QUALIFICATIONS.—A State that submits an application to the Secretary under section 1804 shall publish the qualifications necessary for a school to participate as a qualified school under this part. At a minimum, each such school shall—

“(1) provide assurances to the State that it will comply with section 1810;

“(2) certify to the State that the amount charged to a parent using academic relief funds for tuition and fees does not exceed the amount for such tuition and fees charged to a parent not using such relief funds whose child attends the qualified school (excluding scholarship students attending such school); and

“(3) report to the State, not later than July 30 of each year in a manner prescribed by the State, information regarding student performance.

“(b) CONFIDENTIALITY.—No personal identifiers may be used in such report described in subsection (a)(3), except that the State may request such personal identifiers solely for the purpose of verifying student performance.

“SEC. 1807. ACADEMIC EMERGENCY RELIEF FUNDS.

“(a) USE OF ACADEMIC EMERGENCY RELIEF FUNDS.—A parent who receives academic emergency relief funds from a State under this part may use such funds to pay the costs

of tuition and mandatory fees for a program of instruction at a qualified school.

“(b) NOT SCHOOL AID.—Academic emergency relief funds under this part shall be considered assistance to the student and shall not be considered assistance to a qualified school.

“SEC. 1808. EVALUATION.

“(a) ANNUAL EVALUATION.—

“(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, subject to amounts specified in Appropriation Acts, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the education alternative program established under this part.

“(2) ANNUAL EVALUATION REQUIREMENT.—

The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate the education alternative program established under this part in accordance with the evaluation criteria described in subsection (b).

“(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

“(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the education alternative program established under this part. Such criteria shall provide for—

“(1) a description of the effects of the programs on the level of student participation and parental satisfaction with the education alternatives provided pursuant to this part compared to the educational achievement of students who choose to remain at academic emergency schools selected for participation under this part; and

“(2) a description of the effects of the programs on the educational performance of eligible students who receive academic emergency relief funds compared to the educational performance of students who choose to remain at academic emergency schools selected for participation under this part.

“SEC. 1809. REPORTS BY COMPTROLLER GENERAL.

“(a) INTERIM REPORTS.—Three years after the date of enactment of the Student Results Act of 1999, the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1808(a)(2) for the education alternative program established under this part. The report shall contain a copy of the annual evaluation under section 1808(a)(2) of education alternative program established under this part.

“(b) FINAL REPORT.—The Comptroller General shall submit a final report to Congress, not later than 7 years after the date of the enactment of the Student Results Act of 1999, that summarizes the findings of the annual evaluations under section 1808(a)(2).

“SEC. 1810. CIVIL RIGHTS.

“(a) IN GENERAL.—A qualified school under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

“(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

“(1) APPLICABILITY.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a qualified school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the qualified school.

“(2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a qualified school from offering, a single-sex school, class, or activity.

“SEC. 1811. RULES OF CONSTRUCTION.

“(a) IN GENERAL.—Nothing in this part shall be construed to prevent a qualified school that is operated by, supervised by, controlled by, or connected to a religious organization from employing, admitting, or giving preference to persons of the same religion to the extent determined by such school to promote the religious purpose for which the qualified school is established or maintained.

“(b) SECTARIAN PURPOSES.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a qualified school to remove religious art, icons, scripture, or other symbols.

“SEC. 1812. CHILDREN WITH DISABILITIES.

“Nothing in this part shall affect the rights of students, or the obligations of public schools of a State, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

“SEC. 1813. DEFINITIONS.

“As used in this part:

“(1) The terms “local educational agency” and “State educational agency” have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(2) The term “eligible student” means a student enrolled, in a grade between kindergarten and 4th, in an academic emergency school during the school year in which the Governor designates the school as an academic emergency school, except that the parents of a child enrolled in kindergarten at the time of the Governor’s designation shall not be eligible to receive academic emergency relief funds until the child is in first grade.

“(3) The term “Governor” means the chief executive officer of the State.

“(4) The term “parent” includes a legal guardian or other person standing in loco parentis.

“(5) The term “poverty line” means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

“(6) The term “qualified school” means a public, private, or independent elementary school that meets the requirements of section 1806 and any other qualifications established by the State to accept academic emergency relief funds from the parents of participating eligible students.

“(7) The term “Secretary” means the Secretary of Education.

“(8) The term “State” means each of the 50 States and the District of Columbia.

“SEC. 1814. AUTHORIZATIONS OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004, except that the amount authorized to be appropriated may not exceed \$100,000,000 for any fiscal year.”.

“(b) REPEALS.—The following programs are repealed:

“(1) INTERNATIONAL EDUCATION EXCHANGE PROGRAM.—Section 601 of the Goals 2000: Educate America Act (20 U.S.C. 5951).

“(2) FUND FOR THE IMPROVEMENT OF EDUCATION.—Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(3) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

H.R. 2

OFFERED BY: MR. BILBRAY

AMENDMENT No. 14: After title VI of the bill, insert the following (and redesignate provisions accordingly):

TITLE VII—REIMBURSEMENT FOR COSTS FOR ILLEGAL ALIEN STUDENTS

SEC. 701. REIMBURSEMENT OF STATES FOR CERTAIN EDUCATIONAL COSTS FOR ILLEGAL ALIEN STUDENTS.

Title X (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

PART L—REIMBURSEMENT FOR COSTS FOR ILLEGAL ALIEN STUDENTS

“SEC. 10995. REIMBURSEMENT OF STATES FOR CERTAIN EDUCATIONAL COSTS FOR ILLEGAL ALIEN STUDENTS.

“(a) GRANTS TO STATES.—From the amount appropriated pursuant to subsection (e), subject to the succeeding provisions of this section, the Secretary shall provide for payment to each eligible State (as defined in subsection (b)) for reimbursable costs (as defined in subsection (c)).

“(b) ELIGIBLE STATES.—In order for a State to be eligible for payment under this section, the State shall provide the Secretary with—

“(i) such information as the Secretary may require to compute the amount of payment to the State under this section; and

“(2) assurances that such payments shall be used only for the purpose of reimbursing local educational agencies for reimbursable costs.

“(c) REIMBURSABLE COSTS DEFINED.—For purposes of this section, the term ‘reimbursable costs’ means, with respect to a State, costs incurred by local educational agencies in the State in providing a free public education (as mandated by Federal law) to eligible illegal alien students (as defined in subsection (d)(1)) who have been identified to the Secretary in a form and manner specified by the Secretary.

“(d) ELIGIBLE ILLEGAL ALIEN STUDENTS.—

“(i) IN GENERAL.—For purposes of this section, the term ‘eligible illegal alien student’ means an alien who is not lawfully present in the United States and is enrolled in a public school of a local educational agency in a State in an elementary or secondary school level as of September 30, 1999, but only so long as such alien remains enrolled at a public school of such local educational agency within such school level.

“(2) SCHOOL LEVELS DEFINED.—For purposes of this subsection, there shall be 2 school levels:

“(A) The elementary school level, consisting of kindergarten through the 6th grade.

“(B) The secondary school level, consisting of the 7th through 12th grades.

“(e) AMOUNT OF PAYMENT.—

“(i) IN GENERAL.—The amount of payment to an eligible State for a fiscal year under this section is the amount appropriated pursuant to subsection (f) for the fiscal year multiplied by the ratio of—

“(A) the product of—

“(i) the average number determined under paragraph (2)(A) for the State and the fiscal year involved; and

“(ii) the average expenditures determined under paragraph (2)(B) for the State and fiscal year involved; to

“(B) the sum of the products under subparagraph (A) for all eligible States for the fiscal year.

“(2) DETERMINATIONS.—The Secretary shall determine for each eligible State before the beginning of each fiscal year—

“(A) the average number of eligible illegal alien students in the State for any school day during the school year ending during the fiscal year; and

“(B) the average per-pupil expenditures for public education benefits in the State for such school year, as determined based on statistics of the National Center for Education Statistics relating to expenditure per pupil in average daily attendance in public elementary and secondary schools.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year (beginning with fiscal year 2001) such sums as may be necessary to make grants under this section.

“(g) STATE DEFINED.—In this section, the term ‘State’ has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.”

H.R. 2

OFFERED BY: MR. CROWLEY

AMENDMENT No. 15: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

“SEC. 1612. SENSE OF CONGRESS REGARDING RAPID STUDENT POPULATION GROWTH.

“(a) FINDINGS.—Congress finds that certain areas of the country face rapid student population growth with such growth straining school districts.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that there is a need for financial support from Federal, State, and local agencies to assist school districts that face significant increases in student enrollment.

H.R. 2

OFFERED BY: MR. CROWLEY

AMENDMENT No. 16: After section 1113(f)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 107 of the bill, insert the following (and redesignate any subsequent paragraphs accordingly):

“(3) COUNTIES.—If sufficient funds are available, any local educational agency which contains 2 or more counties in their entirety shall provide to each eligible public school attendance area or eligible public school an amount of funds, per pupil from a low-income family, under this part for any fiscal year which is not less than 90 percent of the amount provided for the preceding fiscal year.

In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the third and fourth sentences.

H.R. 2

OFFERED BY: MR. CROWLEY

AMENDMENT No. 17: In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the following: “If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency’s total grant that is no less than the county’s share of the population counts used to calculate the local educational agency’s grant.”

H.R. 2

OFFERED BY: MR. CROWLEY

AMENDMENT No. 18: After section 1113(f)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 105 of the bill, insert the following:

“(B) what specific steps the State educational agency will take to assist schools and local educational agencies that receive funds under this part to assure that all students enrolled in such schools and local educational agencies reach, at a minimum, the proficient level of performance within the time line established by paragraph (2)(A)(viii);

Act of 1965, as proposed to be amended by section 107 of the bill, insert the following (and redesignate any subsequent paragraphs accordingly):

“(3) COUNTIES.—If sufficient funds are available, any local educational agency which contains 2 or more counties in their entirety shall provide to each eligible public school attendance area or eligible public school an amount of funds, per pupil from a low-income family, under this part for any fiscal year which is not less than 90 percent of the amount provided for the preceding fiscal year.

In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the third and fourth sentences.

H.R. 2

OFFERED BY: MR. ENGEL

AMENDMENT No. 19: In section 1124(c)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill, strike the following: “If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency’s total grant that is no less than the county’s share of the population counts used to calculate the local educational agency’s grant.”

H.R. 2

OFFERED BY: MR. FATTAH

AMENDMENT No. 20: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

“SEC. 1612. EDUCATIONAL EQUITY.

“(a) IN GENERAL.—Notwithstanding any other provision of this title, no State shall receive funds under this title unless the State certifies annually to the Secretary that—

“(i) the per pupil expenditures in the local educational agencies of the State are substantially equal, taking into consideration the variation in cost of serving pupils with special needs and the local variation in cost of providing education services; or

“(2) the achievement levels of students on reading and mathematics assessments, graduation rates, and rates of college-bound students in the local educational agencies with the lowest per pupil expenditures are substantially equal to those of the local educational agencies with the highest per pupil expenditures.

“(b) GUIDELINES.—The Secretary, in consultation with the National Academy of Sciences, shall develop and publish guidelines to define the terms ‘substantially equal’ and ‘per pupil expenditures’.”

H.R. 2

OFFERED BY: MR. FATTAH

AMENDMENT No. 21: Strike subparagraph (B) of section 1111(b)(8) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 105 of the bill, and insert the following:

“(B) what specific steps the State educational agency will take to assist schools and local educational agencies that receive funds under this part to assure that all students enrolled in such schools and local educational agencies reach, at a minimum, the proficient level of performance within the time line established by paragraph (2)(A)(viii);

“(C) the actions the State will take to assure that critical education services and resources are available in local educational agencies that receive funds under this part to the extent that such services are available in local educational agencies that do not receive funds under this part;

“(D) whether services in local educational agencies that receive funds under this part are of comparable quality to the services in local educational agencies that do not receive funds under this part; and

“(D) at a minimum—

“(i) the rates at which class sections are taught by experienced and fully qualified teachers as defined in section 1610;

“(ii) curriculum, in terms of both the range of courses offered, and the opportunity to participate in rigorous courses, including advanced placement (AP) courses; and

“(iii) the quality and availability of instructional materials and instructional resources including technology;

“(E) the measures that the State educational agency will use annually to measure and publicly report progress regarding clauses (i) through (iii) of subparagraph (D).

After section 117 of the bill (proposing to amend section 1120 of the Elementary and Secondary Education Act of 1965), insert the following (and redesignate any subsequent sections accordingly):

SEC. 118. FISCAL REQUIREMENTS.

(a) REQUIREMENTS.—Section 1120A(c)(2) (20 U.S.C. 6322A(c)(2)) is amended to read as follows:

“(2) CRITERIA FOR MEETING COMPARABILITY REQUIREMENT.—”;

“(A) APPROVAL.—To meet the requirement of paragraph (1), a local educational agency shall obtain the State educational agency's approval of a comprehensive plan to ensure comparability in the use of Federal, State, and local funds and educational services among its schools receiving funds under this part and its other schools with respect to:

“(i) the rates at which class sections are taught by experienced and fully qualified teachers as defined in section 1610;

“(ii) curriculum, in terms of both the range of courses offered, and the opportunity to participate in rigorous courses including advanced placement (AP) courses; and

“(iii) the quality and availability of instructional materials and instructional resources including technology.”;

“(B) EXCLUSION.—A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.

“(C) REQUIREMENTS.—Notwithstanding subparagraph (A), a local educational agency may continue to meet the requirement of paragraph (1) by complying with subparagraph (A) as such subparagraph was in effect on the day preceding the date of enactment of the Student Results Act of 1999, except that each local educational agency shall be required to comply with subparagraph (A), as in effect after such date of enactment, not later than July 1, 2002.”; and

(b) RECORDS.—Section 1120A(3)(B), is amended by striking “biennially” and inserting “annually”.

H.R. 2

OFFERED BY: MR. GEJDENSON

AMENDMENT NO. 22: After title VI of the bill, insert the following (and redesignate provisions accordingly):

TITLE VII—VIOLENCE PREVENTION TRAINING

SEC. 701. VIOLENCE PREVENTION TRAINING.

Title X (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

PART L—VIOLENCE PREVENTION TRAINING

SEC. 10995. PROGRAM AUTHORIZED.

“(a) GRANT AUTHORITY.—The Secretary is authorized to award grants to institutions of higher education and qualified entities that carry out early childhood education training programs to enable selected institutions of higher education and qualified entities to provide violence prevention training as part of the early childhood education training program.

“(b) AMOUNT.—The Secretary shall award a grant under this part in an amount that is not less than \$500,000 and not more than \$1,000,000.

“(c) DURATION.—The Secretary shall award a grant under this part for a period of not less than 3 years and not more than 5 years.

SEC. 10996. APPLICATION.

“(a) APPLICATION REQUIRED.—Each institution of higher education and qualified entity desiring a grant under this part shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

“(b) CONTENTS.—Each application shall—

“(1) describe the violence prevention training activities and services for which assistance is sought;

“(2) contain a comprehensive plan for the activities and services, including a description of—

“(A) the goals of the violence prevention training program;

“(B) the curriculum and training that will prepare students for careers which are described in the plan;

“(C) the recruitment, retention, and training of students;

“(D) the methods used to help students find employment in their fields;

“(E) the methods for assessing the success of the violence prevention training program; and

“(F) the sources of financial aid for qualified students;

“(3) contain an assurance that the instructors running the program are qualified and will use proven methods of violence prevention;

“(4) contain an assurance that the institution has the capacity to implement the plan; and

“(5) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution of higher education or qualified entity in carrying out the plan.

SEC. 10997. SELECTION PRIORITIES.

“The Secretary shall give priority to awarding grants to institutions of higher education and qualified entities carrying out violence prevention programs that include 1 or more of the following components:

“(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

“(2) Preparation to engage in community outreach or collaboration with other services in the community.

“(3) Preparation to use conflict resolution training with children.

“(4) Preparation to work in economically disadvantaged communities.

“(5) Recruitment of economically disadvantaged students.

“(6) Carrying out programs of demonstrated effectiveness in the type of training for which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. 10998. DEFINITIONS.

“For purposes of this part:

“(1) AT-RISK CHILD.—The term ‘at-risk child’ means a child who has been affected by

violence through direct exposure to child abuse, other domestic violence, or violence in the community.

“(2) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term ‘early childhood education training program’ means a program that—

“(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

“(ii) provides professional development to individuals working in early child development programs or elementary schools;

“(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

“(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

“(3) QUALIFIED ENTITY.—The term ‘qualified entity’ means a public or nonprofit private organization which has—

“(A) experience in administering a program consistent with the requirements of this part; and

“(B) demonstrated the ability to coordinate, manage, and provide technical assistance to programs that receive grants under this part.

“(4) VIOLENCE PREVENTION.—The term ‘violence prevention’ means—

“(A) preventing violent behavior in children;

“(B) identifying and preventing violent behavior in at-risk children; or

“(C) identifying and ameliorating violent behavior in children who act out violently.

SEC. 10999. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$35,000,000 for each of the fiscal years 2000 through 2004.”

H.R. 2

OFFERED BY: MR. GOODLING

AMENDMENT NO. 23: In section 1112(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (10), by striking the “and” after the semicolon;

(2) in paragraph (11), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(12) a description of the criteria established by the local educational agency pursuant to section 1119(b)(1).

In section 1124(c)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) in subparagraph (A), strike “and” after the semicolon;

(2) in subparagraph (B), strike the period and insert “; and”; and

(3) add at the end the following:

“(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4).”

In section 1124(c)(4) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) insert before the first sentence the following: “For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary

shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.';

(2) in the first sentence after the sentence inserted by paragraph (1)—

(A) insert “the number of such children and” after “determine”; and

(B) insert “(using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) after “fiscal year”.

Amend subparagraph (C) of section 1701(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill, to read as follows:

“(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).”

In section 5204(a) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), insert “the design and development of new strategies for overcoming transportation barriers,” after “effective public school choice”; and

(2) in paragraph (2)(A), after “inter-district” insert “or intra-district”; and

(3) amend subparagraph (E) to read as follows:

“(E) public school choice programs that augment the existing transportation services necessary to meet the needs of children participating in such programs.”

In section 5204(b) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), after the semicolon insert “and”;

(2) strike paragraph (2); and

(3) redesignate paragraph (3) as paragraph (2).

In section 9116(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

(1) insert “funds for” after “(b) shall include”; and

(2) strike “, or portion thereof,” and insert “exclusively serving Indian children or the funds reserved under any program to exclusively serve Indian children”.

In section 15004(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 301 of the bill, strike “state, or federal laws, rules or regulations” and insert “State, and Federal laws, rules and regulations”.

In section 1121(c)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike “1 year” and insert “2 years”.

In the heading for section 1123 of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, insert “codification” before “regulations”.

In section 1126(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike “maintenance to schools” and insert “maintenance of schools”.

In the heading for section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike “GENERAL” and all that follows through the semicolon.

In section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike “Regulations required” and all that follows

through “Such regulations shall” and insert “Regulations issued to implement this Act shall”.

In section 1138A(b)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike “, provided that the” and all that follow through the end of the paragraph and insert a period.

In section 1138A(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, redesignate paragraph (2) as paragraph (3), and insert the following new paragraph (2) after paragraph (1):

“(2) NOTIFICATION TO CONGRESS.—If draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 are not issued in final form by the deadline provided in paragraph (1), the Secretary shall notify the appropriate committees of Congress of which draft regulations were not issued in final form by the deadline and the reason such final regulations were not issued.

In section 5209(a) of Public Law 100-297, as proposed to be amended by section 420 of the bill—

- (1) strike “106(f)” and insert “106(e)”;
- (2) strike “106(j)” and insert “106(i)”;
- (3) strike “106(k)” and insert “106(j)”.

In section 722(g)(3)(C) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(C)), as proposed to be amended by section 704 of the bill—

(1) in clause (i), strike “Except as provided in clause (iii), a” and insert “A”; and

(2) amend clause (iii) to read as follows:

“(iii) “If the child or youth needs to obtain immunizations or immunization records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations or immunization records in accordance with subparagraph (E).”

In section 722(g)(3)(E)(i) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(E)(i)), as proposed to be amended by section 704 of the bill, strike “except as provided in subparagraph (C)(iii),”.

In section 1112(g) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106(f) of the bill, strike paragraph (2)(A) and insert the following:

“(2) CONSENT.—

“(A) AGENCY REQUIREMENTS.—

“(i) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

“(I) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

“(II) instruction is tailored for limited English proficient children.

“(ii) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

“(iii) RESPONSE NOT OBTAINED.—

“(I) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such notice and its specific efforts made to obtain such consent.

“(II) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be

mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

(III) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

H.R. 2

OFFERED BY: MR. HILL OF INDIANA

AMENDMENT NO. 24: Add at the end of the bill the following new title:

TITLE IX—SMALLER SCHOOLS

SEC. 901. SMALLER SCHOOLS.

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following new part:

PART L—SMALLER SCHOOLS

SEC. 10995. SHORT TITLE AND FINDINGS.

“(a) SHORT TITLE.—This part may be cited as the ‘Smaller Schools, Stronger Communities Act’.

“(b) FINDINGS.—Congress finds the following:

“(I) Since World War II, the conventional wisdom among educators has been that larger schools are better and accordingly the number of secondary schools in the United States has declined by 70 percent, while average school size has grown by 5 times. But over the past few years, educators have begun to question the approach that bigger schools are always better.

“(2) The National Association of Secondary School Principals (referred to in this section as the NAASP) recently recommended that the high school of the 21st Century be “much more student-centered and above all much more personalized in programs, support services and intellectual rigor.” The NAASP stated that students take more interest in school when they experience a sense of belonging and that students benefit from a more intimate setting in which their presence is more readily and repeatedly acknowledged.

“(3) The NAASP also warns that the “bigness” of high schools shrouds many young people “in a cloak of anonymity” and recommends that high schools should restructure the space and time of high schools so that students are no longer “invisible and melt into their surroundings”. NAASP recommends that high schools change their structure to limit their enrollments to self-operating units of not more than 600 students, either through constructing new buildings or through creating “school-within-school” units. It also suggests changing the relationship between teachers and students by reducing the number of class changes students make each day and allowing teachers to have more time with smaller numbers of students.

“(4) Scientifically based research shows that larger school size tends to stratify students into different tracks which are often based on children's educational and social backgrounds. Larger schools foster inequitable educational outcomes, where there are great differences between the educational achievement of students within the same school.

“(5) Scientifically based research shows that in smaller, more personalized, and less bureaucratic schools, inequities between student achievement are smaller and that students in smaller schools perform better in the core subjects of reading, math, history, and science and are more engaged in their courses. In addition, smaller schools have higher attendance rates and higher participation in school activities.

“(6) Scientifically based research shows that because achievement levels in smaller schools are more equitably distributed, students who come from more disadvantaged economic and educational backgrounds show the greatest achievement gains in smaller schools.

SEC. 10996. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Secretary is authorized to provide flexible challenge grants to local educational agencies to implement and administer plans to create smaller schools.

“(b) CONSIDERATION; ASSURANCE; AND PRIORITY.—The Secretary, in awarding grants under this part to local educational agencies shall—

“(1) consider the number of students served and the number, location, and size of the schools which serve such students; and

“(2) assure, to the extent practicable, an equitable distribution of assistance among urban and rural areas of the United States and among urban and rural areas of a State;

“(3) give priority to local educational agencies that establish a target number for attendance at—

“(A) each high school of not more than 600 students or create self-operating academic units within a high school of not more than 600; and

“(B) each elementary school or middle school of not more than 400 students.

“(c) LIMITATION.—The Secretary may award not more than \$2,000,000 to any local educational agency selected to receive a grant award under this part.

SEC. 10997. APPLICATION.

“(a) IN GENERAL.—

“(1) IN GENERAL.—A local educational agency wishing to implement smaller school plans shall apply to the Secretary for a flexible challenge grant at such time and in such form as the Secretary may reasonably require.

“(2) APPLICATION FORM.—The Secretary shall develop a application that is simple and brief in form.

“(b) ELIGIBILITY.—To be eligible to receive a grant under this part, a local educational agency shall submit a 5-year plan that—

“(1) calculates the number of students enrolled in each school during the preceding school year divided by the number of schools in such agency; and

“(2) describes how such agency plans to reduce the size of its schools by creating 'schools within schools,' or building new schools to reduce average school sizes.

SEC. 10998. USES OF FUNDS AND REPORTING.

“(a) USES OF FUNDS.—Funds received under this part may be used—

“(1) to hire additional staff;

“(2) for planning, feasibility studies, and architectural fees to design or remodel school facilities; and

“(3) for any other reasonable expense, but shall not include the costs directly associated with the renovation of existing facilities or the purchase or construction of new facilities.

“(b) REPORTING.—Each local educational agency that receives a grant under this part shall report annually to the Secretary regarding how such funds were spent.

SEC. 10999. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part \$100,000,000 for fiscal year 2000, \$100,000,000 for fiscal year 2001, \$200,000,000 for fiscal year 2002, and \$300,000,000 for fiscal year 2003.”

H.R. 2

OFFERED BY: MR. HINOJOSA

(To the Amendment in the Nature of a Substitute Offered by Mr. Goodling)

AMENDMENT NO. 25: Page II-13, after line 25, insert the following:

TITLE III—BILINGUAL EDUCATION

SEC. 301. 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 suppliers, vendors and clients, and retailers and consumers;

(4) language minority students bring a rich linguistic diversity to America's classrooms which enhances the learning environment for all students—their contribution should be valued for the significant and positive impact it has on the entire school environment;

(5) for many limited English proficient students, fluency in a language other than English has been treated as a deficit rather than as a societal benefit in our Nation's schools;

(6) the Federal Government, as reflected in title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited English proficiency;

(7) the Federal Government also, as exemplified by programs authorized under title VII of the Elementary and Secondary Education Act of 1965, has a special and continuing obligation to assist States and local school districts to develop the capacity to provide programs of instruction that offer limited English proficient children and youth an equal educational opportunity;

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

(A) segregated education programs;

(B) disproportionate and improper placement in special education and other special programs, due to the use of inappropriate evaluation procedures;

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

(D) the limited English proficiency of their parents, which hinders parents' ability to participate fully in the education of their children;

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

(F) lack of appropriate performance and assessment standards that distinguish between language and academic achievement so that there is equal accountability on the part of states and local education agencies for the achievement of limited English proficient students in academic content while acquiring English;

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

(A) that the most effective environment for second language teaching and learning are those that promote limited English proficient students' native language and literacy development as a foundation for English language and academic development; and

(B) that parent and community participation in bilingual education programs contributes to program effectiveness.

SEC. 302. POLICY AND PURPOSE.

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

“(b) POLICY.—The Congress declares it to be the policy of the United States—

“(I) in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, that the Federal Government should assist State and local educational agencies, institutions of higher education, and community-based organizations to build their capacity to establish, implement, and sustain programs of instruction and language development for children and youth of limited English proficiency;”;

“(2) ensuring limited English proficient children also meet challenging State standards in the core content areas, including the ability to understand, speak, read and write English at the same level as native English speakers;

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

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

(b) PURPOSES.—Section 7102(c) is amended by inserting in the matter before paragraph (1) the following: “promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving students with limited English proficiency.”.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR PART A.

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

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

SEC. 304. ACCOUNTABILITY.

Subpart 1 of title VII is amended by—

(1) inserting a new section 7112 to read as follows:

SEC. 7112. ACCOUNTABILITY.

“(a) In order to ensure that limited English proficient students are receiving effective English language instruction and effective instruction that enables such students to achieve to challenging State standards—

“(I) all programs funded under this subpart shall annually assess the English proficiency of all limited English proficient students served by the program;

“(2) such students shall be included in the State assessments of academic performance, as provided for under section 1111(b)(2); and

“(3) such students shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what those students know, and can do, in content areas other than English. For the purposes of this subsection, tests written in Spanish shall be deemed 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 those students know and can do in content areas other than English.

“(b) Notwithstanding paragraph (3), such students who have been in United States schools (not including Puerto Rico) for 5 consecutive years or more shall be tested in reading and language arts using tests written in English, except that a State or school district, based upon the scores of a student on the tests required in paragraph (1), may determine that a student is sufficiently proficient to be tested in reading and language arts using tests written English, prior to the completion of 5 years in United States schools.;

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

(2) renumbering subsequent sections appropriately.

SEC. 305. MULTILINGUAL EDUCATION.

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

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

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

(1) striking “and” at the end of clause (i); (2) inserting a new clause (ii) to read as follows:

“(ii) will further both English language proficiency and native language proficiency in limited English proficient students served pursuant to a grant received under this subparagraph; and”; and

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

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

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

(2) striking the period at the end of paragraph (3) and inserting “; and

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

“(4) establishes programs for dual language proficiency in English and students’ native languages.”.

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

SEC. 306. PROGRAM DEVELOPMENT AND ENHANCEMENT GRANTS.

Section 7113 is amended—

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

(2) by amending subsection (a) to read as follows:

“(a) PURPOSE.—The purpose of this section is to provide grants to eligible entities to carry out effective and innovative instructional programs for limited English proficient students.”;

(3) in subsection (b)—

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

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

“(2) AUTHORIZED ACTIVITIES.—

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

“(i) developing and implementing comprehensive, preschool, elementary, or secondary education programs for children and youth with limited English proficiency, that are aligned with standards-based State and local school reform efforts and coordinated with other relevant programs and services to meet the full range of educational needs of such children and youth;

“(ii) providing high-quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students; and

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

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

“(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students and to promote proficiency in English and in the students’ native language;

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

“(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

“(iv) improving the instructional program for limited English proficient students by identifying, acquiring, and applying effective curriculum, instructional materials, assessments, and educational technology aligned with State and local standards;

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

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

SEC. 307. COMPREHENSIVE SCHOOL GRANTS.

Section 7114 is amended—

(1) by amending subsection (a) to read as follows:

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

“(i) to assist such children and youth to learn English and achieve to challenging State content and performance standards; and

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

(2) by amending subsection (b)—

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

(B) amending paragraph (3) to read as follows:

“(3) AUTHORIZED ACTIVITIES.—

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

“(i) coordinating the program with district policies and practices, as well as other rel-

evant programs and services, and aligning the programs with school reform efforts to meet the full range of educational needs of limited English proficient students;

“(ii) providing training to all, or virtually all, school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient students;

“(iii) developing or improving accountability systems to track the academic progress of limited English proficient and formerly limited English proficient students; and

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

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

“(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students;

“(ii) developing and using educational technology, including interactive technology, to improve learning, assessments, and accountability;

“(iii) implementing and adapting research-based models for meeting the needs of limited English proficient students;

“(iv) developing and implementing programs to meet the needs of limited English proficient students with disabilities;

“(v) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

“(vi) improving the instructional program for limited English proficient students by identifying, acquiring, and upgrading 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.”.

SEC. 308. SYSTEMWIDE IMPROVEMENT GRANTS.

Section 7115 is amended—

(1) in subsection (a), by striking “bilingual education programs or special alternative instruction programs to” and inserting “instructional programs for children and youth with limited English proficiency”;

(2) by amending subsection (b)—

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

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

“(4) AUTHORIZED ACTIVITIES.—

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

“(i) aligning programs for limited English proficient students in the district with school, district, and State reform efforts and coordinating the program with other relevant programs, such as title I, and services

to meet the full range of educational needs of limited English proficient students throughout the district;

“(ii) providing high-quality professional development that is aligned with high standards to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students;

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

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

“(v) developing or improving accountability systems that are consistent with the State's accountability system to measure limited English proficient students academic progress in a valid and reliable manner;

“(vi) reviewing student grade promotion policies and graduation requirements to provide the required additional education services for limited English proficient students; and

“(vii) developing and improving family education programs and parent outreach and training activities designed to assist parents to become informed and active decision makers regarding the education of their children.

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

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

“(ii) developing content and performance standards for learning English as a second language, as well as for learning other languages;

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

“(iv) developing performance standards for students with limited English proficiency that are aligned with challenging State content standards;

“(v) redesigning programs for limited English proficient students to meet the needs of changing populations of such students;

“(vi) coordinating assessments with State accountability systems;

“(vii) implementing policies and procedures to ensure that limited English proficient students have access to all district programs, such as gifted and talented, vocational education, and special education programs; and

“(viii) integrating technology into all aspects of educating limited English proficient students, including data management systems and the delivery of instructional services to limited English proficient students.”

SEC. 309. APPLICATIONS FOR AWARDS UNDER SUBPART 1.

(a) APPLICATIONS.—Section 7116 is amended—

(1) in subsection (b)—

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

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

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

“(i) how the grant activities will further the academic achievement and English proficiency of limited English proficient students served under a grant received under this subpart;

“(ii) how the grant activities will further both English language proficiency and native language proficiency, if applicable, in limited English proficient students served pursuant to a grant received under this subpart; and

“(iii) how the grant application is consistent with the State plan, especially with regard to State assessments, required under section 1111.”;

(2) by amending subsection (f) to read as follows:

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

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

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

(3) in subsection (g)(1)—

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

“(A) A description of the need for the proposed program, including data on the number of children and youth of limited English proficiency in the schools or school districts to be served and the characteristics of such children and youth, including—

“(i) the native languages of the students to be served;

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

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

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

“(II) mathematics;

“(iv) information related to reclassification including applicants that—

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

“(II) propose programs that provide for the development of bilingual proficiency both in English and their native language for all participating students;

“(v) the previous schooling experiences of participating students;

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

“(vii) how the grant would supplement the basic services provided to limited English proficient students.”;

(B) in subparagraph (B)—

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

“(ii) is coordinated with other programs under this Act, and other Acts as appropriate, such as the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act, in accordance with section 14306.”;

(ii) by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively; and

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

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

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

“(E) An assurance that the applicant will employ teachers in the proposed program who individually, or in combination, are proficient in—

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

“(ii) the native language of the majority of students they teach, if instruction in the program is also in the native language.”

“(v) the previous schooling experiences of participating students;

“(vi) the professional development needs of the instructional personnel who will provide

services for limited English proficient students, including the need for certified teachers; and

“(vii) how the grant would supplement the basic services provided to limited English proficient students.”; and

(4) in subsection (i)—

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

“(2) LIMITATION.—Grants for programs under this subpart that do not use the students' native language shall not exceed 25 percent of the funds provided for any type of grant under that section, or of the total funds provided under this subpart, for any fiscal year.”; and

(B) in paragraph (3), by striking “special alternative instructional programs” and inserting “programs that do not use the students' native language”.

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

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

(B) inserting a new paragraph (2) to read as follows:

“(2) In order to increase its capacity to provide educational services to limited English proficient students, each grant recipient may intensify instruction for limited English proficient students by—

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

“(B) providing intensified instruction through supplementary instructional activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.”.

SEC. 310. EVALUATIONS UNDER SUBPART 1.

Section 7123 is amended—

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

(2) by amending subsection (c) to read as follows:

“(c) EVALUATION COMPONENTS.—

(1) In preparing evaluation reports, the recipient shall—

“(A) use the data provided in the application as baseline data against which to report academic achievement and gains in English proficiency for students in the program;

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

“(C) enable results to be disaggregated by relevant factors, such as a student's grade, gender, and language group, and whether the student has a disability.

“(2) Evaluations shall include—

“(A) data on the project's progress in achieving its objectives;

“(B) data showing the extent to which all students served by the program are achieving to the State's student performance standards, including—

“(i) data comparing limited English proficient children and youth with English proficient students with regard to grade retention and academic achievement in reading and language arts, in English and in the native language if the project develops native language proficiency, and in math;

“(ii) gains in English proficiency, including speaking, comprehension, reading, and writing, as developmentally appropriate, and such gains in native language proficiency if the project develops native language proficiency; and

“(iii) reclassification rates (including average duration in a program) for limited English proficient students by grade, and data on the academic achievement of redesignated students for 2 years after redesignation;

“(C) program implementation indicators that provide information related to program management and effectiveness, including—

“(i) data on appropriateness of curriculum in relationship to course requirements;

“(ii) appropriateness of program management;

“(iii) appropriateness of staff professional development;

“(iv) appropriateness of the language of instruction; and

“(v) appropriateness of the assessment and accountability system;

“(D) a description of how the activities funded under the grant are coordinated and integrated with the overall school program and other Federal, State, or local programs serving limited English proficient children and youth; and

“(E) such other information as the Secretary shall require.”; and

(3) by adding a new subsection (d) to read as follows:

“(d) PERFORMANCE MEASURES.—The Secretary shall establish performance indicators to determine if programs under sections 7113 and 7114 are making continuous and substantial gains, as defined in section 1111(b)(3), and may establish performance indicators to determine if programs under section 7112 are making continuous and substantial progress, toward assisting children and youth with limited English proficiency to learn English and achieve to challenging State content and performance standards.”.

SEC. 311. RESEARCH.

Section 7132 is amended—

(1) in subsection (a), by—

(A) inserting the paragraph designation “(1)” before “The Secretary shall”; and

(B) inserting after paragraph (1) the following:

“(2) Such research may include—

“(A) collecting data needed for compliance with the Government Performance and Results Act;

“(B) improving data collection procedures and the infrastructure for data collection on limited English proficient students, for purposes of improving instruction and accountability;

“(C) developing research-based models for serving limited English proficient students of diverse language backgrounds and in diverse educational settings;

“(D) identifying technology-based approaches that show effectiveness in helping limited English proficient students reach challenging State standards; and

“(E) other research, demonstration, and data collection activities consistent with the purpose of this title.”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “and” at the end;

(B) by striking paragraphs (2) and (3); and

(C) by redesignating paragraph (4) as paragraph (2);

(3) in subsection (c)—

(A) in paragraph (1), by—

(i) striking “(1) IN GENERAL.—”; and

(ii) by striking “under subpart 1 or 2” and inserting “under subpart 1, section 7124, or subpart 3”; and

(B) striking paragraph (2); and

(4) by inserting a new subsection (e) as follows:

“(e) DATA COLLECTION.—The Secretary shall provide for the continuation of data collection on limited English proficient students as part of the data systems operated by the Department and shall publish on an annual basis a list of grantees under this title for public dissemination.”.

SEC. 312. STATE GRANT PROGRAM.

Section 7134(c) is amended to read as follows:

“(c) USES OF FUNDS.—A State educational agency shall use funds awarded under this section to—

“(1) assist local educational agencies in the State with program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students that are aligned with State reform efforts; and

“(2) collect data on limited English proficient populations in the State and the educational programs and services available to such populations.”.

SEC. 313. NATIONAL CLEARINGHOUSE ON EDUCATION OF CHILDREN AND YOUTH WITH LIMITED ENGLISH PROFICIENCY.

Section 7135 is amended to read as follows:

SEC. 7135. NATIONAL CLEARINGHOUSE ON EDUCATION OF CHILDREN AND YOUTH WITH LIMITED ENGLISH PROFICIENCY.

The Secretary shall establish and support the operation of a National Clearinghouse on the Education of Children and Youth with Limited English Proficiency, which shall collect, analyze, synthesize, and disseminate information about programs related to the education of children and youth with limited English proficiency and coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems.”.

SEC. 314. INSTRUCTIONAL MATERIALS DEVELOPMENT.

Section 7136 is amended to read as follows:

SEC. 7136. INSTRUCTIONAL MATERIALS DEVELOPMENT.

“(a) AUTHORITY.—The Secretary may award grants for the development, publication, and dissemination of high-quality instructional materials—

“(1) in Native American and Native Hawaiian languages;

“(2) in the language of Native Pacific Islanders and other natives of the outlying areas for whom instructional materials are not readily available;

“(3) in other low-incidence languages in the United States and for which instructional materials are not readily available; and

“(4) on standards and assessments, and instructional programs related to the education of children and youth with limited English proficiency, for dissemination to parents of such children and youth.

“(b) PRIORITIES.—The Secretary shall give priority to applications that provide for—

“(1) developing instructional materials in languages indigenous to the United States or the outlying areas; and

“(2) developing and evaluating instructional materials, including technology-based application, that reflect challenging State and local content standards, in collaboration with activities assisted under subpart 1 and section 7124.”.

SEC. 315. PURPOSE OF SUBPART 3.

Section 7141 is amended to read as follows:

SEC. 7141. PURPOSE.

“The purpose of this subpart is to assist in preparing educators to improve educational services for children and youth with limited English proficiency by supporting professional development programs for such educators.”.

SEC. 316. TRAINING FOR ALL TEACHERS PROGRAM.

Section 7142 is amended—

(1) by amending subsection (a) to read as follows:

“(a) PURPOSE.—The purpose of this section is to assist eligible applicants under subsection (b)(1) to develop and provide ongoing professional development to teachers and

other educational personnel with a baccalaureate degree to improve their provision of services to limited English proficient students or to become certified as a bilingual or English as a second language teacher.”;

(2) in subsection (b)—

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

“(1) AUTHORITY.—The Secretary is authorized to award grants under this section to local educational agencies or to 1 or more local educational agencies in consortium with 1 or more State educational agencies, institutions of higher education, or nonprofit organizations.”;

(B) in paragraph (2), by striking “five” and inserting “three”; and

(3) by amending subsection (c) to read as follows:

“(c) ACTIVITIES.—

“(1) Funds under this section shall be used to conduct high-quality, long-term professional development activities.

(2) Funds under this section may be used to—

“(A) design and implement induction programs for new teachers, including mentoring and coaching by trained teachers, team teaching with experienced teachers, time for observation of, and consultation with, experienced teachers, and additional time for course preparation;

“(B) implement school-based collaborative efforts among teachers to improve instruction in reading and other core academic areas for students with limited English proficiency, including programs that facilitate teacher observation and analyses of fellow teachers' classroom practice;

“(C) support long-term collaboration among teachers and outside experts to improve instruction of limited English proficient students;

“(D) coordinate project activities with other programs such as those under the Head Start Act and titles I and II of this Act;

“(E) implement programs that support effective teacher use of education technologies to improve instruction and assessment;

“(F) establish and maintain local professional networks;

“(G) develop curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served;

“(H) implement professional development focused on the appropriate use of multiple assessments, the appropriate use of assessment results and how to communicate such results to parents;

“(I) develop education technology to enhance professional development; and

“(J) such other activities as are consistent with the purpose of this section.”.

SEC. 317. BILINGUAL EDUCATION TEACHERS AND PERSONNEL GRANTS.

Section 7143 is amended—

(1) by amending subsection (a) to read as follows:

“(a) PURPOSE.—The purpose of this section is to support preservice professional development to improve the preparation of prospective teachers who are preparing to teach children and youth of limited English proficiency.”;

(2) by amending subsection (c) to read as follows:

“(c) AUTHORITY.—

“(1) The Secretary is authorized to make grants to institutions of higher education for preservice professional development in order to improve preparation for prospective teachers who are preparing to teach children and youth of limited English proficiency.

“(2) Each grant under this section shall be awarded for a period of not more than 5 years.

“(3) A recipient of a grant under this section shall coordinate its grant program activities with other programs under this Act and other Acts as appropriate.”; and

(3) by adding a new subsection (d) to read as follow:

“(d) ACTIVITIES.—

“(1) Funds under this section shall be used to—

“(A) put in place a course of study that prepares teachers to serve limited English proficient students;

“(B) integrate course content relating to meeting the needs of limited English proficient students into all programs for prospective teachers;

“(C) assign tenured faculty to train teachers to serve limited English proficient students;

“(D) incorporate State content and performance standards into the institution's coursework; and

“(E) expand clinical experiences for participants.

(2) Funds under this section may be used to—

“(A) support partnerships with local educational agencies that include placing participants in intensive internships in local educational agencies that serve large numbers of limited English proficient students;

“(B) restructure higher education course content, including improving coursework and clinical experiences for all prospective teachers regarding the needs of limited English proficient students and preparation for teacher certification tests;

“(C) assist other institutions of higher education to improve the quality of professional development programs for limited English proficient students;

“(D) expand recruitment of students who will be trained to serve limited English proficient students;

“(E) improve the skills and knowledge of faculty related to the needs of limited English proficient students;

“(F) coordinate project activities with activities under title II of the Higher Education Act of 1965; and

“(G) use technology to enhance professional development.”.

SEC. 318. BILINGUAL EDUCATION CAREER LADDER PROGRAM.

Section 7144 is amended—

(1) by amending subsection (a) to read as follows:

“(a) PURPOSE.—The purpose of this section is to assist eligible consortia to develop and implement high-quality bilingual education career ladder programs.”;

(2) by amending subsection (b)(1) to read as follows:

“(b) IN GENERAL.—

“(1)(A) The Secretary is authorized to award grants to consortia of 1 or more institutions of higher education and 1 or more State educational agencies or local educational agencies or community-based organizations to develop and implement bilingual education career ladder programs.

“(B) For purposes of this section, a ‘bilingual education career ladder program’ means a program that—

“(i) is designed to provide high-quality, prebaccalaureate coursework and teacher training to educational personnel who do not have a baccalaureate degree; and

“(ii) leads to timely receipt of a baccalaureate degree and certification or licensure of program participants as bilingual education teachers or other educational personnel who serve limited English proficient students.

“(C) Recipients of grants under this section shall—

“(i) coordinate with programs under title II of the Higher Education Act of 1965, and

other relevant programs, for the recruitment and retention of bilingual students in post-secondary programs to train them to become bilingual educators; and

“(ii) make use of all existing sources of student financial aid before using grant funds to pay tuition and stipends for participating students.”;

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “consortium”; and

(ii) at the end by inserting “and” after the semicolon;

(B) in paragraph (2), by striking “teachers; and” and inserting “teachers.”; and

(C) by striking paragraph (3); and

(4) by amending subsection (d) to read as follows:

“(d) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications under this section that provide training in English as a second language, including developing proficiency in the instructional use of English and, as appropriate, a second language in classroom contexts.”.

SEC. 319. GRADUATE FELLOWSHIPS IN BILINGUAL EDUCATION PROGRAM.

Section 7145(a) is amended—

(1) in paragraph (1), by striking “masters, doctoral, and post-doctoral” and inserting “masters and doctoral”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 320. APPLICATIONS FOR AWARDS UNDER SUBPART 3.

Section 7146 is amended—

(1) in subsection (a)(4), by inserting “and applicants for grants under section 7145” after “Bureau of Indian Affairs”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “of such application copy” and inserting “an application under sections 7132, 7133, or 7134”; and

(ii) by inserting “the written review of” after “and transmit”; and

(B) in paragraph (2), by striking “this subpart” and inserting “sections 7132, 7133, and 7134”.

SEC. 321. EVALUATIONS UNDER SUBPART 3.

Section 7149 is amended to read as follows:

SEC. 7149. PROGRAM EVALUATIONS.

“Each recipient of funds under this subpart shall provide the Secretary with an evaluation of its program every year. Such evaluations shall include—

“(1) the number of participants served, the number of participants who have completed program requirements, and the number of participants who have taken positions in an instructional setting with limited English proficient students;

“(2) the effectiveness of the program in imparting the professional skills necessary for participants to achieve the objectives of the program; and

“(3) the teaching effectiveness of graduates or other persons who have completed the training program.”.

SEC. 322. MODEL PROGRAMS FOR PARENT INVOLVEMENT.

(a) IN GENERAL.—Part A of title VII is amended by inserting after subpart 3 the following:

Subpart 4—Model Programs for Parent Involvement

SEC. 7161. PROGRAM AUTHORIZED.

“(a) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to local educational agencies to develop and implement model programs to—

“(A) assist parents of limited English proficient students in making informed educational decisions for their children; and

“(B) assist such parents in meeting their own educational needs.

“(2) ELIGIBLE ENTITIES.—Entities eligible to apply for grants under this subpart include consortia of—

“(A) at least 1 community-based organization;

“(B) at least 1 local educational agency; and

“(C) other consortia members such as, but not limited to, institutions of higher education, local or state government entities, or other entities with expertise in working with limited English proficient adults.

“(3) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

“(b) REQUIREMENTS.—

“(1) GRANTS FOR MODEL PROGRAMS TO PROVIDE INFORMATION TO PARENTS.—In awarding grants under subparagraph (a)(1)(A), the Secretary shall support programs that—

“(A) provide parents with necessary information that is easily understandable in the language of the parent;

“(B) provide necessary parent training to assist parents in understanding the choices they have for their children's education; and

“(C) at a minimum, provide parents with the following information—

“(i) curriculum and any options available to their children regarding their program of study;

“(ii) full disclosure of the purpose of assessments, their results, and the appropriate uses of assessment scores, as described by the publishers of the test; and

“(iii) complete information about school policies and disciplinary procedures.

“(2) GRANTS TO ASSIST PARENTS OF LIMITED ENGLISH PROFICIENT STUDENTS WITH THEIR EDUCATIONAL NEEDS.—In awarding grants under subparagraph (a)(1)(B), the Secretary shall support programs that—

“(A) provide parents of limited English proficient students educational services, such as English as a second language classes, literacy programs, introduction to the education system, and civics education; and

“(B) provide information on their children's educational programs and their rights to participate in educational decisions involving their children.

SEC. 7162. APPLICATIONS.

“Any consortia wishing to apply for a grant under this subpart shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

SEC. 7163. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$20,000,000 for fiscal year 2001, and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this subpart, of which 50 percent shall be used for grants under section 7161(a)(1)(A), and 50 percent shall be available for grants under section 7161(a)(1)(B).”.

(b) CONFORMING AMENDMENTS.—Subpart 4 of title XII is redesignated as subpart 5.

SEC. 323. TRANSITION.

Subpart 5 of part A of title VII (as redesignated by section 222(b)) is amended to read as follows:

Subpart 5—Transition

SEC. 7171. TRANSITION.

“Notwithstanding any other provision of law, a recipient of a grant under subpart 1 of part A of this title that is in its 3rd or 4th year of that grant on the day preceding the date of the enactment of the Access to Excellence in Education for the 21st Century Act shall be eligible to receive continuation funding under the terms and conditions of the original grant.”.

SEC. 324. FINDINGS OF EMERGENCY IMMIGRANT EDUCATION PROGRAM.

Section 7301(a) is amended—

- (1) in paragraph (3), by striking “and” at the end;
- (2) by redesignating paragraph (4) as paragraph (5); and
- (3) by adding at the end the following new paragraph:

“(4) an increasing number of immigrant children are entering United States’ schools with interrupted or little previous schooling; and”.

SEC. 325. STATE ADMINISTRATIVE COSTS.

Section 7302 is amended by inserting a comma and “or 2 percent if the State educational agency distributes funds received under this part to local educational agencies on a competitive basis,” after “1.5 percent of the amount”.

SEC. 326. DEFINITIONS.

Section 7501 is amended by striking paragraph (15) and inserting a new paragraph to read as follows:

“(15) RECLASSIFICATION RATE.—The term ‘reclassification rate’ means the annual percentage of limited English proficient students who have met the State criteria for no longer being considered limited English proficient.”.

SEC. 327. REGULATIONS, PARENTAL NOTIFICATION, AND USE OF PARAPROFESSIONALS.

Section 7502 is amended—

(1) by amending the section heading to read as follows: “REGULATIONS, PARENTAL NOTIFICATION, AND USE OF PARAPROFESSIONALS”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A), by striking “youth participating in” and inserting “youth who will participate in”; and

(ii) in subparagraph (C)—

(I) in the matter before clause (i), by striking “goals of the bilingual education or special alternative instructional program” and inserting “goals of the program related to the education of children and youth with limited English proficiency”; and

(II) in clause (i), by striking “results of the bilingual educational program and of the instructional alternatives” and inserting “results of the instructional programs related to the education of children and youth with limited English proficiency”; and

(B) in paragraph (2)—

(i) by amending the paragraph heading to read “OPTION TO WITHDRAW.”; and

(ii) by amending subparagraph (A) to read as follows:

“(A) A recipient of funds under subpart 1 of part A shall also provide a written notice to parents of children who will participate in the programs under that subpart, in a form and language understandable to the parents, that informs them that they may withdraw their child from the program at any time.”; and

(3) by adding a new subsection (c) to read as follows:

“(c) USE OF PARAPROFESSIONALS.—The provisions of section 1119(c) of this Act shall apply to all new staff hired to provide academic instruction in programs supported under subpart 1 of part A of this title on or after the date of the enactment of the Access to Excellence in Education for the 21st Century Act, except that paraprofessionals possessing a high school diploma may be used for the purposes of non-instructional communication, if there are no other qualified personnel, as described in section 1119(c), who are able to provide such communication.”.

SEC. 328. TERMINOLOGY.

(a) PART A.—Subparts 1 and 2 of part A of title VII are amended by striking “bilingual

education or special alternative instruction programs” and “bilingual education or special alternative instructional programs” each place they appear and inserting “instructional programs”.

(b) PART E.—Section 7501(6) is amended by striking “a bilingual education and special alternative instructional program” and inserting “an instructional program”.

SEC. 329. REPEALS.

(a) REPEALS IN PART A.—Sections 7112, 7117, 7120, and 7121 are repealed.

(b) REPEAL OF PART B.—Part B of title VII is repealed.

SEC. 330. REDESIGNATIONS AND CONFORMING AMENDMENTS.

(a) PART REDESIGNATIONS.—Parts C, D, and E of title VII are redesignated as parts B, C, and D, respectively.

(b) SECTION REDESIGNATIONS.—Sections 7113, 7114, 7115, 7116, 7118, 7122, 7123, 7124, 7131, 7132, 7133, 7134, 7135, 7136, 7141, 7142, 7143, 7144, 7145, 7146, 7148, 7149, 7150, 7161, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7401, 7402, 7403, 7404, 7405, 7501, and 7502 are redesignated as sections 7112, 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7121, 7122, 7123, 7124, 7125, 7126, 7131, 7132, 7133, 7134, 7135, 7136, 7137, 7138, 7139, 7141, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7208, 7209, 7301, 7302, 7303, 7304, 7305, 7401, and 7402, respectively.

(c) CONFORMING AMENDMENTS.—

(1) Section 7111 is amended by striking “7114, and 7115” and inserting “and 7114”.

(2) Section 7112(b)(1)(A), as redesignated by subsection (b), is amended by striking “section 7116” and inserting “section 7115”.

(3) Section 7113(b)(1)(A), as redesignated by subsection (b), is amended by striking “section 7116” and inserting “section 7115”.

(4) Section 7114(b)(1)(A), as redesignated by subsection (b), is amended by striking “section 7116” and inserting “section 7115”.

(5) Section 7115(g)(2), as redesignated by subsection (b), is amended by striking “section 7114 or 7115” and inserting “section 7113 or 7114”.

(6) Section 7135(a)(3), as redesignated by subsection (b), is amended by striking “section 7149” and inserting “section 7138”.

(7) Section 7202 as redesignated by subsection (b), is amended by striking “section 7304” and inserting “section 7204”.

(8) Section 7204, as redesignated by subsection (b), is amended—

(A) in subsection (a), by striking “section 7301(b)” and inserting “section 7201(b)”; and

(B) in subsection (e)(2), by striking “section 7307” and inserting “section 7207”.

(9) Section 7205(a), as redesignated by subsection (b), is amended—

(A) in paragraph (2), by striking “sections 7301 and 7307” and inserting “sections 7201 and 7207”;

(B) in paragraph (4), by—

(i) striking “section 7304(e)” and inserting “sections 7204(e)”; and

(ii) striking “section 7304(b)(1)” and inserting “section 7204(b)(1)”; and

(C) in paragraph (8), by striking “section 7304” and inserting “section 7204”.

(10) Section 7206, as redesignated by subsection (b), is amended—

(A) in subsection (a)—

(i) by striking “section 7305” and inserting “section 7205”; and

(ii) by striking “section 7305” and inserting “section 7205”; and

(B) in subsection (b), by striking “section 7305(a)(7)” and inserting “section 7205(a)(7)”.

(11) Section 7305(d)(2), as redesignated by subsection (b), is amended by striking “section 7134” and inserting “section 7124”.

H.R. 2

OFFERED BY: MR. HINOJOSA

AMENDMENT NO. 26: After section 134 of the bill, insert the following:

SEC. 135. NATIONAL PARENT ADVISORY COUNCIL.

Part C of title I (20 U.S.C. 6391 et seq.) is amended by—

(1) redesignating section 1309 as section 1310; and

(2) inserting after section 1308 the following:

“SEC. 1309. NATIONAL PARENT ADVISORY COUNCIL.

“(a) IN GENERAL.—A National Parent Advisory Council (hereafter in this section referred to as the “Advisory Council”) shall be established to advise the Secretary on the implementation of programs under this part and coordination with other programs serving migratory children and families.

“(b) MEMBERSHIP.—The Advisory Council shall include a minimum of 10 geographically representative parent members and 5 others members appointed by the Secretary, in consultation with State education agencies, State and local parent advisory councils, local operating agencies, the National Association for Migrant Education, the National Association for State Directors of Migrant Education, and other interested parties.

“(c) COMPENSATION AND EXPENSES.—

“(1) Members of the Advisory Council who are officers or full time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States; but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

“(2) Members of the Advisory Council who are not officers or full-time employees of the United States may each receive reimbursement for travel expenses incident to attending Advisory Council meetings, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.”.

H.R. 2

OFFERED BY: MR. HINOJOSA

AMENDMENT NO. 27: Strike section 134 of the bill and insert the following:

SEC. 134. ESTABLISHING THE VITAL INFORMATION CHANNEL.

Section 1308(b) (20 U.S.C. 6398(b)) is amended to read as follows:

“(b) VITAL INFORMATION CHANNEL.—

“(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Student Results Act of 1999, after consultation with the States receiving funds under this part, local operating agencies, the National Parent Advisory Council, the Office of Migrant Health, the National Association of State Boards of Education, the National Association of Secondary School Principals, the National Association for State Directors of Migrant Education, the National Association for Migrant Education, and other parties as deemed appropriate by the Secretary, the Secretary shall publish a notice in the Federal Register seeking public comment on a proposed set of vital information elements that shall include the following:

“(A) The essential educational and health information on migratory children which shall be maintained by each State in order to make such information available when needed in any other State.

“(B) The establishment of nationally accepted standards for timeliness, accuracy, and authentication of such information, including validation of full and partial credits for high school courses.

“(2) LIST OF MINIMUM DATA ELEMENTS.—Not later than 1 year after the date of the enactment of the Student Results Act of 1999, the

Secretary shall publish in the Federal Register the list of minimum data elements that each State receiving funds under this part shall be required to collect and maintain.

“(3) DEVELOPMENT, IMPLEMENTATION, AND OPERATION OF CHANNEL.—After publication of the list described in paragraph (2), the Secretary shall enter into a contract for the development, implementation, and operation of a vital information channel. This channel shall be operational not later than 2 years after the date of the enactment of the Student Results Act of 1999 and shall provide electronic access to, and consolidation of, the essential data on migratory children.

“(4) RESERVATION.—For development of nationally accepted standards under paragraph (1)(B), and the vital information channel under paragraph (3), the Secretary is authorized to reserve \$1,000,000 from the amount made available to carry out this part for each of fiscal years 2000 and 2001. For operation of the vital information channel, the Secretary is authorized to reserve from the amount made available to carry out this part such sums as may be necessary for fiscal years after 2001.

“(5) ADDITIONAL RESERVATION.—The Secretary may reserve the amount of \$2 per migratory child from the annual grant award to any State under this part if the State uses the vital information channel to maintain its data.

“(6) ELECTRONIC DATA INTERFACE.—Each State shall be responsible for providing the electronic data interface, if necessary, to link its student data base to the vital information channel.”

H.R. 2

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 28: In section 1611(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, before the period, insert the following: “so that more than 95 percent of the funds allocated under this title are used to improve the academic achievement of children in the classroom”.

At the end of section 1002(h) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 103 of the bill strike the quotation marks and the period at the end, and insert the following:

“(4) DOLLARS TO THE CLASSROOM.—States may use funds reserved under paragraph (1) to reduce and facilitate paperwork reporting requirements, to improve electronic data reporting, or to improve the accounting of funds to the school level, to ensure that not more than 4 percent of the amounts made available to local educational agencies under this title are spent for administrative purposes.”

H.R. 2

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 29: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

“SEC. 1612. STUDY AND REPORT BY SECRETARY ON IDENTIFICATION AND TREATMENT OF CHILDREN WITH DYSLEXIA IN KINDERGARTEN THROUGH 3D GRADE.

“(a) STUDY.—The Secretary, in consultation with the National Academy of Sciences, shall conduct a study on methods for identifying and treating children with dyslexia in kindergarten through 3d grade. In carrying out the study, the Secretary shall consider—

“(1) whether there is a biological basis for dyslexia;

“(2) whether dyslexia is caused by—

“(A) a brain-based phonological deficit that prevents an individual from breaking down written words into component sounds;

“(B) post-natal experience, including inadequate instruction; or

“(C) a combination thereof; and

“(3) the cost of implementing a program on a nationwide basis to identify and treat children with dyslexia in kindergarten through 3d grade.

“(b) REPORT.—Not later than 120 days after the date of the enactment of the Student Results Act of 1999, the Secretary shall prepare and submit to the Congress a report containing the results of the study conducted under subsection (a).

H.R. 2

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 30: Add at the end of the bill the following new title:

TITLE IX—HOLOCAUST EDUCATION

SEC. 901. HOLOCAUST EDUCATION.

Title X of the Act is amended by adding at the end the following:

PART L—HOLOCAUST EDUCATION

SEC. 10994. SHORT TITLE.

“This part may be cited as the ‘Holocaust Education Assistance Act’.

SEC. 10995. FINDINGS AND PURPOSES.

“(a) FINDINGS.—The Congress makes the following findings:

“(1) The Holocaust was an historical event that resulted in the systemic, state-sponsored mass murders by Nazi Germany of 6,000,000 Jews, along with millions of others, in the name of racial purity.

“(2) Six States (California, Florida, Illinois, Massachusetts, New Jersey, and New York) now mandate that the Holocaust be taught in the educational curriculum, and 10 States (Connecticut, Georgia, Indiana, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Washington) recommend teaching the Holocaust but do not provide sufficient funds to assist in the training and educating of teachers.

“(3) The Holocaust is a sensitive and difficult issue about which to teach, and to do so effectively, educators need appropriate teaching tools and training to increase their knowledge to enhance the educational experience.

“(b) PURPOSES.—The purposes of this part are the following:

“(1) To educate Americans so that they can—

“(A) explore the lessons that the Holocaust provides for all people; and

“(B) be less susceptible to the falsehood of Holocaust denial and to the destructive messages of hate that arise from Holocaust denial.

“(2) To provide resources and support for education programs that—

“(A) portray accurate historical information about the Holocaust;

“(B) sensitize communities to the circumstances that gave rise to the Holocaust;

“(C) convey the lessons that the Holocaust provides for all people; and

“(D) by developing curriculum guides and providing training, help teachers incorporate into their mainstream disciplines the study of the Holocaust and its lessons.

SEC. 10996. AUTHORITY TO MAKE GRANTS.

“From any amounts made available to carry out this part, the Secretary may make grants under this part to educational organizations to carry out proposed or existing Holocaust education programs.

SEC. 10997. USE OF GRANT AMOUNTS.

“(a) IN GENERAL.—An educational organization receiving grant amounts under this part shall use such grant amounts only to carry out the Holocaust education program for which the grant amounts were provided.

“(b) REQUIREMENTS.—An educational organization receiving grant amounts under this

part shall comply with the following requirements:

“(1) CONTINUATION OF ELIGIBILITY.—The educational organization shall, throughout the period that the educational organization receives and uses such grant amounts, continue to be an educational organization.

“(2) SUPPLEMENTATION OF EXISTING FUNDS.—The educational organization shall ensure that such grant amounts are used to supplement, and not supplant, non-Federal funds that would otherwise be available to the educational organization to carry out the Holocaust education program for which the grant amounts were provided.

“(c) ADDITIONAL CONDITIONS.—The Secretary may require additional terms and conditions in connection with the use of grant amounts provided under this part as the Secretary considers appropriate.

SEC. 10998. SELECTION CRITERIA.

“(a) IN GENERAL.—The Secretary shall award grant amounts under this part in accordance with competitive criteria to be established by the Secretary.

“(b) CONSULTATION WITH HOLOCAUST EDUCATORS.—In establishing the competitive criteria under subsection (a), the Secretary shall consult with a variety of individuals, to be determined by the Secretary, who are prominent educators in the field of Holocaust education.

SEC. 10999. APPLICATION.

“The Secretary may award grant amounts under this part only to an educational organization that has submitted an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

SEC. 10999A. REVIEW AND SANCTIONS.

“(a) ANNUAL REVIEW.—The Secretary shall review at least annually each educational organization receiving grant amounts under this part to determine the extent to which the educational organization has complied with the provisions of this part.

“(b) IMPOSITION OF SANCTIONS.—The Secretary may impose sanctions on an educational organization for any failure of the educational organization to comply substantially with the provisions of this part. The Secretary shall establish the sanctions to be imposed for a failure to comply substantially with the provisions of this part.

SEC. 10999B. ANNUAL REPORT.

“Not later than February 1 of each year, the Secretary shall submit to the Senate and House of Representatives a report describing the activities carried out under this part and containing any related information that the Secretary considers appropriate.

SEC. 10999C. CONTRACTING WITH OTHER ENTITIES.

“Nothing in this part shall preclude an educational organization from contracting with other entities to assist the educational organization with the Holocaust education program.

SEC. 10999D. DEFINITIONS.

“For purposes of this part, the following definitions shall apply:

“(1) EDUCATIONAL ORGANIZATION.—The term ‘educational organization’ means a local educational agency as defined in section 1401.

“(2) HOLOCAUST EDUCATION PROGRAM.—The term ‘Holocaust education program’ means a program that—

“(A) has as its specific and primary purpose to improve awareness and understanding of the Holocaust; and

“(B) to achieve such purpose, furnishes one or more of the following:

“(i) classes, seminars, or conferences.

“(ii) educational materials.

“(iii) teacher training.

“(iv) any other good or service designed to improve awareness and understanding of the Holocaust.

“(3) HOLOCAUST.—The term ‘Holocaust’ means the historical event that resulted in the systemic, state-sponsored mass murders by Nazi Germany of 6,000,000 Jews, along with millions of others, in the name of racial purity.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

SEC. 1099E. REGULATIONS.

“The Secretary shall issue any regulations necessary to carry out this part.

SEC. 1099F. AUTHORIZATION OF APPROPRIATIONS.

“For grants under this part, there is authorized to be appropriated to the Secretary \$2,000,000 each fiscal year for five fiscal years, beginning with the first fiscal year to commence after the date of enactment of this Act, to remain available until expended.”.

H.R. 2

OFFERED BY: MR. MCINTOSH

AMENDMENT No. 31: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

SEC. 1612. IMPORTANCE OF STRONG READING INSTRUCTION.

“(a) FINDINGS.—The Congress finds that—“(i) the ability to read the English language with fluency and comprehension is essential if individuals are to reach their full potential;

“(2) it is a foundational and indisputable fact that written English is based on the alphabetic principle, and is, in fact, a phonetic language;

“(3) more than 50 years of cognitive science, neuroscience, and applied linguistics have confirmed that learning to read is a skill that must be taught in a direct, systematic way;

“(4) phonics instruction is the teaching of a body of knowledge consisting of 26 letters of the alphabet, the 44 English speech sounds they represent, and the 70 most common spellings for those speech sounds;

“(5) most public schools, teachers colleges, and universities do not provide direct, systematic phonics instruction;

“(6) the 1998 National Assessment for Educational Progress (NAEP) has found that 69 percent of 4th grade students are reading below the proficient level;

“(7) more than half of the students being placed in special education programs have not been taught to read;

“(8) the cost of special education, at the Federal, State, and local levels exceeds \$60,000,000,000 each year;

“(9) the 1998 NAEP also found that 85 percent of minority 4th grade students, most of whom are in title I programs, are reading below the proficient level;

“(10) Congress has spent more than \$120,000,000,000 over the past 30 years in title I alone with the primary purpose of improving reading skills;

“(11) the National Institute of Child Health and Human Development (NICHD) has conducted more than 35 years of extensive scientific research in reading at a cost of more than \$200,000,000;

“(12) the NICHD findings on reading instruction conclude that phonemic awareness, direct, systematic instruction in sound-spelling correspondences, blending of sound spellings into words, and comprehension are essential components of any reading program based on scientific research; and

“(13) reading instruction in most schools is still based on the whole language philosophy, often to the detriment of the students.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that direct systematic phonics in-

struction should be used in all elementary and secondary schools as a first, and essential step in teaching a student to read.

H.R. 2

OFFERED BY: MRS. NAPOLITANO

AMENDMENT No. 32: In section 1001(a) of the Elementary and Secondary Education Act of 1965, as amended by section 102 of the bill, add at the end the following:

“(7) The requirements of a global, high-technology-oriented economy demand that more emphasis be placed on math and science fundamentals that equip students in kindergarten through grade 12 to meet these challenges and to be better prepared for post-secondary education and the demands of the 21st century job market.

“(8) Recent statistics indicate that only 3.5 percent of Hispanics hold high technology jobs compared to 7.7 percent of non-Hispanic whites. This disparity has grave consequences for Hispanics since future job growth will continue to be generated in the high-wage, high technology sector. This disparity also points to the need for enhanced educational efforts to ensure that all students, particularly minorities and the disadvantaged, are exposed to technology careers and skills.

H.R. 2

OFFERED BY: MRS. NAPOLITANO

AMENDMENT No. 33: In section 1119A(b)(2) of the Elementary and Secondary Education Act of 1965, as added by section 116 of the bill—

(1) in subparagraph (G), strike “and” at the end;

(2) in subparagraph (H), strike the period at the end and insert “; and”; and

(3) add at the end the following:

“(I) instruction that provides teachers, principals, and guidance counselors with innovative, culturally appropriate, and linguistically appropriate strategies for—

“(i) working with student populations, including minority students and disadvantaged students, who are underrepresented in careers in mathematics, science, engineering, and technology;

“(ii) fostering and maintaining student interest in such careers and in mathematics and science education; and

“(iii) developing better communication with parents in order that parents may be an integral part of the strategies described in clauses (i) and (ii).

H.R. 2

OFFERED BY: MS. NORTON

AMENDMENT No. 34: Add at the end of the bill the following new title:

TITLE IX—UNIVERSAL KINDERGARTEN AND PRE-KINDERGARTEN INCENTIVE ACT

SEC. 901. USE OF COMMUNITY LEARNING CENTER FUNDS FOR KINDERGARTEN OR PRE-KINDERGARTEN PROGRAMS.

Section 10905 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8245) is amended—

(1) by striking “Grants awarded” and inserting the following: “(a) IN GENERAL.—Grants awarded”;

(2) by inserting after “may be used” the following: “to plan, implement, or expand kindergarten or pre-kindergarten programs described in subsection (b) or”; and

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

“(b) KINDERGARTEN AND PRE-KINDERGARTEN PROGRAMS.—A kindergarten or pre-kindergarten program described in this subsection is a program of a community learning center that provides kindergarten and/or pre-kindergarten curriculum and classes for students not yet qualified for the first grade and

is taught by teachers who possess equivalent or similar qualifications to teachers of other grades in the school involved.”

Section 10904 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8244) is amended—

(1) by inserting under subsection (a) such section at the end:

“(4) an affirmative statement by the LEA or SEA that upon the expiration of a grant awarded under section 10905(b) of this part (20 U.S.C. 8245(b)), the community learning center will continue to be funded and operate such a program, unless experience demonstrates that such a program is not feasible.”

SEC. 902. OTHER FEDERAL FUNDS.

Title X, Part I of the Elementary and Secondary Education Act is amended—

(1) by inserting “**Sec. 10908 Other Federal Funds.**”

(a) Nothing contained in this part may be construed to cause the diminution of other federal funds available.

(b) Funds received under Section 10905(b) may be used in conjunction with other federal funds awarded.”

H.R. 2

OFFERED BY: MR. OWENS

AMENDMENT No. 35: In section 103(a) of the bill, in the matter proposed to be inserted in section 1002(a) of the Elementary and Secondary Education Act of 1965, strike “8,350,000,000” and insert “11,135,000,000”.

After section 125 of the bill, insert the following:

SEC. 126. EMERGENCY FUNDS.

Part A is amended by adding at the end the following:

SEC. 1128. EMERGENCY FUNDS.

“Notwithstanding any other provision under this part, the Secretary shall allocate not less than 25 percent of the amount of funds authorized under section 1002(a) in the same manner as funds are allocated to local educational agencies under 1125 to eliminate health and safety hazards and increase wiring capabilities in schools for security and technology purposes.”

H.R. 2

OFFERED BY: MR. OWENS

AMENDMENT No. 36: In section 103(a) of the bill, in the matter proposed to be inserted in section 1002(a) of the Elementary and Secondary Education Act of 1965, strike “8,350,000,000” and insert “9,278,000,000”.

After section 125 of the bill, insert the following:

SEC. 126. EMERGENCY FUNDS.

Part A is amended by adding at the end the following:

SEC. 1128. EMERGENCY FUNDS.

“(a) IN GENERAL.—Notwithstanding any other provision under this part, the Secretary shall allocate not less than 10 percent of the amount of funds authorized under section 1002(a) in the same manner as funds are allocated to local educational agencies under 1125 for grants to local educational agencies for comprehensive staff training programs for personnel responsible for educational technology programs.

“(b) PLAN.—A local educational agency that desires to receive a grant under this section shall submit to the Secretary a comprehensive plan for implementation of the programs described in subsection (a). The plan shall include provisions for initiatives to coordinate the efforts of the public and private sectors to train personnel responsible for educational technology programs.”

H.R. 2

OFFERED BY: MR. OWENS

AMENDMENT No. 37: In section 103(a) of the bill, in the matter proposed to be inserted in

section 1002(a) of the Elementary and Secondary Education Act of 1965, strike "8,350,000,000" and insert "9,825,500,000".

After section 125 of the bill, insert the following:

SEC. 126. EMERGENCY FUNDS.

Part A is amended by adding at the end the following:

SEC. 128. EMERGENCY FUNDS.

"(a) IN GENERAL.—Notwithstanding any other provision under this part, the Secretary shall allocate not less than 15 percent of the amount of funds authorized under section 1002(a) in the same manner as funds are allocated to local educational agencies under 1125 for grants to local educational agencies to provide incentive scholarships to paraprofessionals employed by the agency who are described in subsection (b).

"(b) PARAPROFESSIONALS DESCRIBED.—A paraprofessional described in this subsection is a paraprofessional who—

"(1) is working in a program supported with funds under this title; and

"(2) has been accepted for enrollment by, or is enrolled in, a course of study at an institution of higher education that will lead to an associate's or bachelor's degree."

H.R. 2

OFFERED BY: MR. PAYNE

AMENDMENT NO. 38: Strike title VIII of the bill.

H.R. 2

OFFERED BY: MR. PAYNE

AMENDMENT NO. 39: In heading for title VI of the bill, after "RURAL" insert "AND URBAN".

In the heading for section 601 of the bill, after "RURAL" insert "AND URBAN".

In the heading for part J of title X of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 601 of the bill, after "RURAL" insert "AND URBAN".

In section 10951 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 601 of the bill, after "Rural" insert "and Urban".

At the end of section 601 of the bill, insert the following:

"Subpart 4—Urban Education Initiative".

SEC. 10985A. SHORT TITLE.

"This subpart may be cited as the 'Eliminating Educational Disparities and Promoting Learning for Urban Students Act of 1999'.

SEC. 10985B. FINDINGS.

"The Congress finds that—

"(1) the ability of the Nation's major urban public school systems to meet the Nation's educational goals will substantially determine the country's economic competitiveness and academic standing in the world community;

"(2) the quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's cities;

"(3) the success of urban public schools in accelerating the achievement of its youth attending such schools will determine the ability of the Nation to close the gap between the 'haves and the have-nots' in society;

"(4) the cost to America's businesses to provide remedial education to high school graduates is approximately \$21,000,000,000 per year;

"(5) approximately one-third of the Nation's workforce will be members of minority groups by the year 2000;

"(6) urban schools enroll a disproportionately large share of the Nation's poor and 'at-risk' youth;

"(7) urban schools enroll over one-third of the Nation's poor, 40 percent of the Nation's

African American children, and 30 percent of the Nation's Hispanic youth;

"(8) nearly 40 percent of the Nation's limited-English-proficient children and 15 percent of the Nation's disabled youth are enrolled in urban public schools;

"(9) the National Assessment of Educational Progress shows substantial achievement gaps between urban and nonurban students, whether enrolled in schools located in high or low poverty areas;

"(10) urban school children have begun to narrow the achievement gap in reading according to the recent Reading Report Card issued by the National Assessment of Educational Progress;

"(11) the National Assessment of Educational Progress reports show substantial achievement gaps between white students and African-American and Hispanic students;

"(12) African-American and Hispanic school children have begun to narrow the achievement gap in reading according to the recent Reading Report Card issued by the National Assessment of Educational Progress;

"(13) the dropout rate for urban students is more than 50 percent higher than the national dropout rate;

"(14) urban preschoolers have one-half the access to early childhood development programs as do other children;

"(15) teacher shortages and teacher turnover in urban public school systems are substantially greater than in nonurban school systems, particularly in mathematics and science;

"(16) urban public school systems have less parental involvement, and greater problems with health care, teenage pregnancy, truancy and discipline, drug abuse, and gangs than do other kinds of school systems;

"(17) urban school buildings are in more serious disrepair according to the General Accounting Office than facilities in other kinds of school systems with 75 percent of urban public school buildings over 25 years old, 33 percent of such buildings over 50 years old, which create poor and demoralizing working and learning conditions;

"(18) solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

"(19) Federal and State funding of urban public schools has not adequately reflected need; and

"(20) Federal funding that is well-targeted, flexible, and accountable will contribute significantly to addressing the comprehensive needs of inner-city public schools and school children.

SEC. 10985C. PURPOSE.

"It is the purpose of this subpart to provide financial assistance to develop, demonstrate, and disseminate educational policies, strategies, and practices in central city schools with high concentrations of students from racial and language minority groups that will significantly improve the academic achievement of an entire school, and narrow or overcome educational disparities between groups of minority and nonminority students, and between urban and nonurban public school students.

SEC. 10985D. URBAN SCHOOL GRANTS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to eligible local educational agencies serving an urban area or State educational agencies in the case where the State educational agency is the local educational agency for activities designed to assist schools with high concentrations of students from racial and language minority groups improve schoolwide academic achievement with particular attention

to narrowing or overcoming disparities in achievement scores and school completion (1) between minority and nonminority group students; and (2) between urban and nonurban public school students.

"(b) AUTHORIZED ACTIVITIES.—(1) Funds under this section may be used for activities designed—

"(A) to increase the academic achievement of urban public school children and narrow or overcome the achievement gap between urban and nonurban students;

"(B) to increase the academic achievement of students who are members of racial and language minority groups and narrow or overcome the achievement gap between minority and nonminority group students

"(C) to increase the graduation rates of urban public school students and reduce the dropout rates of urban students, particularly students who are members of minority groups;

"(D) to recruit and retain qualified teachers;

"(E) to facilitate effective parental and community involvement;

"(F) to provide for ongoing staff development to increase the professional capacities of the school leadership, instructional staff and other support services personnel;

"(G) to plan, develop, operate, or expand programs and activities that are designed to assist urban public schools in meeting the National Education Goals; and

"(H) to document, evaluate, and disseminate the results of such activities as required under section 10985G.

"(2) Activities conducted under paragraph (1) shall demonstrate policies, strategies, and practices that hold the promise of effectively addressing the educational disparities identified in subparagraphs (A), (B), and (C) of paragraph (1), such as—

"(A) enrollment in rigorous courses and early completion of gatekeeper courses;

"(B) delivery of instruction by experienced and effective teachers;

"(C) reduced class size;

"(D) increased emphasis on reading in the early grades;

"(E) data-driven instructional design and early identification and intervention with at-risk students;

"(F) extended learning time, including extended school day, extended school year, Saturday school, and summer school;

"(G) establishing annual achievement goals tied to rigorous content and performance standards;

"(H) school-based improvement planning and accountability, and the provision of extended professional development, and ongoing technical assistance and support; and

"(I) increased parental involvement and community involvement including mentoring programs.

"(3) Authorized activities shall be carried out in a school or schools of a feeder system with high concentrations of students from racial and language minority groups within the eligible agency.

"(C) APPLICATIONS.—

"(1) IN GENERAL.—An urban eligible local educational agency desiring to receive a grant under this section shall submit an application to the Secretary containing a plan describing activities under subsection (b) at such time, in such manner, and accompanied by such information as the Secretary may reasonably require to determine that the application is of sufficient size, scope, and quality to meet the purposes this subpart.

"(2) DURATION.—An application submitted pursuant to paragraph (1) may be for a period of not more than five years.

"(d) PAYMENTS.—The Secretary shall make an award only to urban eligible local educational agencies that—

“(1) comply with the provisions of section 10985G; and

“(2) demonstrate to the satisfaction of the Secretary that the data submitted pursuant to section 10985G shows progress toward meeting National Education Goals and the purposes of this subpart.

“(e) ADMINISTRATIVE COSTS.—Not more than five percent of any award made under this subpart may be used for administrative costs.

“(f) FEDERAL FUNDS TO SUPPLEMENT NOT SUPPLANT NON-FEDERAL FUNDS.—An eligible local educational agency may use funds received under this subpart only to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in activities assisted under this subpart, and in no such case may such funds be used to supplant funds from non-Federal sources.

SEC. 10985E. ALLOCATIONS.

“In making awards from amounts appropriated under this subpart, the Secretary shall allocate amounts directly to each urban eligible local educational agency on the basis of the relative number of children counted under section 1124(c) of this Act in such agencies as determined by the Secretary using the most recent satisfactory data.

SEC. 10985F. COORDINATION.

“Each local educational agency receiving assistance under this subpart shall carry out activities, to the extent feasible and appropriate, in coordination with other programs funded this Act. Such agency may request directly from the Secretary under the appropriate provisions of section 14401 the waiver of requirements in such programs that would inhibit such coordination and the effective implementation of the activities required under this subpart.

SEC. 10985G. EVALUATION AND DISSEMINATION.

“(a) IN GENERAL.—Each local educational agency receiving assistance under this subpart shall select an independent evaluator to assist the agency in designing and implementing an evaluation plan that documents and analyzes the effectiveness of the demonstrated activities.

“(b) LIMITATION.—A local educational agency shall expend no more than two percent of funds awarded by the Secretary for activities under section 10985D(b)(1)(H).

“(c) PROJECT MODIFICATIONS.—A local educational agency shall modify, not less than every two years, activities supported under this subpart based on the results of information gathered under subsection (a), and discontinue practices that do not promise to produce significant results; and

“(d) DISSEMINATION ACTIVITIES.—Each local educational agency receiving assistance under this subpart shall design and implement appropriate dissemination activities to distribute information on effective policies, strategies and practices that have been demonstrated by the project.

SEC. 10985H. DEFINITIONS.

“Except as otherwise provided, for the purposes of this subpart:

“(1) CENTRAL CITY.—The term ‘central city’ has the same meaning used by the Bureau of the Census.

“(2) METROPOLITAN STATISTICAL AREA.—The term ‘metropolitan statistical area’ has the same meaning used by the Bureau of the Census.

“(3) POVERTY LEVEL.—The term ‘poverty level’ means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.

“(4) URBAN ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ‘urban eligible local edu-

cational agency’ means a local educational agency that—

“(A) serves the largest central city in a State;

“(B) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

“(C) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

SEC. 10985I. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated \$250,000,000 for fiscal year 2000, and such sums as may be necessary for each of the four succeeding fiscal years for the purpose of carrying out this subpart.”

H.R. 2

OFFERED BY: MR. PETRI

AMENDMENT NO. 40: In section 1111(b)(1)(C) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike ‘mathematics and reading or language arts,’ and insert ‘mathematics, reading or language arts, and science.’

In section 1111(b)(4) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike ‘mathematics and reading or language arts,’ and insert ‘mathematics, reading or language arts, and science.’

In section 1111(h)(2)(A)(i) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike ‘reading or language arts and mathematics,’ and insert ‘mathematics, reading or language arts, and science.’

At the end of section 105 of the bill—

(1) strike the quotation marks and the final period; and

(2) insert the following:

“(i) SPECIAL RULE ON SCIENCE STANDARDS AND ASSESSMENTS.—Notwithstanding subsections (b) and (h), no State shall be required to meet the requirements under this title relating to science standards or assessments until the beginning of the 2005-2006 school year.”

H.R. 2

OFFERED BY: MR. PETRI

AMENDMENT NO. 41: After section 1128 of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 126 of the bill, insert the following:

SEC. 127. ESTABLISHMENT OF PILOT CHILD CENTERED PROGRAMS.

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

Subpart 3—Pilot Child Centered Program

SEC. 1131. DEFINITIONS.

“In this subpart:

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

“(A) is an eligible child under this part; and

“(B) the State or participating local educational agency elects to serve under this subpart.

“(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term ‘participating local educational agency’ means a local educational agency that elects under section 1132 to carry out a child centered program under this subpart.

“(3) SCHOOL.—The term ‘school’ means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

“(4) EDUCATION SERVICES.—The term ‘education services’ means services intended—

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

“(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

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

“(A) has a record of effectiveness in providing tutorial assistance to school children; or

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

SEC. 1132. CHILD CENTERED PROGRAM FUNDING.

“(a) FUNDING.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall grant to the first 10 States that meet the requirements of paragraph (2) the authority to use funds made available under subparts 1 and 2, to carry out a child centered program under this subpart on a Statewide basis or to allow local educational agencies in such State to elect to carry out such a program on a districtwide basis.

“(2) REQUIREMENTS.—To be eligible to participate in a program under this subpart, a State shall provide to the Secretary a request to carry out a child centered program and certification of approval for such participation from the State legislature and Governor.

“(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—If a State does not carry out a child centered program under this subpart, but allows local educational agencies in the State to carry out child centered programs under this subpart, the Secretary shall provide the funds that a participating local educational agency is eligible to receive under subparts 1 and 2 directly to the local educational agency to enable the local educational agency to carry out the child centered program.

SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.

“(a) USES.—Under a child centered program—

“(i) the State or participating local educational agency shall establish a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

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

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

“(B) the cost of providing services to pupils with different educational needs; or

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

“(3) the State or the participating local educational agency shall make available a certificate for the per pupil amount determined under paragraphs (1) and (2) to the parent or legal guardian of each eligible child, which certificate shall be used for education services for the eligible child that are—

“(A) subject to subparagraph (B), provided by the child’s school, directly or through a contract for the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

“(B) if requested by the parent or legal guardian of an eligible child, purchased from a tutorial assistance provider, or another public or private school, selected by the parent or guardian.

"SEC. 1134. ADMINISTRATIVE PROVISIONS."

"The per pupil amount provided under this subpart for an eligible child shall not be treated as income of the eligible child or the parent of the eligible child for purposes of Federal tax laws, or for determining the eligibility for or amount of any other Federal assistance.

"SEC. 1135. LIMITATION ON CONDITIONS; PRE-EMPTION."

Nothing in this subpart shall be construed to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions."

H.R. 2

OFFERED BY: MR. PETRI

AMENDMENT No. 42: After section 1128 of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 126 of the bill, insert the following:

SEC. 127. ESTABLISHMENT OF PILOT CHILD CENTERED PROGRAMS.

Part of title I is amended by adding at the end the following:

"Subpart 3—Pilot Child Centered Program"**"SEC. 1131. DEFINITIONS."**

"In this subpart:

"(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

"(A) is an eligible child under this part; and

"(B) the State or participating local educational agency elects to serve under this subpart.

"(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term 'participating local educational agency' means a local educational agency that elects under section 1132 to carry out a child centered program under this subpart.

"(3) SCHOOL.—The term 'school' means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

"(4) EDUCATION SERVICES.—The term 'education services' means services intended—

"(A) to meet the individual educational needs of eligible children; and

"(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

"(5) TUTORIAL ASSISTANCE PROVIDERS.—The term 'tutorial assistance provider' means a public or private entity that—

"(A) has a record of effectiveness in providing tutorial assistance to school children; or

"(B) uses instructional practices based on scientific research.

"SEC. 1132. CHILD CENTERED PROGRAM FUNDING."

"(a) FUNDING.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall grant to the first 10 States that meet the requirements of paragraph (2) the authority to use funds made available under subparts 1 and 2, to carry out a child centered program under this subpart on a Statewide basis or to allow local educational agencies in such States to elect to carry out such a program on a districtwide basis.

"(2) REQUIREMENTS.—To be eligible to participate in a program under this subpart, a State shall provide to the Secretary a request to carry out a child centered program and certification of approval for such participation from the State legislature and Governor.

"(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—If a State does not carry out a child centered program under this subpart, but allows local educational agencies

in the State to carry out child centered programs under this subpart, the Secretary shall provide the funds that a participating local educational agency is eligible to receive under subparts 1 and 2 directly to the local educational agency to enable the local educational agency to carry out the child centered program.

"SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS."

"(a) USES.—Under a child centered program—

"(1) the State or participating local educational agency shall establish a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

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

"(A) variations in the cost of providing education services in different parts of the State or the school district served by the participating local educational agency;

"(B) the cost of providing services to pupils with different educational needs; or

"(C) the desirability of placing priority on selected grades; and

"(3) the State or the participating local educational agency shall make available a certificate for the per pupil amount determined under paragraphs (1) and (2) to the parent or legal guardian of each eligible child, which certificate shall be used for education services for the eligible child that are—

"(A) subject to subparagraph (B), provided by the child's school, directly or through a contract for the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

"(B) if requested by the parent or legal guardian of an eligible child, purchased from a tutorial assistance provider, or another public or private school, selected by the parent or guardian.

"SEC. 1134. LIMITATION ON CONDITIONS; PRE-EMPTION."

Nothing in this subpart shall be construed to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions."

H.R. 2

OFFERED BY: MR. ROEMER

AMENDMENT No. 43: In section 1002(a) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 103 of the bill, strike "\$8,350,000,000" and insert "\$9,850,000,000".

H.R. 2

OFFERED BY: MR. ROEMER

AMENDMENT No. 44: In section 1119(g)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 115 of the bill, strike "may use such funds" and insert "shall use not less than 5 percent of such funds and funds made available under title II".

In section 1119A(b)(1) of the Elementary and Secondary Education of 1965, as proposed to be amended by section 116 of the bill—

(1) in subparagraph (A), after "teachers," insert "paraprofessionals.;" and

(2) in subparagraph (H), after "teachers," insert "paraprofessionals."

In section 1119A(a)(2)(B) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 116 of the bill, after "teachers," insert "paraprofessionals."

H.R. 2

OFFERED BY: MS. SANCHEZ TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GOODLING

AMENDMENT No. 45: Page I-A-6, after line 5, insert the following (and redesignate any subsequent provisions accordingly):

(f) PART E AUTHORIZATION.—Section 1002(g)(2) (20 U.S.C. 6302(g)(2)) is amended to read as follows:

"(2) SECTIONS 1502, 1502A, AND 1503.—For the purposes of carrying out sections 1502, 1502A, and 1503 (Innovative Elementary School Transition Projects), there are authorized to be appropriated \$100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which not less than \$50,000,000 shall be available for each fiscal year to carry out section 1502A."

Add at the end of the bill the following:

SEC. ____ LOCAL FAMILY INFORMATION CENTERS.

(a) CENTERS ESTABLISHED.—Part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) is amended by adding at the end the following:

"SEC. 1502A. LOCAL FAMILY INFORMATION CENTERS."

"(a) CENTERS AUTHORIZED.—From the amount appropriated under section 1002(g)(2), the Secretary shall provide not less than \$50,000,000 to make grants to, and enter into contracts and cooperative agreements with, locally based nonprofit parent organizations to enable the organizations to support Local Family Information Centers that help ensure that parents of students in schools assisted under part A have the training, information, and support the parents need to enable the parents to participate effectively in helping their children to meet challenging standards that have been established for all children.

"(b) DEFINITION OF LOCAL NONPROFIT PARENT ORGANIZATION.—In this section, the term 'local nonprofit parent organization' means a locally-based, private nonprofit organization (other than an institution of higher education) that—

"(1) has a demonstrated track record of working with low income individuals and parents;

"(2)(A) has a board of directors—

"(i) the majority of whom are parents of students in schools that are assisted under part A and located in the in the geographic area to be served by the center; and

"(ii) that includes individuals who work in schools that are assisted under part A and located in the geographic area to be served; or

"(B) has—

"(i) as a part of the organization's mission, serving the interests of low-income families in public schools in the geographic area to be served by the center; and

"(ii)(I) a special governing committee to direct and implement the center, a majority of the members of whom are parents of students in schools assisted under part A, which committee shall include one or more individuals working in title I programs in the geographic area to be served by the center; and

"(II) entered into a memorandum of understanding between the special governing committee and the board of directors that clearly outlines the decisionmaking responsibilities and authority of the special governing committee; and

"(3) is located in a community that has schools which receive funds under part A, and is accessible to the families of students in those schools.

"(c) REQUIRED CENTER ACTIVITIES.—Each center assisted under this section shall—

"(1) provide training, information, and support that meets the needs of parents of children in schools assisted under part A who are

served through the grant, contract, or cooperative agreement, particularly underserved parents, low-income parents, parents of students with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for school improvement or corrective action under section 1116;

“(2) help families of students enrolled in a school assisted under part A—

“(A) to understand and effectively carry out their responsibilities under the parent involvement provisions of this Act, including participation in parent compacts, parent involvement policies, and joint decision-making;

“(B) to learn how to effectively participate with schools to create a needs assessment or school improvement plan in accordance with part A;

“(C) to understand all of the provisions of this Act designed to improve the achievement of students in the school;

“(3) provide information in a language and form that parents understand, including taking steps to ensure that underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities, or parents of students in schools identified for school improvement or corrective action, are effectively informed and assisted;

“(4) assist parents to—

“(A) understand State content and student performance standards, State and local assessments, and how schools served under part A are required to help students meet the State standards;

“(B) understand the accountability system in place in the State, and support activities which are likely to improve student achievement in schools assisted under part A;

“(C) communicate effectively with personnel responsible for providing educational services to their child and for planning and implementing policies and programs under part A, in the school and the school district;

“(D) understand and analyze the meaning of data that schools, local educational agencies, and States must provide under the reporting requirements of this Act and other statutes, including State reporting requirements;

“(E) locate and understand appropriate information about the research on ways in which high poverty schools have made real progress in getting all students to meet State standards;

“(F) understand what their child's school is doing to enable students to meet the standards, including understanding the curriculum and instructional methods the school is using to help students meet the standards;

“(G) better understand their child's educational needs, where they are in comparison to State standards, and how the school is addressing the child's education needs;

“(H) participate in—

“(i) decisionmaking processes at the school, school district, and State levels;

“(ii) the development, review, and amendments of school-parent compacts, the school and school district parent involvement policies, and the school plan; and

“(iii) the review of the needs assessment of the school;

“(I) understand the requirements of sections 1114, 1115, and 1116, regarding improved student achievement, and school planning and improvement;

“(J) understand the provisions of other Federal education programs that provide—

“(i) resources and opportunities for the school improvement; or

“(ii) educational resources to individual students, including programs under chapters 1 and 2 of subpart 2 of part A of title IV of

the Higher Education Act of 1965 (Gear Up and Federal TRIO programs) and other programs;

“(K) participate in other school reform activities; and

“(L) understand public school choice options available in the local community, including magnet schools, charter schools, and alternative schools;

“(5) provide appropriate training and information to students in schools assisted under part A, to enable them to participate in school compacts and in school reform activities;

“(6) provide information on local parent involvement needs and successes, where appropriate, to teachers and administrators in schools and school districts assisted under part A, and facilitate greater understanding of good parent involvement strategies;

“(7) establish cooperative partnerships with community parent resource centers assisted under sections 682 and 683, respectively, of the Individuals with Disabilities Education Act, and with parental information and resource centers assisted under section 1118(g).

“(8) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support;

“(9) network with appropriate clearinghouses; and

“(10) annually report to the Secretary regarding—

“(A) the number of parents to whom the center provided information and support in the most recently concluded fiscal year;

“(B) the number of parents who participated in training sessions and the average number of parents in training sessions;

“(C) the prior year's training which was held at times and places designed to allow the attendance of the largest number of parents of students in schools assisted under part A who are most likely to have been isolated from other sources of information and training;

“(D) the effectiveness of strategies used to reach and serve parents, including underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities, and parents of students in schools identified for school improvement or corrective action;

“(E) how the center ensured that parents had the skills necessary to participate in their children's education, as outlined in paragraph (4); and

“(F) the information provided to parents by local educational agencies in the geographic area served by the center; and

“(G) other measures, as determined appropriate by the Secretary.

“(c) APPLICATION REQUIREMENTS.—Each local nonprofit parent organization desiring assistance under this section shall submit to the Secretary and application at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

“(1) describe how the organization will use the assistance to help families under this section;

“(2) describe what steps the organization has taken to meet with school district or school personnel in the geographic area to be served by the center in order to inform the personnel of the plan and application for the assistance; and

“(3) identify with specificity the special efforts that the organization will take—

“(A) to ensure that the needs for training and information and support for parents of students in schools assisted under part A, particularly underserved parents, low-income parents, parents with limited English proficiency, parents of students with disabilities,

and parents of students in schools identified for improvement and corrective action, are effectively met; and

“(B) to work with community-based organizations.

“(d) DISTRIBUTION OF FUNDS.—

“(i) ALLOCATION OF FUNDS.—The Secretary shall make at least two awards of assistance under this section to a local nonprofit parent organization in each State, unless the Secretary does not receive at least two applications from such organizations in each State of sufficient quality to warrant providing assistance in the State.

“(2) SELECTION REQUIREMENT FOR LOCAL FAMILY INFORMATION CENTERS.—

“(A) ELIGIBILITY.—In order to be eligible to receive assistance under this part, a center shall serve a geographic area (which may include more than one school districts), having between 15,000 and 25,000 students, 50 percent of whom are eligible for free and reduced price lunch under the National School Lunch Act. The number of students to be served under the preceding sentence may increase, at the discretion of the Secretary, if the area to be served contains only 1 school district and the center has the capacity to effectively serve the entire school district.

“(B) SELECTION.—The Secretary shall select local nonprofit parent organizations in a State to receive assistance under this section in a manner that ensures the provision of the most effective assistance to low-income parents of students in schools assisted under part A that are located in high poverty rural and urban areas in the State, with particular emphasis on rural and urban geographic areas with high school dropout rates, high percentages of limited English proficient students, or geographic areas with schools identified for improvement or corrective action under section 1116.

“(e) QUARTERLY REVIEW.—

“(i) MEETINGS.—The board of directors or special governing committee of each organization that receives assistance under this section shall meet at least once in each calendar quarter to review the activities for which the assistance was provided.

“(2) CONTINUATION REQUIREMENT.—For each year that an organization submits an application for assistance under this section after the first year the organization receives assistance under this section, the board of directors or special governing committee shall submit to the Secretary a written review of the activities of the center carried out by the organization during the preceding year.

“(f) EVALUATION.—The Secretary shall conduct an evaluation of the centers assisted under this section, and shall report the findings of such evaluation to Congress not later than 3 years after the date of enactment of this section.”

H.R. 2

OFFERED BY: MR. SCHAFER

AMENDMENT No. 46: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. CLASS SIZE, QUALIFIED TEACHER AND ACCESSIBLE SCHOOL FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

SEC. 1115C. CLASS SIZE, QUALIFIED TEACHER AND ACCESSIBLE SCHOOL FAMILY SCHOOL CHOICE.

“(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

(1) attends a public elementary or secondary school and is in a class that has an

average class size greater than 24 students for grades 1-3, an average class size greater than 28 students for grades 4-6, or an average class size greater than 30 students for grades 7-12; or

(2) attends a public elementary or secondary school and receives instruction under this part from a state uncertified teacher; or

(3) attends a public elementary or secondary school and receives instruction from a state or locally uncertified paraprofessional; or

(4) attends a public elementary or secondary school and such school is not readily accessible to, and usable by, physically handicapped students; then—
(b) the local educational agency shall allow such student to attend another public school or public charter school in the same State that is selected by the student's parent.

(c) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

(1) The State educational agency shall determine which schools in the State are not readily accessible to physically handicapped students, consistent with federal law.

(d) TRANSPORTATION COSTS.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

(e) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

(f) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(g) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

(1) where the average class size was too large for the fiscal year preceding the fiscal year in which the class size was too large; or

(2) where the student is served by a state uncertified teacher for the fiscal year preceding the fiscal year in which the student received instruction from the uncertified teacher; or

(3) where the student is served by a state or locally uncertified paraprofessional for the fiscal year preceding the fiscal year in which the student received instruction from the uncertified paraprofessional; or

(4) designated as not readily accessible by the State educational agency, consistent with federal law, for the fiscal year preceding the fiscal year for which the designation is made.

H.R. 2

OFFERED BY: MR. SCHAFFER

AMENDMENT No. 47: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. ____ PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

“SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

“(a) IN GENERAL.—If a student is eligible to be served under section 1115(b) or attends a

school eligible for a schoolwide program under section 1114, and the public school that the student attends has been designated as an unsafe public school, then the local educational agency may allow such student to attend another public school or public charter school in the same State as the unsafe public school, that is selected by the student's parent.

“(b) UNSAFE PUBLIC SCHOOL.—

“(1) The State educational agency shall determine which schools in the State are unsafe public schools for purposes of this section.

“(2) The term ‘unsafe public school’ means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

“(A) expulsions and suspensions of students from school;

“(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

“(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

“(D) enrolled students who are under court supervision for past criminal behavior;

“(E) possession, use, sale or distribution of illegal drugs;

“(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

“(G) possession or use of guns or other weapons;

“(H) participation in youth gangs; or

“(I) crimes against property, such as theft or vandalism.

“(c) TRANSPORTATION COSTS.—The local educational agency in which the unsafe public school is located may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the public school or public charter school selected by the student's parent; and

“(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

“(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

“(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.”.

H.R. 2

OFFERED BY: MR. SCHAFFER

AMENDMENT No. 48: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

“SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

“(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a

school eligible for a schoolwide program under section 1114, and—

“(I) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

“(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

“(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

“(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

“(2) The State educational agency shall determine which schools in the State are unsafe public schools.

“(3) The term ‘unsafe public schools’ means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

“(A) expulsions and suspensions of students from school;

“(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

“(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

“(D) enrolled students who are under court supervision for past criminal behavior;

“(E) possession, use, sale or distribution of illegal drugs;

“(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

“(G) possession or use of guns or other weapons;

“(H) participation in youth gangs; or

“(I) crimes against property, such as theft or vandalism.

“(c) TRANSPORTATION COSTS.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

“(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

“(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

“(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

“(I) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

“(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

H.R. 2

OFFERED BY: MR. SCHAFER

AMENDMENT No. 49: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. ____ PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

“SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

“(A) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent. The State educational agency shall determine based, upon State law, what actions constitute a violent criminal offense for purposes of this section.

“(B) TRANSPORTATION COSTS.—The local educational agency in which the violent criminal offense occurred may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

“(C) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

“(D) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

“(E) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which such offense occurred.”

H.R. 2

OFFERED BY: MR. SCOTT

AMENDMENT No. 50: Add at the end of part F of title I of the Act, as proposed to be amended by section 161 of the bill, the following:

“SEC. 1612. RULE OF CONSTRUCTION.

“Notwithstanding any provision of this title, a local educational agency may not use more than 10 percent of the amounts made available under sections 1124, 1124A, and 1125 for the costs of transportation of children under sections 1115A and 1116.”

H.R. 2

OFFERED BY: MR. TANCREDO

AMENDMENT No. 51: At the end of section 106 of the bill, insert the following:

“(g) RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS; REQUIREMENTS FOR COMPLIANCE AGREEMENTS.—Section 1112 (20 U.S.C. 6312) is amended by adding at the end the following:

“(h) RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.—

“(I) IN GENERAL.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

“(A) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to limited English proficient children and youth that is undertaken using funds under this part by a State, locality, or local educational agency;

“(B) shall undertake a rulemaking pursuant to such notice; and

“(C) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

“(2) EFFECT OF RULEMAKING ON COMPLIANCE AGREEMENTS.—The Secretary may not enter into any compliance agreement after the date of the enactment of the Student Results Act of 1999 pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

“(i) REQUIREMENTS FOR COMPLIANCE AGREEMENTS.—Any compliance agreement entered into between a State, locality, or local educational agency and the Department of Health, Education, and Welfare or the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education shall—

“(1) include a requirement that such State, locality, or local educational agency demonstrate continuous and substantial progress in teaching children and youth with limited English proficiency verbal and written English;

“(2) include a requirement that such State, locality, or local educational agency annually assess student progress in learning English; and

“(3) contain stated goals for reclassification rates for limited English proficient students and evaluate progress toward those goals annually.”

H.R. 2

OFFERED BY: MR. TANCREDO

AMENDMENT No. 52: At the end of the bill, add the following:

TITLE IX—PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN

SEC. 901. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS; REQUIREMENTS FOR COMPLIANCE AGREEMENTS.

Part E of title VII (20 U.S.C. 7601 et seq.) is amended by adding at the end the following:

“SEC. 7503. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.

“(a) IN GENERAL.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

“(1) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to limited English proficient children and youth that is undertaken by a State, locality, or local educational agency;

“(2) shall undertake a rulemaking pursuant to such notice; and

“(3) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

“(b) EFFECT OF RULEMAKING ON COMPLIANCE AGREEMENTS.—The Secretary may not enter into any compliance agreement after the date of the enactment of the Student Results Act of 1999 pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

“SEC. 7504. REQUIREMENTS FOR COMPLIANCE AGREEMENTS.

“Any compliance agreement entered into between a State, locality, or local educational agency and the Department of Health, Education, and Welfare or the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education shall—

“(1) demonstrate continuous and substantial progress in teaching children and youth with limited English proficiency verbal and written English;

“(2) include, among other things, the annual assessment of student progress in learning English;

“(3) contain stated goals for reclassification rates for limited English proficient students and evaluate progress toward those goals annually;

“(4) provide written notification to parent or parents of limited English proficient students in a language understandable to them which includes these goals and assessments; and

“(5) obtain the prior written consent of a parent or parents of a limited English proficient student who is identified for participation in a bilingual education program, or a special alternative instruction program included in said agreement. The parent or parents shall select among methods of instruction, if more than 1 method is offered, and have the right to have the student removed from the program immediately upon the parent's request.”

H.R. 2

OFFERED BY: MR. TANCREDO

AMENDMENT No. 53: At the end of the bill, add the following:

TITLE IX—PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN

SEC. 901. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS; REQUIREMENTS FOR COMPLIANCE AGREEMENTS.

Part E of title VII (20 U.S.C. 7601 et seq.) is amended by adding at the end the following:

“SEC. 7503. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.

“(a) IN GENERAL.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

“(1) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to limited English proficient children and youth that is undertaken by a State, locality, or local educational agency;

“(2) shall undertake a rulemaking pursuant to such notice; and

“(3) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

“(b) EFFECT OF RULEMAKING ON COMPLIANCE AGREEMENTS.—The Secretary may not enter into any compliance agreement after the date of the enactment of the Student Results Act of 1999 pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

"SEC. 7504. REQUIREMENTS FOR COMPLIANCE AGREEMENTS.

"Any compliance agreement entered into after the date of the enactment of the Student Results Act of 1999 between a State, locality, or local educational agency and the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education shall—

"(1) include a requirement that such State, locality, or local educational agency demonstrate continuous and substantial progress in teaching children and youth with limited English proficiency verbal and written English;

"(2) include a requirement that such State, locality, or local educational agency annually assess student progress in learning English;

"(3) contain stated goals for reclassification rates for limited English proficient students and evaluate progress toward those goals annually;

"(4) include a requirement that such State, locality, or local educational agency provide written notification to parent or parents of limited English proficient students in a language understandable to them which includes such goals and the results of such assessments; and

"(5) include a requirement that such State, locality, or local educational agency—

"(A) obtain the prior written consent of a parent or parents of a limited English proficient student before placing the student in a bilingual education program or a special alternative instruction program that is subject to the compliance agreement;

"(B) permit the parent or parents to select among methods of instruction, if more than one method is offered; and

"(C) afford the right to have the student removed from the program immediately upon the parent's request."

H.R. 2

OFFERED BY: MRS. WILSON

AMENDMENT NO. 54: At the end of part F of title I of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, insert the following:

"SEC. 1612. PERRY PRESCHOOL STUDY.

The Secretary shall conduct a peer-review study to evaluate the long-term results of the High/Scope Educational Research Foundation's Perry Preschool Study and all subsequent studies based on the Perry Preschool Study. The study shall examine Head Start and Even Start programs to determine their similarities to Perry. The Secretary of Education shall report the findings to Congress not later than 180 days after the date of the enactment of the Student Results Act of 1999, which report shall include a comparison

of and policy recommendations regarding the successes or failures of the Perry Preschool Study, and the successes or failures of Head Start and Even Start Programs.

H.R. 2

OFFERED BY: MRS. WILSON

AMENDMENT NO. 55: Add at the end of section 1609 of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 161 of the bill, the following:

"(e) CHARTER SCHOOLS CAPITAL FINANCING.—The General Accounting Office shall conduct a study on the availability of capital funds for facilities for charter schools and whether charter schools have access to local education bonds or funds. The General Accounting Office shall submit to Congress a report on its findings not later than 90 days after the enactment of the Student Results Act of 1999. The report shall include policy recommendations on means to improve capital availability for charter schools, including the establishment of an investment corporation to provide charter schools with access to low-interest capital improvement loans, loan guarantees and changes of Federal tax law that would improve accessibility and reduce the cost of capital to charter schools.