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103D CONGRESS
1ST SESSION

H. R. 3130

Entitled ''To improve America's schools''.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1993

Mr. KILDEE (for himself, Mr. FORD of Michigan, Mr. GOODLING, Mr. MILLER of California, Mr. GUNDERSON, Mr. SAWYER, Mr. OWENS, Mrs. UNSOELD, Mr. REED, Mrs. MINK, Mr. ENGEL, Mr. GREEN, Ms. ENGLISH of Arizona, Mr. STRICKLAND, Mr. ROMERO-BARCELÓ, Mr. MARTINEZ, Mr. ANDREWS of New Jersey and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on Education and Labor

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A BILL

Entitled ''To improve America's schools''.

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 ''Improving America's Schools Act of 1993''.

ORGANIZATION OF THE ACT

SEC. 2. This Act is organized into the following titles:

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

TITLE III—AMENDMENTS TO OTHER ACTS

EFFECTIVE DATES; TRANSITION

SEC. 3. (a) EFFECTIVE DATES.—(1) The provisions of title I of this Act shall take effect July 1, 1995, except that those provisions of title I that apply to programs under title VIII of the Elementary and Secondary Education Act of 1965, as amended by this Act, and to programs that are conducted on a competitive basis, shall be effective with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.

(2) The provisions of title II of this Act shall be effective upon enactment, except that section 250 of such title shall be effective—

(A) July 1, 1995 for non-competitive programs in which funds are allocated on the basis of a formula; and

(B) for programs that are conducted on a competitive basis, with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.

(3)(A) Parts A and B of title III of this Act shall take effect July 1, 1995.

(B) Part C of title III of this Act shall take effect on October 1, 1994.

(b) TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under the Elementary and Secondary Education Act of 1965, as in effect prior to amendment by this Act, may use funds available to it under such predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs authorized by this Act.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 101. The Elementary and Secondary Education Act of 1965 is amended to read as follows:

''SHORT TITLE

''SECTION 1. This Act may be cited as the 'Elementary and Secondary Education Act of 1965'.

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''TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

''DECLARATION OF POLICY AND STATEMENT OF PURPOSE

''SEC. 1001. (a) STATEMENT OF POLICY.—The Congress declares it to be the policy of the United States that a high-quality education for all citizens and a fair and equal opportunity to obtain that education—

''(1) are a societal good necessary for creating a vibrant future for our complex and diverse democracy and for meeting the challenge of an internationally competitive economy;

''(2) are a private good because individual opportunity is greatly enhanced by one's being well educated;

''(3) are a moral imperative in our society; simple justice demands that the opportunity to acquire skills and knowledge deemed necessary for basic citizenship and economic opportunity be equally available to all; and

''(4) improve the life of every citizen, because the quality of our individual lives ultimately depends on the quality of the lives of others.

''(b) RECOGNITION OF NEED.—The Congress recognizes that—

''(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizeable gap remains, and many segments of our society lack the opportunity to become well educated;

''(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families. Achieving the National Education Goals will not be possible without substantial improvement in these schools;

''(3) educational needs are particularly great for low-achieving children in our highest-poverty schools,

children with limited English proficiency, children of migrant workers, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and

''(4) while title I and other programs funded under this Act have contributed to narrowing the achievement gap between children in high-poverty and low-poverty schools, they need to become even more effective in improving high-poverty schools in order to help enable all children to achieve high standards.

''(c) WHAT HAS BEEN LEARNED.—To enable schools to provide all children a high-quality education, this title builds upon what has been learned:

''(1) All children can master challenging content and complex problem-solving skills; research clearly shows that children, including low-achieving children, can succeed when expectations are high and they are given the opportunity to learn challenging material.

''(2) Piecemeal reform, particularly when not tied to an overall vision of teaching to, and helping all children reach, high standards, does not work.

''(3) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on low-level skills measured by those tests.

''(4) Resources are less effective when they serve children through such practices as pull-out programs, instead of ensuring that children have full access to effective regular school programs and receive supplemental help through extended-time activities.

''(5) The disproven theory that children must first learn basic skills before engaging in more complex tasks continues to dominate strategies for classroom instruction, resulting in emphasis on repetitive drill and practice at the expense of content-rich instruction, accelerated curricula, and effective teaching to high standards.

''(6) Intensive and sustained professional development for teachers and other school staff—focused on teaching and learning and on helping children attain high standards—is too often not provided.

''(7) Insufficient attention and resources are directed toward the effective use of technology in

schools and the role it can play in professional development and improved teaching and learning.

''(8) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.

''(9) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and responsibility to design and implement effective strategies for bringing their children to high levels of performance and should accept responsibility to do so.

''(10) Opportunities for students to achieve to high standards can be enhanced through a variety of approaches such as public school choice and charter schools.

''(11) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.

''(12) Resources provided under this title have not been adequately targeted on the highest-poverty

school districts and schools that have children most in need.

''(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the rigorous State content standards and to meet the challenging State performance standards developed for all children under the Goals 2000: Educate America Act or, in their absence, under this title. This purpose shall be accomplished by—

''(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach them;

''(2) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time so that children served under this title receive at least all the classroom instruction that other children receive;

''(3) promoting schoolwide reform and ensuring access of children—from the earliest grades—to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

''(4) significantly upgrading the quality of curricula and instruction by providing staff in participating schools with substantial opportunities for intensive and sustained professional development;

''(5) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with health and social service programs funded from other sources;

''(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;

''(7) distributing resources, in amounts sufficient to make a difference, to areas where needs are greatest;

''(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children are achieving high State standards of performance expected of all children; and

''(9) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 1002. Appropriations are authorized for the following programs and activities under this title:

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A of this title, other than section 1117(e) and sections 1118(b)(1), (b)(2), and (e), there are authorized to be appropriated $7,000,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 through 2004.

"(b) EVEN START.—For the purpose of carrying out part B of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(d) EDUCATION FOR NEGLECTED OR DELINQUENT YOUTH.—For the purpose of carrying out part D of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1117(e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

"(f) SCHOOL IMPROVEMENT.—For the purpose of carrying out the activities authorized in sections

1118(b)(1), (b)(2), and (e) of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

''(g) FEDERAL ACTIVITIES.—(1) For the purpose of carrying out section 1501 of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

''(2) For the purpose of carrying out section 1502 of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 2004.

''PART A—MAKING HIGH-POVERTY SCHOOLS WORK

''Subpart 1—Basic Program Requirements

''STATE PLANS

''SEC. 1111. (a) PLANS REQUIRED.—(1) Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, administrators, and parents, that—

''(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

''(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

''(2) A State plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

''(b) STANDARDS AND ASSESSMENT PROVISIONS.—(1)(A) Each State plan shall contain a description of the high-quality standards for all children that will be used by the State, its local educational agencies, and its schools to carry out this Act, which shall include—

''(i) challenging content standards in the core academic subjects that—

''(I) specify what all children are expected to know and be able to do; and

''(II) contain coherent and rigorous content; and

''(ii) challenging performance standards that—

''(I) are aligned with the State's content standards;

''(II) describe two levels of high performance—'proficient' and 'advanced'—that deter-

mine how well children are mastering the material in the content standards; and

''(III) include a third benchmark below proficient, if necessary, to provide complete information about the progress of the lower-performing children toward achieving to the high 'proficient' and 'advanced' performance standards.

''(B) If a State has not adopted challenging content and performance standards in all of its core academic subjects, the State plan shall include content and performance standards for elementary and secondary school children in those core subjects that it has adopted (which must include at least mathematics and reading/language arts), and the State shall add other content and performance standards as it adopts them under a schedule that it shall include in the State plan.

''(2)(A) Each State plan shall include a description, based on assessments described under paragraph (3), of what constitutes adequate yearly progress of—

''(i) any school served under this part toward enabling all children to meet the State's 'proficient' and 'advanced' performance standards; and

''(ii) any local educational agency that receives funds under this part toward enabling all children

within its jurisdiction to meet the State's 'proficient' and 'advanced' performance standards.

''(B) Adequate yearly progress shall be defined in a manner that results in continuous and substantial yearly improvement of each school and local educational agency toward the goal of all children meeting the State's challenging 'advanced' performance standards.

''(3) Each State plan shall include a description of the set of high-quality, yearly student assessments that will be used as the primary means of determining the yearly performance of each local educational agency and school served under this part in enabling all children to meet the State's performance standards. These assessments shall—

''(A) be aligned with the State's challenging content and performance standards and provide coherent information about student attainment;

''(B) be used for purposes for which they are valid and reliable and be consistent with relevant, nationally recognized, professional and technical standards of assessment;

''(C) be comprised of multiple, up-to-date measures of student performance;

''(D) include, except under the most extreme conditions, children with disabilities and limited English proficient children who, to the extent prac-

ticable, shall be assessed in the language that will afford them the greatest opportunity to demonstrate their proficiency;

''(E) provide individual student scores; and

''(F) provide for disaggregated results for educationally meaningful categories of children, when results for those categories would be reliable.

''(4) If a State has adopted challenging content and performance standards and an aligned set of assessments for all students under title III of the Goals 2000: Educate America Act, the State shall use those standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(ii), (2), and (3).

''(5)(A) If a State does not have challenging content and performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3), the State may propose to use, for an interim period of up to two years, an alternative statewide set of yearly assessments that the Secretary finds assesses the performance of complex skills and challenging subject matter.

''(B)(i) The Secretary, upon the request of a State and a showing of substantial progress toward meeting the requirements of paragraphs (1) and (3), may extend for

one year the use of the alternative assessments described in subparagraph (A).

''(ii) A State that is denied the one-year extension under clause (i) or is granted such an extension but, after one additional year, does not have challenging content and performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3) shall adopt a set of standards and aligned assessments that are satisfactory to the Secretary, such as those contained in other State plans the Secretary has approved.

''(C) For any year during which a State is using an interim assessment system, the State shall devise a means for identifying schools and local educational agencies in need of improvement under section 1118.

''(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall also describe—

''(1) the method the State educational agency will use to implement a system of school support teams under section 1114(c), including provision of necessary professional development for those teams;

''(2) the means by which the State educational agency will work with other agencies and institutions to provide technical assistance to local educational

agencies and schools to carry out their responsibilities under this part;

''(3) how the State educational agency will fulfill its district and school improvement responsibilities under section 1118, including the corrective actions it will take under section 1118(d)(6); and

''(4) how the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114.

''(d) PEER REVIEW AND SECRETARIAL APPROVAL.—The Secretary shall—

''(1) establish a peer review process to assist in the review and revision of State plans;

''(2) following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (b) and (c); and

''(3)(A) if the Secretary determines that the State plan does not meet the requirements of subsection (b) or (c), immediately notify the State of that determination and the reasons for it.

''(B) The Secretary may withhold funds until he or she determines that the plan meets the requirements.

"(e) DURATION OF THE PLAN.—(1) Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(2) If the State makes significant changes in its plan, such as the adoption of new content and performance standards, new assessments, or a new definition of adequate progress, the State shall submit this information to the Secretary for approval.

"LOCAL EDUCATIONAL AGENCY PLANS

"SEC. 1112. (a) PLANS REQUIRED.—(1) A local educational agency may receive a subgrant under this part for any fiscal year only if it has on file with the State educational agency a plan, approved by the State educational agency, that—

"(A) is integrated with the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; or

"(B) if the local educational agency does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing

such a plan, is integrated with its other plans under this Act and satisfies the requirements of this section.

''(2) A local educational agency plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to its plan under title III of the Goals 2000: Educate America Act.

'(b) STANDARDS AND ASSESSMENT PROVISIONS.—Each local educational agency plan shall include—

''(1) a description of its challenging content and performance standards, if any, in the core subjects, in addition to the content and performance standards adopted by the State under section 1111, that the local educational agency expects all children to meet; and

''(2) a description of additional high-quality student assessments, if any, other than those described in the State plan under section 1111, that the local educational agency and schools served under this part will use to determine—

''(A) the success of children in schools served under this part in meeting the State's performance standards; and

"(B) what revisions are needed to projects under this part so that such children will meet the State's performance standards.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—(1) To ensure high-quality instruction to enable participating children to meet the State's challenging performance standards expected of all students, each local educational agency plan shall describe a coherent strategy for intensive and sustained professional development for teachers, administrators, and other staff, including district-level staff, that—

"(A) takes into account the needs and activities across and within schools; and

"(B) draws on resources available under this part and from other sources.

"(2) Each local educational agency plan shall describe how the local educational agency will—

"(A) work in consultation with schools as the schools develop their plans pursuant to section 1114 or 1115 and assist schools as they implement those plans so that each school can make adequate yearly progress toward meeting the State's standards;

"(B) support and encourage schoolwide programs; and

''(C) fulfill its school improvement responsibilities under section 1118, including the corrective actions it will take under section 1118(c)(4).

''(3) To address the comprehensive needs of children, each local educational agency plan shall describe how the local educational agency will—

''(A) coordinate and integrate services provided under this part with other educational services, including—

''(i) Even Start, Head Start, and other preschool programs, and school-to-work transition programs; and

''(ii) services for children with limited English proficiency or with disabilities, migratory children served under part C of this title, neglected or delinquent children served under part D of this title, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;

''(B) coordinate and collaborate, to the extent feasible, with other agencies providing services to children, youth, and families, including, but not limited to, health and social services; and

''(C) establish a procedure to ensure that all children in participating elementary schools in which the percentage of children from low-income families is 50 percent or more receive, at a minimum, two health screenings during the elementary school years at appropriate intervals based on reasonable pediatric standards. Funds under this part may be used to provide such health screenings only if funds from other public or private sources, including, but not limited to, Medicaid; Early Periodic Screening, Diagnosis, and Treatment (EPSDT); private insurance; or other community health resources, are not reasonably available to pay for such screening.

''(4) The local educational agency plan shall also include a description of—

''(A) the poverty criteria that will be used to select school attendance areas under section 1113;

''(B) the multiple criteria that will be used by targeted assistance schools under section 1115 to identify children eligible for services under this part;

''(C) a general description of the nature of the programs to be conducted by its schools under sections 1114 and 1115 and services outside those schools for children living in local institutions for ne-

glected or delinquent children and for eligible homeless children; and

''(D) a description of how the local educational agency will provide services to eligible children attending private elementary and secondary schools in accordance with section 1117, and how timely and meaningful consultation with private school officials regarding such services will occur.

''(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall be—

''(1) developed in consultation with teachers and parents of children in schools served under this part; and

''(2) periodically reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

''(e) STATE APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the plan will enable schools served under this part to substantially help all children served meet the State's challenging performance standards expected of all children.

''(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility

of schools and the local educational agency in making decisions required under sections 1114 and 1115.

''ELIGIBLE SCHOOL ATTENDANCE AREAS

''SEC. 1113. (a) GENERAL.—(1)(A)(i) A local educational agency shall use funds received under this part only in school attendance areas with high concentrations of children from low-income families, hereafter in this section referred to as 'eligible school attendance areas'.

''(ii) For the purposes of this part—

''(I) 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

''(II) 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

''(B) If funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

''(i) annually rank, without regard to grade spans, its eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest ac-

cording to the percentage of children from low-income families; and

''(ii) serve such eligible school attendance areas in rank order.

''(C) If funds remain after serving all eligible school attendance areas under subparagraph (B), a local educational agency shall—

''(i) annually rank its remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

''(ii) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

''(2) The local educational agency shall use the same measure of low income, which it shall choose on the basis of the best available data and which may be a composite of several indicators, with respect to all school attendance areas in the local educational agency to—

''(A) identify eligible school attendance areas;

''(B) determine the ranking of each area; and

''(C) determine allocations under subsection (c).

''(3) This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

''(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1), a local educational agency may—

''(1) designate as eligible any school attendance area or school in which at least 50 percent of the children are from low-income families;

''(2) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency; and

''(3)(A) skip an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

''(i) the school meets the comparability requirements of section 1119(c);

''(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

''(iii) the funds expended from those other sources equal or exceed the amount that would be provided under this part.

''(B) Notwithstanding subparagraph (A), the number of children to receive services attending private elementary and secondary schools, and the assistance they receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is skipped under this paragraph.

''(c) ALLOCATIONS.—(1) A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (a) or (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

''(2)(A) Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 80 percent of the per-pupil amount of funds the local educational agency received for that year under sections 1123 and 1124.

''(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any

supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

''(3) A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

''(A) eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters, where appropriate; and

''(B) children living in local institutions for neglected or delinquent children.

''SCHOOLWIDE PROGRAMS

''SEC. 1114. (a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—(1) A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, to upgrade the entire educational program in an eligible school if, for the initial year of the schoolwide program, the school meets the following criteria:

''(A) For school year 1995–96—

''(i) the school serves an eligible school attendance area in which at least 65 percent of the children are from low-income families; or

''(ii) at least 65 percent of the children enrolled in the school are from such families.

''(B) For school year 1996–97 and thereafter, the percentage requirement in subparagraphs (A) (i) and (ii) shall be 50 percent.

''(2)(A) No schoolwide program school shall be required to identify particular children as eligible to participate or to provide supplemental services to them.

''(B) A schoolwide program school shall use such funds only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

''(3) A school may use funds received under any non-competitive, formula-grant program administered by the Secretary, except such a program under the Individuals With Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.

"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—(1) A schoolwide program shall include the following components:

"(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State's standards.

"(B) Schoolwide reform strategies that—

"(i) provide opportunities for all children to meet the State's 'proficient' and 'advanced' performance standards expected of all children;

"(ii) are based on research on effective means of improving the achievement of children;

"(iii) use effective instructional strategies that increase the amount and quality of learning time and help provide an enriched and accelerated curriculum rather than remedial drill and practice;

"(iv) address the needs of all children in the school, but particularly the needs of low-achieving children, children with limited English proficiency, children from migratory families, and children who are members of the target population of any program that is included in

the schoolwide program, and how the school will determine if those needs have been met; and

''(v) are consistent with, and are designed to implement, the State and local reform plans, if any, approved under title III of the Goals 2000: Educate America Act.

''(C) Instruction by highly qualified professional staff.

''(D) Intensive and sustained professional development for teachers, principals, and other staff to enable all children in the school to meet the State's performance standards.

''(E) Parental involvement in accordance with section 1116.

''(F) Additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

''(i) counseling and mentoring services;

''(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services; and

''(iii) services to prepare students for the transition from school to work.

''(2)(A) Any eligible school that desires to operate a schoolwide program shall first develop, in consultation with the local educational agency, a comprehensive plan for reforming the total instructional program in the school that—

''(i) incorporates the components described in paragraph (1);

''(ii) describes how the school will use resources under this part and from other sources to implement those components;

''(iii) includes a list of State and local educational agency programs and other Federal programs under paragraph (a)(3) that will be included in the schoolwide program; and

''(iv) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3).

''(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria in section 1111(b) (1) and (3) shall be based on an analysis of available data on the achievement of students in the school and a review of the school's instructional practices

in the context of available research on effective instructional and school improvement practices.

''(C) The comprehensive plan shall be—

''(i) developed over a one-year period, unless—

''(I) the local educational agency, based on the recommendation of the school support team under subsection (c), determines that less time is needed to develop and implement the schoolwide program; or

''(II) the school is operating a schoolwide program at the time this section takes effect, in which case it may continue to operate that program, but shall develop a new plan during the first year to reflect the provisions of this section;

''(ii) developed with the involvement of the community to be served and those individuals who will carry it out, including teachers, principals, other staff, parents, and, if the plan relates to a secondary school, students from the school;

''(iii) reviewed and revised, as necessary, by the school; and

''(iv) available to the local educational agency, parents, and the public. The information contained therein shall be translated, to the extent feasible,

into any language that a significant percentage of the parents of participating children in the school speak as their primary language.

''(c) SCHOOL SUPPORT TEAMS.—(1) Each State educational agency shall establish a system of school support teams to provide information and assistance to each schoolwide program to ensure that schoolwide programs provide the opportunity for all children to meet the State's challenging performance standards.

''(2) Each such team shall be composed of persons, including teachers, knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for low-achieving children.

''(3) A school support team shall work with each school as it develops its schoolwide program plan, review the merits of each plan, and make recommendations to the school and the local educational agency.

''(4) During the operation of the schoolwide program, a school support team shall—

''(A) periodically review the progress of the school in enabling children in the school to meet the State's performance standards;

''(B) identify problems in the design and operation of the instructional program; and

''(C) make suggestions for improvement to the school and the local educational agency.

''(5) Funds available for State administration and for local educational agencies under this part may be used to pay the costs of the school support teams.

''TARGETED ASSISTANCE SCHOOLS

''SEC. 1115. (a) GENERAL.—In all schools selected to participate under section 1113 that are ineligible for a schoolwide program, or that choose not to operate a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to eligible children identified as having the greatest need for special assistance.

''(b) ELIGIBLE CHILDREN—(1)(A) The eligible population for services under this part is—

''(i) those children up to age 21 who are entitled to a free public education through grade 12; and

''(ii) those children who are not yet at a grade level where the local educational agency provides a free public education, yet are of an age at which they can benefit from an organized instructional program provided in a school or other educational setting.

''(B) From the population described in subparagraph (A), eligible children are children identified by the school

as failing, or most at risk of failing, to meet the State's challenging performance standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade two shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

''(2)(A)(i) Children receiving services to overcome a disability or limited English proficiency are eligible for services under this part on the same basis as other children selected to receive services under this part.

''(ii) Funds received under this part may not be used to provide services that are otherwise required by law to be made available to such children.

''(B) A child who, at any time in the previous two years, received services under the program for neglected and delinquent children under part D of this title (or its predecessor authority) is eligible for services under this part.

''(C) A local educational agency shall use funds received under this part to serve eligible homeless children who attend any school in the local educational agency.

''(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—(1) To assist targeted assistance

schools and local educational agencies to meet their responsibility to provide for all their students the opportunity to meet the State's challenging performance standards, each targeted assistance program under this section shall—

''(A) use its resources under this part to help participating children meet the challenging performance standards expected for all children;

''(B) be based on research on effective means for improving achievement of children;

''(C) use effective instructional strategies that—

''(i) give primary consideration to providing extended learning time;

''(ii) involve an accelerated, high-quality curriculum, rather than remedial drill and practice; and

''(iii) minimize removing children from the regular classroom for instruction provided under this part;

''(D) be coordinated with and support the regular program in providing an enriched and accelerated curriculum for eligible children;

''(E) provide instruction by highly qualified professional staff;

''(F) provide opportunities for intensive and sustained professional development with resources under this part and from other sources for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education program;

''(G) provide opportunities for parental involvement in accordance with section 1116; and

''(H) include, additionally, in schools serving children beyond grade six, in coordination with funds available from other programs and, as appropriate, drawing on private and public organizations—

''(i) counseling and mentoring;

''(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services; and

''(iii) services to prepare students for the transition from school to work.

''(2)(A) Each school conducting a program under this section shall develop, in consultation with the local educational agency, a plan to assist participating children to meet the State's 'proficient' and 'advanced' performance standards that describes—

''(i) the selection of children to participate in accordance with subsection (b);

''(ii) the program to be conducted that incorporates the components described in paragraph (1) and how the resources provided under this part will be coordinated with other resources to enable the children served to meet the State's standards;

''(iii) how the school will review, on an ongoing basis, the progress of participating children and revise the program, if necessary, to provide additional assistance to enable such children to meet the State's challenging performance standards;

''(iv) how the school will provide individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3); and

''(v) if the school is eligible to operate a schoolwide program under section 1114, why it did not choose to do so.

''(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria of section 1111(b)(1) and (3) shall be based on an analysis of available data on the achievement of participating children and a review of the school's instructional practices

in the context of available research on effective instructional practices.

''(C) Each plan shall be—

''(i) developed with the involvement of the community to be served and those individuals who will carry it out, including teachers, administrators, other staff, parents, and, if the plan relates to a secondary school, students from the school;

''(ii) available to the local educational agency, parents, and the public, and the information contained therein shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language; and

''(iii) reviewed and revised, as necessary, by the school.

''(d) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff supported with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

''(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not ben-

efit participating children so long as the amount of time spent on these duties is the same proportion of total work time as prevails with respect to similar personnel at the same school;

''(2) participate in general professional development and school planning activities; and

''(3) collaboratively teach with regular classroom teachers, so long as their efforts directly benefit participating children.

''PARENTAL INVOLVEMENT

''SEC. 1116. (a) LOCAL EDUCATIONAL AGENCY POLICY.—(1) Each local educational agency that receives funds under this part shall develop jointly with, and make available to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—

''(A) involve parents in the development of the plan described under section 1112, and the process of school review and improvement described under section 1118;

''(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;

''(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);

''(D) coordinate and integrate parent involvement strategies in this part with those under other programs; and

''(E) ensure that participating schools review their parent involvement activities on an ongoing basis and use the findings of the reviews in designing strategies for school improvement.

''(2) If the local educational agency has a district-level parental involvement policy that applies to all parents, it may amend that policy, if necessary, to meet the requirements of this subsection.

''(b) SCHOOL PARENTAL INVOLVEMENT PLAN.—(1) Each school served under this part shall jointly develop with, and make available to, parents of participating children a written parent involvement plan that shall be incorporated into the school plan developed under section 1114 or 1115 and shall describe the means for carrying out the requirements of subsections (c) through (f).

''(2) If the school has a parental involvement policy that applies to all parents, it may amend that policy, if necessary, to meet the requirements of this subsection.

"(c) POLICY INVOLVEMENT.—Each school served under this part shall—

"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;

"(2) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the development of the school plan under section 1114 or 1115. If a school has in place a process for involving parents in the planning and design of its programs, the school may use that process, provided that it includes an adequate representation of parents of participating children; and

"(3) provide parents of participating children—

"(A) timely information about programs under this part;

"(B) school performance profiles required under section 1118(a)(2);

"(C) opportunities for regular meetings to formulate suggestions, if such parents so desire; and

"(D) timely responses to their recommendations.

"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement plan developed under subsection (b), each school served under this part shall jointly develop with parents for all children a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enable the children to meet the State's challenging performance standards, and the ways in which each parent will be responsible for supporting his or her children's learning, including monitoring attendance, homework completion, television watching, and positive use of extracurricular time; and

"(2) address the importance of communication between teachers and parents on an ongoing basis through at least—

''(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as it relates to the individual child's achievement;

''(B) frequent reports to parents on their children's progress; and

''(C) reasonable access to staff and observation of classroom activities.

''(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency shall—

''(1) provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content and performance standards, State and local assessments, the requirements of this part, and how to monitor their children's progress and work with educators to improve the performance of their children;

''(2) provide materials and training, including necessary literacy training that is not otherwise available from other sources to help parents work with their children to improve their children's achievement;

''(3) educate teachers, principals and other staff in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school; and

''(4) develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for them to work with parents and schools.

''(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools shall, to the extent practicable, provide full opportunities for participation to parents with limited English proficiency or with disabilities, including providing information in a language and form they understand.

''PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

''SEC. 1117. (a) GENERAL REQUIREMENT.—(1) To the extent consistent with the number of eligible children identified according to section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate pri-

vate school officials, provide such children, on an equitable basis, special educational services or other benefits under this part.

''(2) The educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.

''(3) Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.

''(4) Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

''(5) The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

''(b) CONSULTATION.—(1) To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of the agency's programs under this part, on issues such as—

''(A) how the children's needs will be identified;

''(B) what services will be offered;

''(C) how and where the services will be provided; and

''(D) how the services will be assessed.

''(2) Consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.

''(3) Consultation shall include a discussion of the full range of service delivery mechanisms a local educational agency could use to provide equitable services to eligible private school children including, but not limited to, instruction provided at public school sites, at neutral sites, and in mobile vans, computer-assisted instruction, extended-day services, home tutoring, and instruction provided with take-home computers.

''(c) PUBLIC CONTROL OF FUNDS.—(1) The control of funds provided under this part, and title to materials, equipment, and property purchased with those funds, shall be in a public agency, and a public agency shall administer such funds and property.

''(2)(A) The provision of services under this section shall be provided—

''(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

"(1) waive the requirements of this section for such local educational agency; and

"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 9505 and 9506 of this Act.

"(e) CAPITAL EXPENSES.—(1)(A) From the amount appropriated for this subsection under section 1002(e) for any fiscal year, each State is eligible to receive an amount

that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.

''(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.

''(2)(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.

''(B) State educational agencies shall distribute such funds to local educational agencies based on the degree of need set forth in their respective applications.

''(3) Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.

''(4) For the purpose of this subsection, the term 'capital expenses' is limited to—

''(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renova-

tion of real and personal property, including, but not limited to, mobile educational units and leasing of neutral sites or spaces;

''(B) insurance and maintenance costs;

''(C) transportation; and

''(D) other comparable goods and services.

''ASSESSMENT AND SCHOOL AND DISTRICT IMPROVEMENT

''SEC. 1118. (a) LOCAL REVIEW.—Each local educational agency receiving funds under this part shall—

''(1) use the State assessments described in the State plan and any additional measures described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet, the State's performance standards;

''(2) publicize and disseminate to teachers, parents, students, and the community the results of the annual review under paragraph (1) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(F); and

''(3) provide the results of the local annual review to schools so that they can continually refine the program of instruction to help all children in

those schools meet the State's high performance standards.

''(b) DISTINGUISHED SCHOOLS.—(1) Each State shall designate as a Distinguished School—

''(A) any school served under this part that, for three consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(i); and

''(B) any school in which virtually all students have met the State's 'advanced' performance standards.

''(2)(A) A State shall use funds available under section 1002(f) to recognize Distinguished Schools, including making monetary awards.

''(B) Funds awarded to a Distinguished School may be used by the school to further its educational program under this part, provide additional incentives for continued success, and reward individuals or groups in the school for past performance.

''(3) A local educational agency may also recognize the success of a Distinguished School by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or in-

crease success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.

''(4) Schools designated as Distinguished Schools under paragraph (1) may serve as models and provide additional assistance to other schools served under this part that are not making adequate progress.

''(c) SCHOOL IMPROVEMENT.—(1) A local educational agency shall identify for school improvement any school served under this part that—

''(A) has been in program improvement under section 1020 of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, as in effect before the effective date of the Improving America's Schools Act of 1993, for at least two consecutive school years prior to that date;

''(B) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) for two consecutive school years and if it does not have virtually all students meeting the State's 'advanced' performance standards; or

''(C) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

''(2)(A) Each school identified under paragraph (1) shall—

''(i) in consultation with parents, the local educational agency, and, for schoolwide programs, the school support team, revise its school plan under section 1114 or 1115 in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's performance standards; and

''(ii) submit the revised plan to the local educational agency for approval.

''(B) During the first year immediately following identification under paragraph (1), the school shall implement its revised plan.

''(3) For each school identified under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its revised plan.

''(4)(A) The local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.

''(B) Corrective actions are those listed in the local educational agency plan, which may include, but are not limited to, decreasing decisionmaking authority at the school level; making alternative governance arrangements such as the creation of a charter school; reconstituting the school staff; withholding funds; and authorizing students to transfer, including paying transportation costs, to other schools in the local educational agency.

''(5) The State educational agency shall—

''(A) make assistance from Distinguished Educators under subsection (e) available to the schools farthest from meeting the State's standards, if requested by the school or local educational agency; and

''(B) if it determines that a local educational agency failed to carry out its responsibility under paragraphs (3) and (4), take such corrective actions that it deems appropriate.

''(6) Schools that for at least two of the three years following identification under paragraph (1) make adequate progress toward meeting the State's 'proficient' and 'advanced' performance standards no longer need to be identified for school improvement.

"(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—(1) A State educational agency shall—

"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether it is making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; and

"(B) publicize and disseminate to teachers, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(F).

"(2) In the case of a local educational agency that for three consecutive years has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in subsection (b)(3).

"(3) A State educational agency shall identify for improvement any local educational agency that—

"(A) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's performance standards; or

''(B) has failed to meet the criteria established by the State through its interim procedure under section 1111(b)(5)(C) for two consecutive years.

''(4) Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its district-level plan under section 1112 in ways that have the greatest likelihood of improving the performance of its schools in meeting the State's performance standards.

''(5) For each local educational agency identified under paragraph (3), the State educational agency shall—

''(A) provide technical assistance to better enable the local educational agency to develop and implement its revised plan and work with schools needing improvement; and

''(B) make available to the districts farthest from meeting the State's standards, if requested, assistance from Distinguished Educators under subsection (e).

''(6)(A) The State educational agency may take corrective action at any time against a local educational agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.

"(B) Corrective actions are those listed in the local educational agency plan, which may include, but are not limited to, reconstitution of district personnel; appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board; removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for governing and supervising such schools; the abolition or restructuring of the local educational agency; authorizing students to transfer from one local educational agency to another, including paying the cost of transportation; and the withholding of funds.

"(7) Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for district improvement.

"(e) DISTINGUISHED EDUCATORS.—(1) In order to provide assistance to schools and local educational agencies identified as needing improvement under subsection (c) or (d), each State, using funds available under section 1002(f), shall establish a corps of Distinguished Educators.

"(2) When possible, these Distinguished Educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's performance standards, such as those schools described in subsection (b).

"(3) Distinguished Educators shall provide, upon request, intensive and sustained assistance to the schools and districts farthest from meeting the State's standards as they revise and implement their plans.

"(4) If the State has devised an alternative approach to providing such intensive and sustained assistance to schools and districts farthest from meeting the State's standards, this approach shall meet the requirements of this subsection subject to the approval of the Secretary as part of the State plan.

"(f) STATE ALLOCATIONS FOR SCHOOL IMPROVEMENT.—From the amount appropriated under section 1002(f) for any fiscal year, each State shall be eligible to receive an amount that bears the same ratio to the amount appropriated as the amount allocated to the State under sections 1123 and 1124 bears to the total amount allocated to all States under those sections, except that each State shall receive at least $180,000, or $30,000 in the case of Guam, American Samoa, the Virgin Islands, the

Northern Marianas, and Palau (until the Compact of Free Association goes into effect).

''FISCAL REQUIREMENTS

''SEC. 1119. (a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the local educational agency has maintained its fiscal effort in accordance with section 9501 of this Act.

''(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—(1)(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

''(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.

''(2) No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate its compliance with paragraph (1).

''(c) COMPARABILITY OF SERVICES.—(1)(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.

''(B) If the local educational agency is serving all of its schools under this part, such agency may receive funds under this part only if it will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.

''(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.

''(2)(A) To meet the requirements of paragraph (1), a local educational agency shall demonstrate that—

''(i) expenditures per pupil from State and local funds in each school served under this part are equal to or greater than the average expenditures per pupil in schools not receiving services under this part; or

''(ii) instructional salaries per pupil from State and local funds in each school served under this part are equal to or greater than the average instruc-

tional salaries per pupil in schools not receiving services.

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

''(3) Each local educational agency shall—

''(A) develop procedures for compliance with this subsection; and

''(B) maintain records that are updated biennially documenting its compliance.

''(4) This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

''(5) For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

''(A) bilingual education for children of limited English proficiency; and

''(B) excess costs of providing services to children with disabilities.

"Subpart 2—Allocations

"GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR

"SEC. 1121. (a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of up to 0.8 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (b).

"(b) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—(1) The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary of Education determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"ALLOCATIONS TO STATES

"SEC. 1122. (a) GENERAL.—After reserving funds under section 1121(a), the Secretary shall allocate the remaining funds appropriated under section 1002(a) to States as follows:

"(1) 50 percent of such funds shall be allocated for basic grants in accordance with section 1123.

''(2) 50 percent of such funds shall be allocated for concentration grants in accordance with section 1124.

''(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—(1) If the sums available under subsection (a) for any fiscal year are insufficient to pay the full amounts that all counties in States are eligible to receive under sections 1123 and 1124 for such year, the Secretary shall ratably reduce the allocations to such counties, subject to subsections (c) and (d) of this section.

''(2) If additional funds become available for making payments under sections 1123 and 1124 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

''(c) HOLD-HARMLESS AMOUNTS.—Notwithstanding subsection (b), the total amount made available to each county under sections 1123 and 1124 for any fiscal year shall be at least 85 percent of the total amount such county was allocated under such sections (or, for fiscal year 1995, their predecessor authorities) for the preceding fiscal year.

''(d) STATE MINIMUM.—Notwithstanding any other provision of this part, from the total amount available for any fiscal year to carry out sections 1123 and 1124, each State shall be allotted at least the lesser of—

"(1) one quarter of one percent of such amount; or

"(2) the amount it was allotted under such sections (or, for fiscal year 1995, under their predecessor authorities) for the previous year increased or decreased, as the case may be, by the same percentage by which such total amount appropriated for those sections increased or decreased from the previous year.

"(e) DEFINITION—For the purpose of this section and sections 1123 through 1125, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"BASIC GRANTS

"SEC. 1123. (a) ELIGIBILITY OF COUNTIES.—A county in a State is eligible for a basic grant under this section for any fiscal year only if the number of children in the county counted under subsection (c)(1)(A) is at least—

"(1) 100; or

"(2) 18 percent of the total number of children aged five through 17 in the county.

"(b) GRANTS FOR COUNTIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a county in a State or that the District of Co-

lumbia is eligible to receive under this section for any fiscal year shall be the product of—

''(A) the number of children counted under subsection (c); and

''(B) 40 percent of the average per-pupil expenditure in the State, except that such percentage shall not be less than 32 percent nor more than 48 percent of the average per-pupil expenditure in the United States.

''(2) For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

''(A) the number of children counted under subsection (c) for Puerto Rico, multiplied by the product of—

''(B)(i) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

''(ii) 32 percent of the average per-pupil expenditure in the United States.

''(c) CHILDREN TO BE COUNTED.—

''(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section shall be—

''(A) the total number of children aged five through 17 in a county—

''(i) from families below the poverty level, as determined under paragraph (2)(A);

''(ii) from families above the poverty level, as determined under paragraph (2)(B) and (C); and

''(iii) living in institutions for neglected or delinquent children (other than institutions operated by the United States and those with children counted under part D of this title) or being supported in foster homes with public funds, as determined under paragraph (2)(C); less

''(B) two percent of the total number of children aged five through 17 in the county.

''(2) DETERMINATION OF NUMBER OF CHILDREN.—(A)(i) The Secretary shall determine the number of children described in paragraph (1)(A)(i) on the basis of the most recent satisfactory data available from the Department of Commerce for counties, the District of Columbia, and Puerto Rico.

''(ii) In making such determinations, the Secretary shall use the criteria of poverty used by the

Bureau of the Census in compiling the most recent decennial census.

''(B)(i) The Secretary shall determine the number of children described in paragraph (1)(A)(ii) on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act.

''(ii) In making such determinations, the Secretary shall use the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, for a family of four, in such form as those criteria have been updated to reflect increases in the Consumer Price Index.

''(C) The Secretary shall determine the number of children described in paragraph (1)(A) (ii) and (iii) on the basis of—

''(i) caseload data for the month of October of the preceding fiscal year, using, in the case of children described in paragraph (1)(A)(ii), the criteria of poverty and the form of such criteria that were determined for the

calendar year preceding such month of October; or

''(ii) to the extent that such data are not available to the Secretary by January 1 of the calendar year in which the Secretary's determination is made, on the basis of the most recent reliable data available to the Secretary at the time of such determination.

''(D) For purposes of this subsection, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

''(E) The Secretary of Health and Human Services shall collect and transmit information on the number of children described in paragraph (1)(A)(ii) and the number of foster children described in paragraph (1)(A)(iii) to the Secretary by January 1 of each year.

''(d) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—(1) From funds remaining after the State educational agency reserves any funds under section 1601(c), and except as provided in section 1125(d), a State educational agency shall allocate each county amount determined under subsection (b) among all local educational agencies

in the county or counties in which the agencies are located on the basis of—

''(A) the total number of children aged five through 17 in the local educational agency—

''(i) in local institutions for neglected or delinquent children; and

''(ii) from low-income families, as determined under paragraph (2); less

''(B) two percent of the total number of children aged five through 17 in the local educational agency.

''(2) The State educational agency shall determine the number of children from low-income families in local educational agencies—

''(A) based on the best data available on a Statewide basis; and

''(B) using the same measure of low income throughout the State.

''(3) The State educational agency shall distribute funds under this section to each local educational agency in proportion to the number of children counted under paragraph (1) in the local educational agency compared to the number of such children in all local educational agencies in the county.

"CONCENTRATION GRANTS

"SEC. 1124. (a) ELIGIBILITY OF COUNTIES.—Except as otherwise provided in this section, a county in a State is eligible for a grant under this section if—

"(1) the number of children counted under section 1123(c)(1)(A) in the county is more than 6,500; or

"(2) the percentage of children counted under such section is greater than 18 percent of the total number of children aged five through 17 in the county.

"(b) GRANTS FOR COUNTIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—(1) The amount of the grant that a county in a State or that the District of Columbia or Puerto Rico is eligible to receive under this section for any fiscal year is the product of—

"(A) the number of children counted under section 1123(c)(1)(A), minus two percent of the total number of children aged five through 17 in the county; and

"(B) the per-pupil amount determined under section 1123(b) for the fiscal year for which the determination is being made for that county.

"(c) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—(1)(A) From funds remaining after the State educational

agency reserves any funds under section 1601(c), and except as otherwise provided in this subsection and in section 1125(d), funds allocated to counties under this section shall be allocated by the State educational agency only to those local educational agencies whose school districts lie, in whole or in part, within the county and that are determined by the State educational agency to meet either of the eligibility criteria in subsection (a).

''(B) Such determinations shall be made on the basis of the same poverty data used by the State educational agency under section 1123(d). If the State educational agency does not use census poverty data to determine eligibility, it must equate the poverty measure it uses to the latest available census data in order that eligibility is not affected by differences in sources of poverty data.

''(C) The State educational agency shall distribute funds under this section to each local educational agency that is eligible to receive those funds in proportion to the number of children counted under section 1123(d) in each local educational agency compared to the number of such children in all local educational agencies that are eligible for concentration grants in the county.

''(2)(A) In counties where no local educational agency meets either of the criteria in subsection (a), the State educational agency shall allocate such funds among the

local educational agencies within such counties, in whole or in part, based on their respective concentrations and numbers of children counted under section 1123(d).

''(B) Only local educational agencies with concentrations of poverty that exceed the countywide average percentage of children counted under section 1123(d) or the countywide average number of such children may receive any funds on the basis of this paragraph.

''(3) In States that receive the minimum grant under section 1122(d), the State educational agency shall allocate such funds among the local educational agencies in such State either—

''(A) in accordance with paragraphs (1) and (2) of this subsection and section 1125(d); or

''(B) without regard to the counties in which such local educational agencies are located, based on their respective concentrations and numbers of children counted under section 1123(d), except that only those local educational agencies with concentrations of children counted under section 1123(d) that exceed the Statewide average percentage of such children or the Statewide average number of such children shall receive any funds on the basis of this subparagraph.

"(4) A State educational agency may reserve not more than ten percent of its allocation under this section to make direct payments to local educational agencies that meet either of the criteria in subsection (a), but are in ineligible counties.

"SPECIAL ALLOCATION PROCEDURES

"SEC.1125. (a) HOLD-HARMLESS AMOUNTS.—The total amount made available to each local educational agency under sections 1123 and 1124 for any fiscal year shall be at least 85 percent of the total amount such agency received under such sections (or, for fiscal year 1995, under their predecessor authorities) for the preceding fiscal year.

"(b) ALLOCATIONS FOR NEGLECTED OR DELINQUENT CHILDREN.—(1) If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in section 1123(c)(1)(A)(ii), the State educational agency shall, if it assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1123 and 1124 that is attributable to such children.

"(2) If the State educational agency does not assume such responsibility, any other State or local public agency

that does assume such responsibility shall receive that portion of the local educational agency's allocation.

''(c) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1123 and 1124 between and among the affected local educational agencies when—

''(1) two or more local educational agencies serve, in whole or in part, the same geographical area; or

''(2) a local educational agency provides free public education for children who reside in the school district of another local educational agency.

''(d) ALLOCATIONS WITHOUT REGARD TO COUNTIES.—A State educational agency may allocate funds under sections 1123 and 1124 directly to eligible local educational agencies without regard to counties if the State educational agency can demonstrate to the Secretary's satisfaction that doing so will result in a reasonable allocation of those funds.

''(e) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1123 and 1124 is more than such local agency will use, the State educational agency shall make the excess amount available to other

local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

''CARRYOVER AND WAIVER

''SEC. 1126. (a) LIMITATION ON CARRYOVER.—Notwithstanding section 412 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

''(b) WAIVER.—A State educational agency may, once every three years, waive the percentage limitation in subsection (a) if—

''(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

''(2) supplemental appropriations for this subpart become available.

''(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.

"PART B—EVEN START FAMILY LITERACY PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 1201. It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start', that is implemented through cooperative projects that build on existing community resources to create a new range of services, that promotes achievement of the National Education Goals, and that assists children and adults from low-income families to achieve to challenging State standards.

"PROGRAM AUTHORIZED

"SEC. 1202. (a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—In each fiscal year, the Secretary shall reserve not more than 5 percent of the amount appropriated under section 1002(b) of this title for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

"(1) children of migratory workers;

"(2) the outlying areas; and

"(3) Indian tribes and tribal organizations.

"(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than three percent of such amounts or the amount reserved for such purposes in the fiscal year 1994, whichever is greater, for purposes of—

"(1) carrying out the evaluation required by section 1209; and

"(2) providing, through grants or contracts, technical assistance, program improvement, and replication activities.

"(c) STATE ALLOCATION.—(1) After reserving funds under subsections (a) and (b), the Secretary shall allocate the remaining funds appropriated for this part to States, to be used in accordance with section 1203.

"(2) Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated to that State under section 1122 of this title bears to the total amount allocated under that section to all the States.

"(3) No State shall receive less than $250,000 under paragraph (1) for any fiscal year.

"(d) DEFINITIONS.—For the purpose of this part—

''(1) the term 'eligible entity' means a partnership composed of both—

''(A) a local educational agency; and

''(B) a nonprofit community-based organization, public agency, institution of higher education, or other public or private nonprofit organization of demonstrated quality;

''(2) the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act; and

''(3) the term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''STATE PROGRAMS

''SEC. 1203. (a) STATE-LEVEL ACTIVITIES.—Each State that receives a grant under section 1202(c)(1) may use not more than 5 percent of assistance provided under the grant for the costs of—

''(1) administration; and

''(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication to eligible entities that receive subgrants under subsection (b).

''(b) SUBGRANTS FOR LOCAL PROGRAMS.—(1) Each State shall use the remainder of its grant to make

subgrants to eligible entities to carry out Even Start programs.

''(2) No State shall award a subgrant under paragraph (1) for an amount less than $75,000.

''USES OF FUNDS

''SEC. 1204. (a) IN GENERAL.—In carrying out an Even Start program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

''(b) FEDERAL SHARE LIMITATION.—(1)(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

''(i) 90 percent of the total cost of the program in the first year that that program receives assistance under this part or its predecessor authority;

''(ii) 80 percent in the second such year;

''(iii) 70 percent in the third such year;

''(iv) 60 percent in the fourth such year; and

''(v) 50 percent in any subsequent such year.

''(B) The remaining cost of a program under this part may be provided in cash or in kind, fairly evaluated,

and may be obtained from any source other than funds received under this title.

''(2) The State educational agency may waive, in whole or in part, the cost-sharing requirement of paragraph (1) if an eligible entity—

''(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

''(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver would be applicable.

''(3) Federal funds under this part may not be used for the indirect costs of an Even Start program, except that the Secretary may waive this limitation if a recipient of funds reserved under section 1202(a)(3) demonstrates to the Secretary's satisfaction that it otherwise would not be able to participate in the program under this part.

''PROGRAM ELEMENTS

''SEC. 1205. Each Even Start program assisted under this part shall—

''(1) include the identification and recruitment of those families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English lan-

guage proficiency of the eligible parent or parents, and other need-related indicators;

''(2) include screening and preparation of parents and children to enable them to participate fully in the activities and services provided under this part, including testing, referral to necessary counselling, other developmental and support services, and related services;

''(3) be designed to accommodate the participants' work and other responsibilities, including the provision of support services, when unavailable from other sources, necessary for their participation, such as—

''(A) scheduling and location of services to allow joint participation by parents and children;

''(B) child care for the period that parents are involved in the program provided under this part; and

''(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

''(4) include high-quality instructional programs that promote adult literacy, training of parents to support the educational growth of their children, de-

velopmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

''(5) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

''(6) provide and monitor integrated instructional services to participating parents and children through home-based programs;

''(7) operate on a year-round basis, including the provision of some program services, either instructional or enrichment, or both, during the summer months;

''(8) be coordinated with—

''(A) programs assisted under other parts of this title and this Act;

''(B) any relevant programs under the Adult Education Act, the Individuals With Disabilities Education Act, and the Job Training Partnership Act; and

''(C) the Head Start program, volunteer literacy programs, and other relevant programs; and

''(9) provide for an independent evaluation of the program.

''ELIGIBLE PARTICIPANTS

''SEC. 1206. (a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

''(1) a parent or parents—

''(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or

''(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

''(2) the child or children, from birth through age seven, of any individual described in paragraph (1).

''(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—(1) Family members other than those described in subsection (a) may participate in program activities and services, when deemed by the program to serve the purpose of this part.

''(2) Any family participating in a program under this part that becomes ineligible for such participation as a result of one or more members of the family becoming

ineligible for such participation may continue to participate in the program until all members of the family become ineligible for participation, which—

"(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

"(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

"APPLICATIONS

"SEC. 1207. (a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

"(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

"(1) to develop, administer, and implement an Even Start program under this part; and

"(2) to provide the special training necessary to prepare staff for the program.

"(c) PLAN.—Such application shall also include a plan of operation for the program that is consistent with, and promotes the goals of, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act; and includes—

"(1) a description of the program goals;

"(2) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1205;

"(3) a description of the population to be served and an estimate of the number of participants;

"(4) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other appropriate nonprofit organizations in carrying out the program for which assistance is sought; and

"(5) a statement of the methods that will be used—

"(A) to ensure that the programs will serve those families most in need of the activities and services provided by this part;

"(B) to provide services under this part to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

"(C) to encourage participants to remain in the program for a time sufficient to meet the program's purpose.

"AWARD OF SUBGRANTS

"SEC. 1208. (a) SELECTION PROCESS.—(1) The State educational agency shall establish a review panel that will approve applications that—

"(A) are most likely to be successful in meeting the purpose of this part, and in effectively implementing the program elements required under section 1205;

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators, including a high percentage of children to be served by the program who

reside in a school attendance area designated for participation in programs under part A of this title;

''(C) provide services for at least a three-year age range;

''(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

''(E) include cost-effective budgets, given the scope of the application;

''(F) demonstrate the applicant's ability to provide the additional funding required by section 1204(b);

''(G) are representative of urban and rural regions of the State; and

''(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

''(2) The State educational agency shall give priority for subgrants under this subsection to proposals that either—

''(A) target services primarily to families whose children reside in attendance areas of schools eligible for schoolwide programs under part A of this title; or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(b) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one of the following individuals:

"(1) A representative of a parent-child education organization.

"(2) A representative of a community-based literacy organization.

"(3) A member of a local board of education.

"(4) A representative of business and industry with a commitment to education.

"(5) An individual who has been involved in the implementation of programs under this title in the State.

"(c) DURATION.—(1) Subgrants may be awarded for a period not to exceed four years.

"(2) The State educational agency may provide a subgrantee, at the subgrantee's request, a 3- to 6-month start-up period during the first year of the four-year period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

''(3)(A) In reviewing any application for a subgrant to continue a program for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the start-up period, if any.

''(B) The State educational agency may refuse to award a subgrant if such agency finds that sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for a hearing.

''(4)(A) An eligible entity that has previously received a subgrant under this part may reapply under the terms of this part for a second project period.

''(B) During the second project period, the Federal share of the subgrant shall not exceed 50 percent in any year.

''EVALUATION

''SEC. 1209. From funds reserved under section 1202(b)(1), the Secretary shall provide for an independent evaluation of programs under this part—

''(1) to determine the performance and effectiveness of programs; and

''(2) to identify effective Even Start projects that can be replicated and used in providing technical assistance to national, State, and local programs.

''PART C—EDUCATION OF MIGRATORY CHILDREN

''PROGRAM PURPOSE

''SEC. 1301. It is the purpose of this part to assist States to—

''(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

''(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

''(3) ensure that migratory children have the opportunity to achieve to meet the same challenging State performance standards that all children are expected to meet;

''(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare these children to make a successful transition to postsecondary education or employment; and

''(5) ensure that migratory children benefit from State and local systemic reforms.

"PROGRAM AUTHORIZED

"SEC. 1302. In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

"STATE ALLOCATIONS

"SEC. 1303. (a) STATE ALLOCATIONS.—Each State (other than the Commonwealth of Puerto Rico) is eligible to receive under this part, for each fiscal year, an amount equal to—

"(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(b) ALLOCATION TO PUERTO RICO.—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—

"(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS; REALLOCATIONS.—(1)(A) If, after the Secretary reserves funds under section 1308(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

"(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary finds would best carry out the purpose of this part.

"(2)(A) The Secretary shall further reduce the amount of any grant to a State under this part for any

fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address those needs, that such amount is not needed by the State.

''(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

''(d) CONSORTIUM ARRANGEMENTS.—(1) In the case of any State that receives a grant of $500,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

''(2) Any State, irrespective of the amount of its allocation, may propose a consortium arrangement.

''(3) The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

''(A) reduce administrative costs or program function costs for State programs; and

''(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

''(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

''(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children; and

''(2) adjust the full-time equivalent number of migratory children who reside in each State to take account of—

''(A) the special needs of those children participating in special programs provided under this part that operate during the summer or other intersession periods; and

''(B) the additional costs of operating such programs.

''STATE APPLICATIONS; SERVICES

''SEC. 1304. (a) APPLICATION REQUIRED.—Any State wishing to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(b) PROGRAM INFORMATION.—Each such application shall include—

''(1) a description of how, in planning, implementing, and evaluating programs and projects under this part, the State and its operating agencies will ensure that the special educational needs of migratory children are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306;

''(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State performance standards that all children are expected to meet;

''(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, it will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not during the regular school year;

''(4) a description of the State's priorities for the use of funds received under this part, and how they relate to the State's assessment of needs for services in the State;

''(5) a description of how the State will determine the amount of any subgrants it will award to local operating agencies and the amount of funds that these agencies will provide to individual schools, taking into account the requirements of paragraph (1); and

''(6) such budgetary and other information as the Secretary may require.

''(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

''(1) funds received under this part will be used only—

''(A) for programs and projects, including the acquisition of equipment, in accordance with section 1306(b)(1); and

''(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

''(2) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b) and (d), 1117, and 1119(b) and (c), and part F of this title;

''(3) in the planning and operation of programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs lasting a school year, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1116 of this title;

''(4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

''(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A of this title; and

''(6) the State will assist the Secretary in determining the number of migratory children under section 1303(e), through such procedures as the Secretary may require.

"(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of those funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging performance standards, and whose education has been interrupted during the regular school year.

"(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

"(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term; and

"(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs.

"SECRETARIAL APPROVAL; PEER REVIEW

"SEC. 1305. (a) SECRETARIAL APPROVAL.—The Secretary shall approve each State application that meets the requirements of this part.

"(b) PEER REVIEW.—The Secretary may review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

"COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES

"SEC. 1306. (a) COMPREHENSIVE PLAN.—Each State that receives a grant under this part shall ensure

that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

''(1)(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this subsection that are not already addressed by that State plan; or

''(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this subsection;

''(2) provides that migratory children will have an opportunity to meet the same challenging State performance standards, set out in those plans, that all children are expected to meet;

''(3) specifies measurable program goals and outcomes;

''(4) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

''(5) is the product of joint planning among such local, State, and Federal programs, including

those under part A of this title, early childhood programs, and bilingual education programs under title VII of this Act;

''(6) provides for the integration of services available under this part with services provided by such other programs; and

''(7) to the extent feasible, provides for—

''(A) advocacy and outreach activities for migratory children and their families, including informing them of, or helping them gain access to, other education, health, nutrition, and social services;

''(B) professional development programs, including mentoring, for teachers and other program personnel;

''(C) family literacy programs, including those that use models developed under the Even Start program;

''(D) the integration of information technology into educational and related programs; and

''(E) programs to facilitate the transition of high school students to postsecondary education or employment.

"(b) AUTHORIZED ACTIVITIES.—(1) In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, provided that—

"(A) before funds provided under this part are used to provide services described in subparagraph (B), those funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including part A of this title; and

"(B) all migratory children who are eligible to receive services under part A of this title shall receive such services with funds provided under this part or under part A of this title.

"(2) This subsection shall not apply to funds under this part that are used for schoolwide programs under section 1114 of this title.

"BYPASS

"SEC. 1307. The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or nonprofit agency to carry out

the purpose of this part in such State if the Secretary determines that—

''(1) the State is unable or unwilling to conduct educational programs for migratory children;

''(2) such arrangements would result in more efficient and economic administration of such programs; or

''(3) such arrangements would add substantially to the welfare or educational attainment of such children.

''COORDINATION OF MIGRANT EDUCATION ACTIVITIES

''SEC. 1308. (a) IMPROVEMENT OF COORDINATION.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among State and local educational agencies of their educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

''(b) REPORT.—Not later than October 1, 1995, the Secretary shall submit a report to the Congress regarding the effectiveness of methods used by States to transfer migratory students' educational and health records.

"(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section, the Secretary shall reserve up to 5 percent of the amount appropriated for each fiscal year to carry out this part.

"DEFINITIONS

"SEC. 1309. As used in this part, the following terms have the following meanings:

"(1) The term 'local operating agency' means—

"(A) a local educational agency to which a State educational agency makes a subgrant under this part;

"(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

"(2) The term 'migratory child' means a child who is, or whose parent or spouse is, a migratory agricultural worker (including a migratory dairy worker) or a migratory fisher, and who, in the preceding 24 months, in order to obtain, or accompany such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work—

''(A) has moved from one school district to another; or

''(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district.

''PART D—EDUCATION OF NEGLECTED AND DELINQUENT YOUTH

''PURPOSE; PROGRAM AUTHORIZED

''SEC. 1401. (a) PURPOSE.—It is the purpose of this part to—

''(1) improve educational services to children in institutions for neglected or delinquent children so that they have the opportunity to meet the same challenging State performance standards that all children in the State will be expected to meet; and

''(2) provide those children the services they need to make a successful transition from institutionalization to further schooling or employment.

''(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, which shall make subgrants to State agencies to establish or improve programs of education for neglected or delinquent children, in accordance with this part.

''ELIGIBILITY

''SEC. 1402. A State agency is eligible for assistance under this part if it is responsible for providing free public education for children—

''(1) in institutions for neglected or delinquent children;

''(2) attending community-day programs for neglected or delinquent children; or

''(3) in adult correctional institutions.

''ALLOCATION OF FUNDS

''SEC. 1403. (a) SUBGRANTS TO STATE AGENCIES.—Each State agency described in section 1402 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive under this part, for each fiscal year, an amount equal to the product of—

''(1) the number of neglected or delinquent children in institutions or attending programs described in section 1402, who are enrolled for at least 20 hours per week in education programs operated or supported by such agency, which shall—

''(A) be determined by such agency as of a date or dates set by the Secretary; and

''(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs; and

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the grant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"(d) PAYMENTS TO STATE EDUCATIONAL AGENCIES.—(1) The Secretary shall pay to each State educational agency the total amount needed to make subgrants to State agencies in that State, as determined under this section.

"(2) Each State educational agency may retain a portion of such total amount for State administration of, in accordance with section 1601(c) of this title.

"STATE REALLOCATION OF FUNDS

"SEC. 1404. If a State educational agency determines that a State agency does not need the full amount of the subgrant for which it is eligible under this part for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

"STATE PLAN AND STATE AGENCY APPLICATIONS

"SEC. 1405. (a) STATE PLAN.—(1)(A) Each State educational agency that desires to receive payments under this part shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children, which shall be revised and updated as needed, that—

"(i) is integrated with the State's plan, either approved or being developed, under title III of the

Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

''(ii) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

''(B) A State plan submitted under paragraph (1)(A)(i) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

''(2) Each such plan shall also—

''(A) describe the State-established program goals, objectives, and performance measures that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

''(B) provide that, to the extent feasible, such children will have the same opportunities to learn as they would have if they were in the schools of local educational agencies in the State; and

''(C) contain assurances that the State educational agency will—

''(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

''(ii) carry out the evaluation requirements of section 1409 of this part;

''(iii) ensure that its State agencies comply with all applicable statutory and regulatory requirements; and

''(iv) provide such other information as the Secretary may reasonably require.

''(b) SECRETARIAL APPROVAL; PEER REVIEW.—(1) The Secretary shall approve each State plan that meets the requirements of this part.

''(2) The Secretary may review any such plan with the assistance and advice of individuals with relevant expertise.

''(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

''(1) describes the procedures to be used, consistent with the State plan under part A of this title, to assess the educational needs of the children to be served;

''(2) describes the program, including a budget for the first year of the program, with annual updates to be provided;

''(3) describes how the program will meet the goals and objectives of the State plan under this part;

''(4) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1407 are of high quality;

''(5) describes how the agency will carry out the evaluation requirements of section 1409 and how the results of the most recent evaluation were used to plan and improve the program;

''(6) includes data showing that the agency has maintained fiscal effort as if it were a local educational agency, in accordance with section 9501 of this title;

''(7) describes how the programs will be coordinated with other State and Federal programs administered by the State agency;

''(8) describes how appropriate professional development will be provided to teachers and other instructional and administrative personnel;

''(9) designates an individual in each affected institution to be responsible for issues relating to the transition of children from the institution to locally operated programs.

''USE OF FUNDS

''SEC. 1406. (a) GENERAL.—(1) A State agency shall use funds received under this part only for programs and projects that—

''(A) are consistent with the State plan referred to in section 1405(a); and

''(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to further education or employment.

''(2) Such programs and projects—

''(A) may include the acquisition of equipment;

''(B) shall be designed to support educational services that—

''(i) except for institution-wide projects under section 1407, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging performance standards;

''(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

''(iii) afford those children an opportunity to learn to those challenging State standards;

''(C) shall be carried out in a manner consistent with section 1119(b) and part F of this title; and

''(D) may include the costs of meeting the evaluation requirements of section 1409.

''(b) SUPPLEMENT, NOT SUPPLANT.—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the 'supplement, not supplant' requirement of section 1119(b) of this title without regard to the subject areas in which instruction is given during those hours.

''INSTITUTION-WIDE PROJECTS

''SEC. 1407. (a) PROJECTS AUTHORIZED.—A State agency that provides free public education for children in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

''(1) provides for a comprehensive assessment of the educational needs of all individuals under the age of 21 in the institution or program;

''(2) describes the steps the State agency has taken, or will take, to provide all children under 21 with the opportunity to meet challenging academic and vocational standards in order to improve the likelihood that they will complete high school and find employment after leaving the institution;

''(3) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for secondary school students;

''(4) specifically describes how such funds will be used;

''(5) describes the measures and procedures that will be used to assess student progress;

''(6) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

"(7) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable them to carry out the project effectively.

"(b) PROJECTS REQUIRED.—Beginning with school year 1996–1997, a State agency described in subsection (a) shall use funds received under this part only for institution-wide projects described in that subsection, except as described in section 1410.

"THREE-YEAR PROJECTS

"SEC. 1408. If a State agency operates a program under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period of up to three years.

"PROGRAM EVALUATIONS

"SEC. 1409. (a) SCOPE OF EVALUATION.—Each State agency that conducts a program under this part shall evaluate the program at least once every three years to determine its impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and high school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete high school and obtain employment after they leave the institution.

"(b) EVALUATION MEASURES.—In conducting each such evaluation with respect to subsection (a)(1), a State agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency shall—

"(1) submit those results to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.

"TRANSITION SERVICES

"SEC. 1410. (a) TRANSITION SERVICES.—Each State agency may reserve up to 10 percent of the amount it receives under this part for any fiscal year to support projects that facilitate the transition of children from State-operated institutions for neglected and delinquent children into locally operated programs.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with

one or more local educational agencies, other public agencies, or private nonprofit organizations.

''(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide special educational services, which may include counseling and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

''DEFINITIONS

''SEC. 1411. For the purpose of this part, the following terms have the following meanings:

''(1) The term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

''(2) The term 'community-day program' means a regular program of instruction provided by a State agency at a community-day school operated specifically for neglected or delinquent children.

''(3) The term 'institution for delinquent children' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

''(4) The term 'institution for neglected children' means a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the in-

stitution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians.

''PART E—FEDERAL EVALUATIONS AND DEMONSTRATIONS

''EVALUATIONS

''SEC. 1501. (a) NATIONAL ASSESSMENT.—(1) The Secretary shall conduct a national assessment of programs under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (c) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

''(2) The assessment shall examine how well schools, local educational agencies, and States—

''(A) are progressing toward the goal of all children served under this title reaching the State's content and performance standards; and

''(B) accomplishing the specific purposes set out in section 1001(d) of this title to achieve this goal, including—

''(i) ensuring high standards for all children and aligning the efforts of States, local

educational agencies, and schools to help children reach them;

''(ii) providing children an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that children receive;

''(iii) promoting schoolwide reform and access of all children to effective instructional strategies and challenging academic content;

''(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;

''(v) coordinating services under all parts of this title with each other, with other educational services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;

''(vi) affording parents meaningful opportunities to participate in the education of their children at home and at school;

''(vii) distributing resources to areas where needs are greatest;

''(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and

''(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.

''(3) Where feasible, the Secretary shall use information gathered by the National Assessment of Educational Progress in carrying out this subsection.

''(4) The Secretary shall submit an interim report summarizing the preliminary findings of the assessment to the President and the appropriate committees of the Congress by December 31, 1997 and a final report by December 31, 2002.

''(b) STUDIES AND DATA COLLECTION.—(1) The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis.

''(2) At a minimum, the Secretary shall collect trend information on the effect of programs under this title.

These data shall complement the data collected and reported under subsections (a) and (c).

''(c) NATIONAL LONGITUDINAL STUDY.—The Secretary shall continue to conduct the longitudinal study of the educational achievement and progress of children served under this title, as authorized under section 1462 of this Act as in effect prior to its amendment by the Improving America's Schools Act of 1993. The Secretary shall report, not later than January 1, 1997, the findings of the study and recommendations for future data collections and reports to the President and the appropriate committees of the Congress.

''(d) DESIGN STUDY ON ESTIMATING STATE CHILD POVERTY COUNTS.—The Secretary shall conduct a study to determine whether a feasible method exists for producing reliable estimates, between decennial census counts, of the number of school-aged children living in poverty by State in each of the 50 States, the District of Columbia, and Puerto Rico, and use such a method, if one exists, to provide Congress with such estimates.

''DEMONSTRATIONS OF INNOVATIVE PRACTICES

''SEC. 1502. (a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—(1) From the funds appropriated for any fiscal year under section 1002(g)(2), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, non-prof-

it organizations, and consortia of those bodies to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State standards. Such projects shall include promising strategies such as—

''(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide them the opportunity to reach high standards;

''(B) integration of education services with each other and with health, family, and other social services, particularly in empowerment zones and enterprise communities;

''(C) effective approaches to whole school reform; and

''(D) programs that have been especially effective with limited English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth.

''(2) The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control

groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.

''(b) PARTNERSHIPS.—(1) From funds appropriated under section 1002(g)(2) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and non-profit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools supported under this title.

''PART F—GENERAL PROVISIONS

''STATE ADMINISTRATION

''SEC. 1601. (a) RULEMAKING.—(1) Each State that receives funds under this title shall—

''(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;

''(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject; and

''(C) identify any such rule, regulation, or policy as a State-imposed requirement.

''(2) State rules, regulations, and policies under this title shall support and facilitate local educational agency

and school-level systemic reform designed to enable all children to meet the State's standards.

''(b) COMMITTEE OF PRACTITIONERS.—(1) Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

''(2) Each such committee shall include—

''(A) as a majority of its members, representatives from local educational agencies;

''(B) administrators;

''(C) teachers;

''(D) parents;

''(E) members of local boards of education; and

''(F) representatives of private school children.

''(c) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of its duties under this title the greater of—

''(1) 1 percent of the funds received under section 1002(a) and (c) through (f); or

''(2) $325,000, or $50,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and Palau (until the Compact of Free Association takes effect).

''TITLE II—IMPROVING TEACHING AND LEARNING

''PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

''FINDINGS

''SEC. 2101. The Congress finds that—

''(1) reaching National Education Goal Three (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and National Education Goal Four (U.S. students will become first in the world in mathematics and science achievement) requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels;

''(2) a crucial component of the strategy for achieving these two goals is ensuring, through sustained and intensive high-quality professional development, that all teachers can provide challenging learning experiences in the core academic subjects for their students;

''(3) the potential positive impact of high-quality professional development is underscored by recent research findings that—

''(A) professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards;

''(B) effective professional development focuses on discipline-based knowledge and effective subject-specific pedagogical skills, involves teams of teachers and administrators in a school and, through professional networks of teachers and administrators, is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school; and

''(C) professional development can dramatically improve classroom instruction and learning when teachers and administrators are partners in its development and implementation;

''(4) special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement;

''(5) professional development is often a victim of budget reductions in fiscally difficult times;

''(6) there are few incentives or sanctions operating to encourage teachers and administrators to work to prepare themselves to be more effective or to participate in challenging and effective professional development activities; and

''(7) the Federal Government has a vital role in helping to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.

''PURPOSES

''SEC. 2102. The purposes of this part are to help ensure that teachers, other staff, and administrators have access to high-quality professional development that is aligned to challenging State content and performance standards and to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects. This program is designed to help ensure that teachers have access to professional development that—

''(1) is tied to challenging State student content and performance standards;

''(2) reflects recent research on teaching and learning;

''(3) includes strong academic content and pedagogical components;

''(4) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

''(5) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

''AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN SUBPARTS

''SEC. 2103. (a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''(b) ALLOCATION BETWEEN SUBPARTS.—Of the funds appropriated to carry out this part for any fiscal year, the Secretary shall use—

''(1) 6 percent to carry out subpart 1; and

''(2) 94 percent to carry out subpart 2.

''Subpart 1—Federal Activities

''PROGRAM AUTHORIZED

''SEC. 2111. (a) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, State educational agencies, State agencies for higher education, institutions of higher education, and

other public and private agencies, organizations, and institutions to—

"(1) support activities of national significance that will contribute to the development and implementation of high-quality professional development activities in the core academic subject areas; and

"(2) evaluate activities carried out under this subpart and under subpart 2.

"(b) COORDINATION WITH OTHER AGENCIES.—In carrying out this program, the Secretary shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and other appropriate Federal agencies and entities.

"AUTHORIZED ACTIVITIES

"SEC. 2112. The Secretary shall use funds available to carry out this subpart for activities that help meet the purposes of this part, such as—

"(1) providing seed money to eligible entities to develop their capacity to offer sustained and intensive high-quality professional development;

"(2) professional development institutes that provide teams of teachers, or teachers and administrators, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components;

''(3) encouraging the development of local and national professional networks that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy;

''(4) supporting the National Board for Professional Teaching Standards;

''(5) the development and dissemination of teaching standards in the core academic subjects;

''(6) the development of exemplary methods of assessing teachers, other staff, and administrators for licensure and certification;

''(7) activities that promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;

''(8) the development and testing of incentive strategies for motivating teachers and administrators to help increase their effectiveness through professional development focused on teaching and learning and giving all students the opportunity to learn to challenging State standards;

''(9) the dissemination of information about voluntary national content and performance standards and related models of high-quality professional development;

''(10) the development and maintenance of a national clearinghouse for science, mathematics, and technology education materials and of such other clearinghouses for core academic subjects as the Secretary determines are needed;

''(11) joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts;

''(12) support for consortia of education agencies and organizations to disseminate information and provide assistance regarding teaching methods and assessment tools that support national or State content standards in mathematics and science; and

''(13) the evaluation of programs under this subpart and under subpart 2.

''Subpart 2—State and Local Activities

''PROGRAM AUTHORIZED

''SEC. 2121. The Secretary is authorized to make grants to State educational agencies for the support of sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.

''ALLOCATION OF FUNDS

''SEC. 2122. (a) RESERVATION OF FUNDS.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall—

"(1) reserve one half of one percent for the outlying areas, to be distributed among them on the basis of their relative need, as determined by the Secretary in light of the purposes of this part; and

"(2) reserve one quarter of one percent for the Secretary of the Interior for programs under this subpart for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) STATE ALLOTMENTS.—The Secretary shall allocate the remaining amount to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than one-half of one percent of such remaining amount:

"(1) 50 percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) 50 percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I of this Act for the preceding fiscal year.

"(c) REALLOCATION.—If any jurisdiction does not apply for its allotment under subsection (b) for any fiscal

year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with that subsection.

''WITHIN-STATE ALLOCATIONS

''SEC. 2123. Of the amounts received by any State under this subpart for any fiscal year—

''(1) not more than six percent shall be used for the administrative costs of programs carried out by the State educational agency and the State agency for higher education;

''(2) not more than 7.5 percent may be used for State-level activities, as described in section 2126; and

''(3) of the remaining amount—

''(A) 85 percent shall be distributed to local educational agencies, to be used in accordance with section 2129, as follows:

''(i) 50 percent of such amount shall be distributed in accordance with the relative population of individuals aged five through 17 in each such agency.

''(ii) 50 percent of such amount shall be distributed in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and

"(B) 15 percent shall be used for competitive grants to institutions of higher education as described in section 2130.

"PRIORITY FOR PROFESSIONAL DEVELOPMENT IN MATHEMATICS AND SCIENCE

"SEC. 2124. (a) APPROPRIATION OF LESS THAN $250,000,000.—In any fiscal year for which the amount appropriated for this part is $250,000,000 or less, each State shall ensure that all funds distributed in accordance with section 2123(3) are used for professional development in mathematics and science.

"(b) APPROPRIATION BETWEEN $250,000,000 AND $500,000,000.—In any fiscal year for which the amount appropriated for this part is at least $250,000,000, but not more than $500,000,000, each State shall ensure that the amount of funds distributed in accordance with section 2123(3) that is used for professional development in mathematics and science is not less than the amount that bears the same ratio to the total amount of funds so distributed as the sum of $250,000,000 plus 25 percent of the amount of the total appropriation for this part in excess of $250,000,000 bears to the total amount appropriated for this part.

"STATE APPLICATIONS

"SEC. 2125. (a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive its allot-

ment under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such form as the Secretary may require.

''(b) PROFESSIONAL DEVELOPMENT PLAN.—(1) Each application under this section shall include a State plan for professional development that—

''(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

''(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section.

''(2) A State plan submitted under paragraph (1)(A) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

''(3) Each such plan shall also—

''(A) be developed in conjunction with the State agency for higher education, institutions of higher education, schools of education, and with the exten-

sive participation of local teachers and administrators and show the role of each in implementation;

''(B) be designed to give teachers and administrators in the State the knowledge and skills to provide all students the opportunity to meet challenging State performance standards;

''(C) include an assessment of State and local needs for professional development specifically related to subparagraph (B);

''(D) describe a strategy for addressing the need for teacher development beginning with recruitment, pre-service, and induction, and continuing throughout the professional teaching career;

''(E) describe specific steps for the reform of State requirements for licensure of teachers and administrators, including certification and recertification, to align them with challenging State content and performance standards;

''(F) describe how the State will work with teachers, administrators, local educational agencies, schools, and institutions of higher education to ensure that they develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subject areas;

''(G) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers and administrators;

''(H) describe how the State will ensure a strong focus on professional development in mathematics and science;

''(I) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing themselves to provide instruction consistent with challenging State content and performance standards; and

''(J) set specific outcome performance indicators for professional development.

''(c) ADDITIONAL MATERIAL.—Each State application shall also include—

''(1) a description of how the activities funded under this subpart will be coordinated, as appropriate, with—

''(A) other activities conducted with Federal funds, especially those supported under part A of title I of this Act;

''(B) State and local funds;

''(C) resources from business and industry; and

"(D) funds from other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and Health and Human Services, the National Endowment for the Arts, and the National Endowment for the Humanities; and

"(2) a description of the activities to be sponsored under the State-level activities and the higher education components of its program under this subpart.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall approve the application of a State educational agency if it meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"(2) In reviewing applications, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

"STATE-LEVEL ACTIVITIES

"SEC. 2126. Each State may use funds reserved under section 2123(2) to carry out activities referred to in section 2125(b), such as—

"(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align

these requirements with the State's content standards and ensure that teachers and administrators have the knowledge and skills to help students meet challenging State performance standards;

''(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

''(3) providing technical assistance to schools and local educational agencies to help them provide effective professional development in the core academic subjects;

''(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

''(5) professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas;

''(6) providing financial or other incentives for teachers to become certified by the National Board for Professional Teaching Standards;

''(7) designing systems that enable teachers to meet pay ladder professional development requirements by demonstrating content knowledge and pedagogical competence tied to challenging State content and performance standards, rather than by merely completing course credits;

''(8) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students;

''(9) professional development to enable teachers and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State performance standards in the core academic subjects by, for example, encouraging girls and young women and minorities to pursue advanced courses in mathematics and science; and

''(10) professional development activities designed to increase the numbers of members of minority and other underrepresented groups in the teaching force in the core subjects.

1 ''LOCAL EDUCATIONAL AGENCY APPLICATIONS

2 ''SEC. 2127. (a) APPLICATIONS REQUIRED.—(1)
3 Each local educational agency that wishes to receive a
4 subgrant under this subpart shall submit an application
5 to the State educational agency at such time as the State
6 educational agency may require, but not less frequently
7 than every third year.

8 ''(2) If the local educational agency has an applica-
9 tion approved by the State under title III of the Goals
10 2000: Educate America Act, the application required by
11 this section shall be a component of (or, if necessary, an
12 addendum to) its Goals 2000 application.

13 ''(b) APPLICATION CONTENTS.—Each application
14 under this section shall include—

15 ''(1) the local educational agency's plan for pro-
16 fessional development that has been developed with
17 the extensive participation of teachers and adminis-
18 trators and that—

19 ''(A) is aligned with the State's content
20 and performance standards;

21 ''(B) includes an assessment of local needs
22 for professional development as identified by
23 the local educational agency and school staff;

''(C) describes a strategy, tied to State content and performance standards, for addressing those needs;

''(D) includes strong academic content and pedagogical components;

''(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

''(F) sets specific outcome performance indicators;

''(2) an assurance that the activities conducted with such agency's funds received under this program will be assessed at least every three years using the outcome performance indicators to determine the effectiveness of those activities;

''(3) a description of how the programs funded under this subpart will be coordinated, as appropriate, with—

''(A) services of institutions of higher education;

''(B) State and local funds;

''(C) resources provided under part A of title I and other parts of this Act;

''(D) resources from business and industry; and

"(E) funds from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Arts, and the National Endowment for the Humanities; and

"(4) an identification of the sources of funding that will provide the local educational agency's contribution under section 2128.

"LOCAL COST-SHARING

"SEC. 2128. (a) GENERAL.—Each local educational agency shall bear at least 33 percent of the cost of any program carried out under this subpart, but not including the cost of services provided to private schoolteachers.

"(b) AVAILABLE RESOURCES FOR COST-SHARING.—A local educational agency may meet the requirement of subsection (a) through one or more of the following:

"(1) Cash expenditures from non-Federal sources directed toward professional development activities.

"(2) Released time for teachers participating in professional development funded under this subpart.

"(3) Funds received under one or more of the following programs, so long as they are used for professional development activities consistent with this subpart and the statutes under which those funds

were received, and are used to benefit students and teachers in schools that would otherwise have been served with those funds:

''(A) Part A of title I of this Act.

''(B) The Safe and Drug-Free Schools program under title IV of this Act.

''(C) The bilingual education program under title VII of this Act.

''(D) Title III of the Goals 2000: Educate America Act.

''(E) Programs that are related to the purposes of this Act that are administered by other agencies, including, but not limited to, the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and the Department of Energy.

''LOCAL ALLOCATION OF FUNDS AND ALLOWABLE ACTIVITIES

''SEC. 2129. (a) LOCAL ALLOCATION OF FUNDS.—Each local educational agency that receives funds under this subpart for any fiscal year—

''(1) shall use at least 80 percent of such funds for professional development of teachers and other staff of individual schools in a manner that is determined by such teachers and staff and is consistent

with the local educational agency's application under section 2127, any school plan under part A of title I of this Act, and any other plan for professional development carried out with Federal, State, or local funds; and

''(2) may use not more than 20 percent of such funds for district-level professional development activities, which may include the participation of administrators and policy-makers.

''(b) AUTHORIZED ACTIVITIES.—Each local educational agency and school that receives funds under this subpart shall use those funds for activities that contribute to the implementation of the local educational agency's professional development plan described in section 2127(b)(1), such as—

''(1) professional development for teams of teachers, administrators, or other staff from individual schools, to support teaching consistent with State or voluntary national content standards and to create a school environment conducive to high achievement in the core subjects;

''(2) support and time for teachers and other school staff to participate in professional development in the core subjects offered through professional associations, universities, and other providers;

''(3) support and time for teachers and other school staff to participate in professional development that goes beyond training and encourages a variety of forms of learning that are related to an educator's regular work, such as group study and consultation with peers and supervisors;

''(4) peer training and mentoring programs, including cross-generational mentoring, in the core academic subjects;

''(5) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

''(6) activities that provide follow-up for teachers who have participated in professional development activities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom;

''(7) preparing teachers to work with parents and families on fostering student achievement in the core academic subjects;

''(8) preparing teachers in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subject areas;

''(9) establishing policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements;

''(10) professional development to enable teachers and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State performance standards in the core academic subjects;

''(11) professional development activities designed to increase the numbers of minorities, individuals with disabilities, and other underrepresented groups in the teaching force and to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, for example, through career ladder programs that assist educational paraprofessionals to obtain teaching credentials;

''(12) developing incentive strategies for rewarding teachers and administrators collectively in schools that sustain high performance or consistent growth in the number of their students who met the challenging State performance standards; and

1 ''(13) developing incentive strategies for re-
2 warding schools where a substantial portion of the
3 teachers achieve certification by the National Board
4 for Professional Teaching Standards.

5 ''HIGHER EDUCATION ACTIVITIES

6 ''SEC. 2130. (a) GENERAL.—(1) The State agency
7 for higher education, working in conjunction with the
8 State educational agency (if it is a separate agency), shall
9 make grants to, or enter into contracts or cooperative
10 agreements with, institutions of higher education working
11 in conjunction with local educational agencies, for profes-
12 sional development activities in the core academic subject
13 areas that contribute to the State plan for professional
14 development.

15 ''(2) All such awards shall be made on a competitive
16 basis.

17 ''(3) Each project funded under this section shall in-
18 volve a joint effort of the recipient's school or department
19 of education and the schools or departments in the specific
20 disciplines in which such professional development will be
21 provided.

22 ''(b) ALLOWABLE ACTIVITIES.—A recipient of funds
23 under this section shall use those funds for—

24 ''(1) sustained and intensive high-quality pro-
25 fessional development for teams of teachers, or

teachers and administrators from individual schools or districts; and

''(2) other sustained and intensive professional development activities related to achievement of the State plan for professional development.

''Subpart 3—General Provisions

''REPORTING AND ACCOUNTABILITY

''SEC. 2131. (a) STATES.—Each State that receives funds under this part shall submit a report to the Secretary every three years on the State's progress toward the outcome performance indicators identified in its State plan, as well as on the effectiveness of State and local activities under this part.

''(b) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under this part shall submit a report to the State every three years on its progress toward outcome performance indicators identified in its local plan, as well as on the effectiveness of its activities under this part.

''(c) FEDERAL EVALUATION.—The Secretary shall report to the President and Congress on the effectiveness of programs and activities funded under this part.

''DEFINITIONS

''SEC. 2132. As used in this part, the following terms have the following meanings:

''(1) The term 'core academic subjects' means those subjects listed in the State plan under title III of the Goals 2000: Educate America Act or under National Education Goal Three as set out in section 102(3) of such Act.

''(2) The term 'outcome performance indicators' means measures of specific outcomes that the State or local educational agency identifies as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills to assist their students to meet challenging State standards in the core academic subject areas. Examples of such indicators include—

''(A) the degree to which licensure requirements are tied to State standards;

''(B) specific increases in the number of teachers who are certified by the National Board for Professional Teaching Standards;

''(C) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and

''(D) specific increases in the number of teachers licensed in each core subject.

''(3) The term 'sustained and intensive high-quality professional development' means professional development activities that—

''(A) are tied to challenging State or voluntary national content and performance standards;

''(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components;

''(C) are of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom or the administrator's performance on the job; and

''(D) recognize teachers as an important source of knowledge that should inform and help shape professional development.

''PART B—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS

''FINDINGS

''SEC. 2201. The Congress finds that—

''(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs under this Act;

''(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the 1994 reauthorization of this Act to improve programs and to provide all children opportunities to meet challenging State performance standards;

''(3) States, local educational agencies, and schools serving students with special needs, such as students with limited English proficiency, have great need for comprehensive technical assistance in order to use funds under this Act to provide such students with opportunities to learn to challenging State standards;

''(4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and local educational agencies for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;

''(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;

''(6) comprehensive technical assistance can help schools and school systems focus on improving

opportunities for all children to reach challenging State performance standards, as they implement programs under this Act;

''(7) comprehensive technical assistance would provide 'one-stop shopping' to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, and local education programs in ways that contribute to improving schools and entire school systems; and

''(8) technical assistance in support of programs under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.

''PURPOSE

''SEC. 2202. The purpose of this part is to make available to States, local educational agencies, schools, and other recipients of funds under this Act technical assistance in—

''(1) administering and implementing programs authorized by this Act in a manner that is consistent with State and local plans under the Goals 2000: Educate America Act; and

''(2) coordinating those programs with other Federal, State, and local education activities, so that

all students are provided opportunities to meet challenging State performance standards.

''PROGRAM AUTHORIZED

''SEC. 2203. (a) COMPREHENSIVE REGIONAL CENTERS.—The Secretary is authorized to establish one center in each of the Department's ten regions to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in their administration and implementation of programs authorized by this Act. In allocating resources among the centers, the Secretary shall consider the geographic distribution of students with special needs.

''(b) TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—The Secretary is also authorized to provide a technology-based technical assistance service that will—

''(1) support the administration and implementation of programs authorized by this Act by providing information, including legal and regulatory information, and technical guidance and information about best practices; and

''(2) be accessible to all States, local educational agencies, schools, and others who are recipients of funds under this Act.

''ELIGIBLE ENTITIES

''SEC. 2204. The Secretary may carry out this part directly or through grants to, or contracts or cooperative

agreements with, public or private agencies or organizations or consortia of those agencies and organizations.

''COMPREHENSIVE REGIONAL CENTERS

''SEC. 2205. Each comprehensive regional center established under section 2203(a) shall—

''(1) maintain staff expertise in at least all of the following areas:

''(A) Instruction, curriculum improvement, school reform, and other aspects of title I of this Act.

''(B) Meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, children with limited English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities.

''(C) Professional development for teachers, other school staff, and administrators to help students meet challenging State performance standards.

''(D) Bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding.

''(E) Safe and drug-free schools.

''(F) Educational applications of technology.

''(G) Parent involvement and participation.

''(H) The reform of schools and school systems.

''(I) Program evaluation;

''(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs under this Act with each other, as well as with other Federal, State, and local programs and reforms;

''(3) work collaboratively with the Department's regional offices;

''(4) provide technical assistance using the highest quality and most cost-effective strategies possible;

''(5) provide information and assistance regarding exemplary and promising practices;

''(6) work collaboratively, and coordinate the services it provides, with the general reform assistance provided by the regional educational laboratories supported by the Office of Educational Research and Improvement; and

''(7) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act.

''INFORMATION COLLECTION AND EVALUATION

''SEC. 2206. The Secretary shall evaluate activities under this part to determine their effectiveness in advancing the purposes of this part, and report to the President and Congress on the effectiveness of such activities.

''TRANSITION

''SEC. 2207. (a) GENERAL.—The Secretary may use funds appropriated for this part for fiscal year 1995 in such manner as the Secretary finds necessary in order to ensure a smooth implementation of this part.

''(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary may use such funds for existing contracts and to extend the award of any categorical technical assistance center under this Act that was in operation on the day before enactment of the Improving America's Schools Act of 1993.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 2208. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''TITLE III—EXPANDING OPPORTUNITIES FOR LEARNING

''PART A—PUTTING TECHNOLOGY TO WORK FOR ALL STUDENTS

''Subpart 1—Research, Development, and Demonstration of Educational Technology

''FINDINGS AND PURPOSES

''SEC. 3111. (a) FINDINGS.—The Congress finds that—

''(1) technology has the potential to assist and support the improvement of teaching and learning in schools and other settings;

''(2) technology can provide students, parents, teachers, and other education professionals with increased access to information, instruction, and educational services in schools and other settings, including homes, libraries, preschool and child-care facilities, and postsecondary institutions;

''(3) technology can produce far greater opportunities for all students to learn to high standards and to promote efficiency and effectiveness in education; and

''(4) the rapidly changing nature of technology requires coordination and flexibility in Federal leadership.

"(b) PURPOSES.—The purposes of this subpart are to promote achievement of the National Education Goals and to increase the opportunity for all students to achieve to challenging State standards by—

"(1) promoting awareness of the potential of technology for improving teaching and learning;

"(2) supporting State and local efforts to increase the effective use of technology for education;

"(3) demonstrating ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;

"(4) ensuring the availability of knowledge drawn from research and experience that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;

"(5) promoting high-quality professional development opportunities for teachers and administrators on the integration of technology into instruction and administration;

"(6) ensuring that Federal technology-related policies and programs facilitate the use of technology in education; and

"(7) ensuring that, as technological advances are made, the educational uses of these advances are considered and their applications are developed.

"OFFICE OF EDUCATIONAL TECHNOLOGY

"SEC. 3112. There is established in the Department an Office of Educational Technology, which shall be administered by a Director of Educational Technology appointed by the Secretary. The Office of Educational Technology, in consultation with other appropriate agencies, shall provide leadership to the Nation in the use of technology to promote achievement of the National Education Goals and to increase opportunities for all students to achieve to challenging State standards, and shall perform such additional functions as the Secretary may require.

"NATIONAL LONG-RANGE PLAN

"SEC. 3113. (a) IN GENERAL.—(1) The Secretary shall develop and publish by September 30, 1995, and update when appropriate, a national long-range plan to carry out the purposes of this subpart.

"(2) The Secretary shall—

"(A) develop the plan in consultation with other Federal agencies, State and local education practitioners and policy-makers, experts in technology and the educational applications of technology, and providers of technology services and products;

''(B) transmit the plan to the President and to the appropriate committees of the Congress; and

''(C) publish the plan in a form that is readily accessible to the public.

''(b) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this subpart, including—

''(1) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve to challenging State standards, especially through programs administered by the Department;

''(2) joint activities with other Federal agencies, such as the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, and the Departments of Commerce, Energy, Health and Human Services, and Labor, to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure, and to ensure that the policies and programs of such agencies facilitate the use of technology for educational purposes to the extent feasible;

''(3) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

''(4) how the Secretary will promote—

''(A) increased access to the benefits of technology for teaching and learning for schools with high concentrations of children from low-income families;

''(B) the use of technology to assist in the implementation of State systemic reform strategies;

''(C) the application of technological advances to use in education; and

''(D) increased opportunities for the professional development of teachers in the use of new technologies;

''(5) how the Secretary will determine, in consultation with appropriate individuals, organizations, and agencies, the feasibility and desirability of establishing guidelines and protocols to facilitate effective use of technology in education; and

''(6) the Secretary's long-range measurable goals and objectives relating to the purposes of this subpart.

"FEDERAL LEADERSHIP

"SEC. 3114. (a) PROGRAM AUTHORIZED.—(1) In order to provide Federal leadership in promoting the use of technology in education, the Secretary, in consultation with the National Science Foundation, the Department of Commerce, and other appropriate Federal agencies, may carry out activities designed to achieve the purposes of this subpart directly or by awarding grants (pursuant to a peer review process) to, or entering into contracts with, State educational agencies, local educational agencies, institutions of higher education, or other public and private nonprofit or for-profit agencies and organizations.

"(2) For the purpose of carrying out coordinated or joint activities consistent with the purposes of this subpart, the Secretary may accept funds from, and transfer funds to, other Federal agencies.

"(b) USES OF FUNDS.—The Secretary may use funds appropriated under this subpart for activities designed to carry out the purpose of this subpart, and to meet the goals and objectives of the national long-range plan under section 3113, including—

"(1) planning grants to States and local education agencies, to enable such entities to examine and develop strategies for the effective use of technology to help achieve the objectives of the Goals

2000: Educate America Act and the School-to-Work Opportunities Act of 1993;

''(2) development grants to technical assistance providers, to enable them to improve substantially the services they offer to educators on the educational uses of technology, including professional development;

''(3) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and its educational applications in carrying out activities under this subpart;

''(4) research on, and the development of, guidelines and protocols to facilitate efficient and effective use of technology in education;

''(5) research on, and the development of, educational applications of the most advanced and newly emerging technologies;

''(6) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

''(7) the development and evaluation of software and other products, including television program-

ming, that incorporate advances in technology and help achieve the National Education Goals and challenging State standards;

''(8) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

''(9) the development of model programs to demonstrate the educational effectiveness of technology in urban and rural areas and economically-distressed communities;

''(10) research on, and the evaluation of, the effectiveness and benefits of technology in education;

''(11) conferences on, and dissemination of information about, the uses of technology in education;

''(12) the development of model strategies to promote gender equity concerning access to, and the use of, technology in the classroom; and

''(13) such other activities as the Secretary determines would meet the purposes of this subpart.

''(c) NON-FEDERAL SHARE.—(1) Subject to paragraph (2), the Secretary is authorized to require any recipient of a grant or contract under this subpart to share in the cost of its project, which share shall be announced

through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

''(2) The Secretary may increase the non-Federal share required of such recipient after the first year of the recipient's project, except that such share may not exceed 50 percent at any time during the recipient's project.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 3115. For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''Subpart 2—Star Schools Program

''FINDINGS

''SEC. 3121. The Congress finds that—

''(1) the Star Schools program has helped to encourage the use of distance learning strategies to serve multi-State regions primarily by means of satellite and broadcast television;

''(2) in general, distance learning programs have been used effectively to provide students in small, rural, and isolated schools with courses and instruction, such as science and foreign language instruction, that the local educational agency would not otherwise have been able to provide; and

''(3) distance learning programs could also be used to—

"(A) provide students in all types of schools and local educational agencies with greater access to high-quality instruction in the full range of core academic subjects that would enable them to meet challenging, internationally competitive, educational standards;

"(B) expand professional development opportunities for teachers;

"(C) contribute to achievement of the National Education Goals; and

"(D) expand learning opportunities for everyone.

"STATEMENT OF PURPOSE

"SEC. 3122. The purpose of this subpart is to encourage the expansion and use of distance learning programs and technologies to help—

"(1) improve teaching and learning;

"(2) achieve the National Education Goals;

"(3) all students learn to challenging State content standards; and

"(4) increase participation in State and local educational reform.

"PROGRAM AUTHORIZED

"SEC. 3123. (a) STAR SCHOOL AWARDS.—The Secretary is authorized, in accordance with this subpart, to make grants to eligible entities for the Federal share of

the cost of providing distance learning programs, including—

"(1) developing, constructing, and acquiring telecommunications facilities and equipment;

"(2) developing and acquiring instructional programming; and

"(3) providing technical assistance regarding the use of such facilities and instructional programming.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(c) LIMITATIONS.—(1) A grant under this section shall not exceed—

"(A) five years in duration; and

"(B) $10,000,000 in any one fiscal year.

"(2) Not less than 25 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of instructional programming.

"(3) Not less than 50 percent of the funds available to the Secretary for any fiscal year under this subpart shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or program-

ming, for local educational agencies that are eligible to receive assistance under part A of title I of this Act.

''(d) FEDERAL SHARE.—(1) The Federal share of the cost of projects funded under this section shall not exceed 75 percent for the first and second years of the award, 60 percent for the third and fourth years, and 50 percent for the fifth year.

''(2) The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

''(e) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other agencies to carry out the purposes of this section, including funds for the purchase of equipment.

''ELIGIBLE ENTITIES

''SEC. 3124. (a) ELIGIBLE ENTITIES.—(1) The Secretary may make a grant under section 3123 to any eligible entity, provided that at least one local educational agency is participating in the proposed project.

''(2) An eligible entity may include—

''(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent

the interests of elementary and secondary schools that are eligible to participate in the program under part A of title I of this Act; or

''(B) any two or more of the following, which will provide a telecommunications network:

''(i) a local educational agency that has a significant number of elementary and secondary schools that are eligible for assistance under part A of title I of this Act, or elementary and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(b)(1) of this Act;

''(ii) a State educational agency;

''(iii) an institution of higher education or a State higher education agency;

''(iv) a teacher training center or academy that—

''(I) provides teacher pre-service and in-service training; and

''(II) receives Federal financial assistance or has been approved by a State agency;

''(v)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, includ-

ing entities involved in telecommunications through satellite, cable, telephone, or computer; or

''(II) a public broadcasting entity with such experience; or

''(vi) a public or private elementary or secondary school.

''APPLICATIONS

''SEC. 3125. (a) GENERAL REQUIREMENT.—Each eligible entity that desires to receive a grant under this subpart shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

''(b) STAR SCHOOL AWARD APPLICATIONS.—Each application for a grant authorized under section 3123 shall—

''(1) describe—

''(A) how the proposed project will assist in achieving the National Education Goals set out in title I of the Goals 2000: Educate America Act, how it will assist all students to have an opportunity to learn to challenging State standards, and how it will assist State and local educational reform efforts;

''(B) the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

''(i) the design, development, construction, and acquisition of district, multidistrict, State, or multistate educational telecommunications networks and technology resource centers;

''(ii) microwave, fiber optics, cable, and satellite transmission equipment, or any combination thereof;

''(iii) reception facilities, satellite time, production facilities, and other telecommunications equipment capable of serving the intended geographic area;

''(iv) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought in using such facilities and equipment, and in integrating programs into the class curriculum; and

''(v) the development of educational and related programming for use on a telecommunications network;

''(C) the types of programming that will be developed to enhance instruction and training, including an assurance that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level;

''(D) how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

''(E) the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

''(F) the manner in which historically underserved students (such as students from low-income families, limited English proficient students, disabled students, or students who have low literacy skills) and their families will participate in the benefits of the telecommunications facilities, equipment, technical assist-

ance, and programming assisted under this subpart;

''(G) how existing telecommunications equipment, facilities, and services, where available, will be used;

''(H) the activities or services for which assistance is sought, such as—

''(i) providing facilities, equipment, training services, and technical assistance;

''(ii) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

''(iii) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

''(iv) sharing curriculum materials between networks;

''(v) providing teacher and student support services;

''(vi) incorporating community resources such as libraries and museums into instructional programs;

''(vii) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff; and

''(viii) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment; and

''(I) how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

''(2) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I of this Act; and

''(3) provide an assurance that the applicant will provide such information and cooperate in any

evaluation that the Secretary may conduct under this subpart.

''(c) PRIORITIES.—The Secretary shall, in approving applications for grants authorized under section 3123, give priority to applications that—

''(1) propose high-quality plans to assist in achieving one or more of the National Education Goals as set out in title I of the Goals 2000: Educate America Act, would provide instruction consistent with State content standards, or would otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform under title III of the Goals 2000: Educate America Act; and

''(2) would serve schools with significant numbers of children counted for the purposes of part A of title I of this Act.

''(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 3123, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services.

''LEADERSHIP AND EVALUATION ACTIVITIES

''SEC. 3126. (a) SET-ASIDE.—From amounts appropriated under section 3123(b), the Secretary may reserve up to 10 percent for national leadership, evaluation, and peer review activities.

"(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

"(c) USES OF FUNDS.—(1) Funds reserved for leadership activities may be used for—

"(A) disseminating information, including lists and descriptions of services available from recipients; and

"(B) other activities designed to enhance the quality of distance learning activities nationwide.

"(2) Funds reserved for evaluation activities shall be used to conduct independent evaluations of the Star Schools program under this subpart and of distance learning in general, including—

"(A) analyses of distance learning efforts, including both Star Schools projects and efforts not funded by the program under this subpart; and

"(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

"(3) Funds reserved for peer review activities may be used for peer review of both proposals and funded projects.

"DEFINITIONS

"SEC. 3127. For the purpose of this subpart, the following terms have the following meanings:

''(1) The term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency.

''(2) The term 'instructional programming' means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices.

''(3) The term 'public broadcasting entity' has the same meaning given that term in section 397 of the Communications Act of 1934.

''PART B—FUND FOR THE IMPROVEMENT OF EDUCATION

''FUND FOR THE IMPROVEMENT OF EDUCATION

''SEC. 3201. (a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local education agencies, institutions of higher

education, and other public and private agencies, organizations, and institutions.

''(b) USES OF FUNDS.—(1) Funds under this section may be used for—

''(A) activities that will promote systemic education reform at the State and local levels, such as—

''(i) research and development related to content and performance standards for student learning; and

''(ii) the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform;

''(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice and school based decision-making;

''(C) joint activities with other agencies to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services;

''(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

''(E) activities to promote comprehensive health education;

''(F) activities to promote environmental education;

''(G) activities to assist students to demonstrate competence in foreign languages;

''(H) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

''(I) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; and

''(J) other programs and projects that meet the purposes of this section.

''(2) The Secretary may also use funds under this section to complete the project periods for direct grants or contracts awarded under the provisions of the Elementary and Secondary Education Act of 1965, part B of title III of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, or title III of the Education for Economic Secu-

rity Act, as these Acts were in effect on the day before enactment of the Improving America's Schools Act of 1993.

''(c) AWARDS.—(1) The Secretary may make awards under this section on the basis of competitions announced by the Secretary and may also support meritorious unsolicited proposals.

''(2) The Secretary shall ensure that projects and activities supported under this section are designed so that their effectiveness is readily ascertainable.

''(3) The Secretary shall use a peer review process in reviewing applications for grants under this section and may use funds appropriated under subsection (d) for this purpose.

''(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''PART C—JACOB K. JAVITS GIFTED AND TALENTED EDUCATION PROGRAM

''FINDINGS AND PURPOSE

''SEC. 3301. (a) FINDINGS.—The Congress finds that—

''(1) all students can learn to high standards;

''(2) all students must develop their talents, realize their potential, and learn to high standards if the United States is to prosper;

''(3) too often, schools fail to challenge students to do their best work, and students who are not challenged will not fully develop their talents, realize their potential, and learn to high standards;

''(4) schools must provide all students with important and challenging subject matter to study and encourage the habits of hard work;

''(5) during the past 20 years, programs for gifted and talented students have served as laboratories for innovative and experimental approaches to teaching and learning;

''(6) many programs developed for gifted and talented students, when used with disadvantaged students, have shown promise in achieving better results than remedial programs;

''(7) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used to develop a rich and challenging curriculum for all students;

''(8) the Federal Government should encourage the adaptation of strategies used in programs for

gifted and talented students to help all students develop their talents, realize their potential, and learn to high standards, while also continuing to challenge gifted and talented students; and

''(9) examples of programs and strategies in which students can and have learned to the highest standards will help to demonstrate how all students can learn to high standards.

''(b) PURPOSE.—The purpose of this part is to demonstrate how strategies and programs designed for the education of gifted and talented students can be adapted and used to improve teaching and learning for all students in a school and to help all students in a school develop their talents, realize their potential, and meet challenging performance standards, while not diminishing the curriculum and instruction for students traditionally identified as gifted and talented. Such strategies and programs shall, at a minimum—

''(1) contain important and challenging academic content;

''(2) elicit complex thinking and understanding in students;

''(3) engage students in learning and allow them to progress at their own pace; and

"(4) use performance measures that assess whether students have developed a thorough understanding of the important and challenging subject matter contained in the school curriculum.

"AUTHORIZED PROGRAMS

"SEC. 3302. (a) ESTABLISHMENT OF PROGRAM.—From the sums appropriated under section 3305(a) for any fiscal year that are remaining after the reservation of funds pursuant to section 3305(b), the Secretary shall make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, or other public agencies or private agencies and organizations (including Indian tribes and organizations, as defined by the Indian Self-Determination and Education Assistance Act, and Native Hawaiian organizations) to assist such agencies, schools, institutions, and organizations to carry out the purpose of this part.

"(b) APPLICATION.—Any eligible applicant that wishes to receive funds under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) USES OF FUNDS.—(1) A recipient of funds under this part shall use those funds for activities that are designed to meet the purpose of this part. Such activities may include—

''(A) developing, implementing, and expanding new programs that adapt strategies or programs designed for gifted and talented students to serve all students (including gifted and talented students) in a school or in several schools;

''(B) adapting and expanding existing programs for gifted and talented students to serve all students (including gifted and talented students) in a school or in several schools;

''(C) implementing innovative strategies, such as cooperative learning and peer tutoring, for expanding programs that serve gifted and talented students into programs that serve all the students (including gifted and talented students) in a school;

''(D) establishing and operating cooperative programs involving business, industry, and education;

''(E) establishing and operating summer programs; and

''(F) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in adapting strategies and programs for educating gift-

ed and talented students to improve education for all students (including gifted and talented students).

''(2) Each project assisted under this part that provides services to students shall, by the end of the period for which assistance is sought (but in no case later than the end of the third year of assistance under this part) serve all the students (including gifted and talented students) in a school.

''(d) NON-FEDERAL SHARE.—(1) Subject to paragraph (2), the Secretary is authorized to require any recipient of a grant or contract under this part to share in the cost of its project, which share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

''(2) The Secretary may increase the non-Federal share required of such recipient after the first year of the recipient's project, except that such share may not exceed 50 percent at any time during the recipient's project.

''PROGRAM PRIORITIES

''SEC. 3303. In making awards under this part, the Secretary shall ensure that for each fiscal year at least one-half of the awards made contain a component designed to serve schools in which at least 50 percent of the students in the school are children counted under section 1123(c)(1)(A) of this Act (children from low-income families).

"NATIONAL RESPONSIBILITIES

"SEC. 3304. (a) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department of Education by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.

"(b) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—

"(1) use a peer review process in reviewing applications under this part;

"(2) ensure that information on the activities and results of projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) evaluate the effectiveness of programs under this part, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress by January 1, 1999.

"(c) APPLIED RESEARCH AND DEVELOPMENT.—The Secretary may conduct, in coordination with other appropriate offices of the Department, applied research and development of theories, strategies, and models that further the purpose of this part.

"(d) GRANT AND CONTRACT AUTHORITY.—The Secretary may carry out the activities under subsections (a), (b), and (c) directly or through grants or contracts.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3305. (a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(b) RESERVATION.—In order to carry out the purpose of this part, the Secretary may reserve not more than 15 percent of the sum appropriated under subsection (a) for any fiscal year for activities under section 3304(b).

"DEFINITIONS

"SEC. 3306. For the purpose of this part, the following terms have the following meanings:

"(1) The term 'Native Hawaiian' means any individual any of whose ancestors were natives prior to 1778 of the area that now comprises the State of Hawaii.

"(2) The term 'Native Hawaiian organization' means any organization recognized by the Governor

of the State of Hawaii and primarily serving and representing Native Hawaiians.

''PART D—CHARTER SCHOOLS

''FINDINGS AND PURPOSE

''SEC. 3401. (a) FINDINGS.—The Congress finds that—

''(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State academic standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of them, are available to all students;

''(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools;

''(3) the new schools developed through this process should be free to test a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if their leadership commits to attaining specific and ambitious educational results for students consistent with

challenging State content and performance standards for all students;

''(4) charter schools, as they have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains; and

''(5) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform.

''(b) PURPOSE.—It is the purpose of this part to increase national understanding of the charter schools model by—

''(1) providing financial assistance for the design and initial implementation of charter schools; and

''(2) evaluating the effects of those schools, including their effects on students, staff, and parents.

''PROGRAM AUTHORIZED

''SEC. 3402. (a) GENERAL.—The Secretary may make grants to eligible applicants for the design and initial operation of charter schools.

''(b) PROJECT PERIODS.—Each such grant shall be for a period of not more than three years, of which the grantee may use—

"(1) no more than 18 months for planning and program design; and

"(2) no more than two years for the initial implementation of the charter school.

"(c) LIMITATION.—The Secretary shall not make more than one grant to support a particular charter school.

"APPLICATIONS

"SEC. 3403. (a) APPLICATIONS REQUIRED.—Any eligible applicant that desires to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) SCOPE OF APPLICATION.—Each such application may request assistance for a single charter school or for a cluster of schools, which may include a high school and its feeder elementary and middle schools, within a community.

"(c) APPLICATION CONTENTS.—Each such application shall include, for each charter school for which assistance is sought—

"(1) a description of the educational program to be implemented by the proposed charter school, including—

"(A) how the program will enable all students to meet challenging State performance standards;

''(B) the grade levels or ages of children to be served; and

''(C) the curriculum and instructional practices to be used;

''(2) a description of how the school will be managed;

''(3) a description of—

''(A) the objectives of the school; and

''(B) the methods by which the school will determine its progress toward achieving those objectives;

''(4) a description of the administrative relationship between the charter school and the local educational agency or State educational agency that will authorize or approve the school's charter and act as the grantee under this part;

''(5) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

''(6) a description of how the State or local educational agency, as the case may be, will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school is successful;

''(7) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

''(8) a description of how the grant funds would be used;

''(9) a description of how grant funds would be used in conjunction with other Federal programs administered by the Secretary;

''(10) a description of how students in the community will be—

''(A) informed about the school; and

''(B) given an equal opportunity to attend the school;

''(11) an assurance that the applicant will annually provide the Secretary such information as the Secretary may require to determine if the charter school is making satisfactory progress toward achieving the objectives described under paragraph (3);

''(12) an assurance that the applicant will cooperate with the Secretary in evaluating the program authorized by this part; and

"(13) such other information and assurances as the Secretary may require.

"(d) STATE EDUCATIONAL AGENCY APPROVAL REQUIRED.—(1) A local educational agency that desires to receive a grant under this part shall obtain the State educational agency's approval of its application before submitting it to the Secretary.

"(2) A State educational agency that approves an application of a local educational agency shall provide the local educational agency, and such local agency shall include in its application to the Secretary, a statement that the State has granted, or will grant, the waivers and exemptions from State requirements described in such local agency's application.

"SELECTION OF GRANTEES; WAIVERS

"SEC. 3404. (a) CRITERIA.—The Secretary shall select projects to be funded on the basis of the quality of the applications, taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) the degree of flexibility afforded by the State and, if applicable, the local educational agency to the school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the school;

"(5) the quality of the plan for assessing achievement of those objectives; and

"(6) the likelihood that the school will meet those objectives and improve educational results for students.

"(b) PEER REVIEW.—The Secretary shall use a peer review process to review applications for grants under this section.

"(c) DIVERSITY OF PROJECTS.—The Secretary may approve projects in a manner that ensures, to the extent possible, that they—

"(1) are distributed throughout different areas of the Nation, including in urban and rural areas; and

"(2) represent a variety of educational approaches.

"(d) WAIVERS.—The Secretary may waive any statutory or regulatory requirement that the Secretary is responsible for enforcing, except for any such requirement relating to the elements of a charter school described in section 3407(1), if—

"(1) the waiver is requested in an approved application or by a grantee under this part; and

''(2) the Secretary determines that granting such a waiver would promote the purpose of this part.

''USES OF FUNDS

''SEC. 3405. A recipient of a grant under this part may use the grant funds only for—

''(1) post-award planning and design of the educational program, which may include—

''(A) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

''(B) professional development of teachers and other staff who will work in the charter school; and

''(2) initial implementation of the charter school, which may include—

''(A) informing the community about the school;

''(B) acquiring necessary equipment;

''(C) acquiring or developing curriculum materials; and

''(D) other operational costs that cannot be met from State or local sources.

''NATIONAL ACTIVITIES

''SEC. 3406. The Secretary may reserve up to 10 percent of the funds appropriated for this part for any fiscal year for—

''(1) peer review of applications under section 3404(b);

''(2) an evaluation of charter schools, including those assisted under this part; and

''(3) other activities designed to enhance the success of the program authorized by this part, such as bringing grantees together to share ideas and information.

''DEFINITIONS

''SEC. 3407. As used in this part, the following terms have the following meanings:

''(1) The term 'charter school' means a school that—

''(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

''(B) is created by a developer as a public school, or is adapted by a developer from an existing public school;

''(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the State or local educational agency applying for a grant on behalf of the school;

''(D) provides a program of elementary or secondary education, or both;

''(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

''(F) does not charge tuition;

''(G) complies with the Age Discrimination Act, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

''(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

''(I) agrees to comply with the same Federal and State audit requirements as do other schools in the State, unless such requirements

are specifically waived for the purpose of this program; and

''(J) meets all applicable Federal, State, and local health and safety requirements.

''(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

''(3) The term 'eligible applicant' means a State educational agency or local educational agency, in partnership with a developer.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 3408. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''PART E—ARTS IN EDUCATION

''SUPPORT FOR ARTS EDUCATION

''SEC. 3501. (a) FINDINGS.—The Congress finds that—

''(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

''(2) the arts are important to excellent education and to effective school reform;

''(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

''(4) this transformation is best realized in the context of comprehensive, systemic education reform;

''(5) demonstrated competency in the arts for American students is among the National Education Goals; and

''(6) arts education should be an integral part of the elementary and secondary school curriculum.

''(b) PURPOSE. The purposes of this part are to—

''(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

''(2) help ensure that all students have the opportunity to learn to challenging standards in the arts; and

''(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

''(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to

make grants to, or enter into contracts or cooperative agreements with—

''(1) State educational agencies;

''(2) local educational agencies;

''(3) institutions of higher education; and

''(4) other public and private agencies, institutions, and organizations.

''(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

''(1) research on arts education;

''(2) the development of, and dissemination of information about, model arts education programs;

''(3) the development of model arts education assessments based on high standards;

''(4) the development and implementation of curriculum frameworks for arts education;

''(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

''(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art;

''(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

''(8) supporting model projects and programs in the arts for individuals with disabilities through arrangements with the organization, Very Special Arts;

''(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

''(10) other activities that further the purposes of this part.

''(e) COORDINATION.—(1) A recipient of funds under this part shall, to the extent possible, coordinate its project with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

''(2) In carrying out this part, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

''(f) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated such

sums as may be necessary for each of the fiscal years 1995 through 1999.

''PART F—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

''INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION

''SEC. 3601. (a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading Is Fundamental (RIF) (hereinafter in this section referred to as ''the contractor'') to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

''(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

''(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift or loan, to preschool, elementary, and secondary school children;

''(2) provide that funds made available by the Secretary will be used by the contractor only to pay the Federal share of the cost of such programs;

''(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

''(A) low-income children, particularly in high-poverty areas;

''(B) children at risk of school failure;

''(C) children with disabilities, including children with serious emotional disturbance;

''(D) foster children;

''(E) homeless children;

''(F) migrant children;

''(G) children without access to libraries;

''(H) institutionalized or incarcerated children; and

''(I) children whose parents are institutionalized or incarcerated;

''(4) provide that the contractor will not provide Federal assistance under this section to any subcontractor for more than five years after the date of enactment of the Improving America's Schools Act of 1993 or the beginning of the subcontractor's program under this section (or its predecessor authority), whichever comes later, except that the contrac-

tor may continue to provide such assistance beyond such date if—

''(A) the program qualifies for priority treatment under paragraph (3); and

''(B) the contractor determines that, because of severe economic hardship facing the subcontractor and the local area it serves, the local program will be unable to continue without additional assistance under this section;

''(5) provide that, not later than three years from the date of enactment of the Improving America's Schools Act of 1993, the contractor will cease providing Federal assistance under this section to any subcontractor whose program—

''(A) received such assistance under section 1563 of this Act, as in effect before the date of enactment of the Improving America's Schools Act of 1993; and

''(B) does not qualify for priority treatment under paragraph (3);

''(6) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(7) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(8) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

"(d) DEFINITION OF 'FEDERAL SHARE'.—For the purpose of this section, the term 'Federal share' means the portion of the cost to a subcontractor of purchasing books to be paid with funds made available under this section. The Federal share shall be established by the Secretary, and shall not exceed 75 percent, except for books to be distributed to children of migrant or seasonal farmworkers.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be needed for each of the fiscal years 1995 through 1999.

''TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

''FINDINGS

''SEC. 4001. The Congress finds as follows:

''(1) National Education Goal Six provides that by the year 2000, all schools in America will be free of drugs and violence and offer a disciplined environment that is conducive to learning.

''(2) The widespread use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to their physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

''(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately three million thefts and violent crimes occur in or near our Nation's schools every year, the

equivalent of more than 16,000 incidents per school day. Approximately one of every five high school students now carries a firearm, knife, or club on a regular basis.

''(4) The tragic consequences of violence and the illegal use of alcohol and other drugs by students are felt not only by students and their families, but by their communities and the Nation, which can ill afford to lose their skills, talents, and vitality.

''(5) Alcohol and tobacco (nicotine) are the most widely used drugs among young people today. Both of these drugs can, and do, have adverse consequences for users, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address all drugs.

''(6) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities

throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

''(7) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve their goals of providing a safe, disciplined, and drug-free learning environment.

''PURPOSE

''SEC. 4002. The purpose of this title is to support programs to meet Goal Six of the National Educational Goals by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol and other drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

''(1) States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

''(2) States for grants to, and contracts with, community-based organizations and other public and private non-profit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education;

''(3) States for development, training, technical assistance, and coordination activities;

''(4) institutions of higher education to establish, operate, expand, and improve programs of school drug and violence prevention, education, and rehabilitation referral for students enrolled in colleges and universities;

''(5) a national center to provide training and technical assistance to institutions providing post-secondary education in developing and implementing model programs and strategies to prevent violence and illegal drug use by students at such institutions; and

''(6) public and private non-profit organizations to conduct training, demonstrations, research, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 4003. There are authorized to be appropriated—

''(1) for State grants under part A, such sums as may be necessary for each of fiscal years 1995 through 1999;

''(2) for postsecondary programs under part B, such sums as may be necessary for each of fiscal years 1995 through 1999; and

''(3) for national programs under part C, such sums as may be necessary for each of fiscal years 1995 through 1999.

''PART A—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

''RESERVATIONS AND ALLOTMENTS

''SEC. 4101. (a) RESERVATIONS.—From the amount appropriated for each fiscal year under section 4003(1), the Secretary—

''(1) shall reserve no more than one-half of 1 percent of such amount for grants under this part to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), to be allotted in accordance with the Secretary's determination of their respective needs;

''(2) shall reserve no more than one percent of such amount for the Secretary of the Interior to

carry out programs under this part for Indian youth; and

''(3) may reserve no more than $1,000,000 for the national impact evaluation required by section 4108(a).

''(b) STATE ALLOTMENTS.—(1) Except as provided under paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

''(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

''(B) one-half of such remainder according to the ratio between the amount each State received under section 1122 of this Act for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as in effect on the day before enactment of the Improving America's Schools Act of 1993) and the sum of such amounts received by all the States.

''(2) For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallotments may be made on whatever basis the Secretary determines would best serve the purposes of this title.

"(4) For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"STATE DRUG AND VIOLENCE PREVENTION COORDINATING COUNCIL

"SEC. 4102. (a) ESTABLISHMENT OF COUNCIL.—No State may receive its allotment under section 4101 unless its chief executive officer establishes a State Drug and Violence Prevention Coordinating Council (or designates an existing body to perform the functions of such a Council) to advise him or her and the chief State school officer on the development and implementation of the State's application under section 4103.

"(b) MEMBERSHIP.—(1) The chief executive officer, the chief State school officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, and the head of the State criminal justice planning agency, or their designees, shall be members of the Council.

''(2) The chief executive officer shall also appoint representatives of other appropriate State agencies or offices as members of the Council.

''(c) FUNCTIONS OF COUNCIL.—The Council established or designated under this section shall—

''(1) review and comment on the development of the State's application under section 4103, including the chief executive officer's and State education agency's comprehensive plans under sections 4103(b) and (c);

''(2) disseminate information about drug and violence prevention initiatives within the State, including programs funded under sections 4104 and 4105;

''(3) advise the chief executive officer and the State educational agency on how to coordinate the State's activities under this part with other available resources; and

''(4) advise the chief executive officer and the State educational agency on the planning and implementation of program evaluation activities and make recommendations on how to improve the State's program, including the formulation of measurable goals.

''STATE APPLICATIONS

''SEC. 4103. (a) IN GENERAL.—In order to receive its allotment under section 4101 for any fiscal year, a

State shall submit to the Secretary, at such time as the Secretary may require, an application that—

''(1)(A)(i) is integrated into the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that plan; and

''(ii) is submitted, if necessary, as an amendment to the State's plan under title III of the Goals 2000: Educate America Act; or

''(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act and satisfies the requirements of this section;

''(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of ongoing State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

''(3) contains a list of the members, and the interests or organizations they represent, of the State Drug and Violence Prevention Coordinating Council;

''(4) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 4106;

''(5) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4108(a); and

''(6) includes any other information the Secretary may require.

''(b) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4104(a) by the chief executive officer that includes—

''(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;

''(2) a description of how the chief executive officer will coordinate his or her activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

"(3) a description of how funds reserved under section 4104(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;

"(4) a description of how the chief executive officer will award funds under section 4104(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and

"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.

"(c) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4105(a) by the State educational agency that includes—

"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the proce-

dures it will use for assessing and publicly reporting progress toward meeting those goals and objectives;

''(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4107;

''(3) a description of how the State educational agency will use funds it reserves under section 4105(b);

''(4) a description of how the State educational agency will coordinate its activities under this part with the chief executive officer's drug and violence prevention programs under this part and with the prevention efforts of other State agencies; and

''(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 4105(d)(2)(A)(ii) and how the supplemental funds will be allocated among those local educational agencies.

''(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

"(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this part that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review its application and comprehensive plan otherwise required by this section. A State may not receive a grant under this part for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved its application and comprehensive plan.

"GOVERNOR'S PROGRAMS

"SEC. 4104. (a) USE OF FUNDS.—(1) An amount equal to 20 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) A chief executive officer may use no more than five percent of the amount reserved under subsection (a)(1) for the administrative costs incurred in carrying out the duties of such officer under this section, including the cost of the State Drug and Violence Prevention Coordinating Council under section 4102(a).

1 ''(b) PROGRAMS AUTHORIZED.—(1) A chief executive
2 officer shall use funds reserved under subsection (a)(1) for
3 grants to or contracts with parent groups, community ac-
4 tion and job training agencies, community-based organiza-
5 tions, and other public entities and private nonprofit orga-
6 nizations. Such grants or contracts shall support pro-
7 grams and activities described in subsection (c) for chil-
8 dren and youth who are not normally served by State or
9 local educational agencies, for populations that need spe-
10 cial services or additional resources (such as preschoolers,
11 youth in juvenile detention facilities, runaway or homeless
12 children and youth, and dropouts), or both.
13 ''(2) Grants or contracts awarded under this sub-
14 section shall be subject to a peer review process.
15 ''(c) AUTHORIZED ACTIVITIES.—Grants and con-
16 tracts under subsection (b) shall be used for programs and
17 activities such as—
18 ''(1) disseminating information about drug and
19 violence prevention;
20 ''(2) training parents, law enforcement officials,
21 judicial officials, social service providers, health serv-
22 ice providers and community leaders about drug and
23 violence prevention, education, early intervention,
24 counseling, or rehabilitation referral;

''(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training, law enforcement, health, mental health, and other appropriate services;

''(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with those of the State educational agency and its local educational agencies;

''(5) activities to protect students traveling to and from school;

''(6) developing and implementing strategies to prevent illegal gang activity;

''(7) coordinating and conducting community-wide violence and safety assessments and surveys; and

''(8) evaluating programs and activities under this section.

''STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS

''SEC. 4105. (a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 4101 for each fiscal year shall be used by the State educational agency and its local educational

agencies for drug and violence prevention activities in accordance with this section.

''(b) STATE LEVEL PROGRAMS.—(1) A State educational agency shall use no more than five percent of the amount reserved under subsection (a) for activities such as—

''(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, coaches and athletic directors, other educational personnel, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;

''(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials, for consideration by local educational agencies;

''(C) demonstration projects in drug and violence prevention;

''(D) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this part; and

"(E) evaluation activities required by this subpart.

"(2) A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

"(c) STATE ADMINISTRATION.—A State educational agency may use no more than five percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—(1) A State educational agency shall distribute not less than 90 percent of the amount reserved under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

"(2)(A) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—

"(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private non-profit schools within their boundaries; and

"(ii) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this part.

"(B)(i) A State educational agency shall distribute funds under subparagraph (A)(ii) to no more than ten percent of its local educational agencies, or five such agencies, whichever is greater.

"(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider factors such as—

"(I) high rates of alcohol or other drug use among youth;

"(II) high rates of victimization of youth by violence and crime;

"(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(IV) the extent of illegal gang activity;

"(V) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(VI) high rates of referrals of youths to juvenile court; and

"(VII) high rates of expulsions and suspensions of students from schools.

"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to it under subsection (d), or if its application under section 4106 is disapproved by the State edu-

cational agency, the State educational agency shall reallocate such amount to one or more of the local education agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.

''LOCAL APPLICATIONS

''SEC. 4106. (a) IN GENERAL.—(1) In order to be eligible to receive an allocation under section 4105(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

''(2)(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, appropriate state agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

''(B) In addition to assisting the local educational agency to develop its application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an on-going basis—

''(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

''(ii) advise the local educational agency on how best to coordinate its activities under this part with other related programs, projects, and activities and the agencies that administer them; and

''(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve its drug and violence prevention programs.

''(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

''(1) a needs assessment of the current alcohol, tobacco, and other drug problems as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on on-going local assessment or evaluation activities;

''(2) a detailed explanation of the local educational agency's comprehensive plan for drug and

violence prevention, which shall include a description of—

''(A) how that plan is consistent with, and promotes the goals in, the State's application under section 4103 and the local educational agency's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or, if the local educational agency does not have such an approved plan and is not developing one, its plan under section 1112 of this Act;

''(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how it will assess and publicly report progress toward attaining these goals;

''(C) if the local educational agency intends to use funds under this part to implement an expanded drug and violence prevention program under section 4107(c), an explanation of how the local educational agency is already meeting the requirements of a basic drug and violence prevention program under section 4107(b), regardless of the source of funds used;

"(D) how the local educational agency will use its regular allocation under section 4105(d)(2)(A)(i) and its supplemental allocation, if any, under section 4105(d)(2)(A)(ii);

"(E) how the local educational agency will coordinate its programs and projects with community-wide efforts to achieve its goals for drug and violence prevention; and

"(F) how the local education agency will coordinate its programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

"(3) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—(1) A State educational agency shall use a peer review process in reviewing local applications under this section.

"(2)(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which it is consistent with, and supports, the State's application under section 4103

and the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of this Act.

''(B) A State educational agency shall not permit a local educational agency to use funds under this part to implement an expanded drug and violence prevention program under section 4107(c) unless it determines that the local educational agency is already meeting (regardless of the source of funds) the requirements of a basic drug and violence prevention program under section 4107(b).

''(C) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under the Goals 2000: Educate America Act, and, if the State does not have such a plan, its plan under section 1111 of this Act.

''LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS

''SEC. 4107. (a) USE OF FUNDS.—Except as permitted under subsection (c), a local educational agency shall use funds received under this part to adopt and implement a basic drug and violence prevention program described under subsection (b).

1 ''(b) BASIC PROGRAM.—(1) A basic drug and violence
2 prevention program under this part shall—
3 ''(A) be designed, for all students and employ-
4 ees, to—
5 ''(i) prevent the illegal use, possession, and
6 distribution of alcohol, tobacco, and other
7 drugs;
8 ''(ii) prevent violence and promote school
9 safety; and
10 ''(iii) create a disciplined environment con-
11 ducive to learning;
12 ''(B) include mandatory standards of conduct
13 for students and employees, which clearly describe
14 the sanctions that will be imposed for violations of
15 the standards and which are distributed to all stu-
16 dents, parents, and employees;
17 ''(C) include, with respect to drug prevention—
18 ''(i) age-appropriate, developmentally based
19 education and prevention programs for all stu-
20 dents, from the early childhood level through
21 grade 12, that address the legal, social and
22 health consequences of the use of illegal drugs,
23 promote a sense of individual responsibility, and
24 provide information about effective techniques
25 for resisting peer pressure to use illegal drugs;

''(ii) professional development programs for school personnel who provide the education and prevention programs required by subsection (b)(1)(C)(i);

''(iii) activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs assessments, goals, and programs under subsection (b)(1)(C)(i); and

''(iv) the distribution of information to all students and employees about resources for drug and alcohol counseling, rehabilitation, and re-entry programs that are available in the community; and

''(D) include, with respect to violence prevention—

''(i) age-appropriate, developmentally based education and prevention programs for all students, from the early childhood level through grade 12, that address the legal, personal, and social consequences of violent and disruptive behavior, including sexual harassment, and that include activities designed to help students develop a sense of individual responsibility and re-

spect for the rights of others, and to resolve conflicts without violence;

''(ii) professional development programs for school personnel who provide the education and prevention programs required by subsection (b)(1)(D)(i);

''(iii) activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs assessment, goals and programs under subsection (b)(1)(D)(i); and

''(iv) the distribution of information to all students and employees about resources for counseling, re-entry, and conflict resolution that are available in the community.

''(2) In implementing its basic drug and violence prevention program under paragraph (1) or its expanded program under subsection (c), a local educational agency may use no more than 33 percent of the funds it receives under this part for any fiscal year for—

''(A) minor remodeling to promote security and reduce the risk of violence, such as removing lockers, installing better lights, and upgrading locks; and

1 ''(B) acquiring and installing metal detectors
2 and hiring security personnel.
3 ''(c) EXPANDED PROGRAM.—(1) A local educational
4 agency that demonstrates to the satisfaction of the State
5 educational agency that it has adopted and implemented
6 a basic drug and violence prevention program described
7 under subsection (b) may use funds received under this
8 subpart to supplement its basic program, to carry out one
9 or more of the activities described in paragraph (2), or
10 both.
11 ''(2) A local educational agency described in para-
12 graph (1) may use funds received under this subpart for—
13 ''(A) programs of drug prevention, health edu-
14 cation, early intervention, counseling, mentoring, or
15 rehabilitation referral, which emphasize students'
16 sense of individual responsibility and may include—
17 ''(i) the dissemination of information about
18 drug prevention;
19 ''(ii) the training of school personnel, par-
20 ents, students, law enforcement officials, judi-
21 cial officials, health service providers, and com-
22 munity leaders in prevention, education, early
23 intervention, counseling, or rehabilitation refer-
24 ral; and

''(iii) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol and other drug use, such as—

''(I) family counseling;

''(II) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

''(III) activities, such as community service projects, that are designed to increase students' sense of community;

''(B) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

''(i) the dissemination of information about school safety and discipline;

''(ii) the training of school personnel, parents, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

''(iii) the implementation of strategies, such as conflict resolution and peer mediation and the use of mentoring programs, to combat

school violence and other forms of disruptive behavior, such as sexual harassment; and

''(iv) comprehensive, community-wide strategies to prevent or reduce illegal gang activity;

''(C) the promotion of before- and after-school recreational, instructional, cultural, and artistic programs in supervised community settings; and

''(D) the evaluation of any of the activities authorized by subsection (c).

''EVALUATION AND REPORTING

''SEC. 4108. (a) NATIONAL IMPACT EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs under this part and submit a report of the findings of such evaluation to the President and the Congress.

''(b) STATE REPORT.—(1) By October 1, 1997, and every third year thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

''(A) on the implementation and outcomes of State programs under section 4104 and section

4105(b) and local programs under section 4105(d), as well as an assessment of their effectiveness; and

''(B) on the State's progress toward attaining its goals for drug and violence prevention under sections 4103 (b)(1) and (c)(1).

''(2) The report required by this subsection shall be—

''(A) in the form specified by the Secretary;

''(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

''(C) made readily available to the public.

''(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

''PART B—POSTSECONDARY DRUG AND VIOLENCE PREVENTION PROGRAMS

''GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

''SEC. 4201. (a) IN GENERAL.—From funds appropriated under section 4003(2), the Secretary is authorized

to make grants to, or enter into contracts with, institutions of higher education, or consortia of such institutions, for drug and violence prevention programs under this section. Awards under this section shall support the development, implementation, validation, and dissemination of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students.

''(b) APPLICATIONS.—An institution of higher education, or consortium of such institutions, that desires to receive an award under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall use a peer review process for reviewing applications for funds under this section.

''(c) EQUITABLE PARTICIPATION.—The Secretary shall make every reasonable effort to ensure the equitable participation of private and public institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

''NATIONAL CENTER

''SEC. 4202. From funds appropriated under section 4003(2), the Secretary is authorized to support, through a grant to, or a contract with, an institution of higher

education, a public or private non-profit organization, or a for-profit organization, a national center to provide training and technical assistance to institutions providing postsecondary education, including for-profit institutions, in developing, implementing, evaluating, validating, replicating, and disseminating model programs and strategies to prevent violence and the use of illegal drugs by students at such institutions.

''PART C—NATIONAL PROGRAMS

''FEDERAL ACTIVITIES

''SEC. 4301. (a) PROGRAM AUTHORIZED.—From funds appropriated under section 4003(3), the Secretary of Education, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels, prekindergarten through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private non-profit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

''(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

''(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

''(3) drug and violence prevention research that is coordinated with other Federal agencies and is directed towards improving programs and activities under this title;

''(4) program evaluations that address issues not addressed under section 4108(a);

''(5) direct services to schools and school systems afflicted with especially severe drug and violence problems;

''(6) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

''(7) developing and disseminating drug and violence prevention materials, including model curricula; and

"(8) other activities that meet unmet national needs related to the purposes of this title.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"PART D—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 4401. For the purposes of this title, the following terms have the following meanings:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and tobacco (nicotine) and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual

responsibility and respect for the rights of others.

''(2) The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution 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.

''(3) The term 'school-aged population' means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

''(4) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

''MATERIALS

''SEC. 4402. (a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this title shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

"(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this title, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

"PROHIBITED USES OF FUNDS

"SEC. 4403. No funds under this title may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this title);

"(2) drug treatment or rehabilitation; and

"(3) psychiatric, psychological, or other medical treatment or rehabilitation, other than school-based counseling for students or school personnel who are victims or witnesses of school-related crime.

"TITLE V—PROMOTING EQUITY

"PART A—MAGNET SCHOOLS ASSISTANCE

"FINDINGS

"SEC. 5101. The Congress finds that—

"(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in its schools;

"(2) the use of magnet schools has increased dramatically since enactment of this program, with approximately 1.4 million students nationwide now

attending such schools, of which more than 60 percent of the students are nonwhite;

''(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

''(4) in administering this program, the Federal Government has learned that—

''(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of magnet students from other students in the school;

''(B) school districts can maximize their effectiveness in achieving the purposes of this program if they have more flexibility to serve students attending a school who are not enrolled in the magnet school program;

''(C) school districts must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

''(D) school districts must seek to enable participation in magnet school programs by stu-

dents who reside in the neighborhoods where the programs are placed; and

''(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance;

''(5) it is in the best interest of the Federal Government to—

''(A) continue its support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds beginning at the earliest stage of their education;

''(B) ensure that all students have equitable access to quality education that will prepare them to function well in a culturally diverse, technologically-oriented, and highly competitive global community; and

''(C) maximize the ability of school districts to plan, develop, implement and continue new and innovative magnet schools that contribute to State and local systemic reform.

''STATEMENT OF PURPOSE

''SEC. 5102. The purpose of this part is to assist in the desegregation of school districts by providing financial assistance to eligible local educational agencies for—

''(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

''(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging performance State standards;

''(3) the development and design of innovative educational methods and practices; and

''(4) 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. 5103. The Secretary is authorized, in accordance with this part, to make grants to eligible local educational agencies for use in magnet schools that are part of an approved desegregation plan and that are designed

to bring students from different social, economic, ethnic, and racial backgrounds together.

''DEFINITION

''SEC. 5104. For the purpose of this part, 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.

''ELIGIBILITY

''SEC. 5105. A local educational agency is eligible to receive assistance under this part if it—

''(1) 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 that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

''(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this part, adopt and implement a plan that 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.

''APPLICATIONS AND REQUIREMENTS

''SEC. 5106. (a) APPLICATIONS.—An eligible local educational agency desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(b) INFORMATION AND ASSURANCES.—An application under this part shall include—

''(1) a description of—

''(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

''(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

''(C) the manner in which an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of whether successful magnet schools established or supported by the applicant with funds under this

part have been continued without the use of funds under this part;

''(D) how funds under this part will be used to implement services and activities that are consistent with—

''(i) the State's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act; and

''(ii) the local educational agency's systemic reform plan, if any, under title III of the Goals 2000: Educate America Act; and

''(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

''(2) assurances that the applicant will—

''(A) use funds under this part for the purposes specified in section 5103;

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

''(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

''(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

''(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

''(iii) designing or operating extracurricular activities for students;

''(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

''(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

''(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

''PRIORITY

''SEC. 5107. In approving applications under this part, the Secretary shall give priority to applicants that—

''(1) have the greatest need for assistance, based on the expense or difficulty of effectively car-

rying out an approved desegregation plan and the projects for which assistance is sought;

''(2) propose to carry out new magnet school projects or significantly revise existing magnet school projects;

''(3) propose to implement innovative educational approaches that are consistent with the State's and the local educational agency's approved systemic reform plans, if any, under title III of the Goals 2000: Educate America Act;

''(4) propose to select students to attend magnet school projects by lottery, rather than through academic examination; and

''(5) propose to draw on comprehensive community plans for educational improvement, school and residential desegregation, and community renewal.

''USE OF FUNDS

''SEC. 5108. (a) USE OF FUNDS.—Grants made under this part may be used by eligible local educational agencies—

''(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

''(2) for the acquisition of books, materials, and equipment, including computers and the mainte-

nance and operation thereof, necessary for the conduct of programs in magnet schools;

''(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State and who are necessary for the conduct of programs in magnet schools; and

''(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

''(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

''(B) further the purposes of this part.

''(b) SPECIAL RULE.—With respect to subsections (a) (2) and (3), such grants may be used by eligible local educational agencies for such activities only if those activities are directly related to improving the students' reading skills or their knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

"PROHIBITIONS

"SEC. 5109. Grants under this part may not be used for transportation, or for any activity that does not augment academic improvement.

"LIMITATION ON PAYMENTS

"SEC. 5110. (a) DURATION OF AWARDS.—Awards made under this part shall not exceed four years.

"(b) LIMITATION ON PLANNING FUNDS.—(1) A local educational agency may expend for planning up to 50 percent of the funds received under this part for the first year of the project, 25 percent for the second year of the project, and 10 percent for the third year of the project.

"(2) A local educational agency shall not expend funds under this part for planning after the third year of the project.

"(c) FEDERAL SHARE.—The Federal share of the cost of any project under this part shall not exceed 100 percent for the first and second years of the project, 90 percent for the third year, and 70 percent for the fourth year.

"(d) LIMITATION ON GRANTS.—No local educational agency shall receive more than $4,000,000 under this part in any one grant cycle.

"(e) AWARD REQUIREMENT.—To the extent practicable, for any fiscal year, the Secretary shall award

grants to local educational agencies under this part no later than June 30 of the applicable fiscal year.

''AUTHORIZATION OF APPROPRIATONS; RESERVATION

''SEC. 5111. (a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall, with respect to such excess amount, give priority to grants to local educational agencies that did not receive a grant under this part in the last fiscal year of the funding cycle prior to the fiscal year for which the determination is made.

''(c) EVALUATIONS.—The Secretary may reserve no more than 2 percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects under this part.

''PART B—EQUALIZATION ASSISTANCE

''TECHNICAL AND OTHER ASSISTANCE REGARDING SCHOOL FINANCE EQUITY

''SEC. 5201. (a) TECHNICAL ASSISTANCE.—(1) The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, State edu-

cational agencies and other public and private agencies, institutions, and organizations to provide technical assistance to State and local educational agencies to assist them in achieving a greater degree of equity in the distribution of financial resources for education among local educational agencies in the State.

''(2) A grant or contract under this section may support technical assistance activities, such as—

''(A) the establishment and operation of a center or centers for the provision of technical assistance to State and local educational agencies;

''(B) the convening of conferences on equalization of resources within local educational agencies, within States, and among States; and

''(C) obtaining advice from experts in the field of school finance equalization.

''(b) RESEARCH.—(1) The Secretary is authorized to carry out applied research and analysis designed to further knowledge and understanding of methods to achieve greater equity in the distribution of financial resources among local educational agencies.

''(2) The Secretary may carry out research under this subsection directly or through grants to, or contracts or cooperative agreements with, any public or private organization.

1 ''(3) In carrying out this section, the Secretary is au-
2 thorized to—
3 ''(A) support research on the equity of existing
4 State school funding systems;
5 ''(B) train individuals in such research;
6 ''(C) promote the coordination of such research;
7 ''(D) collect and analyze data related to school
8 finance equity in the United States and other na-
9 tions; and
10 ''(E) report periodically on the progress of
11 States in achieving school finance equity.
12 ''(4) The Secretary shall coordinate activities under
13 this subsection with activities carried out by the Office of
14 Educational Research and Improvement.
15 ''(5) Each State educational agency or local edu-
16 cational agency receiving assistance under this Act shall
17 provide such data and information on school finance as
18 the Secretary may require to carry out the purposes of
19 this section.
20 ''(c) MODELS.—The Secretary is authorized, directly
21 or through grants, contracts, or cooperative agreements,
22 to develop and disseminate models and materials useful
23 to States in planning and implementing revisions of their
24 school finance systems.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"PART C—WOMEN'S EDUCATIONAL EQUITY

"FINDINGS

"SEC. 5301. The Congress finds that—

"(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

"(2) because of funding provided under the Women's Educational Equity Act, there are now many more curricula, training and other educational materials concerning educational equity for women and girls available for national dissemination;

"(3) however, significant gender inequities still exist in teaching and learning practices, for example—

"(A) sexual harassment, particularly that experienced by girls, is a significant problem in schools, undermining the ability of schools to provide a safe and equitable learning or workplace environment;

''(B) girls receive significantly less attention from classroom teachers than boys, and girls of color have less interaction with teachers than all other girls;

''(C) educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

''(D) girls do not take as many mathematics and science courses as boys, they lose confidence in their mathematics and science ability as they move through adolescence, there are few women role models in the sciences, and women continue to be concentrated in low-paying, traditionally female jobs that do not require mathematics and science skills; and

''(E) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address this population;

''(4) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but, to the extent feasible, also help

schools and local communities implement and institutionalize gender equitable practices;

''(5) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

''(6) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society cannot be achieved without educational equity for women and girls.

''STATEMENT OF PURPOSES

''SEC. 5302. The purposes of this part are to—

''(A) promote educational equity for women and girls in the United States and to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Education Amendments of 1972;

''(B) promote educational equity for women and girls who suffer multiple discrimination, bias, or stereotyping based on gender and on race, ethnic origin, disability, or age; and

''(C) help ensure that all women and girls have equal opportunity to achieve to high educational standards.

''PROGRAM AUTHORIZED

''SEC. 5303. The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, and institutions, including student and community groups, and individuals, to achieve the purposes of this part by providing support and technical assistance for—

''(1) the implementation of effective gender-equity policies and practices at all educational levels, including—

''(A) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972, including preventing the sexual harassment of students and employees;

''(B) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, to ensure that gender equity pervades their teaching and learning practices;

''(C) leadership training to allow women and girls to develop professional and marketable skills to compete in the global marketplace,

improve self-esteem, and benefit from exposure to positive role models;

''(D) school-to-work transition programs and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which they have been underrepresented;

''(E) enhancing educational and career opportunities for women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited English proficiency, disability, or age; and

''(F) assisting pregnant students and students rearing children to remain in high school, graduate, and prepare their preschool children to start school; and

''(2) research and development designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions and local communities gender-equitable, including—

''(A) research and development designed to advance gender equity, including the develop-

ment of innovative strategies to improve teaching and learning practices;

''(B) the development of high quality and challenging assessment instruments that are free of gender bias;

''(C) the evaluation of curricula, textbooks, and other educational materials to ensure the absence of gender stereotyping and bias;

''(D) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

''(E) the development of new dissemination and replication strategies; and

''(F) updating high quality educational materials previously developed through awards made under this part.

''APPLICATIONS

''SEC. 5304. (a) APPLICATIONS.—(1) A grant may be made, and a contract or cooperative agreement may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe.

''(2) Each application shall—

''(A) set forth policies and procedures that will ensure a comprehensive evaluation of the activities carried out under the project, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

''(B) demonstrate how funds received under this part will be used to promote the attainment of one or more of the National Education Goals set out in title I of the Goals 2000: Educate America Act and support the implementation of State and local plans for systemic reform, if any, approved under title III of such Act;

''(C) demonstrate how the applicant will address perceptions of gender roles based on cultural and linguistic differences or stereotypes;

''(D) describe how funds under this part will be used in a manner that is consistent with and promotes the implementation of State and local programs under the School-to-Work Opportunities Act of 1993;

''(E) for applications for projects under section 5303(1), demonstrate how the applicant will foster partnerships and share resources with State edu-

cational agencies, local educational agencies, institutions of higher education, and other recipients of Federal educational funding; and

''(F) for applications for projects under section 5303(1), demonstrate how parental involvement in the project will be encouraged.

''(b) SPECIAL RULE.—In approving applications under this part, the Secretary shall give special consideration to applications—

''(1) submitted by applicants that have not received assistance under this part or under part C of title IX of this Act as in effect prior to October 1, 1988;

''(2) for projects that would contribute significantly to directly improving teaching and learning practices in the local community; and

''(3) for projects that would—

''(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies; and

''(B) draw on a variety of resources, including local educational agencies, community-based organizations, institutions of higher education, and private organizations.

"(c) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted under this part.

"CRITERIA AND PRIORITIES

"SEC. 5305. The Secretary shall establish separate criteria and priorities for awards under sections 5303 (1) and (2) of this part to ensure that available funds are used for programs that most effectively will achieve the purposes of this part.

"REPORT

"SEC. 5306. The Secretary shall, by January 1, 1999, submit to the President and the Congress a report on the status of educational equity for girls and women in the Nation.

"EVALUATION AND DISSEMINATION

"SEC. 5307. (a) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate and disseminate materials and programs developed under this part.

"(b) USE OF PROGRAM FUNDS.—The Secretary is authorized to use funds appropriated under section 5308 to gather and disseminate information about emerging issues concerning gender equity and, if necessary, to convene meetings for this purpose.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 5308. For the purpose of carrying out this part, there are authorized to be appropriated such sums

as may be necessary for each of the fiscal years 1995 through 1999.

''TITLE VI—INDIAN EDUCATION

''FINDINGS

''SEC. 6001. The Congress finds that—

''(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

''(A) are based on high-quality, internationally competitive content and student performance standards and build on Indian culture and the Indian community; and

''(B) assist local educational agencies, Indian tribes, and others in providing Indian students the opportunity to learn to those standards;

''(2) since enactment of the original Indian Education Act in 1972, Indian parents have become significantly more involved in the planning, development, and implementation of educational programs that affect them and their children, and schools should continue to foster this involvement;

''(3) although the numbers of Indian teachers, administrators, and university professors have in-

creased since 1972, teacher training programs are not recruiting, training, or retraining sufficient numbers of Indian persons as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

''(4) the dropout rate for Indian students is unacceptably high; for example, nine percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

''(5) from 1980 to 1990, the percentage of Indian persons living in poverty increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and families; and

''(6) research related specifically to the education of Indian children and adults is very limited, and much of it is poor in quality or focused on limited local or regional issues.

''PURPOSE

''SEC. 6002. (a) PURPOSE.—It is the purpose of this title to support the efforts of local educational agencies, Indian tribes and organizations, State educational agencies, postsecondary institutions, and other entities to meet the unique educational needs of American Indians and

Alaska Natives, so that they can achieve to the same challenging State performance standards expected of all students.

''(b) PROGRAMS AUTHORIZED.—This title carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

''(1) the education of Indian children and adults;

''(2) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

''(3) research, evaluation, data collection, and technical assistance.

''PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

''PURPOSE

''SEC. 6101. It is the purpose of this part to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students, in order to ensure that those programs—

''(1) are based on challenging State content and student performance standards that are used for all students; and

''(2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

''GRANTS TO LOCAL EDUCATIONAL AGENCIES

''SEC. 6102. A local educational agency is eligible for a grant under this part for any fiscal year if the number of Indian children who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

''(1) was at least 20; or

''(2) constituted at least 25 percent of the agency's total enrollment.

''AMOUNT OF GRANTS

''SEC. 6103. (a) AMOUNT OF GRANTS.—(1) The Secretary is authorized to allocate to each local educational agency whose application has been approved under this part an amount equal to the product of—

''(A) the number of Indian children described in section 6102; and

''(B) the greater of—

''(i) the average per-pupil expenditure of the State in which the agency is located; or

''(ii) 80 percent of the average per-pupil expenditure in the United States.

''(2) The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e) of this section.

''(b) MINIMUM GRANT AMOUNT.—The Secretary shall not make any grant to a local educational agency if the amount determined under subsection (a) is less than $4,000, except that the Secretary may make a grant to a consortium of local educational agencies, one or more of which does not qualify for such a minimum award, if—

''(1) the total amount so determined for those agencies is at least $4,000;

''(2) those agencies, in the aggregate, meet the eligibility requirement of either section 6102(1) or 6102(2); and

''(3) the Secretary determines that such a grant would be effectively used to carry out the purpose of this part.

''(c) DEFINITION.—For the purpose of this section, the average per-pupil expenditure of a State is determined by dividing—

''(1) the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State ex-

penditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; by

''(2) the aggregate number of children who were in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

''(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—(1) In addition to the grants determined under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

''(A) the total number of Indian children enrolled in schools that are operated by—

''(i) the Bureau of Indian Affairs; or

''(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.); and

''(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) The Secretary shall transfer the amount determined under paragraph (1), reduced as may be necessary under subsection (e), to the Secretary of the Interior in accordance with, and subject to, section 9205 of this Act.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 6602(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

"APPLICATIONS

"SEC. 6104. (a) GENERAL.—Any local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) COMPREHENSIVE PLAN REQUIRED.—Each such application shall include a comprehensive plan for meeting the needs of Indian children in the local educational agency, including their language and cultural needs, that—

''(1)(A) is consistent with, and promotes the goals in, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act; and

''(B) includes academic content and student performance goals for those children, and benchmarks for attaining them, that are based on the challenging State standards adopted under title III of the Goals 2000: Educate America Act or under title I of this Act for all children;

''(2) explains how Federal, State, and local programs, especially under title I of this Act, will meet the needs of those students;

''(3) demonstrates how funds under this part will be used for activities authorized by section 6106;

''(4) describes the professional development to be provided, as needed, to ensure that—

''(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

''(B) all teachers who will be involved in the project have been properly trained to carry it out; and

''(5) describes how the agency—

''(A) will periodically assess the progress of all Indian children in its schools, including those not participating in programs under this part, in meeting the goals described in paragraph (1);

''(B) will provide the results of that assessment to the parent committee described in subsection (c)(8) and to the community served by the agency; and

''(C) is responding to findings of any previous such assessments.

''(c) ASSURANCES.—Each such application shall also include assurances that—

''(1) the local educational agency will use funds received under this part only to supplement the level of funds that, in the absence of such Federal funds, the agency would make available for the education of Indian children, and not to supplant such funds;

''(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

''(A) carry out the Secretary's functions under this part; and

''(B) determine the extent to which funds provided under this part have been effective in improving the educational achievement of Indian students in the local educational agency;

''(3) the program for which assistance is sought will use the best available talents and resources, including persons from the Indian community;

''(4) the local educational agency has developed the program in open consultation with parents of Indian children, teachers, and, where appropriate, secondary school Indian students, including holding public hearings at which these persons have had a full opportunity to understand the program and to offer recommendations on it;

''(5) the local educational agency has developed the program with the participation and written approval of a committee—

''(A) that is composed of, and selected by, parents of Indian children in the local educational agency's schools, teachers, and, where appropriate, secondary school Indian students; and

"(B) of which at least half the members are parents described in subparagraph (A); and

"(6) the parent committee described in paragraph (5) will adopt and abide by reasonable bylaws for the conduct of the activities of the committee.

"(d) STATE EDUCATIONAL AGENCY REVIEW.—(1) Before submitting its application to the Secretary, the local educational agency shall obtain comments on the application from the State educational agency.

"(2) The local educational agency shall send the State educational agency's comments to the Secretary with its application.

"AUTHORIZED SERVICES AND ACTIVITIES

"SEC. 6105. (a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this part shall use the grant funds for services and activities, consistent with the purpose of this part, that—

"(1) are designed to carry out its comprehensive plan for Indian students, described in its application under section 6104(b);

"(2) are designed with special regard for the language and cultural needs of those students; and

"(3) supplement and enrich the regular school program.

"(b) PARTICULAR ACTIVITIES.—Such services and activities include, but are not limited to—

''(1) early childhood and family programs that emphasize school readiness;

''(2) enrichment programs that focus on problem-solving and cognitive skills development and that directly support the attainment of challenging State content and student performance standards;

''(3) integrated educational services in combination with other programs meeting similar needs;

''(4) school-to-work transition activities to enable Indian students to participate in programs such as those supported by the School-to-Work Opportunities Act of 1993 and the Carl D. Perkins Vocational and Applied Technology Education Act, including tech-prep programs;

''(5) prevention of, and education about, substance abuse; and

''(6) acquisition of equipment, but only if it is essential to meet the purpose of this part.

''(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of this part, a local educational agency may use funds it receives under this part to support a schoolwide program under section 1114 of title I of this Act, in accordance with such section, if the Secretary determines that the local educational agency has made ade-

quate provision for the participation of Indian children, and the involvement of Indian parents, in such project.

''STUDENT ELIGIBILITY FORMS

''SEC. 6106. Each local educational agency that applies for a grant under this part shall maintain in its files a form, prescribed by the Secretary, for each Indian child described in section 6102, which shall contain at least—

''(1) the child's name;

''(2) the name of the Indian tribe or band of Indians in which membership is claimed; and

''(3) the parent's signature.

''PAYMENTS

''SEC. 6107. (a) GENERAL.—The Secretary shall pay each local educational agency with an application approved under this part the amount determined under section 6103, subject to subsections (b) and (c) of this section.

''(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary shall not make a grant under this part for any fiscal year to any local educational agency in a State that has taken into consideration payments under this part (or under subpart 1 of the Indian Education Act of 1988) in determining the eligibility of the local educational agency for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—(1) The Secretary shall not pay any local educational agency the full amount determined under section 6103 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that the combined fiscal effort of that local agency and the State with respect to the provision of free public education by that local agency for the preceding fiscal year, computed on either a per-student or aggregate expenditure basis, was at least 90 percent of such combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) If the Secretary determines for any fiscal year that a local educational agency failed to maintain its fiscal effort at the 90 percent level required by paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to the agency under this part in the exact proportion of that agency's failure to maintain its fiscal effort at that level; and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of ex-

penditures that would have been required to comply with paragraph (1).

''(3)(A) The Secretary may waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

''(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

''(d) REALLOCATIONS.—The Secretary may reallocate, in the manner the Secretary determines will best carry out the purpose of this part, any amounts that—

''(1) based on estimates by local educational agencies or other information, will not be needed by those agencies to carry out their approved projects under this part; or

''(2) otherwise become available for reallocation under this part.

''PART B—DISCRETIONARY PROGRAMS TO IMPROVE EDUCATIONAL ACHIEVEMENT OF INDIAN CHILDREN

''GRANTS TO INDIAN-CONTROLLED SCHOOLS

''SEC. 6201. (a) PURPOSE.—It is the purpose of this section to support Indian-controlled schools by providing assistance to—

''(1) help Indian-controlled schools get started and established; and

''(2) pay for supplemental services that will—

''(A) enable Indian students to meet the same challenging State performance standards that all students will be expected to meet; and

''(B) assist the Nation in reaching the National Education Goals.

''(b) ELIGIBLE APPLICANTS.—Indian tribes and Indian organizations may apply under this section for grants for schools for Indian children.

''(c) PRIORITY.—(1) In making grants under this section, the Secretary shall give priority to applicants that are—

''(A) starting new schools with the approval of the Bureau of Indian Affairs; or

''(B) in the process of gaining control over a school operated by the Bureau of Indian Affairs.

''(2) To qualify for the priority under paragraph (1), an applicant must demonstrate to the Secretary's satisfaction that the school for which assistance is sought will—

''(A) receive funds under the Indian school equalization program established under the Education Amendments of 1978 within three years of the beginning of its proposed project; and

''(B) have been under the control of the applicant for less than three years as of the beginning of its proposed project.

''(d) AUTHORIZED ACTIVITIES.—(1) Recipients of grants under this section shall use grant funds to carry out projects and activities that meet the purpose of this section.

''(2) Such activities include, but are not limited to—

''(A) student assessments;

''(B) curriculum development;

''(C) staff development; and

''(D) community orientation.

''DEMONSTRATION GRANTS

''SEC. 6202. (a) PURPOSE; COORDINATION.—(1) It is the purpose of this section to support projects that are designed to develop, test, and demonstrate the effectiveness of services and programs to improve educational achievement of Indian children.

"(2) The Secretary shall ensure that projects under this section are coordinated with projects under other provisions of this Act.

"(b) ELIGIBLE APPLICANTS.—State educational agencies, local educational agencies, Indian tribes, Indian organizations, and institutions of higher education, including Indian institutions of higher education, may apply for grants under this section.

"(c) AUTHORIZED PROJECTS AND ACTIVITIES.—Recipients of grants under this section shall use the grant funds to carry out projects and activities that meet the purpose of this section, such as—

"(1) instruction to raise the achievement of Indian children in one or more of the core curriculum areas of English, mathematics, science, foreign languages, arts, history, and geography;

"(2) programs designed to reduce the incidence of students dropping out of school and to increase the rate of high school graduation;

"(3) partnership projects between local educational agencies and institutions of higher education that allow high school students to enroll in courses at the postsecondary level to aid them in the transition from high school to postsecondary education;

''(4) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills they need to make an effective transition from school to a first job in a high-skill, high-wage career;

''(5) family-based preschool programs that emphasize school readiness and parenting skills;

''(6) programs designed to encourage and assist Indian students to work toward, and gain entrance into, institutions of higher education; and

''(7) programs to meet the needs of gifted and talented Indian students.

''(d) APPLICATIONS.—(1) Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(2) Each such application shall contain—

''(A) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the project for which assistance is sought;

''(B) an assurance that the applicant will participate, at the request of the Secretary, in any national evaluation of projects under this section; and

''(C) such other assurances and information as the Secretary may require.

''PART C—PROFESSIONAL DEVELOPMENT AND ADULT EDUCATION PROGRAMS

''PROFESSIONAL DEVELOPMENT

''SEC. 6301. (a) PURPOSE.—The purpose of this section is to increase the number of qualified Indian persons in professions serving Indian people.

''(b) ELIGIBLE APPLICANTS.—Eligible applicants under this section are—

''(1) institutions of higher education, including Indian institutions of higher education;

''(2) State and local educational agencies, in consortium with institutions of higher education; and

''(3) Indian tribes and Indian organizations, in consortium with institutions of higher education.

''(c) AUTHORIZED PROJECTS AND ACTIVITIES.—(1) Each recipient of a grant under this section shall use the grant funds to provide training to Indian persons, consistent with the purpose of this section.

''(2)(A) For teachers, counselors, and other education professionals, such training shall consist of pre-service or in-service professional development.

"(B) For those being trained in other fields, such training shall be in programs that result in graduate degrees.

"(d) ALLOCATION OF FUNDS.—The Secretary shall ensure that at least 50 percent of the sums appropriated to carry out this section for any fiscal year are used for training of educational personnel under subsection (c)(2)(A).

"(e) PROJECT PERIOD.—The project period for each project approved under this section shall be up to five years.

"(f) SERVICE OBLIGATION.—The Secretary may, by regulation, require that individuals who receive training under this section perform related work following that training or repay all or part of the cost of the training.

"ADULT EDUCATION

"SEC. 6302. (a) PURPOSE.—The purpose of this section is to improve educational and employment opportunities for Indian adults who lack the level of literacy skills, quantitative skills, and knowledge that they need to enjoy more fully the benefits and responsibilities of effective citizenship and productive employment by supporting projects that—

"(1) provide them sufficient high-quality education to enable them to benefit from job training

and retraining programs and to obtain and retain productive employment; and

''(2) enable Indian adults who so desire to continue their education through the high school level and beyond.

''(b) ELIGIBLE APPLICANTS.—Indian tribes, Indian organizations, Indian institutions of higher education, and other public and nonprofit private agencies and organizations may apply for grants under this section.

''(c) PROGRAM REQUIREMENTS.—Each recipient of a grant under this section shall—

''(1) provide adult education, as defined in section 6601(2), to Indian adults in a manner that supplements State funds expended for adult education for Indian adults;

''(2) coordinate its project with other adult education programs, if any, in the same geographic area, including programs funded under the Adult Education Act and programs operated or funded by the Bureau of Indian Affairs; and

''(3) collect, evaluate, and report on data concerning such matters as the Secretary may require, including the number of participants, the effect of the project on the subsequent work experience of participants, the progress of participants in achiev-

ing literacy, and the number of participants who pass high school equivalency examinations.

''PART D—NATIONAL ACTIVITIES AND GRANTS TO STATES

''NATIONAL ACTIVITIES

''SEC. 6401. (a) AUTHORIZED ACTIVITIES.—From funds appropriated for any fiscal year to carry out this section, the Secretary may—

''(1) conduct research related to effective approaches to the education of Indian children and adults;

''(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

''(3) collect and analyze data on the educational status and needs of Indians; and

''(4) carry out other activities consistent with the purpose of this Act.

''(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher

education, and other public and private agencies and institutions.

"GRANTS TO STATES

"SEC. 6402. (a) PURPOSE.—The purpose of this section is to assist States in implementing comprehensive, Statewide strategies for providing Indian children and adults with greater opportunities to meet challenging State standards.

"(b) ELIGIBILITY.—Each State is eligible for a grant under this section if it has a State plan for education reform in the State that—

"(1) in the Secretary's judgment, effectively provides for the education of Indian children and adults; and

"(2)(A) is integrated with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, and satisfies the requirements of this section that are not already addressed by that State plan; or

"(B) if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, is integrated with other State plans under this Act.

"(c) GRANT AMOUNTS.—(1) From funds appropriated to carry out this section, the Secretary shall make a grant to each State educational agency in an eligible

State whose application for assistance under this section has been approved.

''(2)(A) The Secretary is authorized to determine the amount of each such grant on the basis of—

''(i) the number of Indian individuals in the State, as determined on the basis of the most recent available data satisfactory to the Secretary;

''(ii) the comprehensiveness and quality of the State's plan;

''(iii) the State's commitment to high-quality education programs for Indian children and adults; and

''(iv) other factors that the Secretary finds appropriate.

''(B) Notwithstanding subparagraph (A), no grant under this section shall be in an amount less than the greater of—

''(i) $50,000; or

''(ii) five percent of the total amount paid to local educational agencies in the State for that fiscal year under part A of this title.

''(d) AUTHORIZED ACTIVITIES.—Each State that receives a grant under this section shall use the grant funds

for activities to meet the purpose of this section, including—

''(1) reviewing local educational agency applications under part A of this title;

''(2) collecting data;

''(3) providing technical assistance to local educational agencies;

''(4) measuring the achievement of Indian students against the standards set out in the State's plan described in subsection (b); and

''(5) carrying out other activities and providing other services designed to build the capacity of the State to serve the educational needs of Indian children and adults.

''(e) APPLICATIONS.—Each State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including an assurance that the State will submit to the Secretary, every two years, a report on its activities under this section containing such data and other information as the Secretary may require.

''PART E—FEDERAL ADMINISTRATION

''OFFICE OF INDIAN EDUCATION

''SEC. 6501. (a) OFFICE OF INDIAN EDUCATION.—There shall be an Office of Indian Education (hereafter in this section referred to as ''the Office'') in the Department of Education.

''(b) DIRECTOR.—(1) The Office shall be under the direction of the Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education.

''(2) The Director shall—

''(A) be responsible for administering this title;

''(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education; and

''(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons.

''(3) The Director of the Office shall be a member of the career Senior Executive Service.

''(c) INDIAN PREFERENCE IN EMPLOYMENT.—(1) The Secretary shall give a preference to Indian persons in all personnel actions in the Office.

''(2) Such preference shall be implemented in the same fashion as the preference given to any veteran under section 2609 of the Revised Statutes, section 45 of title 25, United States Code.

''NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

''SEC. 6502. (a) MEMBERSHIP.—There shall be a National Advisory Council on Indian Education (hereafter in this section referred to as ''the Council''), which shall—

''(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

''(2) represent different geographic areas of the country.

''(b) DUTIES.—The Council shall—

''(1) advise the Secretary on the funding and administration, including the development of regulations and of administrative policies and practices, of any program, including programs under this title, for which the Secretary is responsible and in which Indian children or adults participate or from which they can benefit;

''(2) make recommendations to the Secretary for filling the Director's position whenever a vacancy occurs in that position; and

"(3) submit to the Congress, by June 30 of each year, a report on its activities, which shall include—

"(A) any recommendations it finds appropriate for the improvement of Federal education programs in which Indian children or adults participate, or from which they can benefit; and

"(B) its recommendations with respect to the funding of any such programs.

"PEER REVIEW

"SEC. 6503. In reviewing applications under parts B, C, and D of this title, the Secretary may use a peer review process.

"PREFERENCE FOR INDIAN APPLICANTS

"SEC. 6504. In making grants under parts B and C of this title, the Secretary shall give a preference to Indian tribes, Indian organizations, and Indian institutions of higher education under any program for which they are eligible to apply.

"MINIMUM GRANT CRITERIA

"SEC. 6505. In making grants under parts B and C of this title, the Secretary shall approve only projects that are—

"(1) of sufficient size, scope, and quality to achieve the purpose of the section under which assistance is sought; and

''(2) based on relevant research findings.

''PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

''DEFINITIONS

''SEC. 6601. The following definitions apply to terms as used in this title:

''(1) The term 'adult' means an individual who is either—

''(A) at least 16 years old; or

''(B) beyond the age of compulsory school attendance under State law.

''(2) The term 'adult education' has the meaning given that term in section 312(2) of the Adult Education Act.

''(3) The term 'free public education' means education that is—

''(A) provided at public expense, under public supervision and direction, and without tuition charge; and

''(B) provided as elementary or secondary education in the applicable State or to preschool children.

''(4) The term 'Indian' means an individual who is—

''(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

''(i) tribes and bands terminated since 1940; and

''(ii) tribes and bands recognized by the State in which they reside;

''(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

''(C) considered by the Secretary of the Interior to be an Indian for any purpose; or

''(D) an Eskimo, Aleut, or other Alaska Native.

''AUTHORIZATIONS OF APPROPRIATIONS

''SEC. 6602. (a) PART A.—For the purpose of carrying out part A of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''(b) PARTS B THROUGH D.—For the purpose of carrying out parts B, C, and D of this title, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''(c) PART E.—For the purpose of carrying out part E of this title, including section 6502, there are authorized

to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''TITLE VII—BILINGUAL EDUCATION PROGRAMS

''FINDINGS

''SEC. 7001. The Congress finds that—

''(1) there are large and growing numbers of children and youth of limited English proficiency, many of whom have a cultural heritage that differs from that of their English proficient peers;

''(2) limited English proficient children and youth face a number of challenges in receiving an education that will enable them to participate fully in American society, including segregated education programs; disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures; the limited English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; a shortage of teachers and educational personnel who are professionally trained and qualified to serve them;

''(3) the Federal government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of

1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited English proficiency;

''(4) The Federal government also, as exemplified by its efforts under this title, has a special and continuing obligation to assist States and local school districts in developing the capacity to provide programs of instruction that offer limited English proficient children and youth an equal educational opportunity;

''(5) in carrying out its responsibilities with respect to ensuring equal educational opportunity for children and youth of limited English proficiency, the Federal government has learned that—

''(A) large numbers of these children and youth have needs that must be met by a program of instruction designed specifically for them;

''(B) a primary purpose of such programs must be developing the English language skills of such children and youth;

''(C) the use of a child or youth's native language and culture in classroom instruction

can promote self-esteem and contribute to academic achievement and learning English by limited English proficient children and youth; benefit English proficient children and youth who also participate in such programs; and develop our national language resources, thus promoting the nation's competitiveness in the global economy;

''(D) parent and community participation in bilingual education programs contributes to program effectiveness; and

''(E) research, evaluation, and data-collection capabilities in the field of bilingual education need to be strengthened so that educators can better identify and promote those programs, program implementation strategies, and instructional practices that result in effective education; and

''(6) providing the educational services that prepare newly immigrated children and youth for full participation in American society and to achieve challenging State performance standards is a significant problem for a number of local educational agencies. Supplementary Federal assistance can help such agencies meet their responsibilities.

''POLICY; AUTHORIZATION OF APPROPRIATIONS

''SEC. 7002. (a) POLICY.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited English proficiency that—

''(1) develop their English and, to the extent possible, their native language skills;

''(2) educate such children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State performance standards in academic areas; and

''(3) develop bilingual skills and multi-cultural understanding.

''(b) AUTHORIZATION OF APPROPRIATIONS.—(1) For the purpose of carrying out this title, except for part D, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''(2) For the purpose of carrying out part D of this title, there are authorized to be appropriated such sums

as may be necessary for each of the fiscal years 1995 through 1999.

''DEFINITIONS

''SEC. 7003. (a) DEFINITIONS.—For the purpose of this title, the following terms have the following meanings:

''(1)(A) The term 'bilingual education program'—

''(i) means a program of instruction designed specifically for children and youth of limited English proficiency at any grade level, including the preschool, elementary, or secondary school levels, that is intended to help them develop proficiency in the English and, to the extent possible, the native language and achieve to high academic standards in all courses of study; and

''(ii) may include activities to assist the parents of such children and youth enrolled in bilingual education programs to participate in the education of their children.

''(B)(i) A bilingual education program may be conducted in English, the native language, or both languages, except that all bilingual education programs must develop proficiency in the English language. The native language may be used in the instructional program to facilitate the acquisition of

English; to develop overall linguistic competence; and to develop competence in the academic curriculum.

''(ii) A bilingual education program must, to the extent possible, incorporate the cultural heritage of the children or youth of limited English proficiency served by the program, as well as the cultural heritage of other children in American society.

''(C) Children and youth proficient in English may participate in a bilingual education program so long as the primary purpose of the program is to benefit children and youth of limited English proficiency.

''(2) The term 'children and youth' means individuals aged three through twenty-one.

''(3) The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs established under section 210 of the Department of Education Organization Act.

''(4) The term 'immigrant children and youth' means individuals who—

''(A) are aged three through twenty-one;

''(B) were not born in any State; and

''(C) have not been attending one or more schools in any one or more States for more than 12 months.

''(5) The terms 'limited English proficiency' and 'limited English proficient', when used with reference to an individual, mean an individual—

''(A) who—

''(i) was not born in the United States or whose native language is a language other than English;

''(ii) comes from an environment where a language other than English is dominant; or

''(iii) is an American Indian or Alaska Native and comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency; and

''(B) who, by reason thereof, has sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(6) The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

"(7) The term 'other programs for persons of limited English proficiency' means any programs administered by the Secretary that directly involve bilingual education activities serving persons of limited English proficiency.

"INDIAN CHILDREN IN SCHOOL

"SEC. 7004. (a) For the purpose of carrying out programs under this title for individuals served by elementary and secondary schools operated predominately for Indian or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this title, subject to the following qualifications:

"(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settle-

ment Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

''(2) The term 'tribally sanctioned educational authority' means—

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

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

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

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

''PART A—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

''FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

''SEC. 7101. (a) PURPOSE.—The purpose of this part is to assist local educational agencies, through the grants authorized by subsections (b), (c), and (d), to—

''(1) develop and enhance their capacity to provide high-quality instruction to children and youth of limited English proficiency; and

''(2) to help such children and youth—

''(A) develop proficiency in English, and to the extent possible, their native language; and

''(B) meet the same challenging State performance standards expected for all children and youth as required by section 1111(b) of this Act.

''(b) ENHANCEMENT GRANTS.—(1) The Secretary is authorized to make grants to local educational agencies to—

''(A) develop new bilingual education programs;

''(B) enhance or expand existing bilingual education programs to meet new conditions, such as the need to serve additional language groups or different age or grade levels; and

''(C) meet the short-term needs of local educational agencies without bilingual education programs to serve children and youth of limited English proficiency.

''(2) Grants awarded under this subsection shall be for a period of up to two years.

"(c) COMPREHENSIVE SCHOOL GRANTS.—(1) The Secretary is authorized to make grants to local educational agencies for the purpose of implementing school-wide bilingual education programs that serve children and youth of limited English proficiency in schools with significant concentrations of such children and youth.

"(2) Grants awarded under this subsection shall be for a period of up to five years.

"(d) COMPREHENSIVE DISTRICT GRANTS.—(1) The Secretary is authorized to make grants to local educational agencies for the purpose of implementing district-wide bilingual education programs that serve children and youth of limited English proficiency in districts with significant concentrations of such children and youth.

"(2) Grants awarded under this subsection shall be for a period of up to five years.

"(e) USE OF FUNDS.—(1) Recipients may use funds for programs authorized by subsections (b), (c), and (d) for—

"(A) identification and acquisition of curricular materials, educational software, and technologies to advance the education of children and youth of limited English proficiency;

''(B) parent outreach and training activities designed to assist parents to become active participants in the education of their children;

''(C) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited English proficiency;

''(D) tutorials and academic or career counseling for children and youth of limited English proficiency; and

''(E) such other activities, related to the purposes of this part, as the Secretary may approve.

''(2) Recipients of awards under subsections (c) and (d) may—

''(A) use such funds for pre-service and in-service professional development of staff participating, or preparing to participate, in the program, including those who will not directly participate in the bilingual instructional program, if such activities are directly related to serving children and youth of limited English proficiency and will help accomplish the purposes of this title; and

''(B) during the first 12 months of such a grant, engage exclusively in activities preparatory to the delivery of services, which may include program

design, the development of materials and procedures, and activities to involve parents in the educational program and to enable parents and family members to assist in the education of children and youth of limited English proficiency.

''(f) GEOGRAPHIC DISTRIBUTION OF FUNDS.—To the extent possible, the Secretary shall award funds under this section throughout the Nation in a manner that reflects the geographic distribution of children and youth of limited English proficiency.

''(g) APPLICATIONS.—(1) Any local educational agency desiring to receive a grant under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

''(2) Each application shall—

''(A) describe—

''(i) the need for the proposed program, including data on the number of the children and youth of limited English proficiency in the school or district to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to their

English proficient peers, and, where applicable, the recency of immigration; and

''(ii) the program to be implemented and how its design—

''(I) relates to the linguistic and academic needs of the children and youth of limited English proficiency to be served; and

''(II) is consistent with, and promotes the goals in, its plan under title III of the Goals 2000: Educate America Act, if such plan exists, and its plan under section 1112 of this Act, particularly as those plans relate to the education of children and youth of limited English proficiency; and

''(B) provide an assurance that the applicant will not reduce the level of State and local funds that it expends for bilingual education programs if it receives an award under this part.

''(3) Each application for a grant under subsections (c) or (d) shall also—

''(A) describe—

''(i) current services the applicant provides to children and youth of limited English proficiency;

''(ii) what services children and youth of limited English proficiency would receive under the grant that they would not otherwise receive;

''(iii) how funds received under this part will be integrated with all other Federal, State, local, and private resources that may be used to serve children and youth of limited English proficiency; and

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

''(B) provide assurances that—

''(i) the program funded will—

''(I) serve all (or virtually all) of the children and youth of limited English proficiency in a school participating in a program under subsection (c); or

''(II) serve a significant number of the children and youth of limited English pro-

ficiency in the district participating in a program under subsection (d);

''(ii) the program funded will be integrated with the overall educational program; and

''(iii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such programs.

''(h) LIMITATION ON FUNDING.—(1) No more than 25 percent of the total amount of funds that the Secretary awards under subsection (b) for any fiscal year shall be used to fund bilingual education programs that do not use the native language.

''(2) No more than 25 percent of the total amount of funds that the Secretary awards under subsection (c) for any fiscal year shall be used to fund bilingual education programs that do not use the native language.

''(i) STATE REVIEW OF APPLICATIONS UNDER PART A.—In order for an eligible applicant to apply for funds under this part, its State educational agency shall review such application for funds and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State's plan, either approved or being de-

1 veloped, under title III of the Goals 2000: Educate Amer-
2 ica Act, or, if the State does not have an approved plan
3 under title III of the Goals 2000: Educate America Act
4 and is not developing such a plan, with the State plan
5 under section 1111 of this Act.

6 ''(j) CAPACITY BUILDING.—(1) Each recipient of a
7 grant under this section shall use its grant in ways that
8 will build its capacity to continue to offer high-quality bi-
9 lingual education programs and services to children and
10 youth of limited English proficiency once Federal assist-
11 ance is reduced or eliminated.

12 ''(2) In making awards under this part for any fiscal
13 year, the Secretary shall, consistent with the quality of
14 applications and the funds available under this part, in-
15 crease the amount of funds used to support grants under
16 subsections (c) and (d) over the amount allotted to sub-
17 sections (c) and (d) in the previous fiscal year.

18 ''(k) CONSORTIA.—A local educational agency that
19 receives a grant under this part may collaborate or form
20 a consortium with one or more local educational agencies,
21 institutions of higher education, and non-profit organiza-
22 tions to carry out the approved program.

23 ''(l) SUBGRANTS.—A local educational agency that
24 receives a grant under this part may, with the approval
25 of the Secretary, make a subgrant to, or enter into a con-

tract with, an institution of higher education, a non-profit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

''(m) PARENTAL NOTIFICATION.—(1) Parents of a child or youth of limited English proficiency identified for enrollment in bilingual education programs shall be informed of the—

''(A) benefits and nature of the bilingual educational program and of the instructional alternatives; and

''(B) reasons for the selection of their child as being in need of bilingual education.

''(2)(A) Parents shall also be informed that they have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if they so choose.

''(B) Local educational agencies are not relieved of any of their obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

''(3) Parents must receive, in a manner and form understandable to them, including, if necessary and to the extent feasible, in their native language, the information

required by this subsection. At a minimum, parents must receive—

"(A) timely information about projects funded under this part; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(n) PROGRAMS IN PUERTO RICO.—Programs authorized under this section in the Commonwealth of Puerto Rico may, notwithstanding any other provision of this title, include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for children and youth of limited Spanish proficiency.

"PART B—RESEARCH AND EVALUATION

"USE OF FUNDS

"SEC. 7201. The Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities for the purpose of improving bilingual education programs for children and youth of limited English proficiency.

"RESEARCH

"SEC. 7202. (a) AWARDS.—The Secretary may make grants and award contracts and cooperative agreements for research and evaluation activities related to improving

and maintaining high quality bilingual educational programs for persons of limited English proficiency.

''(b) CONSULTATION.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

''ACADEMIC EXCELLENCE AWARDS

''SEC. 7203. (a) AWARDS.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education programs that demonstrate great promise of assisting children and youth of limited English proficiency to meet challenging State standards.

''(b) APPLICATIONS.—(1) An entity desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

''(2) The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

"(c) USE OF FUNDS.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited English proficiency, which may include—

"(1) completing the development of such programs;

"(2) professional development of staff participating in bilingual education programs;

"(3) sharing strategies and materials; and

"(4) supporting professional networks.

"(d) COORDINATION.—Recipients of funds under this section shall coordinate their activities with those carried out by comprehensive regional centers under section 2205 of this Act.

"STATE GRANT PROGRAM

"SEC. 7204. (a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that its approved plan under title III of the Goals 2000: Educate America Act (by amendment, if necessary), if such plan exists, or, if such plan does not exist, its plan under section 1111 of this Act, effectively provides for the education of children and youth of limited English proficiency within the State.

1 ''(b) PAYMENTS.—The amount paid to a State edu-
2 cational agency under subsection (a) shall not exceed 10
3 percent of the total amount awarded to local educational
4 agencies within the State under part A of this title for
5 the previous fiscal year.

6 ''(c) USE OF FUNDS.—(1) A State educational agen-
7 cy may use funds for programs authorized by this section
8 to—

9 ''(A) assist local educational agencies in the
10 State with program design, capacity building, assess-
11 ment of student performance, and program evalua-
12 tion;

13 ''(B) operate a bilingual education advisory
14 panel under subsection (d); and

15 ''(C) collect data concerning children and youth
16 of limited English proficiency.

17 ''(2) Recipients of awards under this section shall not
18 restrict the provision of services under this section to fed-
19 erally-funded programs.

20 ''(d) STATE BILINGUAL EDUCATION ADVISORY
21 PANEL.—Each State educational agency that receives
22 funds under this section shall appoint a broad-based bilin-
23 gual education advisory panel, with substantial represen-
24 tation from persons knowledgeable about the education of
25 limited English proficient students, to develop and rec-

ommend to the State educational agency guidelines for reviewing, and providing the Secretary with comments regarding, applications for funds under parts A and C of this title that come from within the State.

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

''NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION

''SEC. 7205. (a) ESTABLISHMENT.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs.

''(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—

''(1) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems; and

''(2) develop a data base management and monitoring system for improving the operation and effectiveness of funded programs.

''EVALUATIONS

''SEC. 7206. (a) PROGRAM EVALUATIONS UNDER PART A.—(1) Each recipient of funds under part A of

this title shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of its program every two years.

''(2) Such evaluation shall be used by a grantee—

''(A) for program improvement;

''(B) to further define the local program's goals and objectives; and

''(C) to determine program effectiveness.

''(3) Evaluations shall include—

''(A) student outcome indicators that measure progress toward the performance standards set out in the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, with the State plan approved or being developed under section 1111 of this Act, including data comparing children and youth of limited English proficiency with non-limited English proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

''(B) program implementation indicators that provide information for informing and improving

program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the program's staff professional development, and appropriateness of the language of instruction;

''(C) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited English proficiency; and

''(D) such other information as the Secretary may require.

''(b) PROGRAM EVALUATIONS UNDER PART C.—(1) Each recipient of funds under part C of this title shall provide the Secretary with an evaluation of its program every two years.

''(2) Such evaluation shall include data on—

''(A) post-program placement of persons trained;

''(B) how the training relates to the employment of persons served by the program;

''(C) program completion; and

''(D) such other information as the Secretary may require.

"PART C—PROFESSIONAL DEVELOPMENT

"PURPOSE

"SEC. 7301. The purpose of this part is to improve the quality of instruction for children and youth of limited English proficiency—

"(1) through professional development programs designed—

"(A) for persons preparing to provide services for children and youth of limited English proficiency;

"(B) to improve the skills of persons currently providing services to children and youth of limited English proficiency; and

"(C) for other staff in schools serving children and youth of limited English proficiency; and

"(2) by disseminating information on appropriate instructional practices and activities for children and youth of limited English proficiency to other school personnel, including teachers not currently serving such children and youth.

"PROFESSIONAL DEVELOPMENT GRANTS

"SEC. 7302. (a) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—(1) The Secretary is authorized to make grants to institutions of higher education for—

"(A) pre-service and in-service professional development for individuals who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited English proficiency; and

"(B) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, children and youth of limited English proficiency.

"(b) GRANTS TO STATE AND LOCAL EDUCATIONAL AGENCIES.—The Secretary may make grants to State and local educational agencies for in-service professional development programs that prepare current school personnel to provide effective services to limited English proficient students.

"(c) USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.—Awards under this section may be used to develop a program participant's competence in a second language.

"(d) APPLICATIONS.—(1) An institution of higher education, or a state or local educational agency desiring to receive an award under this section shall submit,

through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

''(2) Each application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited English proficiency to determine their need for and the design of the program for which funds are sought.

''(3)(A) An application for a grant under subsection (a) from an applicant who proposes to conduct a masters or doctoral-level program with funds received under this section shall provide an assurance that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited English proficiency.

''(B) A recipient of a grant under subsection (a) may waive the requirement of a training practicum for a degree candidate with significant experience in a local school program serving children and youth of limited English proficiency.

''(4) In order for an institution of higher education or a local educational agency to apply for funds under this section, its State educational agency shall review such application for funds and provide the Secretary with timely

comments on the need within the State for the proposed program and whether the proposed program is consistent with the State's plan, either approved or being developed, under title III of the Goals 2000: Educate America Act, or, if the State does not have an approved plan under title III of the Goals 2000: Educate America Act and is not developing such a plan, with the State plans under sections 1111 and 2125(b) of this Act.

''FELLOWSHIPS

''SEC. 7303. (a) ACADEMIC FELLOWSHIPS.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited English proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to such study.

''(b) REPAYMENT.—(1) Any person receiving a fellowship under this section shall agree to—

''(A) work in an activity related to the program or in an activity such as those authorized under the program for a period of time equivalent to the period of time during which such person receives assistance under this title; or

''(B) repay such assistance.

''(2) The Secretary shall establish in regulations such terms and conditions for such agreement as he or she

deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

"STIPENDS

"SEC. 7304. The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this part.

"PART D—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"PURPOSE

"SEC. 7401. The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

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

"(2) help such children and youth—

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

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

''EMERGENCY IMMIGRANT EDUCATION GRANTS

''SEC. 7402. (a) GRANTS AUTHORIZED.—(1) The Secretary is authorized to make grants to eligible local educational agencies to—

''(A) develop new instructional programs for immigrant children and youth;

''(B) enhance or expand existing instructional programs for immigrant children and youth; and

''(C) meet the short-term needs of local educational agencies without instructional programs for immigrant children and youth.

''(2) Grants awarded under this part shall be for a period of up to two years.

''(b) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—For the purpose of this part, an eligible local educational agency is a local educational agency that has enrolled, in the aggregate, over the current school year and the preceding school year—

''(1) at least 1,000 immigrant children and youth; or

''(2) immigrant children and youth in numbers that represent at least 10 percent of the local educational agency's total enrollment.

''(c) APPLICATIONS.—(1) Any eligible local educational agency desiring to receive a grant under this part

shall submit to the Secretary an application in such form, at such time, and containing such information and assurances as the Secretary may require.

''(2) Each application shall—

''(A) describe—

''(i) the need for the proposed program, including data on the number of the immigrant children and youth in the districts to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, and academic standing in relation to their English proficient peers; and

''(ii) the program to be implemented and how its design—

''(I) relates to the linguistic and academic needs of the immigrant children and youth to be served; and

''(II) is consistent with, and promotes the goals in, its plan under title III of the Goals 2000: Educate America Act, if such plan exists, and its plan under section 1112 of this Act, particularly as those plans relate to the education of immigrant children and youth; and

1 ''(B) provide an assurance that the applicant
2 will not reduce the level of State and local funds
3 that it expends for instructional programs for immi-
4 grant children and youth if it receives an award
5 under this part.
6 ''(d) USE OF FUNDS.—Funds awarded under this
7 part shall be used to pay for enhanced instructional oppor-
8 tunities for immigrant children and youth, which may in-
9 clude—
10 ''(1) parent outreach and training activities de-
11 signed to assist parents to become active partici-
12 pants in the education of their children;
13 ''(2) salaries of personnel, including teacher
14 aides who have been specifically trained, or are being
15 trained, to provide services to immigrant children
16 and youth;
17 ''(3) tutorials and academic or career counsel-
18 ing for immigrant children and youth;
19 ''(4) identification and acquisition of curricular
20 materials, educational software, and technologies to
21 be used in the program; and
22 ''(5) such other activities, related to the pur-
23 poses of this part, as the Secretary may authorize.
24 ''(e) CONSORTIA.—A local educational agency that
25 receives a grant under this part may collaborate or form

a consortium with one or more local educational agencies, institutions of higher education, and non-profit organizations to carry out the approved program.

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

''PART E—ADMINISTRATION

''COORDINATION WITH RELATED PROGRAMS

''SEC. 7501. In order to maximize the effectiveness of Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs administered by the Department of Education, including programs in such areas as teacher training, program content, research, and curriculum.

''REPORT ON BILINGUAL EDUCATION

''SEC. 7502. The Secretary shall, within three years from the date of enactment of the Improving America's Schools Act of 1993, and every third year thereafter, submit to the Congress a report on the condition of bilingual education. The report shall include—

''(1) information on—

''(A) the grants, contracts, and cooperative agreements made pursuant to this title in the preceding three fiscal years;

''(B) the number of individuals benefiting from the programs assisted under this title;

''(C) the evaluation of activities carried out under this title during the preceding three fiscal years and the extent to which each of such activities achieves the policy set forth in section 7002(a);

''(D) an estimate of the number of teachers and other school personnel for bilingual education that will be necessary for the three succeeding fiscal years; and

''(E) the research activities carried out under this title during the preceding three fiscal years and the major findings of research studies; and

''(2) an analysis and synthesis of such data.

''STATE EDUCATIONAL AGENCY RECOMMENDATIONS; PEER REVIEW

''SEC. 7503. (a) STATE EDUCATIONAL AGENCY RECOMMENDATIONS.—In making awards under parts A and C of this title, the Secretary shall take State educational agency recommendations into account.

"(b) PEER REVIEW.—(1) In making awards under parts A, C, and D of this title and in making funding decisions for continuation grants under parts A and C of this title, the Secretary may solicit recommendations from peer review panels composed of individuals experienced in aspects of the education of limited English proficient students.

"(2) The Secretary may use up to 0.2 percent of the total amount of funds appropriated for each fiscal year for programs authorized under this title for peer review.

"PART F—SPECIAL RULE

"SPECIAL RULE

"SEC. 7601. Notwithstanding any other provision of this title, no recipient of a grant under title VII of this Act as in effect prior to the enactment of the Improving America's Schools Act of 1993 shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of this title as in effect prior to such enactment.

"TITLE VIII—IMPACT AID

"FINDINGS

"SEC. 8001. The Congress finds that—

"(1) certain activities of the Federal Government place a financial burden on the local edu-

cational agencies serving areas where such activities are carried out; and

''(2) it is the shared responsibility of the Federal Government, the States, and local educational agencies to provide for the education of children connected to those activities.

''PURPOSE

''SEC. 8002. In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, and to help them meet challenging State standards, it is the purpose of this title to provide financial assistance to local educational agencies that—

''(1) educate children who reside on Federal property and whose parents are employed on Federal property;

''(2) experience sudden and substantial increases in enrollments because of military realignments; or

''(3) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Indian lands.

''PAYMENTS FOR ELIGIBLE CHILDREN

''SEC. 8003. (a) ELIGIBLE CHILDREN.—For the purpose of computing the amount that a local educational

agency is eligible to receive under subsection (b) or (c) of this section for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

''(1) resided on Federal property with a parent employed on Federal property located, in whole or in part, within the boundaries of the school district of such agency;

''(2) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code); or

''(3) resided on Indian lands, as defined in section 8012(6) of this title.

''(b) BASIC SUPPORT PAYMENTS.—(1) From the amount appropriated under section 8013(a) for any fiscal year, the Secretary is authorized to make payments to local educational agencies with children described in subsection (a).

''(2) The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is—

''(A) the total number of children determined under subsection (a) (1) and (2), plus 1.25 times the number of children determined under subsection (a)(3), for such agency; multiplied by

''(B) the average per-pupil expenditure of local educational agencies in such agency's State for the third preceding fiscal year, as determined by the Secretary; multiplied by

''(C) the local contribution percentage for the third preceding fiscal year, as determined by the Secretary.

''(3) If the amount appropriated under section 8013(a) for any fiscal year is insufficient to pay to each local educational agency the amount determined under paragraph (2), the Secretary shall ratably reduce each such payment.

''(c) SUPPLEMENTAL PAYMENTS FOR CERTAIN CHILDREN WITH DISABILITIES.—(1) From the amount appropriated under section 8013(b) for any fiscal year, the Secretary shall make supplemental payments to local educational agencies that receive basic support payments under subsection (b).

''(2) The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is—

''(A) the number of children with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, described in paragraphs (2) and (3) of subsection (a), to whom the local educational agency provided a free appropriate public education in accordance with such Act in the preceding school year; multiplied by

''(B) 50 percent of the average per-pupil expenditure determined under subsection (b)(2)(B); multiplied by

''(C) the local contribution percentage determined by the Secretary under subsection (b)(2)(C).

''(3) If the amount appropriated under section 8013(b) for any fiscal year is insufficient to pay to each local educational agency the amount determined under paragraph (2), the Secretary shall ratably reduce each such payment.

''(4) A local educational agency shall use any funds it receives under this subsection to provide a free appropriate public education to children described in paragraph (2), in accordance with part B of the Individuals with Disabilities Education Act.

''(d) HOLD-HARMLESS AMOUNTS.—(1) Notwithstanding any other provision of this section, the total

amount that the Secretary shall pay a local educational agency under subsections (b) and (c) of this section—

''(A) for fiscal year 1995, shall not be less than 80 percent of the payment such agency received for fiscal year 1994 under section 3(a) of Public Law 81–874, as in effect for fiscal year 1994;

''(B) for fiscal year 1996, shall not be less than 60 percent of such fiscal year 1994 payment; and

''(C) for fiscal year 1997, shall not be less than 40 percent of such fiscal year 1994 payment.

''(2) If necessary in order to make payments to local educational agencies in accordance with paragraph (1), the Secretary shall reduce payments to other local educational agencies determined under subsection (b).

''POLICIES AND PROCEDURES FOR CHILDREN RESIDING ON INDIAN LANDS

''SEC. 8004. (a) POLICIES AND PROCEDURES REQUIRED.—Any local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 of this title shall establish policies and procedures to ensure that—

''(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

''(2) parents of such children and Indian tribes are afforded an opportunity to present their views on

such programs and activities, including an opportunity to make recommendations on the needs of those children and how they may help those children realize the benefits of those programs and activities;

''(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

''(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

''(5) parents and Indian tribes are afforded an opportunity to present their views on the agency's general educational program.

''(b) RECORDS.—Each such agency shall maintain records demonstrating its compliance with subsection (a).

''(c) WAIVER.—Any such agency is excused from the requirements of subsections (a) and (b) for any year with respect to any Indian tribe from which it has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the agency's provision of educational services to such children.

''(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.—The Secretary shall—

''(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable them to carry out this section; and

''(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary finds appropriate, after affording the local educational agency, parents, and affected Indian tribes an opportunity to present their views.

''APPLICATIONS FOR PAYMENTS UNDER SECTION 8003

''SEC. 8005. (a) APPLICATIONS REQUIRED.—Any local educational agency wishing to receive a payment under section 8003 of this title shall—

''(1) file an application therefor with the Secretary; and

''(2) provide a copy of its application to the State educational agency.

''(b) APPLICATION CONTENTS.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

''(1) information to determine such agency's eligibility for a payment and the amount of any such payment; and

''(2) where applicable, an assurance that such agency is in compliance with section 8004 of this title, relating to children residing on Indian lands.

''(c) DEADLINE FOR SUBMITTING; APPROVAL.—(1) The Secretary shall establish deadlines for the filing of applications under this section.

''(2) The Secretary shall approve each application submitted under this section that is filed by the deadline established under paragraph (1) and otherwise meets the requirements of this title.

''(3) The Secretary shall approve an application filed up to 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 8003(d) or any other provision of this title, the Secretary shall reduce the payment based on such late application by ten percent of the amount that would otherwise be paid.

''(4) The Secretary shall not accept or approve any application filed more than 60 days after a deadline established under paragraph (1).

''SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS

''SEC. 8006. (a) ELIGIBILITY.—A local educational agency is eligible for a payment under this section if—

''(1) the number of children in average daily attendance during the current school year is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year; and

"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between July 1 and September 30, inclusive, of the current year, as certified by an appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.

"(b) APPLICATION.—Any local educational agency that wishes to receive a payment under this section shall file an application therefor with the Secretary by October 15 of the current school year, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that it is eligible for such a payment.

"(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

"(1) the increase in the number of children in average daily attendance from the preceding year; and

"(2) the number of children described in subsection (a)(2).

"(d) PAYMENTS.—The Secretary shall pay each local educational agency with an approved application an amount, not to exceed $200 per eligible child, equal to—

"(1) the amount available to carry out this section, including any funds carried over from prior years, divided by the number of children determined under subsection (c) for all such local educational agencies; multiplied by

"(2) the number of such children determined for that local educational agency.

"CONSTRUCTION

"SEC. 8007. (a) PAYMENTS AUTHORIZED.—From the amount appropriated for each fiscal year under section 8013(d), the Secretary shall make payments to each local educational agency—

"(1) that receives a basic payment under section 8003(b); and

"(2) in which the number of children determined under section 8003(a) who resided on Indian lands constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year.

''(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency shall be equal to—

''(1) the amount so appropriated under section 8013(d); divided by

''(2) the number of children determined under section 8003(a) for all such agencies, but not including any children attending a school assisted or provided by the Secretary under section 8008 of this title or section 10 of Public Law 81–815, as in effect prior to the repeal of such statute; multiplied by

''(3) the number of such children determined for such agency.

''(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8012(3) of this title.

''MINIMUM SCHOOL FACILITIES ASSISTED BY THE SECRETARY

''SEC. 8008. (a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 8013(e), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of Public Law 81–815 as in effect prior to the repeal of such statute.

''(b) TRANSFER OF FACILITIES.—(1) The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all

the right, title, and interest of the United States in and to each facility provided under section 10 of Public Law 81–815, or under sections 204 or 310 of Public Law 81–874 as in effect on January 1, 1958.

''(2) Any such transfer shall be without charge to such agency or entity and shall be subject to such terms and conditions as the Secretary finds appropriate.

''STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID

''SEC. 8009. (a) GENERAL PROHIBITION ON STATE CONSIDERATION.—Except as provided in subsection (b), no State shall—

''(1) consider payments under this title or under Public Law 81–874 in determining, for any fiscal year—

''(A) the eligibility of any local educational agency for State aid for free public education; or

''(B) the amount of such aid; or

''(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than it would receive if it were not so eligible.

''(b) STATE EQUALIZATION PLANS.—(1) Notwithstanding subsection (a), a State may reduce State aid to

a local educational agency that receives a payment under section 8003(b) of this title or under Public Law 81–874 (other than a payment under section 2 or an increase in payments described in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of section 3(d)) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State.

''(2)(A) For the purpose of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second preceding fiscal year, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 25 percent.

''(B) In making a determination under this subsection, the Secretary shall—

''(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile of such expenditures or revenues in the State; and

"(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

"(3) Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

"(A) the Secretary determines, on the basis of projected data, that the State's program will meet the 25 percent disparity standard described in paragraph (2) in that fiscal year; and

"(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for that year (or that it met such standard with a greater percentage of disparity than anticipated), the State will pay to each affected local educational agency the amount by which it reduced State aid to the local educational agency on the basis of such certification, or a proportionate share thereof, as the case may be.

"(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—(1)(A) Any State that wishes to consider

payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of its intention to do so.

''(B) Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of its intention to consider such payments in providing State aid.

''(2) Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

''(3)(A) If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—

''(i) certify the program and so notify the State; and

''(ii) afford an opportunity for a hearing, in accordance with section 8011(a), to any local educational agency adversely affected by such certification.

"(B) If the Secretary determines that a program of State aid does not qualify under subsection (b), the Secretary shall—

"(i) so notify the State; and

"(ii) afford an opportunity for a hearing, in accordance with section 8011(a), to the State, and to any local educational agency adversely affected by such determination.

"(d) REDUCTIONS OF STATE AID.—(1) A State whose program of State aid has been certified by the Secretary under subsection (c)(3)(A) may reduce the amount of such aid provided to a local educational agency that receives a payment described in subsection (b)(1) by any amount up to—

"(A) the amount of such payment; multiplied by

"(B) 100 percent minus the percentage of disparity determined under subsection (b).

"(2) No State may make such reductions before its program of State aid has been certified by the Secretary under subsection (c)(3)(A).

"(e) REMEDIES FOR STATE VIOLATIONS.—(1) The Secretary or any aggrieved local educational agency may, without exhausting administrative remedies, bring an action in United States district court against any State that

violates subsection (a) or subsection (d)(2) of this section or fails to carry out an assurance provided under subsection (b)(3)(B) of this section.

''(2) A State shall not be immune under the eleventh amendment to the Constitution of the United States from such action.

''(3) The court shall grant such relief, other than monetary damages, as it determines is appropriate, which may include attorney's fees to a prevailing local educational agency.

''FEDERAL ADMINISTRATION

''SEC. 8010. (a) PAYMENTS IN WHOLE DOLLAR AMOUNTS—The Secretary shall round any payments under this title to the nearest whole dollar amount.

''(b) OTHER AGENCIES.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may need to carry out this title.

''ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW

''SEC. 8011. (a) ADMINISTRATIVE HEARINGS.—Any local educational agency and any State that is adversely affected by any action of the Secretary under this title shall be entitled to a hearing on such action in the same

manner as if such agency were a person under chapter 5 of title 5, United States Code.

''(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—(1) Any local educational agency or any State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

''(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

''(3) The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole

or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"DEFINITIONS

"SEC. 8012. As used in this title, the following terms have the following meanings:

"(1) ARMED FORCES.—The term 'Armed Forces' means the Army, Navy, Air Force, and Marine Corps.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means—

"(A) the aggregate current expenditures of all local educational agencies in the State; divided by

"(B) the total number of children in average daily attendance for whom such agencies provided free public education.

"(3) CONSTRUCTION.—The term 'construction' means—

"(A) the preparation of drawings and specifications for school facilities;

"(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

''(C) inspecting and supervising the construction of school facilities; and

''(D) debt service for such activities.

''(4) FEDERAL PROPERTY.—(A) Except as otherwise described in paragraphs (B) through (E) of this paragraph, the term 'Federal property' means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

''(i) owned by the United States or leased by the United States from another entity;

''(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

''(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

''(III) conveyed at any time under the Alaska Native Claims Settlement Act (Public Law 92–203, 43 U.S.C. 1601 et seq.) to a Native individual, Native group, or Village or Regional corporation;

''(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes;

''(V) used for low-rent housing, as otherwise described in this paragraph, that is located on land described in clauses (I), (II), (III), (IV) of this subparagraph or on land that met one of those descriptions immediately before its use for such housing; or

''(iii) part of a low-rent housing project assisted under the United States Housing Act of 1937; or

''(iv) owned by a foreign government or by an international organization.

''(B) 'Federal property' includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy—

''(i) any school providing flight training to members of the Air Force under contract with the Air Force at an airport owned by a State or political subdivision of a State; and

''(ii) real property that is part of a low-rent housing project assisted under—

''(I) section 516 of the Housing Act of 1949, 42 U.S.C. 1486 (domestic farm labor low-rent housing); or

"(II) part B of title III of the Economic Opportunity Act of 1964, formerly 42 U.S.C. 2861 et seq. (migrant and other seasonally employed farmworker low-rent housing).

"(C) 'Federal property' includes, whether or not subject to taxation by a State or a political subdivision of a State—

"(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

"(ii) any improvement on Federal property as otherwise described in this paragraph; and

"(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.

"(D) Notwithstanding any other provision of this paragraph, 'Federal property' does not include—

''(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

''(ii) pipelines and utility lines.

''(E) Notwithstanding any other provision of this paragraph, 'Federal property' does not include any property on which children reside that is otherwise described in this paragraph if—

''(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

''(ii) no tax revenues of the State are allocated or available for the free public education of such children.

''(5) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

''(A) at public expense, under public supervision and direction, and without tuition charge; and

''(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

''(i) includes preschool education; and

''(ii) does not include any education provided beyond grade 12.

''(6) INDIAN LANDS.—The term 'Indian lands' means any Federal property described in paragraph (4)(A)(ii) of this section.

''(7) LOCAL CONTRIBUTION PERCENTAGE.—(A) The term 'local contribution percentage' means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

''(B) Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the local contribution percentage computed for the Nation as a whole.

''(8) LOCAL EDUCATIONAL AGENCY.—(A) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district.

''(B) 'Local educational agency' includes any State agency that directly operates and maintains facilities for providing free public education.

''(C) 'Local educational agency' does not include any agency or school authority that the Secretary determines, on a case-by-case basis—

''(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or under Public Law 81–874 or increasing the amount of such assistance; or

''(ii) is not constituted or reconstituted for legitimate educational purposes.

''(9) SCHOOL FACILITIES.—The term 'school facilities' includes classrooms and related facilities, and equipment, machinery, and utilities necessary or appropriate for school purposes.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 8013. (a) BASIC PAYMENTS.—For the purpose of making payments under section 8003(b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''(b) SUPPLEMENTAL PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 8003(c), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''(c) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—For the purpose of making payments under section 8006, there are authorized to be appropriated such

sums as may be necessary for each of the fiscal years 1995 through 1999.

''(d) CONSTRUCTION.—For the purpose of making payments under section 8007, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''(e) FACILITIES MAINTENANCE.—For the purpose of carrying out section 8008, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

''TITLE IX—GENERAL PROVISIONS

''PART A—DEFINITIONS

''DEFINITIONS

''SEC. 9101. Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

''(1)(A) Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

''(i) the aggregate number of days of attendance of all students during a school year; divided by

''(ii) the number of days school is in session during such school year.

''(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

''(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

''(i) consider the child to be in attendance at a school of the agency making such payment; and

''(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

''(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

''(2) The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

''(A) without regard to the source of funds—

''(i) the aggregate current expenditures, during the third preceding fiscal year (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

''(ii) any direct current expenditures by the State for operation of such agencies; divided by

''(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

''(3) The term 'child' means any person within the age limits for which the applicable State provides free public education.

''(4) The term 'community-based organization' means a private nonprofit organization that—

''(A) is representative of a community or significant segments of a community; and

''(B) provides educational or related services to individuals in the community.

''(5) The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 9302 of this Act.

''(6) The term 'county' means one of those divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

''(7) The term 'covered program' means each of the programs authorized by—

''(A) part A of title I of this Act (making high-poverty schools work);

''(B) part C of title I of this Act (education of migratory children);

''(C) part A of title II of this Act (professional development); and

''(D) part A of title IV of this Act (safe and drug-free schools) except section 4104.

''(8) The term 'current expenditures' means expenditures for free public education—

''(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

''(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and part A of title II of this Act.

''(9) The term 'Department' means the Department of Education.

''(10) The term 'elementary school' means a day or residential school that provides elementary education, as determined under State law.

''(11) The term 'free public education' means education that is provided—

''(A) at public expense, under public supervision and direction, and without tuition charge; and

''(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

''(12) The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965.

''(13)(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

''(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

''(14) The term 'outlying area' means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).

''(15) The term 'parent' includes a legal guardian or other person standing in loco parentis.

''(16) The terms 'pupil-services personnel' and 'pupil services' mean, respectively—

''(A) school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services as part of a comprehensive program to meet student needs; and

''(B) the services provided by such individuals.

''(17) The term 'secondary school' means a day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

''(18) The term 'Secretary' means the Secretary of Education.

''(19) The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

''(20) The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

''APPLICABILITY OF THIS TITLE

''SEC. 9102. Parts B through F of this title do not apply to title VIII of this Act.

''PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

''CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

''SEC. 9201. (a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—(1) A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs specified under paragraph (2).

''(2) This section applies to title I of this Act and the covered programs specified in sections 9101(7)(C) and (D).

''(b) USE OF FUNDS.—(1) A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

''(2) A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under such programs, such as—

''(A) the coordination of programs specified in subsection (a)(2) with other Federal and non-Federal programs;

''(B) the establishment and operation of peer-review mechanisms under this Act;

''(C) the administration of this title;

''(D) the dissemination of information regarding model programs and practices; and

''(E) technical assistance under programs specified in subsection (a)(2).

''(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

''(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

''(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to it under this section for administration, it may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

"SINGLE LOCAL EDUCATIONAL AGENCY STATES

"SEC. 9202. A State educational agency that also serves as a local educational agency shall, in its applications or State plans under this Act, describe how it will eliminate duplication in the conduct of administrative functions.

"CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION

"SEC. 9203. (a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, determined by its State educational agency, of the total amount available to that local educational agency under those covered programs.

"(b) STATE PROCEDURES.—Within one year from the date of enactment of the Improving America's Schools Act of 1993, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

''(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

''(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use these consolidated funds for the administration of covered programs and for the purposes described in section 9201(b)(2).

''(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

''ADMINISTRATIVE FUNDS STUDY

''SEC. 9204. (a) STUDY.—(1) The Secretary may conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of covered programs, including the percentage of grant funds used for such purpose in covered programs.

''(2) Based on the results of such study, the Secretary may publish regulations or guidelines regarding the use of funds for administration under those programs, including the use of such funds on a consolidated basis and

limitations on the amount of such funds that may be used for administration.

''(b) REPORT.—The Secretary shall submit to the President and the appropriate committees of the Congress a report regarding the study, if any, conducted under this section within 30 days of its completion.

''CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS

''SEC. 9205. (a) GENERAL AUTHORITY.—(1) The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VI of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

''(2)(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those funds under terms that the Secretary determines best meet the purposes of those programs.

''(B) The agreement shall—

''(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education

Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

''(ii) be developed in consultation with Indian tribes.

''(b) ADMINISTRATION.—The Department of the Interior may use up to 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

''SCHOOLWIDE PROGRAMS

''SEC. 9206. In accordance with section 1114 of this Act, a school may use funds received under any noncompetitive, formula-grant program administered by the Secretary, except a program under the Individuals with Disabilities Education Act, and any discretionary program contained on a list (updated as necessary) issued by the Secretary, to support a schoolwide program, notwithstanding any provision of the statute or regulations governing any such program.

''AVAILABILITY OF UNNEEDED PROGRAM FUNDS

''SEC. 9207. With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program other than part A of title I of this Act are not needed for the purpose of that covered program may use such funds, not to exceed five percent of the total amount

of its funds under that covered program, for the purpose of another covered program.

''PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS

''PURPOSE

''SEC. 9301. It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

''OPTIONAL CONSOLIDATED STATE APPLICATION

''SEC. 9302. (a) GENERAL AUTHORITY.—(1) In order to simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary shall, in accordance with subsection (b), establish procedures and criteria under which a State educational agency may submit a consolidated State application meeting the requirements of this section for each of the covered programs in which the State participates.

''(2) A State educational agency may also include in its consolidated application—

''(A) the Even Start program under part B of title I of this Act;

''(B) the education of neglected and delinquent youth program under part D of title I of this Act;

''(C) part A of title II of the Carl D. Perkins Vocational and Applied Technology Education Act; and

''(D) such other programs as the Secretary may designate.

''(3) A State educational agency that submits a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which its consolidated application under this section applies.

''(b) COLLABORATION.—(1) In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

''(2) Through the collaboration process described in subsection (b), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State application.

''GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES

''SEC. 9303. (a) ASSURANCES.—A State educational agency that submits a State plan or application under this

Act, whether separately or under section 9302, shall have on file with the Secretary a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

''(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

''(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the statute authorizing the program provides for assistance to such entities; and

''(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

''(3) the State will adopt and use proper methods of administering each such program, including—

''(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations and other recipients responsible for carrying out each program;

''(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

''(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

''(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

''(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

''(6) the State will—

''(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

''(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

''(7) before the application was submitted to the Secretary, the State has afforded a reasonable op-

portunity for public comment on the application and has considered such comment.

''(b) GEPA PROVISION.—Section 435 of the General Education Provisions Act does not apply to programs under this Act.

''CONSOLIDATED LOCAL APPLICATIONS

''SEC. 9304. (a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit applications to the State educational agency under such programs on a consolidated basis.

''(b) REQUIRED CONSOLIDATED APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State application under section 9302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State application to submit consolidated local applications under such programs.

''(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated applications under this section.

''OTHER GENERAL ASSURANCES

''SEC. 9305. (a) ASSURANCES.—Any applicant other than a State educational agency that submits an application under this Act, whether separately or pursuant to sec-

tion 9304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which an application is submitted, that provides that—

''(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

''(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the statute authorizing the program provides for assistance to such entities; and

''(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

''(3) the applicant will adopt and use proper methods of administering each such program, including—

''(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

''(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

''(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency or the Secretary or other Federal officials;

''(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

''(6) the applicant will—

''(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

''(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

''(7) before the application was submitted, the applicant afforded a reasonable opportunity for pub-

lic comment on the application and has considered such comment.

''(b) GEPA PROVISION.—Section 436 of the General Education Provisions Act does not apply to programs under this Act.

''PART D—WAIVERS

''WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS

''SEC. 9401. (a) GENERAL.—Except as provided insubsection (c), the Secretary may waive any requirement of this Act or of the General Education Provisions Act, or of the regulations issued under such Acts, for a State educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by this Act from the Department and that requests such a waiver if—

''(1) the Secretary determines that such requirement impedes the ability of the State educational agency or other recipient to achieve more effectively the purposes of this Act; and

''(2) in the case of a waiver proposal submitted by a State educational agency, the State educational agency—

''(A) provides all interested local educational agencies in the State with notice and

an opportunity to comment on the proposal; and

''(B) submits the comments to the Secretary; and

''(3) in the case of a waiver proposal submitted by a local educational agency or other agency, institution, or organization that receives funds under this Act from the State educational agency, such request has been reviewed by the State educational agency and is accompanied by the comments, if any, of such agency.

''(b) WAIVER PERIOD.—(1) A waiver under this section shall be for a period not to exceed three years.

''(2) The Secretary may extend such period if the Secretary determines that—

''(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which it was requested and has contributed to improved performance; and

''(B) such extension is in the public interest.

''(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive, under this section, any statutory or regulatory requirement relating to—

''(1) comparability of services;

''(2) maintenance of effort;

''(3) the equitable participation of students attending private schools;

''(4) parental participation and involvement;

''(5) the distribution of funds to States or to local educational agencies or other recipients of funds under this Act;

''(6) maintenance of records;

''(7) applicable civil rights requirements; or

''(8) the requirements of sections 438 and 439 of the General Education Provisions Act.

''(d) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if it is no longer necessary to achieve its original purposes.

''PART E—UNIFORM PROVISIONS

''MAINTENANCE OF EFFORT

''SEC. 9501. (a) GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90

percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

''(b) REDUCTION IN CASE OF FAILURE TO MEET.—(1) The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).

''(2) No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

''(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—

''(1) exceptional or uncontrollable circumstances such as a natural disaster; or

''(2) a precipitous decline in the financial resources of the local educational agency.

''PROHIBITION REGARDING STATE AID

''SEC. 9502. No State shall take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

''PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS

''SEC. 9503. (a) GENERAL REQUIREMENT.—(1) Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in a State educational agency, local educational agency, or intermediate educational agency or consortium receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in such agency or consortium, such agency or consortium shall, after timely and meaningful consultation with appropriate private school officials, provide such children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits under such program.

''(2) Educational services or other benefits, including materials and equipment, provided under this section, must be secular, neutral, and nonideological.

''(3) Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in such program.

''(4) Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving them shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

''(5) Such agency or consortium may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

''(b) APPLICABILITY.—(1) This section applies to—

''(A) each covered program;

''(B) programs under title VII of this Act; and

''(C) any other program under this Act specified by the Secretary, subject to such conditions as the Secretary may prescribe.

''(2) For the purposes of this section, the term 'eligible children' mean children eligible for services under a program described in paragraph (1).

''(c) CONSULTATION.—(1) To ensure timely and meaningful consultation, such agency or consortium shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

''(A) how the children's needs will be identified;

''(B) what services will be offered;

''(C) how and where the services will be provided; and

''(D) how the services will be assessed.

''(2) Such consultation shall occur before the agency or consortium makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act.

''(3) Such consultation shall include a discussion of the full range of service delivery mechanisms that an agency or consortium could use to provide equitable services to eligible private school children, teachers, and other educational personnel, including, but not limited to—

''(A) instruction provided at public school sites, at neutral sites, or in mobile vans;

''(B) computer-assisted instruction;

''(C) extended-day services;

''(D) home tutoring; and

''(E) take-home computers.

''(d) PUBLIC CONTROL OF FUNDS.—(1) The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with these funds, shall be in a public agency for the uses and

purposes provided in this Act, and a public agency shall administer such funds and property.

''(2)(A) The provision of services under this section shall be provided—

''(i) by employees of a public agency; or

''(ii) through contract by such public agency with an individual, association, agency, or organization.

''(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

''(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.

''STANDARDS FOR BY-PASS

''SEC. 9504. If, by reason of any provision of law, a State, local, or intermediate educational agency or consortium is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency or consortium has substantially failed or is unwilling to provide for such participation, as required by section 9503, the Secretary shall—

''(1) waive the requirements of that section for such agency or consortium; and

''(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 9503, 9505, and 9506.

''COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN

''SEC. 9505. (a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations by an agency or consortium of section 9503 of this Act. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by such agency within a reasonable period of time.

''(b) APPEALS TO THE SECRETARY.—Such resolution may be appealed by an interested party to the Secretary within 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve

each such appeal within 120 days after receipt of the appeal.

''BY-PASS DETERMINATION PROCESS

''SEC. 9506. (a) REVIEW.—(1)(A) The Secretary shall not take any final action under section 9504 until the agency or consortium affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

''(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

''(2)(A) If such affected agency or consortium is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), it may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

''(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

''(C) The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based

this action, as provided in section 2112 of title 28, United States Code.

''(3)(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

''(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

''(4)(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part.

''(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

''(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable

requirements of section 9503 or any other provision of this Act.

''(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

''(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day before enactment of the Improving America's Schools Act of 1993 shall remain in effect to the extent the Secretary determines that it is consistent with the purpose of this section.

''PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION

''SEC. 9507. Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

''PART F—OTHER PROVISIONS

''STATE RECOGNITION OF EXEMPLARY PERFORMANCE

''SEC. 9601. (a) GENERAL AUTHORITY.—(1) A State educational agency may implement a program of State recognition awards under one or more covered programs

(other than part A of title I of this Act) and part B of title I of this Act.

''(2) Such recognition awards shall be made by the State educational agency to recipients of assistance under this Act in the State that the State educational agency determines have carried out grant-related activities in an exemplary fashion and have demonstrated outstanding performance measured in accordance with this section.

''(3) A State desiring to make monetary awards under this section may reserve a portion of the total amount available for grants within the State under such program for any fiscal year, not to exceed one percent, for the purpose of making recognition awards to qualifying recipients under such programs. In implementing this section, a State may reduce the amount of funds it would otherwise allocate to recipients in accordance with the applicable statute governing such allocation to the extent necessary.

''(b) CONDITIONS.—A State educational agency may make recognition awards under this section if—

''(1) in selecting awardees, it takes into account improvements in performance (rather than comparisons with other schools and school districts), and successful cooperative efforts among teachers, ad-

ministrators, and other school personnel in achieving educational reform;

''(2) it employs peer review procedures in identifying recipients eligible for awards, the identity of the awardees, and the amount of the awards;

''(3) it determines that the awardee is in compliance with applicable civil rights requirements; and

''(4) it submits to the Secretary a description of the criteria used in making such awards.

''INTERNATIONAL EDUCATION ACTIVITIES

''SEC. 9602. (a) GENERAL AUTHORITY.—In order to enhance education in the United States and to encourage cooperative efforts with foreign governments and international organizations, the Secretary is authorized directly or through grants, contracts, or cooperative agreements to carry out the activities in subsection (b).

''(b) AUTHORIZED ACTIVITIES.—Funds under this section may be used for—

''(1) activities to improve international understanding through the exchange of technical assistance, information, and training opportunities;

''(2) activities to improve our understanding of how educational systems in other countries work in order to better carry out reform efforts;

''(3) joint conferences with foreign countries to focus on specific content areas; and

''(4) other joint efforts designed to foster international collaboration and cooperation in education.

''(c) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.''.

TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

PART A—APPLICABILITY OF THE GENERAL EDUCATION PROVISIONS ACT

TITLE; APPLICABILITY; DEFINITIONS

SEC. 211. Section 400 of the General Education Provisions Act (20 U.S.C. 1221 *et seq.*; hereafter in this title referred to as ''the Act'') is amended to read as follows:

''TITLE; APPLICABILITY; DEFINITIONS

''SEC. 400. (a) This title may be cited as the 'General Education Provisions Act'.

''(b)(1) Except as otherwise provided, this title applies to each applicable program of the Department of Education.

''(2) Except as otherwise provided, this title does not apply to any contract made by the Department of Education.

''(c) As used in this title, the following terms have the following meanings:

''(1) The term 'applicable program' means any program for which the Secretary or the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act or under statutes effective after the effective date of that Act.

''(2) The term 'applicable statute' means—

''(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

''(B) this title; and

''(C) any other statute that by its terms expressly controls the administration of an applicable program.

''(3) The term 'Department' means the Department of Education.

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

''(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V

of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program.''.

REPEAL

SEC. 212. Section 400A of the Act is repealed.

PART B—THE DEPARTMENT OF EDUCATION

NEW HEADING FOR PART A

SEC. 221. The heading for Part A of the Act is amended to read as follows: ''PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION''.

GENERAL AUTHORITY OF THE SECRETARY

SEC. 222. Section 408 of the Act is amended to read as follows:

''GENERAL AUTHORITY OF THE SECRETARY

''SEC. 408. The Secretary, in order to carry out functions otherwise vested in him by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.''.

OFFICE OF PRIVATE EDUCATION

SEC. 223. Section 409 of the Act is repealed and a new section 409 is inserted in lieu thereof to read as follows:

''OFFICE OF PRIVATE EDUCATION

''SEC. 409. Subject to section 413 of the Department of Education Organization Act, there is established in the Department an Office of Private Education to ensure the maximum participation of nonpublic school students in all applicable programs for which such children are eligible.''.

REPEALS

SEC. 224. Sections 401, 402, 403, 406A, 406B, 406C, and 407 of the Act are repealed.

PART C—APPROPRIATIONS AND EVALUATIONS

AVAILABILITY OF APPROPRIATIONS

SEC. 231. (a) The heading for section 412 of the Act is amended to read as follows: ''AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR OBLIGATION OF FUNDS''.

(b) Section 412 of the Act is further amended—

(1) in subsection (a)—

(A) by striking out ''to educational agencies or institutions'';

(B) by striking out ''expenditure'' and inserting in lieu thereof ''obligations''; and

(C) by striking out ''by the agency or institution concerned'' and inserting in lieu thereof ''by the recipient'';

(2) by amending subsection (b)(1) to read as follows:

''(b)(1)(A) Notwithstanding any other provision of law, unless enacted in express limitation of this subsection, any funds from appropriations to carry out any applicable State formula grant program that are not obligated by a recipient by the end of the fiscal year for which such funds were appropriated shall remain available for obligation by such recipient during the succeeding fiscal year.

''(B) As used in this subsection, the term 'applicable State formula grant program' means an applicable program whose authorizing statute or implementing regulations provide a formula for allocating program funds among eligible States.'';

(3) in subsection (b)(2)—

(A) by striking out ''applicable program'' and inserting in lieu thereof ''applicable State formula grant program'';

(B) by striking out ''and expenditure'' and ''and expended''; and

(C) in subparagraph (B), by striking out ''educational agencies or institutions'' and inserting in lieu thereof ''recipients''; and

(4) by striking out subsection (c).

CONTINGENT EXTENSION OF PROGRAMS

SEC. 232. Section 414 of the Act is amended to read as follows:

''CONTINGENT EXTENSION OF PROGRAMS

''SEC. 414. (a) The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for one additional fiscal year unless Congress, in the regular session that ends prior to the terminal fiscal year of such authorization or duration—

''(1) has passed legislation that becomes law and extends, or has formally rejected legislation that would have extended, the authorization or duration of such program; or

''(2) approves a resolution, by action of either the House of Representatives or the Senate, stating that this section shall not apply to such program.

''(b) The amount authorized to be appropriated for the period of automatic extension of an applicable program under subsection (a) shall be the amount that was authorized to be appropriated for that program during its terminal fiscal year.

''(c) If the Secretary is required, in the terminal fiscal year of an applicable program, to carry out certain acts or make certain determinations that are necessary for the continuation of such program, such acts or determinations shall be required to be carried out or made during the period of automatic extension under subsection (a).''.

BIENNIAL EVALUATION REPORT

SEC. 233. Section 417 of the Act is amended to read as follows:

''BIENNIAL EVALUATION REPORT

''SEC. 417. Not later than March 31 of each second year beginning with 1995, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs during the two preceding fiscal years in achieving their legislated purposes. Such report shall—

''(1) contain program profiles that include legislative citations, multi-year funding histories, and legislated purposes;

''(2) contain recent evaluation information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, and evaluation information on the costs and benefits of the applicable programs being evaluated;

''(3) contain selected significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;

''(4) list the principal analyses and studies supporting the major conclusions in the report; and

''(5) include available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of their beneficiaries.''.

TECHNICAL AMENDMENTS

SEC. 234. (a) Section 415 of the Act is amended by striking out ''Commissioner'' and inserting in lieu thereof ''Secretary''.

(b) Section 420 of the Act is amended—

(1) by striking out ''title I of'' and all that follows through ''Congress)'' and inserting in lieu thereof ''title VIII of the Elementary and Secondary Education Act of 1965''; and

(2) by striking out ''subparagraph (C) of section 3(d)(2) or section 403(1)(C)'' and inserting in lieu thereof ''sections 8003(c) or residing on property described in section 8012(4)(B)(ii)''.

REPEALS

SEC. 235. Sections 411, 413, 416, and 419 of the Act are repealed.

PART D—ADMINISTRATION OF EDUCATION PROGRAMS

JOINT FUNDING OF PROGRAMS

SEC. 241. (a) Section 421A of the Act is amended to read as follows:

"JOINT FUNDING OF PROGRAMS

"SEC. 421A. (a)(1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.

"(2) Funds so transferred or received shall be used only in accordance with the statutes authorizing the appropriation of such funds and the statutes appropriating such funds, and shall be made available only to parties eligible to receive such funds under such statutes.

"(3) If the Secretary enters into a agreement under this subsection for the administration of a project, the agency administering the project shall use its procedures to select awardees and to administer the awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.

"(4) If the Secretary has entered into an agreement authorized under subsection (a) of this section and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding, the Secretary and the heads of the other

participating agencies may develop a single set of criteria for jointly funded projects and require each applicant for those projects to submit a single application for review by the participating agencies.

''(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which awards are made on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. Any applicant for such a joint award must meet the eligibility requirements of each such program.''.

COLLECTION AND DISSEMINATION OF INFORMATION

SEC. 242. Section 422 of the Act is amended to read as follows:

''COLLECTION AND DISSEMINATION OF INFORMATION

''SEC. 422. The Secretary shall—

''(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

''(2) inform the public on federally supported education programs; and

''(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving their purposes.''.

REVIEW OF APPLICATIONS

SEC. 243. Section 425 of the Act is amended—

(1) in subsection (a)—

(A) by striking out ''Commissioner'' and inserting in lieu thereof ''Secretary'';

(B) by striking out ''and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965,'';

(C) in the third sentence thereof, by inserting a comma after ''the hearing''; and

(D) in the fourth sentence thereof—

(i) by striking out the comma after ''guidelines''; and

(ii) by inserting a comma after ''program'';

(2) in subsection (b), by striking out ''Commissioner'' each place it appears and inserting in lieu thereof ''Secretary''; and

(3) in subsection (d), by striking out ''Commissioner'' each time it appears and inserting in lieu

thereof ''Secretary'' and by inserting before the period ''or issue such other orders as the Secretary may deem appropriate to achieve such compliance''.

USE OF FUNDS WITHHELD

SEC. 244. Section 428 of the Act is amended to read as follows:

''USE OF FUNDS WITHHELD

''SEC. 428. (a) At any time that the Secretary makes an allotment or reallotment to any State under any applicable program, the Secretary shall reduce such allotment or reallotment by such amount as the Secretary determines it would have been reduced, had the data on which the allotment or reallotment is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.

''(b) The Secretary may use any funds withheld under subsection (a)—

''(1) to increase the allotments of other local educational agencies within the State, or the allotments of all States, in accordance with the statutes governing the program; or

''(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability.''.

APPLICATIONS

SEC. 245. Section 430 of the Act is amended by striking out ''for three fiscal years'' and inserting in lieu thereof ''for more than one fiscal year''.

REGULATIONS

SEC. 246. Section 431 of the Act is repealed.

RECORDS; REDUCTION IN RETENTION REQUIREMENTS

SEC. 247. Section 437 of the Act is amended—

(1) in subsection (a)—

(A) by striking out ''grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)'' and inserting in lieu thereof ''grant, subgrant, cooperative agreement, loan or other arrangement'';

(B) by inserting ''financial or programmatic'' immediately before ''audit.''; and

(C) by striking out the last sentence thereof; and

(2) in subsection (b), by striking out ''to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements'' and inserting in lieu thereof ''to any records currently maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements''.

TECHNICAL AMENDMENTS

SEC. 248. (a) The heading for Part C of the Act is amended by striking out ''COMMISSIONER OF EDUCATION'' and inserting in lieu thereof ''SECRETARY''.

(b) Section 427 of the Act is amended—

(1) by striking out ''Commissioner'' and inserting in lieu thereof ''Secretary''; and

(2) in the second sentence thereof, by inserting ''is made'' after ''such determination''.

(c) Section 430 of the Act is amended by striking out ''Commissioner'' each place it appears and inserting in lieu thereof ''Secretary''.

(d) Section 433 of the Act is amended by striking out ''Except for emergency relief'' and inserting in lieu thereof ''All laborers''.

(e)(1) The heading of section 434 of the Act is amended by striking out ''EDUCATIONAL''.

(2) Section 434 of the Act is amended—

(A) by striking out ''Commissioner'' each place it appears and inserting in lieu thereof ''Secretary''; and

(B) by inserting ''(c)'' before the last sentence and by deleting ''paragraph (3)'' in such sentence and inserting in lieu thereof ''subsection (b)(3)''.

(f) Section 435 of the Act is amended—

(1) by striking out ''Commissioner'' each place it appears and inserting in lieu thereof ''Secretary''; and

(2) in subsection (a)—

(A) by striking out the comma after ''submits a plan''; and

(B) by striking out ''(subject, in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965)''.

(g) Section 436 of the Act is amended—

(1) in subsection (a), by striking out ''that local education agency'' and inserting in lieu thereof ''that local educational agency''; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting a comma after ''program'';

(B) in paragraph (4), by striking out ''Commissioner'' each place it appears and inserting in lieu thereof ''Secretary''; and

(C) in paragraph (7), by striking out ''handicapped individuals'' and inserting in lieu thereof ''individuals with disabilities''.

(h) Section 438 of the Act is amended—

(1) in subsection (a)(4)(B)(ii), by striking out the period at the end thereof and inserting in lieu thereof a semicolon;

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking out ''(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)'' and inserting in lieu thereof ''or (iii)'';

(B) in paragraph (1)(H), by striking out ''1954'' and inserting in lieu thereof ''1986''; and

(C) in paragraph (3)—

(i) by striking out ''(C) an administrative head of an education agency or (D)'' and inserting in lieu thereof ''or (C)''; and

(ii) by striking out ''education program'' and inserting in lieu thereof ''education programs'';

(3) in subsection (d), by inserting a comma after ''education'';

(4) in subsection (f)—

(A) by striking out ''The Secretary, or an administrative head of an education agency,'' and inserting in lieu thereof ''The Secretary'';

(B) by striking out ''provisions of'' after ''enforce'';

(C) by striking out ''according to the provisions of'' and inserting in lieu thereof ''in accordance with''; and

(D) by striking out ''the provisions of'' after ''with''; and

(5) in subsection (g)—

(A) by striking out ''Health, Education, and Welfare'' and inserting in lieu thereof ''Education''; and

(B) by striking out ''the provisions of''.

REPEALS

SEC. 249. (a) Sections 421, 423, 424, 426, 426A, and 429 of the Act are repealed.

EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

SEC. 250. The Act is further amended by inserting after section 425 a new section 426 to read as follows:

''EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

''SEC. 426. (a) The purpose of this section is to assist the Department in implementing its mission to ensure equal access to education and to promote educational excellence throughout the Nation, by ensuring equal opportunities to participate for all eligible students, teachers and other program beneficiaries in any project or activity carried out under an applicable program and promoting their ability to meet high standards.

''(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in its application the steps it proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

''(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.

''(d) Nothing in this section is intended to alter in any way the rights or responsibilities established under the statutes cited in section 400(d) of this Act.''.

PART E—ADVISORY COMMITTEES

REPEAL

SEC. 251. Part D of the Act is repealed.

PART F—ENFORCEMENT

REPEAL OF GRANTBACK PROVISION

SEC. 261. Section 459 of the Act is repealed.

PART G—RELATED AMENDMENTS TO OTHER ACTS

DEPARTMENT OF EDUCATION ORGANIZATION ACT

SEC. 271. The Department of Education Organization Act is amended—

(1) in section 414, by striking out ''(a)'' and subsection (b);

(2) in section 417, by adding a new subsection (d) to read as follows:

''(d) The Secretary is authorized, with funds expressly appropriated for such purpose, to construct such facilities as may be necessary to carry out functions of the Secretary or the Department and to acquire and dispose of such property.'';

(3) in section 421, by inserting ''and to accept donations of services'' after ''personal''; and

(4) by striking out section 427.

HIGHER EDUCATION ACT OF 1965

SEC. 272. Sections 432(d) and 482(c) of the Higher Education Act of 1965 are repealed.

PART H—CONFORMING AMENDMENTS

CONFORMING AMENDMENTS TO OTHER ACTS

SEC. 281. (a) The Rehabilitation Act of 1973 is amended—

(1) by repealing section 9; and

(2) in section 100, by striking out subsection (d).

(b) Section 491(b) of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by striking out the last sentence thereof.

TITLE III—AMENDMENTS TO OTHER ACTS

PART A—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

ALLOCATIONS UNDER SECTION 611 OF THE IDEA

SEC. 311. (a) Section 611(a) of the Individuals with Disabilities Education Act (hereafter in this title referred to as the ''IDEA'') is amended—

(1) by amending paragraph (1) to read as follows:

''(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is eligible under this section for any fiscal year is—

''(A) the sum of—

''(i) the number of children with disabilities in the State, aged six through 21, who are receiving special education and related services, as determined under paragraph (3); and

''(ii) the number of such children in the State, aged three through five, if the State is eligible for a grant under section 619; multiplied by

''(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.'';

(2) by amending paragraph (2) to read as follows:

''(2) For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''; and

(3) in paragraph (5)(A)—

(A) in clause (i), by striking out ''and the State'' and inserting in lieu thereof ''or the

combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, whichever is greater, if the State'';

(B) in clause (ii)—

(i) by striking out ''and the State'' and inserting in lieu thereof ''or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, whichever is greater, if the State''; and

(ii) by striking out the semicolon and ''and'' at the end thereof and inserting in lieu thereof a period; and

(C) by striking out clause (iii).

(b) Section 611(b) of the IDEA is amended to read as follows:

''(b)(1) Notwithstanding subsections (a) and (g) of this section, no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that

is less than the combined amount it received for fiscal year 1994 under—

''(A) this section; and

''(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for children with disabilities aged three through 21.

''(2) If, for fiscal year 1998 or 1999, the number of children determined under subsection (a)(3) for any State is less than the total number of children with disabilities, aged three through 21, counted for that State's fiscal year 1994 grants under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, the amount determined under paragraph (1) for that State shall be reduced by the same percentage by which the number of those children so declined.''.

(c) Section 611(c) of the IDEA is amended—

(1) by amending paragraph (1) to read as follows:

''(1) Of the funds received under subsection (a) by any State for any fiscal year—

''(A) the State may use up to 25 percent in accordance with paragraph (2); and

''(B) except as provided in paragraph (4), the State shall distribute at least 75 percent to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3).'';

(2) in paragraph (2), by amending subparagraph (A) to read as follows:

''(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—

''(i) may use five percent of the funds received under this section or $450,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613; and

''(ii) shall use the remainder—

''(I) to provide support services and direct services, subject to subparagraph (B), in accordance with priorities established under section 612(3); and

''(II) for the administrative costs of monitoring and complaint investigation, but only to the extent that

such costs exceed the costs of administration incurred during fiscal year 1985.''.

(d) Section 611(d) of the IDEA is amended to read as follows:

''(d)(1) From the total amount of funds available for any fiscal year under subsection (c)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agency or unit bears to the total number of such children determined for all such agencies and units that apply for such funds.

''(2)(A) To the extent necessary, the State—

''(i) shall use funds available under subsection (c)(2)(A)(ii) to ensure that each State agency that received fiscal year 1994 funds under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 receives, from the combination of such funds and funds provided under paragraph (1), an amount equal to—

''(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by

''(II) the per-child amount provided under such subpart for fiscal year 1994; and

''(ii) may use such funds to ensure that each local educational agency that received fiscal year 1994 funds under such subpart for children who had transferred from a State-operated or State-supported school or program assisted under such subpart receives, from the combination of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.

''(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year.''.

(e) Section 611(e)(1) of the IDEA is amended to read as follows:

''(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the

Compact of Free Association with the Government of Palau).''.

(f) Section 611(g) of the IDEA is amended to read as follows:

''(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts that all States are eligible to receive under subsection (a), each such amount shall be ratably reduced.

''(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as they were reduced.

''(C) Any State that receives any such additional funds shall distribute them in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purposes described in subsection (d)(2) may—

''(i) deduct, from the amount that it would otherwise be required to make available to local educational agencies and intermediate educational units, the same amount of such additional funds as it so used; and

''(ii) use such funds in accordance with subsection (c)(2)(A)(ii).

''(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to it under this section that it estimates it will expend.

''(B) The State educational agency shall, in accordance with this section, reallocate any funds that it determines will not be used during the period of availability by such local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if it applied for them under this part, to those local educational agencies and intermediate educational units that the State educational agency determines will need, and be able to use, additional funds to carry out approved programs.''.

TREATMENT OF CHAPTER 1 STATE AGENCIES

SEC. 312. Part B of the IDEA is further amended by inserting after section 614 the following new section:

''TREATMENT OF CHAPTER 1 STATE AGENCIES

''SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under sub-

part 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 shall be treated as if it were a local educational agency.

''(b) The State educational agency shall ensure that each State agency that operates or supports a program or school for children with disabilities with funds under this part—

''(1) provides each child with a disability in that school or program a free appropriate public education in accordance with this part, including the due process protections of section 615, as if it were a local educational agency; and

''(2) has on file with the State educational agency an application that meets those requirements of section 614 that the Secretary finds appropriate.

''(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this part by virtue of this section.''.

INFANTS AND TODDLERS WITH DISABILITIES

SEC. 313. (a) Section 684(c) of the IDEA is amended—

(1) by redesignating paragraph (2) as paragraph (5); and

(2) by striking out paragraph (1) and inserting in lieu thereof paragraphs (1) through (4) to read as follows:

''(1) Except as provided in paragraphs (3) and (4), from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

''(2) For fiscal year 1995 only, the Secretary shall allot $34,000,000 of the remaining funds described in paragraph (1) among the States in proportion to their relative numbers of infants and toddlers with disabilities who—

''(A) are counted on December 1, 1994; and

''(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 as in effect before the enactment of the Improving America's Schools Act of 1993.

''(3) Except as provided in paragraph (4), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

''(A) one-half of one percent of the remaining amount described in paragraph (1), not in-

cluding any amounts allotted under paragraph (2); or

''(B) $500,000.

''(4)(A) No State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the combined amount it received for fiscal year 1994 under—

''(i) this part; and

''(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for children with disabilities from birth through age two.

''(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.''.

(b) The amendments made by subsection (a) shall take effect beginning with fiscal year 1995.

PART B—AMENDMENTS TO THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

STATE LITERACY INITIATIVES

SEC. 321. Section 702 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.; hereinafter in this title referred to as ''the Act'') is amended to read as follows:

''STATE LITERACY INITIATIVES

''SEC. 702. (a) GENERAL AUTHORITY.—(1) The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—

''(A) include outreach activities; and

''(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and funding recipients under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under title IV of the Job Training Partnership Act, the Volunteers in Service to America program under the Domestic Volunteers Service Act, part C of this title, or the Job Opportunity and Basic Skills program under the Social Security Act.

1 ''(2) The Secretary of Education shall, in awarding
2 grants under this section, give special consideration to the
3 estimates submitted in the application submitted under
4 subsection (b) and make such awards in whatever amounts
5 he or she determines would best serve the purposes of this
6 section.

7 ''(b) APPLICATION.—Each State educational agency
8 desiring to receive a grant under this section shall submit
9 to the Secretary of Education an application at such time,
10 in such manner, and containing such information as the
11 Secretary may reasonably require. Each such application
12 shall include an estimate of the number of homeless indi-
13 viduals in the State and the number of such individuals
14 expected to be served.

15 ''(c) AUTHORIZATION OF APPROPRIATIONS.—(1) For
16 the purpose of carrying out the adult literacy and aca-
17 demic remediation programs authorized by this section,
18 there are authorized to be appropriated such sums as may
19 be necessary for each of the fiscal years 1995 through
20 1999.

21 ''(d) DEFINITION.—As used in this section, the term
22 'State' means each of the 50 States, the District of Colum-
23 bia, the Commonwealth of Puerto Rico, the Virgin Islands,
24 Guam, American Samoa, the Commonwealth of the North-
25 ern Mariana Islands, and Palau (until the effective date

of the Compact of Free Association with the Government of Palau).''.

EDUCATION FOR HOMELESS CHILDREN AND YOUTH

Sec. 322. Subtitle B of title VII of the Act is amended to read as follows:

''SUBTITLE B—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

''STATEMENT OF POLICY

''SEC. 721. It is the policy of the Congress that—

''(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

''(2) in any State that has a compulsory residency requirement as a component of its compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

''(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

''(4) homeless children and youth should have access to the education and other services that they need to ensure that they have an opportunity to meet the same challenging State performance standards to which all students are held.

''GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

''SEC. 722. (a) GENERAL AUTHORITY.—The Secretary is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (d), (e), (f), and (g).

''(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(c) ALLOCATION AND RESERVATIONS.—(1) Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year pursuant to section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated in each such year as the amount allocated under section 1122 of the Elementary and Secondary Education

Act of 1965 to the State in that year bears to the total amount allocated to all States, except that no State shall receive less than $100,000.

''(2)(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year pursuant to section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need, as determined by the Secretary.

''(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

''(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of these funds under terms that the Secretary determines best meet the purposes of the covered programs. Such agreement shall set forth the plans of the Secretary of the Inte-

rior for the use of the amounts transferred, including appropriate goals, objectives and milestones.

''(3) As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

''(d) MANDATED ACTIVITIES.—Grants under this section shall be used—

''(1) to carry out the policies set forth in section 721 in the State;

''(2) to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

''(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

''(4) to prepare and carry out the State plan described in subsection (g); and

''(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, spe-

cific problems in the education of homeless children and youth.

''(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall provide grants to local educational agencies for purposes of section 723.

''(B) The State educational agency may reserve not more than the greater of five percent of the amount it receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

''(2) If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at its discretion, may provide such grants or may conduct activities under subsection (f) directly or through grants or contracts.

''(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

''(1) estimate the number of homeless children and youth in the State and the number of such chil-

dren and youth served with assistance provided under the grants under this subtitle;

''(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in school;

''(3) develop and carry out the State plan described in subsection (g);

''(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out his or her responsibilities under this subtitle;

"(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth and their families; and

"(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.

"(g) STATE PLAN.—(1) Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

''(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

''(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

''(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

''(D) describe procedures that ensure that—

''(i) homeless children have equal access to the same public preschool programs as provided to other children; and

''(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

''(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);

''(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

''(i) transportation issues; and

''(ii) enrollment delays that are caused by—

''(I) immunization requirements;

''(II) residency requirements;

''(III) lack of birth certificates, school records, or other documentation; or

''(IV) guardianship issues;

''(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

''(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.

''(2) Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

''(3)(A) The local educational agency of each homeless child and youth shall, according to the child's or youth's best interest, either—

''(i) continue the child's or youth's education in the school of origin—

''(I) for the remainder of the academic year; or

''(II) in any case in which a family becomes homeless between academic years, for the following academic year; or

''(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

''(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply with the request made by a parent or guardian regarding school selection unless the local educational agency has a compelling reason for not complying with the request.

''(C) For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

''(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

''(4) Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—

''(A) transportation services, except as required by paragraph (9);

''(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;

''(C) programs in vocational education;

''(D) programs for gifted and talented students; and

''(E) school meals programs.

''(5) Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special

services or programs, of each homeless child or youth shall be maintained—

''(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

''(B) in a manner consistent with section 438 of the General Education Provisions Act.

''(6) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families.

''(7)(A) Each local educational agency in which homeless children or youth live or attend school in a State that receives a grant under this subtitle shall designate a homelessness liaison to ensure that—

''(i) homeless children and youth enroll and succeed in the schools of that agency; and

''(ii) homeless families, children, and youth receive educational services for which they are eligible, including preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services.

''(B) State coordinators and local educational agencies shall inform school personnel, service providers, and

advocates working with homeless families of the duties of the liaisons.

''(8) Each State educational agency and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

''(9) Each plan adopted under this subsection shall—

''(A) demonstrate that transportation, to the extent possible, will be provided at no cost to homeless children and youth attending the school in which they are enrolled; and

''(B) contain procedures for resolving disputes between local educational agencies or within a local educational agency concerning transportation costs for such children and youth.

''LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

''SEC. 723. (a) GENERAL AUTHORITY.—(1) The State educational agency shall, in accordance with section

722(e) and with amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

''(2) Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities. Where services are provided through programs on school grounds, such services may also be made available to children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, except that priority for such services shall be given to homeless children and youth. To the maximum extent practicable, services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.

''(3) Services provided under this section shall be designed to expand upon or improve services provided as part of the school's regular academic program.

''(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may rea-

sonably require according to guidelines issued by the Secretary. Each such application shall include—

''(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

''(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year;

''(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and

''(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

''(c) AWARDS.—(1) The State educational agency shall, in accordance with section 722(g) and with amounts made available to such agency under section 726, award

grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.

''(2) In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

''(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

''(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);

''(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

''(D) such other criteria as the agency determines appropriate.

''(3) Grants awarded under this section shall be for terms not to exceed three years.

"(d) AUTHORIZED ACTIVITIES.—(1) A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

"(A) the provision of tutoring and supplementary educational services that are linked to the achievement of the same challenging standards the State establishes for other children or youth;

"(B) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);

"(C) professional development and other activities for educators and other school personnel that is designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

''(D) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

''(E) the provision of assistance to defray the excess cost of transportation for students pursuant to sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

''(F) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

''(G) the provision of before- and after-school and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

''(H) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

''(I) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

''(J) the development of coordination between schools and agencies providing services to homeless children and youth;

''(K) the provision of counseling (including violence prevention counseling), social work, and psychological services, and referrals for such services;

''(L) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

''(M) the adaptation of space and purchase of supplies for nonschool facilities made available undersubsection (a)(2) to provide services under this subsection;

''(N) the provision of school supplies to be distributed at shelters or temporary housing facilities; and

''(O) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

''SECRETARIAL RESPONSIBILITIES

''SEC. 724. (a) REVIEW OF PLANS.—In reviewing the State plans submitted by the State educational agencies

under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

''(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.

''(c) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

''(d) REPORTS.—The Secretary shall prepare and submit a report to Congress on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.

''DEFINITIONS

''SEC. 725. For the purpose of this subtitle, the following terms have the following meanings.

''(1) The term 'Secretary' means the Secretary of Education.

''(2) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 726. For the purpose of carrying out this subtitle, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.''.

PART C—REPEAL OF IMPACT AID STATUTES

REPEAL OF IMPACT AID STATUTES

SEC. 331. Public Laws 81–815 and 81–874 are repealed.

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HR 3130 IH——2

HR 3130 IH——3

HR 3130 IH——4

HR 3130 IH——5

HR 3130 IH——6

HR 3130 IH——7

HR 3130 IH——8

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