Public Law 98-377
98th Congress

An Act

To provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide cost sharing by the private sector in training such personnel; to encourage creation of new engineering, technical, and scientific jobs; and for other purposes.

Aug. 11, 1984
[H.R. 1310]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education for Economic Security Act".

Education for Economic Security Act.
20 USC 3901 note.

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to improve the quality of mathematics and science teaching and instruction in the United States.

20 USC 3901.

DEFINITIONS

SEC. 3. For the purpose of this Act—

20 USC 3902.

(1) The term "area vocational education school" has the same meaning given that term under section 195(2) of the Vocational Education Act of 1965.

20 USC 2461.

(2) The term "Director" means the Director of the National Science Foundation.

(3) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

20 USC 2854.

(4) The term "Governor" means the chief executive of a State.

(5) The term "Foundation" means the National Science Foundation.

(6) The term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965.

20 USC 1141.

(7) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

20 USC 2854.

(8) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(9) The term "Secretary" means the Secretary of Education.

(10) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(11) The term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this title by the Governor or by State law.

AUTHENTICATED
U.S. GOVERNMENT
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(12) The term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

20 USC 2854.

TITLE I—NATIONAL SCIENCE FOUNDATION MATHEMATICS AND SCIENCE PROGRAMS

PART A—TEACHER INSTITUTES

GRANTS FOR TEACHER INSTITUTES AUTHORIZED

20 USC 3911.

SEC. 101. The Foundation is authorized, in accordance with the provisions of this part, to make grants to State and local educational agencies and institutions of higher education, applying jointly, for the establishment and operation of teacher institutes for the enhancement of the subject matter skills of public and private elementary and secondary school teachers of mathematics and physical and life sciences.

APPLICATIONS

20 USC 3912.

SEC. 102. (a) Each local educational agency and institution of higher education, and each State educational agency and institution of higher education desiring to receive a grant under this part shall submit a joint application at such time, in such manner, and containing or accompanied by such information as the Director may require. One or more local educational agencies may apply jointly with one or more institutions of higher education under the provisions of this section. A State educational agency may apply jointly with one or more institutions of higher education.

(b) Each such application shall—

(1) describe the establishment and operation of a teacher institute for elementary and secondary school teachers of mathematics and physical and life sciences, including—

(A) the designation of the institute as a full-time summer or part-time school year, or both;

(B) a description of the courses of study to be offered at the institute;

(C) an estimate of the number of teachers, including the number of teachers from private elementary and secondary schools, to attend the institute and describe the selection procedures;

(D) the nature and location of existing facilities to be used in the operation of the institute;

(E) the teaching and administrative staff for the institute;

(F) the academic credits, if any, to be awarded for the completion of the courses of study to be offered at the institute; and

(G) a schedule of stipends to be paid teacher participants in the institute, including (i) allowances for subsistence and other expenses for teachers attending the institute and their dependents and (ii) provisions assuring that there will be no duplication of Federal benefits paid to participants;

(2) provide assurances that the design and operation of the institute will involve the participation of both the subject matter departments or divisions of each institution of higher education making application as well as the teacher education department or division, if any, of each such institution;

(3) provide for prior and continuing consultation with the State educational agency in the formulation and operation of the institute; and

(4) provide such additional assurances as the Director deems essential to assure compliance with the requirements of this part.

DISTRIBUTION OF ASSISTANCE

SEC. 113. (a) In approving applications under this part, the Director shall assure that there is an equitable distribution of institutes established and operated under approved applications among States and within States. The Director shall award not less than one institute in each State, except that the Director may waive the requirements of this sentence if there is no proposal from a State that meets the requirements of this part. 20 USC 3913.

(b) No grant to a single applicant may exceed $200,000 in any fiscal year.

COOPERATION WITH BUSINESS CONCERNS

SEC. 114. Institutes assisted under this part may, to the extent possible, involve the cooperation of advanced technology business concerns and other business concerns which are able to supply assistance in the teaching of mathematics and science. 20 USC 3914.

SPECIAL CONSIDERATION OF UNDERREPRESENTED AND UNDERSERVED POPULATIONS

SEC. 115. In providing financial assistance under this part the Foundation shall make every effort to ensure that consideration is given to applications which contain provisions designed to meet the needs of underrepresented and underserved populations. 20 USC 3915.

PART B—MATHEMATICS AND SCIENCE EDUCATION DEVELOPMENT PROGRAMS

PROGRAM AUTHORIZED

SEC. 121. The Foundation is authorized, in accordance with the provisions of this part, to enter into agreements with institutions of higher education or local educational agencies for— 20 USC 3921.

(1) developing and disseminating programs and materials for training, retraining, and inservice training for elementary and secondary school teachers in the fields of mathematics, science, including physical and life sciences, computer learning; and

(2) the research, development, and dissemination of instructional programs and materials for courses of study in elementary and secondary schools in the fields of mathematics, science, including physical and life sciences, and computer learning.

APPLICATIONS

SEC. 122. (a) No grant may be made under this part unless an eligible applicant, at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Each application shall contain assurances— Grants. 20 USC 3922.

(1) that (A) in the case of an institution of higher education, the institution will enter into a cooperative agreement with one

or more local educational agencies, (B) in the case of a State or local educational agency, the agency will enter into a cooperative agreement with one or more institutions of higher education in the case of a profession of a society or association described in subsection (b)(3) the association or society will enter into a cooperative agreement with one or more local educational agencies and one or more institutions of higher education, for the purpose of furnishing the activities authorized by this part;

(2) that the planning and implementation of the cooperative agreement will involve the participation of both the subject matter departments or divisions of each institution of higher education as well as the teacher education department or division, if any, of each such institution; and

(3) that the applicant has consulted with, as appropriate, the State agency for higher education or the State educational agency in the development of the program for which assistance is sought, and will assure appropriate participation of such agencies in the program.

(b) For the purpose of this part an eligible applicant means—

(1) an institution of higher education,

(2) a State or local educational agency, and

(3) a professional society or association, in the fields of mathematics, physical or biological sciences, or engineering.

SPECIAL CONSIDERATION OF UNDERREPRESENTED AND UNDERSERVED POPULATIONS

20 USC 3923.

SEC. 123. In providing financial assistance under this part, the Foundation shall make every effort to ensure that consideration is given to applications which provide for the development and improvement of instructional programs and materials designed to meet the needs of underrepresented and underserved populations.

PART C—CONGRESSIONAL MERIT SCHOLARSHIPS

Congressional Merit Scholarships in Mathematics, Science, and Engineering Education.

SHORT TITLE

20 USC 3931 note.

SEC. 131. This part may be cited as the "Congressional Merit Scholarships in Mathematics, Science, and Engineering Education".

MERIT SCHOLARSHIPS ESTABLISHED

20 USC 3931.

SEC. 132. (a) The Foundation is authorized, in accordance with the provisions of this part, to award scholarships to individuals who are enrolled in institutions of higher education and who demonstrate outstanding potential for, and who plan to pursue, a career in teaching in the fields of mathematics, science, and engineering.

(b) Scholarships under this part shall be awarded for such period as the Foundation may prescribe, but for not to exceed four academic years.

(c)(1) A student awarded a scholarship under this part may attend any institution of higher education offering courses of study designed to prepare them for teaching careers. Such awards shall be available for periods of study commencing not sooner than the third undergraduate year.

(2) In order to be eligible for a scholarship under this part, each individual shall—

(A) concentrate, at the undergraduate level, in mathematics or science, and indicate a serious intent to teach at the elementary school level; or

(B) concentrate, at the undergraduate level, in mathematics or science, and indicate a serious intent to teach mathematics or science at the secondary school level; or

(C) concentrate, at the undergraduate level, in engineering and indicate a serious intent to teach at the postsecondary level, in an engineering discipline in which the Foundation has determined a shortage of qualified teachers.

(d) Not to exceed 25 per centum of the scholarships available under this part shall be available for students meeting the criteria of subsection (c)(2)(C).

SELECTION OF MERIT SCHOLARS

SEC. 133. (a) The Foundation shall establish criteria for the selection of merit scholars under this part. 20 USC 3932.

(b) The Foundation shall adopt selection procedures which are designed to assure that—

(1) the number of individuals to be selected will not exceed the product of the number of Members of Congress for each State, multiplied by two, and that the individuals will be selected from among the residents of each State (and in the case of the District of Columbia and the Commonwealth of Puerto Rico, not to exceed ten individuals will be selected); and

(2) each recipient of a merit scholarship will enter into an agreement with the Foundation under which the recipient will agree—

(A) to comply with provisions of paragraph (2) of section 142(c) relating to concentration of study; and *Ante*, p. 1270.

(B) to pursue a career in teaching, as prescribed in section 142(c) for not less than two years for each academic year in which a merit scholarship award is received.

STIPENDS AND SCHOLARSHIP CONDITIONS

SEC. 134. (a) Each student awarded a merit scholarship under this part shall receive an award of $5,000 for each academic year of study. 20 USC 3933.

(b) Each student awarded a merit scholarship under the provisions of this part shall continue to receive payments provided under this part for such scholarship only during such period as the Foundation determines that the student is maintaining satisfactory progress in, and devoting full time to, the course of study for which the scholarship is awarded.

(c) The Foundation is authorized to require reports containing such information in such form and to be filed at such time as the Foundation determines to be necessary from any student awarded a merit scholarship under the provisions of this part. Such reports shall be accompanied by a certificate from any appropriate official of the institution of higher education, approved by the Foundation, stating that such student is making satisfactory progress in, and is devoting essentially full time to, the study described in subsection (b).

PART D—DISCRETIONARY FUNDS OF THE DIRECTOR

AUTHORIZATION

Grants.
Contracts with U.S.

20 USC 3941.

SEC. 141. (a) From funds available for this part, the Director is authorized to make grants to and to enter into contracts with any public agency or any private organization to carry out any activity authorized by this title. In addition, from such funds, the Director is authorized, directly or by way of grant or contract, to conduct—

(1) a faculty exchange program between institutions of higher education (particularly institutions having established and nationally recognized research facilities) and eligible institutions; and

(2) programs of national significance promoting the improvement of instruction in the fields of mathematics, science, and engineering.

In carrying out the provisions of this part, the Director shall give special consideration to programs and activities for women in science and minorities in science which have been assisted by the Foundation prior to the date of enactment of this Act.

(b) For the purpose of this section the term "eligible institution" means an institution of higher education in any State which—

(1)(A) has an enrollment which includes a substantial percentage of students who are members of a minority group or who are economically or educationally disadvantaged; or

(B) is located in a community that is not within commuting distance of a major institution of higher education; and

(2) demonstrates a commitment to meet the special educational needs of students who are members of a minority group or are economically or educationally disadvantaged.

PART E—GENERAL PROVISIONS

ADMINISTRATIVE PROVISIONS

20 USC 3951.

SEC. 161. (a) In order to carry out the provisions of this title, the Foundation is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title, except that in no case shall employees be compensated at a rate to exceed the rate provided for employees in grade GS-18 of the General Schedule set forth in section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 of section 5332 of such title;

(3) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property for the purpose of carrying out the functions of the Foundation under this Act;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses,

including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this title, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the National Science Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); Contracts with U.S. Grants.

(7) make advances, progress, and other payments which the Board deems necessary under this title without regard to the provisions of section 3324 of title 31, United States Code; and

(8) make other necessary expenditures.

(b) The Foundation shall submit to the President and to the Congress an annual report of its operations under this title. Report.

PARTICIPATION OF TEACHERS FROM PRIVATE SCHOOLS

SEC. 162. The Foundation shall, after consultation with appropriate private school representatives, make provision for the benefit of teachers in private elementary and secondary schools in the programs authorized by this title, in order to assure equitable participation of such teachers. 20 USC 3952.

PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

SEC. 163. The provisions of section 432 of the General Education Provisions Act, relating to prohibition against Federal control of education, shall apply to each program authorized by this title. 20 USC 3953. 20 USC 1232a.

AUTHORIZATION OF APPROPRIATIONS

SEC. 164. (a) There are authorized to be appropriated $20,000,000 for each of the fiscal years 1984 and 1985 to carry out the provisions of part A of this title. 20 USC 3954.

(b) There are authorized to be appropriated $20,000,000 for the fiscal year 1985 to carry out the provisions of part B of this title.

(c) There are authorized to be appropriated $5,000,000 for the fiscal year 1984 and $15,000,000 for the fiscal year 1985 to carry out the provisions of part C of this title.

(d) There are authorized to be appropriated $3,000,000 for the fiscal year 1985 to carry out the provisions of part D of this title.

(e) There are authorized to be appropriated to the Foundation $20,000,000 for the fiscal year 1984 and $21,000,000 for the fiscal year 1985 to carry out the graduate fellowship program under the National Science Foundation Act of 1950. 42 USC 1861 note.

TITLE II—EDUCATION FOR ECONOMIC SECURITY

STATEMENT OF PURPOSE

SEC. 201. It is the purpose of this title to make financial assistance available to State and local educational agencies, and to institutions of higher education, to improve the skills of teachers and instruction in mathematics, science, computer learning, and foreign languages, and to increase the access of all students to such instruction, and thereby contribute to strengthening the economic security of the United States. 20 USC 3961.

DEFINITION

20 USC 3962.

SEC. 202. As used in this title, the term "junior or community college" means an institution of higher education—

(1) that admits as regular students individuals who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution;

(2) that does not provide an educational program for which it awards a bachelor's degree (or an equivalent degree); and

(3) that—

(A) provides an educational program of not less than two years that is acceptable for full credit toward such a degree, or

(B) offers a two-year program designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

PROGRAM AUTHORIZED

Grants.
20 USC 3963.

SEC. 203. (a) The Secretary is authorized to make grants to States and to make discretionary grants, in accordance with the provisions of this title, for strengthening the skills of teachers and instruction in mathematics, science, computer learning, and foreign languages.

Appropriations authorization.

(b) There are authorized to be appropriated $350,000,000 for the fiscal year 1984, and $400,000,000 for the fiscal year 1985 to carry out the provisions of this title.

ALLOTMENT TO STATES

20 USC 3964.

SEC. 204. (a)(1) From 90 per centum of the amount appropriated to carry out this title for each fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such 90 per centum as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all States, except that no State shall receive less than one-half of 1 per centum of the amount available under this subsection in any fiscal year.

(2) The Secretary shall reserve the remaining 10 per centum to carry out section 212, relating to discretionary grants of national significance.

(3) For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(4) The number of children aged five to seventeen, inclusive, in the State and in all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(b) The amount of any State's allotment under subsection (a) for any fiscal year to carry out this title which the Secretary determines will not be required for that fiscal year to carry out this title shall be available for reallotment from time to time, on such dates during that year as the Secretary may fix, to other States in proportion to the original allotments to those States under subsection (a) for that year but with such proportionate amount for any of those other States being reduced to the extent it exceeds the sum the Secretary

estimates that State needs and will be able to use for that year; and the total of those reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year shall be deemed a part of its allotment under subsection (a) for that year.

(c) There are authorized to be appropriated for each fiscal year for the purpose of this subsection amounts equal to not more than 1 per centum of the amount appropriated for such year under this title. The Secretary shall allot the amount appropriated pursuant to this subsection among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year the Secretary shall allot from not less than one-half of such amount, to such agency as the Secretary deems appropriate, for programs authorized by this title for children in elementary and secondary schools operated for Indian children by the Department of the Interior. The terms upon which payments are made under the previous sentence shall be determined by such criteria as the Secretary determines will best carry out the purpose of this title.

Appropriations authorization.

Indians.

IN-STATE APPORTIONMENT

SEC. 205. (a) For each of the fiscal years 1984 and 1985, 70 per centum of each State's allotment under section 204 of this title shall be used for elementary and secondary education programs in accordance with section 206.

20 USC 3965.

(b) For each of the fiscal years 1984 and 1985, 30 per centum of each State's allotment under section 204 of this title shall be used for higher education programs in accordance with section 207.

ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

SEC. 206. (a) The amount apportioned under section 205(a) from each State's allotment under this title shall be used by the State educational agency to strengthen elementary and secondary education programs in accordance with the provisions of this section.

20 USC 3966.

(b)(1) Not less than 70 per centum of the amount available under this section shall be distributed to local educational agencies within the State. Each local educational agency shall use funds distributed under this paragraph for—

(A) the expansion and improvement of inservice training and retraining of teachers and other appropriate school personnel in the fields of mathematics and science, including vocational education teachers who use mathematics and science in the courses of study the teachers teach; or

(B) if the local educational agency determines that the agency has met its need for such training and retraining and subject to the provisions of section 210(c), computer learning and instruction, foreign language instruction, and instructional materials and equipment related to mathematics and science instruction.

Such training and instruction may be carried out through agreements with public agencies, private industry, institutions of higher education, and nonprofit private organizations, including museums, libraries, educational television stations, professional science, mathematics and engineering associations, and other appropriate institu-

tions. A local educational agency may carry out the activities authorized by this paragraph with one or more other local educational agencies within the State, or with the State educational agency, or both. Each local educational agency shall assure that programs of inservice training and retraining will take into account the need for greater access to and participation in mathematics, science, and computer learning programs and careers of students from historically underrepresented groups, including females, minorities, individuals with limited-English proficiency, the handicapped, and migrants.

Minorities.
Handicapped persons.
Migrants.

(2)(A) The State educational agency shall distribute 50 per centum of the funds available under this subsection to local educational agencies within the State according to the relative number of children enrolled in public and nonpublic schools within the school districts of such agencies.

(B) The State educational agency shall distribute 50 per centum of the funds available under this subsection based on the relative number of children aged five to seventeen who—

(i) are from families below the poverty level as determined under section 111(c)(2)(A) of the Elementary and Secondary Education Act of 1965; and

(ii) are from families above the poverty level as determined under section 111(c)(2)(B) of the Elementary and Secondary Education Act of 1965;

in the public schools of the local educational agencies within the State.

Disadvantaged persons.
20 USC 2711.

(3) The State educational agency shall renew payments to local educational agencies under this subsection based upon the criteria set forth in paragraph (2) of this subsection and a determination by the State educational agency that the local educational agency is implementing the program assisted under this title so that a substantial number of teachers in the public and private schools in the school district of such agency are served and several grade levels of instruction in such schools are involved in the program.

(c)(1) If a local educational agency is spending funds under subsection (b)(1)(B), not to exceed 30 per centum of the funds available to the local educational agency under subsection (b) may be used for the purchase of computer and computer-related instructional equipment.

(2) If a local educational agency is spending funds under subsection (b)(1)(B), not to exceed 15 per centum of the funds available to the local educational agency under subsection (b) may be used to strengthen instruction in foreign languages.

(d) Not less than 20 per centum of the amount available under this section shall be used by the State educational agency for demonstration and exemplary programs for—

(1) teacher training and retraining and inservice upgrading of teacher skills in the fields of mathematics and science, foreign language instruction, and computer learning,

(2) instructional equipment and materials in such fields and necessary technical assistance,

(3) special projects for historically underrepresented and underserved populations and for gifted and talented students, and

(4) the dissemination of information to all local educational agencies within the State relating to the exemplary programs in the fields of mathematics, science, foreign languages, and computer learning.

In providing financial assistance for such demonstration and exemplary programs, the State educational agency shall reserve not less than 20 per centum of the amount available under this subsection for special projects in mathematics and science, foreign languages, and computer education to historically underrepresented and underserved populations of students, including females, minorities, handicapped individuals, individuals with limited-English proficiency, and migrant students, and to programs for gifted and talented students. The programs for gifted and talented students may include assistance to magnet schools for such students.

Minorities. Handicapped persons. Migrants.

(e) Not less than 5 per centum of the amount available under this section may be used by the State educational agency to provide technical assistance to local educational agencies, institutions of higher education, and nonprofit organizations, including museums, libraries, and educational television stations, in the conduct of programs specified under subsection (b).

(f) Not to exceed 5 per centum of the amount available under this section may be used by the State educational agency for—

(1) the State assessment required by section 208 of this title; and

(2) the costs of administration and evaluation of the program assisted under this title.

HIGHER EDUCATION PROGRAMS

SEC. 207. (a) The amount apportioned under section 205(b) from each State's allotment under this title shall be used by the State agency for higher education for higher education programs in accordance with the provisions of this section.

20 USC 3967.

(b)(1)(A) Not less than 75 per centum of the amount available for this section shall be used by the State agency for higher education for grants to institutions of higher education in accordance with the provisions of this subsection.

(B) The State agency for higher education shall make funds available on a competitive basis to institutions of higher education in the State which apply for payments under this section. The State agency for higher education shall make every effort to ensure equitable participation of private and public institutions of higher education.

(2) The amount available under this subsection shall be used for—

(A) establishing traineeship programs for new teachers who will specialize in teaching mathematics and science at the secondary school level;

(B) retraining of secondary school teachers who specialize in disciplines other than the teaching of mathematics and science to specialize in the teaching of mathematics, science, or computer learning, including provision of stipends for participation in institutes authorized under title I; and

(C) inservice training for elementary, secondary, and vocational school teachers and training for other appropriate school personnel to improve their teaching skills in the fields of mathematics and science, and computer learning, including stipends for participation in institutes authorized under title I.

Each institution of higher education receiving a grant under this subsection shall assure that programs of training, retraining, and inservice training will take into account the need for greater access to and participation in mathematics, science, and computer learning

Minorities. Handicapped persons. Migrants.

and careers of students from historically underrepresented and underserved groups, including females, minorities, individuals with limited-English proficiency, the handicapped, migrants, and the gifted and talented.

(3) No institution of higher education may receive assistance under paragraphs (2) (B) and (C) of this subsection unless the institution enters into an agreement with a local educational agency, or consortium of such agencies, to provide inservice training and retraining for the elementary and secondary school teachers in the public and private schools of the school district of each such agency.

(c)(1) Not less than 20 per centum of the amount available under this section shall be used by the State agency for higher education for cooperative programs among institutions of higher education, local educational agencies, State educational agencies, private industry, and private nonprofit organizations, including museums, libraries, educational television stations, and professional mathematics, science, and engineering societies and associations for the development and dissemination of projects designed to improve student understanding and performance in science, mathematics, and critical foreign languages. In carrying out this subsection, the State agency for higher education shall give special consideration to programs involving consortial arrangements which include local educational agencies.

(2) For the purpose of paragraph (1) of this subsection, critical foreign languages include foreign languages designated by the Secretary pursuant to section 211(d).

Post, p. 1281.

(d) Not to exceed 5 per centum of the amount available under this section may be used by the State agency for higher education for—

(1) the State assessment required by section 208 of this title; and

(2) the costs of administration and evaluation of the program assisted under this title incurred by the State higher education agency.

STATE ASSESSMENT OF MATHEMATICS, SCIENCE, FOREIGN LANGUAGES, AND COMPUTER LEARNING

Grants.
20 USC 3968.

SEC. 208. (a) Each State which desires to receive grants under this title shall prepare not later than nine months following the date for which funds under this title become available, a preliminary assessment of the status of mathematics, science, foreign language, and computer learning within the State. Such preliminary assessment shall be made available to all local educational agencies within the State to assist the local educational agencies to carry out the requirements of section 210. A final version of such assessment shall be submitted to the Secretary not later than the end of the first year for which funds under this title are made available. Each first assessment shall be prepared after an examination of the local assessments submitted under section 210. Each such assessment shall include a description and a five-year projection of—

Public availability.

(1) the availability of qualified mathematics, science, foreign language, and computer learning teachers at the secondary and postsecondary education levels within the State;

(2) the qualifications of teachers in mathematics, science, foreign languages, and computer learning at the secondary and postsecondary education levels, and the qualifications of teach-

ers at the elementary level to teach mathematics, science, foreign languages, and computer learning;

(3) the State standards for teacher certification, including any special exceptions currently made, for teachers of mathematics, science, foreign languages, and computer learning;

(4) the availability of adequate curricula, instructional materials and equipment, in mathematics, science, foreign languages, and computer learning; and

(5) the degree of access to instruction in mathematics, science, foreign languages, and computer learning of historically underrepresented and underserved individuals and of the gifted and talented.

(b) Each such assessment shall also describe the programs, initiatives, and resources committed or projected to be undertaken within the State to—

(1) improve teacher recruitment and retention;

(2) improve teacher qualifications and skills in the fields of mathematics, science, foreign languages, and computer and computer learning;

(3) improve curricula in mathematics, science, foreign languages, and computer learning including instructional materials and equipment; and

(4) improve access for historically underrepresented and underserved populations, and for the gifted and talented, to instruction in mathematics, science, foreign languages, and computer learning.

(c)(1) Each State assessment shall be developed in consultation with the Governor, the State legislature, State Board of Education, local educational agencies within the State, and representatives of—

(A) vocational secondary schools and area vocational education schools,

(B) public and private institutions of higher education,

(C) teacher organizations,

(D) private industry,

(E) other public organizations, including libraries, museums, and educational television stations, and professional scientific and mathematics associations, and

(F) private elementary and secondary schools,

within the State.

(2) Each State assessment shall be submitted jointly by the State educational agency and the State agency for higher education.

STATE APPLICATION

SEC. 209. (a) Each State which desires to receive grants under this title shall file an application with the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

Grants.
20 USC 3969.

(b) Each such application shall—

(1) designate the State educational agency for the purpose of programs described in section 206, and the State agency for higher education for programs described in section 207 as the agency or agencies responsible for the administration and supervision of the programs described in sections 207 and 208, as the case may be;

(2) describe the programs for which assistance is sought under the application;

(3) provide assurances that payments will be distributed by the State in accordance with the provisions of sections 207 and 208, as the case may be;

(4) provide procedures—

(A) for submitting applications by local educational agencies, institutions of higher education, junior or community colleges, and other organizations for programs described in section 206 for distribution of payments under this title within the State, and

(B) for approval of applications by the appropriate State agency, including appropriate procedures to assure that the appropriate State agency will not disapprove an application without notice and opportunity for a hearing;

(5) provide assurances that—

(A) the State will prepare and submit the assessment required under section 208;

(B) in the second year for which funds are available under this title, the State will use funds for purposes consistent with the findings of the State assessment under section 208;

(C) for programs described in section 206, the provisions of sections 210 and 211 will be carried out; and

(D) to the extent feasible, evaluations of the program assisted under this title will be performed;

(6) provide assurances that Federal funds made available under this title for any fiscal year will be so used as to supplement, and to the extent practicable, to increase the level of funds that would, in the absence of such funds, be available for the purposes described in sections 207 and 208, and in no case supplant such funds; and

(7) provide such fiscal control and accounting procedures as may be necessary (A) to ensure proper accounting of Federal funds paid to the applicant under this title, and (B) to ensure the verification of the programs assisted under the application.

(c) The Secretary shall expeditiously approve any State plan that meets the requirements of this section.

LOCAL EDUCATIONAL AGENCY ASSESSMENT

20 USC 3970.

SEC. 210. (a) Each local educational agency which desires to receive a payment from the State educational agency pursuant to section 206 shall provide to the State educational agency an assessment of the local educational agency's need for assistance in—

(1) teacher training, retraining, and inservice training and the training of appropriate school personnel in the areas of mathematics, science, foreign languages, and computer learning, including a description of the availability and qualifications of teachers in the areas of mathematics, science, foreign language, and computer learning, including the qualifications of teachers at the elementary level to teach in such areas;

(2) improving instructional materials and equipment related to mathematics and science education; and

(3) improving the access to instruction in mathematics, science, foreign languages, and computer learning of historically underserved and underrepresented individuals and of the gifted and talented, and an assessment of the current degree of access to such instruction of such individuals.

(b) Such assessment shall also describe the types of services to be provided pursuant to the program assisted under section 206, a description of how the services assisted will meet the program needs of the local educational agency, and in the second year for which funds under this title are made available, a description of how the services assisted will address unmet needs described under section 208.

(c) If a local educational agency determines, pursuant to section 206(b)(1), that the agency has met its teacher retraining and inservice training needs in mathematics and science and desires to expend its funds on other activities prescribed in section 206(b)(1)(B), the local educational agency may request the State educational agency to waive such training requirements. If the State educational agency determines that the local educational agency has met such teacher training needs, the State educational agency shall grant the waiver.

PARTICIPATION OF CHILDREN AND TEACHERS FROM PRIVATE SCHOOLS

SEC. 211. (a) To the extent consistent with the number of children in the State or in the school district of each local educational agency who are enrolled in private elementary and secondary schools, such State or agency shall, after consultation with appropriate private school representatives, make provision for including services and arrangements for the benefit of such children as will assure the equitable participation of such children in the purposes and benefits of this title. 20 USC 3971.

(b) To the extent consistent with the number of children in the State or in the school district of a local educational agency who are enrolled in private elementary and secondary schools, such State, State educational agency, or State agency for higher education shall, after consultation with appropriate private school representatives, make provision, for the benefit of such teachers in such schools, for such inservice and teacher training and retraining as will assure equitable participation of such teachers in the purposes and benefits of this title.

(c) If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation of children or teachers from private schools as required by subsections (a) and (b), or if the Secretary determines that a State or local educational agency has substantially failed or is unwilling to provide for such participation on an equitable basis, the Secretary shall waive such requirements and shall arrange for the provision of services to such children or teachers which shall be subject to the requirements of this section. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with sections 557(b) (3) and (4) of the Education Consolidation and Improvement Act of 1981. 20 USC 3806.

SECRETARY'S DISCRETIONARY FUND FOR PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 212. (a) From 10 per centum of amounts appropriated under section 203(b), the Secretary shall make grants in accordance with this section. Grants. 20 USC 3972.

(b)(1) From 75 per centum of the amount available under this section in each fiscal year, the Secretary shall make grants to State and local educational agencies, institutions of higher education, and Grants.

private nonprofit organizations, including museums, libraries, educational television stations, and professional science, mathematics, and engineering societies and associations for programs of national significance in mathematics and science instruction, computer learning, and foreign language instruction in critical languages. The Secretary shall give special consideration to provide assistance to local educational agencies, or consortia thereof, to establish or improve magnet schools for gifted and talented students. In awarding of grants the Secretary shall give special consideration to local educational agencies, institutions of higher education, and private nonprofit organizations, including museums, libraries, educational television stations, and professional science, mathematics, and engineering societies and associations providing special services to historically underserved and underrepresented populations in the fields of mathematics and science.

Grants.

Research and development.

(2) The Secretary, from the amount available under paragraph (1) for each fiscal year, shall reserve not to exceed $3,000,000 in each such year for the Director of the National Institute of Education for the purpose of conducting evaluation and research activities. Such evaluation and research activities shall include—

(A) a policy analysis of alternative methods to improve instruction in mathematics and science;

(B) an annual evaluation of the programs assisted under this title; and

(C) research on improving teacher training, retraining, inservice training, and retention, as well as the development of curriculum and materials in the fields of mathematics and science.

One-half of the funds reserved under this paragraph shall be used for the research activities described in clause (C).

(c) From 25 per centum of the amount available in each fiscal year, the Secretary shall make grants to institutions of higher education for the improvement and expansion of instruction in critical foreign languages.

(d) In determining which languages are critical to national security, economic, and scientific needs, the Secretary shall consult with the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Director of the National Science Foundation. The Secretary shall publish in the Federal Register a list of critical foreign languages.

Federal Register, publication.

PAYMENTS

20 USC 3973.

SEC. 213. (a) From the amounts appropriated under section 203(b), the Secretary shall pay, in accordance with the provisions of this title, the costs of the programs and activities described in the application approved under section 209, and the costs of programs of national significance under section 211.

(b) Payments under this title shall be made as soon after approval of the application as practicable.

TITLE III—NATIONAL SCIENCE FOUNDATION PROGRAM FOR PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING

Partnerships in Education for Mathematics, Science, and Engineering Act.

SHORT TITLE

SEC. 301. This title may be cited as the "Partnerships in Education for Mathematics, Science, and Engineering Act". 20 USC 3981 note.

STATEMENT OF PURPOSE

SEC. 302. It is the purpose of this title to supplement State and local resources to— 20 USC 3981.

(1) improve the quality of instruction in the fields of mathematics, science, and engineering in the State;

(2) furnish additional resources and support for research, student scholarships, and faculty exchange programs in the fields of mathematics, science, and engineering; and

(3) encourage partnerships in education between the business community, institutions of higher education, and elementary and secondary schools in the community. Business and industry.

DEFINITIONS

SEC. 303. As used in this title— 20 USC 3982.

(1) the term "applicant" means with respect to activities described in section 305(a) an institution of higher education and the other participants described in paragraph (3) of section 305(a), and with respect to activities described in section 305(b) a local educational agency and the other participants described in paragraph (3) of section 305(b);

(2) the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials;

(3) the term "Foundation" means the National Science Foundation;

(4) the term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965; 20 USC 1141.

(5) the term "States" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(6) the term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

PROGRAM AUTHORIZED

Grants.
20 USC 3983.

SEC. 304. (a) The Foundation is authorized, in accordance with the provisions of this title, to make grants to applicants to pay the Federal share of the costs of the activities described in section 305.

Appropriations authorization.

(b) There are authorized to be appropriated $30,000,000 for the fiscal year 1984, and $60,000,000 for the fiscal year 1985, to carry out the provisions of this title.

AUTHORIZED ACTIVITIES

20 USC 3984.

SEC. 305. (a)(1) An applicant may use payments received under this title in any fiscal year for higher education programs and activities described in this subsection.

(2) Grants under this subsection may be used for partnership in education programs—

(A) for the improvement of instruction in mathematics, science, computer science, and engineering education at the post-secondary level;

(B) for awarding scholarships to students at institutions of higher education in the fields of mathematics, science, computer science, and engineering;

Business and industry.

(C) for the operation of faculty exchange programs by the institutions of higher education and business concerns within the State;

(D) for research in the fields of mathematics, science, computer science, and engineering;

(E) for the acquisition, rehabilitation, and renovation of equipment and instrumentation for use in instruction in the fields of mathematics, science, computer science, and engineering; and

(F) to promote public understanding of science, mathematics, and computer science.

(3) Education partnerships under this subsection may include institutions of higher education, business concerns, nonprofit private organizations, local educational agencies, professional mathematic and scientific associations, museums, libraries, educational television stations, and if the State so desires, appropriate State agencies.

(b)(1) An applicant may use payments received under this title in any fiscal year for programs and activities described in this subsection.

Business and industry.

(2) A local educational agency may carry out an elementary and secondary school partnership in education program under which—

(A) elementary and secondary school teachers in the schools of local educational agencies who teach mathematics, science, or computer science are made available to local business concerns and business concerns with establishments located in the community to serve in such concerns or establishments;

(B) personnel of local business concerns and business concerns with establishments located in the community serve as consultants, lecturers, teaching assistants, or teachers of mathematics, science, or computer science in the elementary and secondary schools within the State;

(C) training and retraining is furnished to elementary and secondary school teachers of mathematics, science, and computer science under a cooperative arrangement between the

State or local educational agency and appropriate business concerns;

(D) secondary school students observe, participate, and work in local business concerns and business concerns with establishments located in the community; and

(E) computer clubs and extracurricular activities involving modern technologies are established in elementary and secondary schools.

(3) Partnerships under this subsection may include local educational agencies, business concerns, nonprofit private organizations, institutions of higher education, professional mathematic and scientific associations, museums, libraries, educational television stations, and, if the State so desires, appropriate State agencies.

Business and industry.

APPLICATION

SEC. 306. (a) Any applicant which desires to receive a grant under this title shall submit an application approved under section 307 to the Foundation, at such time, in such manner, and accompanied by such additional information as the Foundation may reasonably require. Each such application shall—

Grants.
20 USC 3985.

(1) describe the activities for which assistance under this title is sought;

(2) provide assurances that not more than 5 per centum of the amount received by the applicant in any fiscal year may be expended on administrative expenses;

(3) with respect to each program for which assistance is sought, provide assurances that—

(A) 30 per centum of the funds for each such project will be furnished by business concerns within the community;

(B) 20 per centum of the funds will be supplied by—

(i) the State,

(ii) the institution of higher education or the local educational agency, as the case may be, participating in the program; and

(iii) the other parties participating in the program;

(C) no stipend will be paid directly to employees of a profitmaking business concern; and

(D) teachers participating in the exchange program may not be employed by the participating business concern with which the teacher served within three years after the end of the exchange program unless the teacher repays the full cost of the exchange program to the State and local educational agency, as the case may be; and

(4) provide assurances that whenever the program for which assistance is sought includes scholarships, the scholarships be awarded to undergraduate students at institutions of higher education within the State who wish to pursue a course of study in mathematics or science, engineering or computer science, and that each student awarded a scholarship under this title will receive a stipend which shall not exceed the cost of tuition at the institution of higher education plus a stipend of not to exceed $750 for each academic year of study for which the scholarship is awarded;

(5) set forth policies and procedures to assure that whenever the application includes a local educational agency, to the extent consistent with the number and location of children in

the school district of such agency who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted under this title;

(6) provide assurances that consideration is given to programs and activities designed to meet the needs of underrepresented and underserved populations;

(7) provide assurances that in the consideration of applications submitted under section 307(a) that equitable consideration is given to applications submitted by private and public institutions of higher education; and

(8) provide such additional assurances as the Foundation determines essential to ensure compliance with the requirements of this title.

(b) A regional consortium of applicants in two or more States may file a joint application under the provisions of subsection (a) of this section.

SUBMISSION OF APPLICATIONS

Grants.
20 USC 3986.

SEC. 307. Each applicant within a State which desires to receive a grant under this title shall submit the application prepared in accordance with section 306 to the State agency on higher education or the State educational agency, as the case may be, for approval and shall submit the approved application to the Foundation under section 306. Each such application shall be submitted jointly by the local educational agency in the case of activities described in section 305(a), or an institution of higher education in the case of activities described in section 305(b), and each business concern or other party that is to participate in the program for which assistance is sought.

APPROVAL OF APPLICATIONS

20 USC 3987.

SEC. 308. (a)(1) The Foundation shall establish criteria for approval of applications under this title.

(2) No application may be approved by the Foundation unless the State educational agency or the State agency for higher education, as the case may be, determines that the application is consistent with State plans for elementary and secondary education or State plans for higher education, as the case may be, in the State.

(b) The Foundation shall adopt approval procedures designed to assure that there is equitable distribution of grants among the States.

PAYMENTS; FEDERAL SHARE; LIMITATION

20 USC 3988.

SEC. 309. (a)(1) The Foundation shall pay, to each applicant having an application approved under section 308, the Federal share of the cost of the program described in the application.

(2) The Federal share for each fiscal year shall be 50 per centum.

(3) The non-Federal share of payments under this title may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) Not more than 15 per centum of the funds appropriated under this title in any fiscal year may be paid to applicants in any single State.

TITLE IV—PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE IN MATHEMATICS AND SCIENCE

PRESIDENTIAL AWARDS

President of U.S.
20 USC 4001.

SEC. 401. (a) The President is authorized to make Presidential Awards for Teaching Excellence in Mathematics and Science to elementary and secondary school teachers of mathematics or science who have demonstrated outstanding teaching qualifications in the field of teaching mathematics or science.

(b) Each year the President is authorized to make one hundred awards under subsection (a) of this section. In selecting elementary and secondary school teachers for the award authorized by this section, the President shall select at least one elementary school teacher and one secondary school teacher from each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

ADMINISTRATIVE PROVISIONS

President of U.S.
20 USC 4002.

SEC. 402. The President shall carry out the provisions of this title, including the establishment of the selection procedures, after consultation with the Secretary of Education, the Director of the National Science Foundation, and other appropriate officials of Federal agencies.

AUTHORIZATION OF APPROPRIATIONS

20 USC 4003.

SEC. 403. (a) There are authorized to be appropriated $1,000,000 for the fiscal year 1985 to carry out the provisions of this title.

(b) Amounts appropriated pursuant to subsection (a) shall be available for making awards under this title, for administrative expenses, for necessary travel by teachers selected under this title, and for special activities related to carrying out the provisions of this title.

TITLE V—ASBESTOS SCHOOL HAZARD ABATEMENT

Asbestos School Hazard Abatement Act of 1984.
20 USC 4011 note.

SEC. 501. This title may be cited as the "Asbestos School Hazard Abatement Act of 1984".

FINDINGS AND PURPOSES

20 USC 4011.

SEC. 502. (a) The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be

dislodged into the air, and (B) asbestos concentration far exceeding normal ambient air levels have been found in school buildings containing such damaged materials;

(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for remedying hazardous conditions in schools;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

(9) without a program of information distribution, technical and scientific assistance, and financial support, many local educational agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this title to mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) It is the purpose of this title to—

(1) direct the Administrator of the Environmental Protection Agency to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the health of school children and employees from asbestos materials in schools;

(2) provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards in schools;

(3) provide financial assistance for the abatement of asbestos threats to the health and safety of school children or employees; and

(4) assure that no employee of any local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.

ASBESTOS HAZARD ABATEMENT PROGRAM

Establishment.
20 USC 4012.

SEC. 503. (a)(1) There is hereby established a program within the Environmental Protection Agency to be known as the Asbestos Hazards Abatement Program (hereinafter in this title referred to as "Program").

(b) The duties of the Administrator in implementing and effectuating the Program shall include—

(1) the compilation of medical, scientific, and technical information including, but not limited to—

(A) the health and safety hazards associated with asbestos materials;

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers; and

(C) the means of abating the threat posed by asbestos and asbestos containing materials;

(2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to State and local agencies and to other institutions for the purpose of carrying out activities described in this title;

(3) the development within forty-five days of enactment of this title of an interim or final application form, which shall be distributed promptly to local educational agencies; and

(4) the review of applications for financial assistance, and the approval or disapproval of such applications, in accordance with the provisions of section 505.

STATE PLANS

SEC. 504. (a) Not later than three months after the date of enactment of this title, the Governor of each State shall submit to the Administrator a plan which describes the procedures to be used by the State for maintaining records on— 20 USC 4013.

(1) the presence of asbestos materials in school buildings of local educational agencies;

(2) the asbestos detection and abatement activities conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials);

(3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in subparagraph (B) were undertaken.

(b)(1) Not later than six months after the date of enactment of this title, and annually thereafter, the Governor of each State shall:

(A) submit to the Administrator and the Secretary of the Department of Education a priority list of all schools under the authority of a local educational agency within the State, without regard to the public or private nature of the school involved, that are candidates for abatement;

(B) forward to the Administrator and the Secretary of the Department of Education for each candidate for abatement all applications for financial assistance prepared by the local educational agencies in accordance with the provisions of section 503(b)(3) and section 505; and

(C) forward to the Secretary of the Department of Education a copy of all information submitted to the Administrator in accordance with subsection (b)(3).

(2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the existing and potential exposure presented by the asbestos materials.

(3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.

(4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:

(A) A measure of financial need used by the State in which the local educational agency is located.

(B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.

(C) The extent to which the local school millage rate falls above or below (i) the millage rate average of the State and (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income and resource base.

(D) The ratio, expressed as a percentage, of the estimated cost of the project to the total budget of the local educational agency.

(E) The borrowing capacity of the local educational agency.

(F) Any other factor that demonstrates that the local educational agency has limited financial resources.

Report.

(c) Not later than nine months after the submission of the plan described in subsection (a), and each twelve months thereafter, the Governor shall submit to the Administrator a report which describes the actions taken by the State in accordance with its plan under such subsection.

FINANCIAL ASSISTANCE

Asbestos Hazards Abatement Assistance Program. 20 USC 4014.

SEC. 505. (a) There is hereby established within the Environmental Protection Agency an Asbestos Hazards Abatement Assistance Program (hereinafter in this Act referred to as the "Assistance Program"), which shall be administered in accordance with this section.

(b)(1) Applications for financial assistance shall be submitted by a local educational agency, to the Governor, or the Governor's designee, who shall establish a priority list based on the criteria of section 504(b)(2).

(2) Pursuant to section 504, applications shall be submitted, together with the Governor's report and priority list, to the Administrator who shall review and rank such applications pursuant to section 505(c)(2) and propose financing pursuant to the criteria of section 504(b)(4).

Study.

(3) Within sixty days of receipt of the information described in section 504(b)(1), the Secretary of the Department of Education shall review such information and, in the Secretary's discretion, provide to the Administrator comments and recommendations based upon the needs of local educational agencies for financial assistance. Within sixty days of receipt of the Secretary's report, or expiration of the time allowed for such report, the Administrator shall approve or disapprove applications for financial assistance.

(c)(1) The Administrator shall provide financial assistance on a school-by-school basis to local educational agencies in accordance with other provisions of this section to carry out projects for—

(A) abating the threat posed by materials containing asbestos to the health and safety of children or employees;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring school buildings to conditions comparable to those existing before abatement activities were undertaken pursuant to this section.

(2) The Administrator shall review and list in priority order applications for financial assistance. In ranking applications, the Administrator shall consider—

(A) the priority assigned to the abatement program by the Governor pursuant to section 504(b)(2);

(B)(i) the likelihood of release of asbestos fibers into a school environment;

(ii) any other evidence of the risk caused by the presence of asbestos including, but not limited to, situations in which there is a substantial quantity of dry loose asbestos-containing material on horizontal surfaces or asbestos-containing material is substantially deteriorated or damaged, and there is asbestos-containing material in an air plenum or in a high traffic area, confined space or within easy reach of a passerby;

(iii) the extent to which the corrective action proposed by the applicant will reduce the exposure of school children and school employees; and

(iv) the extent to which the corrective action proposed by the applicant is cost-effective compared to other techniques including management of material containing asbestos.

(3) In determining whether an applicant is eligible for assistance, and the nature and amount of financial assistance, the Administrator shall consider—

(A) the financial resources available to the applicant as certified by the Governor pursuant to section 504(b)(4); and

(B) the report, if any, of the Secretary of Education pursuant to section 504(b)(5).

(d) In no event shall financial assistance be provided under this title to an applicant if the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program. In making such a determination, the Administrator may consult with the Secretary of Education.

(e)(1) An applicant for financial assistance may be granted a loan of up to 100 per centum of the costs of an abatement program or, if the Administrator determines the applicant is unable to undertake and complete an asbestos materials abatement program with a loan, such applicant may also receive a grant (alone or in combination with a loan) not to exceed 50 per centum of the total costs of abatement, in the amount which the Administrator deems necessary. Loans. Grants.

(2) In approving any grant, the Administrator shall state with particularity the reasons why the applicant is unable to undertake and complete the abatement program with loan funds. Grants.

(f) Loans under this section shall be made pursuant to agreements which shall provide for the following: Loans.

(1) the loan shall not bear interest;

(2) the loan shall have a maturity period of not more than twenty years (as determined by the Administrator) and shall be repayable during such period at such times and in such amounts as the Administrator may specify in the loan agreement;

(3) repayment shall be made to the Secretary of the Treasury for deposit in the general fund; and

(4) such other terms and conditions that the Administrator determines necessary to protect the financial interest of the United States.

(g)(1) No financial assistance may be provided under this section unless an application has been submitted to the Administrator within the five-year period beginning on the effective date of this title.

(2) The Administrator shall not approve an application unless—

(A) the application contains such information as the Administrator may require, including but not limited to information describing—

(i) the nature and extent of the asbestos problem for which the assistance is sought;

(ii) the asbestos content of the material to be abated;

(iii) the methods which will be used to abate the asbestos materials;

(iv) the amount and type of financial assistance requested;

(v) a description of the financial resources of the local educational agency; and

(vi) a justification for the type and amount of the financial assistance requested.

(B) the application contains a certification that—

(i) any employee engaged in an asbestos material abatement program will be trained and equipped pursuant to section 506(b)(2)(B); and

(ii) no child or inadequately informed or protected school employee will be permitted in the vicinity of any asbestos abatement activity;

(C) the application contains assurances that the local educational agency will furnish such information as is necessary for the Administrator to make the report required by section 507 of this title.

(3) No financial assistance may be provided by the Administrator under this section for projects described in subsection (a)(2) on which abatement action was completed prior to January 1, 1984.

(B) Except as provided in section 512(b)(1) in approving applications the Administrator shall provide assistance to the local educational agencies having the highest priority among applications being considered in order of ranking until the appropriated funds are expended.

Regulations.
20 USC 4015.

SEC. 506. (a) The Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this title.

(b) The Administrator shall also establish—

(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 505 for—

(A) abating asbestos materials in school buildings;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

(2) within ninety days, standards for determining—

(A) which contractors are qualified to carry out the activities referred to in paragraph (1), and

(B) what training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

(3) nothing contained in this title shall be construed, interpreted or applied to diminish in any way the level of protection required under State or Federal worker protection laws.

(c) In order to effectuate the purposes of this title, the Administrator may also adopt such other procedures, standards and regulations as the Administrator deems necessary, including—

(1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(2) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and

(3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this title.

ANNUAL REPORT

Loans.
Grants.
20 USC 4016.

SEC. 507. During each of the ten calendar years after the year in which this title is enacted, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 505 of this title. The report shall—

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this section; and

(6) estimate the number of schools still in need of assistance.

Suits.
20 USC 4017.

SEC. 508. (a)(1) As a condition of the award of any financial assistance under section 505, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit) shall be used to repay to the United States, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) an amount equal to the interest which would have been charged on such loan were the loan made by a commercial lender at prevailing interest rates (as determined by the Administrator).

(b) The Attorney General shall, where appropriate, proceed in an expeditious manner to recover the amounts expended by the United States to carry out this title from the persons identified by the Attorney General as being liable for such costs.

Discrimination, prohibition.
20 USC 4018.

SEC. 509. No State or local educational agency receiving assistance under this title may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

Prohibitions.
20 USC 4019.

SEC. 510. Except as otherwise provided in section 508, nothing in this title shall—

(1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or

(2) affect the rights of any party under any other law.

20 USC 4020.

SEC. 511. For purposes of this title—

(1) the term "asbestos" means—

(A) chrysotile, amosite, or crocidolite; or

(B) in fibrous form, tremolite, anthophyllite, or actinolite;

(2) the term "Attorney General" means the Attorney General of the United States;

(3) the term "threat" or "hazard" means that an asbestos material is friable or easily damaged, or within each reach of students or employees or otherwise susceptible to damage (including damage from water or air circulation) which could result in the dispersal of asbestos fibers into the school environment;

(4) the term "local educational agency" means—

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965; and

20 USC 2854.

(B) the governing authority of any nonprofit elementary or secondary school;

(5) the term "nonprofit elementary or school" means—

(A) any elementary or secondary school as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965 owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(B) any school of any agency of the United States;

(6) the term "school buildings" means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph;

(7) the term "Administrator" means the Administrator of the Environmental Protection Agency, or the Administrator's designee;

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Bureau of Indian Affairs.

SEC. 512. (a)(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than $50,000,000 for the fiscal year ending on September 30, 1984, $50,000,000 for the fiscal year ending on September 30, 1985, and $100,000,000 for each of the five succeeding fiscal years.

Appropriations authorization. 20 USC 4021.

(2) The sums appropriated under this title shall remain available until expended.

(b)(1) A State with qualified applicants shall receive no less than one-half of 1 per centum of the sums appropriated under this title or the total of the amounts requested by such applicants, whichever is less. Those amounts available in each fiscal year under this paragraph shall be obligated before the end of that fiscal year. For the purposes of this paragraph the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Bureau of Indian Affairs and, taken together, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Of those sums appropriated for the implementation of this title, up to 10 per centum shall be reserved during the fiscal year ending September 30, 1984, and up to 5 per centum for the fiscal year ending September 30, 1985, for the administration of this title and for programs including, but not limited to, the following:

(A) the establishment of a training center for contractors, engineers, school employees, parents and other personnel to provide instruction on asbestos assessment and abatement;

(B) the development and dissemination of abatement guidance documents to assist in evaluation of potential hazards, and the determination of proper abatement programs;

(C) the development of rules and regulations regarding inspection, reporting and record-keeping; and

(D) the development of a comprehensive testing and technical assistance program.

TITLE VI—EXCELLENCE IN EDUCATION PROGRAM

Excellence in Education Act.

SHORT TITLE

SEC. 601. This title may be cited as the "Excellence in Education Act".

20 USC 4031 note.

STATEMENT OF PURPOSE

SEC. 602. It is the purpose of this title to make awards to local educational agencies, after a competitive selection process, in order to carry out programs of excellence in individual schools of such agencies designed to achieve excellence in education, which—

20 USC 4031.

(1) demonstrate successful techniques for improving the quality of education,

(2) can be disseminated and replicated, and

(3) are conducted with the participation of school principals, schoolteachers, parents, and business concerns in the locality.

DEFINITIONS

20 USC 4032.

SEC. 603. For the purpose of this title—

(1) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

20 USC 2854.

(2) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

(3) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) The term "State educational agency" has the same meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

SCHOOL EXCELLENCE AWARDS AUTHORIZED

20 USC 4033.

SEC. 604. (a) The Secretary is authorized, in accordance with the provisions of this title, to make awards to local educational agencies for school excellence programs which are consistent with the purpose of this title.

Appropriations authorization.

(b)(1) There are authorized to be appropriated $16,000,000 for each of the fiscal years 1984 and 1985 to carry out the provisions of this title.

(2) From the amount appropriated in each fiscal year, the Secretary shall reserve $3,000,000 in each fiscal year to carry out the provisions of section 607.

(3) From the amount appropriated in each fiscal year, the Secretary shall reserve $1,000,000 in each fiscal year to carry out the provisions of section 608.

SELECTION OF SCHOOLS FOR AWARDS

20 USC 4034.

SEC. 605. (a)(1) The Secretary is authorized to establish, in accordance with the provisions of this section, criteria for the selection of schools to receive awards under this title. Each local educational agency desiring to participate in the awards program authorized by this title shall submit a proposal nominating each specific school of that agency for school improvement activities designed to carry out the purpose of this title. Each such submission shall be made to the chief State school officer of the State in which the local educational agency is located.

(2) The criteria required by paragraph (1) of this subsection shall include standards for each local educational agency to nominate schools of that agency—

(A) which have the potential to experiment with standards of quality; and

(B) which show promise of demonstrating that the school will carry out well-planned, creative, or innovative activities designed to carry out the purposes of this title in a successful manner.

(3) Each proposal submitted under this subsection shall contain—

(A) a description of the activities which will be conducted in the school nominated,

(B) assurances that the school to be nominated will carry out the activities so described, and

(C) such other information as may be necessary to carry out paragraph (2) of this subsection.

(b)(1)(A) The chief State school officer of each State shall in each fiscal year from the proposed nominations made pursuant to subsection (a) select twenty-five schools for submission to the Secretary.

(B) In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the chief educational officer of such jurisdiction shall nominate five schools in accordance with this subsection.

(2) In selecting schools from proposed nominations submitted under subsection (a), the chief State school officer shall assure a fair and equitable distribution of schools within the State, after considering—

(A) all categories of elementary and secondary schools within the State, including elementary schools, junior high schools, secondary schools, vocational-technical schools, or any combination of two or more of the schools;

(B) socioeconomic conditions in the State;

(C) geographic distribution within the State;

(D) school size;

(E) the size and location of the community in which the school is located;

(F) the local governmental arrangements between the government and the local educational agency making the nomination;

(G) the potential for the proposed project to successfully demonstrate techniques for improving the quality of education which can be disseminated and replicated; and

(H) such other relevant factors as the Secretary may prescribe.

(3) Each State shall submit to the Secretary the school nominations made in accordance with this subsection. Each such submission may include such additional information as the chief State school officer (the chief educational officer as prescribed in paragraph (1)(B)), and the local educational agency concerned deem appropriate.

(c)(1) The Secretary shall select not more than five hundred schools from among the nominations submitted pursuant to subsection (b) of this section. The selection under this subsection shall be made by the Secretary after an impartial review panel has considered each submission. The review and selection shall be based upon the factors described in subsection (b)(2) and in accordance with uniform criteria developed by the Secretary.

(2) In making the selections under paragraph (1), the Secretary shall give priority to proposals which have the highest potential for successfully demonstrating techniques to improve the quality of education and which can be disseminated and replicated. In addition the Secretary shall give priority to proposals which have as their purposes—

(A) modernization and improvement of secondary school curricula to improve student achievement in academic or vocational subjects, or both, and competency in basic functional skills;

(B) the elimination of excessive electives and the establishment of increased graduation requirements in basic subjects;

(C) improvement in student attendance and discipline through the demonstration of innovative student motivation techniques and attendance policies with clear sanctions to reduce student absenteeism and tardiness;

(D) demonstrations designed to increase learning time for students;

(E) experimentation providing incentives to teachers, and teams of teachers for outstanding performance, including financial awards, administrative relief such as the removal of paperwork and extra duties, and professional development;

(F) demonstrations to increase student motivation and achievement through creative combinations of independent study, team teaching, laboratory experience, technology utilization, and improved career guidance and counseling; or

(G) new and promising models of school-community and school-to-school relationships including the use of nonschool personnel to alleviate shortages in areas such as math, science, and foreign language instruction, as well as other partnerships between business and education, including the use of equipment.

AMOUNT AND CONDITIONS OF AWARDS

20 USC 4035.

SEC. 606. (a)(1) A school award made to a local educational agency pursuant to this title may not exceed $25,000 in any fiscal year or a total of $40,000.

(2) The amount of each individual school award made pursuant to this title shall be determined by the Secretary based upon the size of the school, the number of students enrolled in the school, and the number of teachers teaching in the school.

Prohibition.

(b) Awards made under this title may not be made for more than two school years. No individual school may be eligible for any additional award under this title.

SPECIAL SCHOOL AWARDS

20 USC 4036.

SEC. 607. (a) From the amount reserved under section 604(b)(2) in any fiscal year, the Secretary is authorized to make awards to schools nominated in accordance with the provisions of section 605 to pay the Federal share of the activities described in the proposal if the local educational agency provides further assurances that funds from the private sector will be contributed for carrying out the activities for which assistance is sought.

(b) For purposes of this section, the Federal share for each fiscal year shall be not less than 67⅔ per centum nor more than 90 per centum. The Secretary shall set the Federal share for categories of school awards based upon uniform criteria established by the Secretary.

RESEARCH, EVALUATION, DISSEMINATION, AND MONITORING ACTIVITIES

20 USC 4037.

SEC. 608. (a) From the amount set aside under section 604(b)(3), the Secretary shall conduct research, evaluation, and dissemination activities to assure that exemplary projects and practices which are developed with assistance provided under this title are made available to local educational agencies throughout the United States.

(b) The Secretary shall use such amount of the funds reserved pursuant to section 604(b)(3) as is necessary to carry out the provisions of this subsection. The Secretary shall establish an independent panel to monitor the success of the programs assisted by this title in achieving the national objectives in improving instruction and the achievement of the students.

Independent Monitoring Panels.

TITLE VII—MAGNET SCHOOLS ASSISTANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 701. There are authorized to be appropriated $75,000,000 for each of the fiscal years 1984, 1985, and 1986 to carry out the provisions of this title.

20 USC 4051.

ELIGIBILITY

SEC. 702. A local educational agency is eligible to receive assistance under this title if the local educational agency—

20 USC 4052.

(1) has received $1,000,000 less in the first fiscal year after the repeal of the Emergency School Assistance Act by section 5 of the Omnibus Budget Reconciliation Act of 1981 as a result of the repeal of that Act; or

20 USC 3191.

(2) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency; or

Discrimination, prohibition.

(3) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools.

42 USC 2000d.

STATEMENT OF PURPOSE

SEC. 703. It is the purpose of this title—

20 USC 4053.

(1) to provide financial assistance to eligible local educational agencies to enable such agencies to establish and operate magnet schools;

(2) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

Discrimination, prohibition.

(3) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and

(4) to encourage the development of courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

PROGRAM AUTHORIZED

SEC. 704. The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible local educational agencies for use in magnet schools which are part of an approved

Grants.
20 USC 4054.

desegregation plan and which are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

DEFINITION

20 USC 4055.

SEC. 705. For the purpose of this title the term "magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

USES OF FUNDS

Grants.
20 USC 4056.

SEC. 706. (a) Grants made under this title may be used by eligible local educational agencies for the planning for, and conduct of, programs in magnet schools, including—

(1) courses of academic instruction offered at magnet schools;

(2) courses of instruction in magnet schools offering secondary education or vocational education which is designed to increase the tangible and marketable skills of secondary school students and vocational school students;

(3) the purchase of books, materials, and equipment including computers, which directly contribute to academic excellence and the purposes of this title; and

(4) the payment of or subsidization of the compensation of elementary and secondary school teachers in magnet schools who are certified or licensed by the State and who are necessary to carry out the courses of instruction for which assistance is sought.

APPLICATIONS AND REQUIREMENTS

20 USC 4057.

SEC. 707. (a) Each eligible local educational agency which desires to receive assistance under this title shall submit an application to the Secretary. Each such application shall be in such form as the Secretary may reasonably require. Each such application shall contain assurances that the local educational agency will meet the conditions enumerated in subsection (b).

Discrimination, prohibition.

(b) As part of the annual application required by subsection (a), each eligible local educational agency shall certify that the agency agrees—

(1) to use funds made available under this title for the purposes specified in section 703;

(2) to employ teachers in the courses of instruction assisted under this title who are certified or licensed by the State to teach the subject matter of the courses of instruction;

(3) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, or national origin in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(4) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, or national origin in the mandatory assignment of students to schools or to courses of instruction within schools of such agency except to carry out the approved plan;

(5) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color, or national origin in designing or operating extracurricular activities for students; and

(6) to provide such other assurances as the Secretary determines necessary to carry out the provisions of this title.

(c) No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances contained in clauses (3), (4), and (5) will be met.

SPECIAL CONSIDERATION

SEC. 708. In approving applications under this title the Secretary shall give special consideration to— 20 USC 4058.

(1) the recentness of the implementation of the approved plan or modification thereof;

(2) the proportion of minority group children involved in the approved plan;

(3) the need for assistance based on the expense or difficulty of effectively carrying out an approved plan and the program or projects for which assistance is sought; and

(4) the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title.

PROHIBITION

SEC. 709. Grants under this title may not be used for consultants, for transportation, or for any activity which does not augment academic improvement, or for the courses of instruction the substance of which is secular humanism. 20 USC 4059.

LIMITATION ON PAYMENTS

SEC. 710. (a) No local educational agency may receive a grant under this title for more than one fiscal year unless the Secretary determines that the program for which assistance was provided in the first fiscal year is making satisfactory progress in achieving the purposes of this title. 20 USC 4060.

(b) No local educational agency may expend more than 10 percent of the amount that the agency receives in any fiscal year for planning.

(c) No State shall reduce the amount of State aid with respect to the provision of free public education or the amount of assistance received under chapter 2 of the Education Consolidation and Improvement Act of 1981 in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title, except that a State may reduce the amount of assistance received under such chapter 2 if the amount is attributable to clause (3) of section 577 (as in effect prior to the date of enactment of section 502 of the Education for Economic Security Act) but only to the extent the amount is so attributable. The Secretary may waive the prohibition against the reduction of assistance received under chapter 2 and permit such a reduction if the State demonstrates that the assistance under such chapter 2 is not necessary to the local education agency concerned.

20 USC 3811 *et seq.*

20 USC 3832.

20 USC 3811 *et seq.*

PAYMENTS

SEC. 711. (a) The Secretary shall pay to each local educational agency having an application under this title the amount set forth in the application. Payments under this title for a fiscal year shall 20 USC 4061.

remain available for obligation and expenditure by the recipient until the end of the succeeding fiscal year.

(b)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by this title, the Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this title. The services to be provided through arrangements made by the Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under such application.

(2) In determining the amount to be paid pursuant to paragraph (1), the Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

(3) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools, the Secretary shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible, be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

WITHHOLDING

20 USC 4062.
20 USC 1234b, 1234c.

SEC. 712. The provisions of sections 453 and 454 of the General Education Provisions Act, relating to withholding and cease and desist orders, shall apply to the program authorized by this title.

The Equal Access Act.

TITLE VIII—THE EQUAL ACCESS ACT

SHORT TITLE

20 USC 4071 note.

SEC. 801. This title may be cited as "The Equal Access Act".

DENIAL OF EQUAL ACCESS PROHIBITED

20 USC 4071.

SEC. 802. (a) It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

(b) A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more

noncurriculum related student groups to meet on school premises during noninstructional time.

(c) Schools shall be deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that—

(1) the meeting is voluntary and student-initiated;

(2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;

(3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;

(4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and

(5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

(d) Nothing in this title shall be construed to authorize the United States or any State or political subdivision thereof—

(1) to influence the form or content of any prayer or other religious activity;

(2) to require any person to participate in prayer or other religious activity;

(3) to expend public funds beyond the incidental cost of providing the space for student-initiated meetings;

(4) to compel any school agent or employee to attend a school meeting if the content of the speech at the meeting is contrary to the beliefs of the agent or employee;

(5) to sanction meetings that are otherwise unlawful;

(6) to limit the rights of groups of students which are not of a specified numerical size; or

(7) to abridge the constitutional rights of any person.

(e) Notwithstanding the availability of any other remedy under the Constitution or the laws of the United States, nothing in this title shall be construed to authorize the United States to deny or withhold Federal financial assistance to any school.

(f) Nothing in this title shall be construed to limit the authority of the school, its agents or employees, to maintain order and discipline on school premises, to protect the well-being of students and faculty, and to assure that attendance of students at meetings is voluntary.

DEFINITIONS

SEC. 803. As used in this title— 20 USC 4072.

(1) The term "secondary school" means a public school which provides secondary education as determined by State law.

(2) The term "sponsorship" includes the act of promoting, leading, or participating in a meeting. The assignment of a teacher, administrator, or other school employee to a meeting for custodial purposes does not constitute sponsorship of the meeting.

(3) The term "meeting" includes those activities of student groups which are permitted under a school's limited open forum and are not directly related to the school curriculum.

(4) The term "noninstructional time" means time set aside by the school before actual classroom instruction begins or after actual classroom instruction ends.

SEVERABILITY

20 USC 4073.

SEC. 804. If any provision of this title or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the title and the application to other persons or circumstances shall not be affected thereby.

CONSTRUCTION

20 USC 4074.

SEC. 805. The provisions of this title shall supersede all other provisions of Federal law that are inconsistent with the provisions of this title.

Approved August 11, 1984.

LEGISLATIVE HISTORY—H.R. 1310 (S. 1285):

HOUSE REPORT No. 98-6, Pt. 1 (Comm. on Education and Labor) and Pt. 2 (Comm. on Science and Technology).

SENATE REPORT No. 98-151 accompanying S. 1285 (Comm. on Labor and Human Resources).

CONGRESSIONAL RECORD:

Vol. 129 (1983): Mar. 2, considered and passed House.

Vol. 130 (1984): June 6, 26, S. 1285 considered in Senate.

June 27, considered and passed Senate, amended, in lieu of S. 1285.

July 25, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 20, No. 33 (1984): Aug. 11, Presidential statement.