

103D CONGRESS
1ST SESSION

S. 1267

To amend the Dwight D. Eisenhower Mathematics and Science Education Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JUNE 30), 1993

Mr. HATFIELD introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Dwight D. Eisenhower Mathematics and Science Education Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENT OF THE DWIGHT D. EISENHOWER**
4 **MATHEMATICS AND SCIENCE EDUCATION**
5 **ACT.**

6 Except as otherwise expressly provided, whenever in
7 this Act an amendment or repeal is expressed in terms
8 of an amendment to, or repeal of, a section or other provi-
9 sion, the reference shall be considered to be made to a

1 section or other provision of the Dwight D. Eisenhower
2 Mathematics and Science Education Act.

3 **SEC. 2. IN-STATE APPORTIONMENT.**

4 Paragraph (1) of section 2005(c) (20 U.S.C.
5 2985(c)(1)) is amended—

6 (1) by striking “or institution” and inserting “,
7 institution”; and

8 (2) by inserting “, nonprofit organization, mu-
9 seum, or public or private partnership” after “higher
10 education”.

11 **SEC. 3. ELEMENTARY AND SECONDARY EDUCATION PRO-**
12 **GRAMS.**

13 Section 2006 (20 U.S.C. 2986) is amended—

14 (1) in paragraph (1) of subsection (b)—

15 (A) in subparagraph (B), by inserting “, or
16 teachers who are members of populations that
17 are underserved by and underrepresented in
18 mathematics and science education,” after “mi-
19 nority teachers”; and

20 (B) in subparagraph (C)—

21 (i) by inserting “calculators,” after
22 “use of”; and

23 (ii) by striking all beginning with
24 “(which” through “met”;

25 (2) in subsection (d)—

1 (A) by amending paragraph (1) to read as
2 follows:

3 “(1) GENERAL RULE.—Except as provided in
4 paragraph (2), at least 60 percent of the amount
5 available to a local educational agency under this
6 section in each fiscal year shall be used to provide
7 training for mathematics teachers and science teach-
8 ers in elementary or middle schools.”;

9 (B) in paragraph (2)—

10 (i) by striking “elementary and mid-
11 dle” and inserting “elementary or middle”;
12 and

13 (ii) by inserting “, as the Secretary
14 determines appropriate,” after “such local
15 educational agency”;

16 (C) by adding at the end the following new
17 paragraph:

18 “(3) SPECIAL RULE.—Each local educational
19 agency receiving assistance under this section shall
20 make every effort to give priority to coordinating
21 teacher training in the use of hands-on
22 manipulatives received under this section with the
23 materials received under subpart 3, and to include
24 in such training the recipients of such materials.”.

1 **SEC. 4. HIGHER EDUCATION PROGRAMS.**

2 Section 2007 (20 U.S.C. 2987) is amended—

3 (1) in subsection (b)—

4 (A) by amending subparagraph (B) of
5 paragraph (1) to read as follows:

6 “(B)(i) The State agency for higher edu-
7 cation, from not less than 80 percent of the
8 amount available for this section, shall award
9 grants on a competitive basis to institutions of
10 higher education, nonprofit organizations, mu-
11 seums, and public or private partnerships in the
12 State which apply for payments under this sec-
13 tion and which demonstrate involvement of local
14 educational agencies.

15 “(ii) The State agency for higher edu-
16 cation, from not more than 20 percent of the
17 amount available under this subsection, may
18 award grants, on a noncompetitive basis, for
19 purposes of addressing the needs of populations
20 that are underserved by and underrepresented
21 in mathematics and science education, to insti-
22 tutions of higher education, nonprofit organiza-
23 tions, museums, and public or private partner-
24 ships in the State which apply for payments
25 under this section and which demonstrate in-
26 volvement of local educational agencies.

1 “(iii) In awarding grants under this sec-
2 tion the State agency for higher education shall
3 make every effort to ensure equitable participa-
4 tion of private and public institutions of higher
5 education.”; and

6 (B) in paragraph (2)—

7 (i) in subparagraph (A), by striking
8 “who will specialize in teaching mathe-
9 matics and science at the secondary school
10 level” and inserting “of mathematics and
11 science at the elementary and secondary
12 school levels”;

13 (ii) in subparagraph (B)—

14 (I) by inserting “, and for train-
15 ing of elementary school teachers to
16 increase such teachers’ content knowl-
17 edge of mathematics and science,” be-
18 fore “including”; and

19 (II) by striking “and” after the
20 semicolon; and

21 (iii) in subparagraph (C)—

22 (I) by striking “teaching skills”
23 and inserting “content knowledge,
24 teaching skills, and instructional prac-
25 tices based on current research”;

1 (II) by striking the period at the
2 end and inserting “; and”; and

3 (III) by adding at the end the
4 following new subparagraph:

5 “(D) recruiting and training minority stu-
6 dents to become mathematics and science teach-
7 ers.”;

8 (2) by amending subsection (d) to read as fol-
9 lows:

10 “(d) TECHNICAL ASSISTANCE AND EVALUATION.—
11 Not more than 5 percent of the amount available under
12 this section, or \$30,000, whichever is greater, may be used
13 by the State agency for higher education for—

14 “(1) providing technical assistance to local edu-
15 cational agencies, institutions of higher education,
16 and nonprofit organizations, including museums and
17 libraries, to enable such entities to conduct programs
18 in accordance with this section;

19 “(2) the costs incurred by the State agency for
20 higher education for evaluating programs assisted
21 under this subpart; and

22 “(3) developing plans for reform of teacher
23 preparation in mathematics and science at the State
24 level.”; and

1 (3) by adding at the end the following new sub-
2 section:

3 “(e) ADMINISTRATIVE COSTS.—Not more than 5 per-
4 cent of the amount available under this section, or
5 \$20,000, whichever is greater, may be used by the State
6 agency for higher education for the costs of the adminis-
7 tration and assessment of programs assisted under this
8 subpart.”.

9 **SEC. 5. STATE APPLICATION.**

10 Subsection (d) of section 2008 (20 U.S.C. 2988(d))
11 is amended by adding at the end the following new para-
12 graph:

13 “(5) How the programs planned under this sub-
14 part reflect consideration of the emerging standards
15 in mathematics and science.”.

16 **SEC. 6. LOCAL APPLICATION.**

17 Section 2009 (20 U.S.C. 2989) is amended—

18 (1) in subsection (b)—

19 (A) in paragraph (2), by inserting “and
20 how the activities and services for which assist-
21 ance is sought reflect consideration of the
22 emerging standards in mathematics and
23 science” before the semicolon; and

24 (B) in paragraph (3)—

1 (i) by striking “Foundation, or” and
2 inserting “Foundation or”; and

3 (ii) by striking “both” and inserting
4 “with respect to any other Federal pro-
5 gram that supports a clearly articulated
6 State or local education reform plan;”; and

7 (2) by adding at the end the following new sub-
8 section:

9 “(d) APPLICABILITY OF REGULATIONS UNDER
10 OTHER MATHEMATICS OR SCIENCE EDUCATION PRO-
11 GRAMS.—Notwithstanding the provisions of subsection
12 (b)(3), in carrying out the provisions of this subpart a
13 State educational agency, local educational agency or in-
14 stitution of higher education shall not be required to com-
15 ply with regulations promulgated pursuant to any Federal
16 mathematics or science education program other than reg-
17 ulations promulgated pursuant to this subpart.”.

18 **SEC. 7. NATIONAL PROGRAMS.**

19 Section 2012 (20 U.S.C. 2992) is amended—

20 (1) in subsection (d)—

21 (A) in the heading for such subsection, by
22 inserting “EISENHOWER” before “NATIONAL
23 CLEARINGHOUSE”;

1 (B) in paragraph (1), by striking “a Na-
2 tional” and inserting “an Eisenhower Na-
3 tional”; and

4 (C) in paragraph (4)—

5 (i) in subparagraph (C), by striking
6 “and” after the semicolon;

7 (ii) in subparagraph (D), by striking
8 “and non-Federal data bases.” and insert-
9 ing “, non-Federal and, where feasible,
10 international data bases;”; and

11 (iii) by adding at the end the follow-
12 ing new subparagraphs:

13 “(E) participate in collaborative meetings
14 of representatives of the Clearinghouse and the
15 regional consortiums under subpart 2 of this
16 part to discuss issues of common interest and
17 concern, to foster effective collaboration and co-
18 operation in acquiring and distributing curricu-
19 lum materials and programs, and to coordinate
20 computer network access to the Clearinghouse
21 and the resources of the regional consortiums,
22 except that not more than 3 percent of the
23 funds awarded under this section shall be used
24 to carry out this subparagraph; and

1 “(F) gather qualitative and evaluative data
2 on submissions to the Clearinghouse.”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(f) MODEL SCIENCE START PROGRAMS FOR THE
6 INTRODUCTION OF SCIENCE IN EARLY CHILDHOOD EDU-
7 CATION.—

8 “(1) GRANTS AUTHORIZED.—(A) The Secretary
9 may award grants to organizations to enable such
10 organizations to support model programs that pro-
11 vide instruction to Head Start personnel regarding
12 the introduction of science activities to children en-
13 rolled in Head Start programs.

14 “(B) Grants awarded under this subsection
15 shall be known as Science Start Grants.

16 “(2) PRIORITY.—In awarding grants under this
17 subsection, the Secretary shall give priority to appli-
18 cants that demonstrate the ability to—

19 “(A) provide teacher training programs
20 that involve participants in hands-on activities
21 similar to activities that are intended for stu-
22 dents;

23 “(B) attract broad teacher participation;

24 “(C) use classroom teachers as instructors;

1 “(D) provide those materials required by
2 the activities described in subparagraph (A),
3 but not commonly found in Head Start class-
4 rooms, except that not more than 25 percent of
5 the funds awarded to any organization for a
6 model program shall be used to carry out this
7 subparagraph; and

8 “(E) provide for periodic followup activities
9 conducted, at minimum, during a 6-month pe-
10 riod.

11 “(3) DISSEMINATION.—Each recipient of a
12 grant under this subsection shall report the results
13 of the model program to the Eisenhower National
14 Clearinghouse for Mathematics and Science Edu-
15 cation in an appropriate format for dissemination.

16 “(4) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated \$1,000,000
18 for fiscal year 1994 and such sums as may be nec-
19 essary for each succeeding fiscal year to carry out
20 this subsection.”.

21 **SEC. 8. EISENHOWER REGIONAL MATHEMATICS AND**
22 **SCIENCE EDUCATION CONSORTIUMS.**

23 (a) AMENDMENT TO HEADING.—The heading for
24 subpart 2 (20 U.S.C. 2994 et seq.) is amended by insert-
25 ing “**Eisenhower**” before “**Regional**”.

1 (b) AMENDMENT TO TEXT.—Subsection (a) of sec-
2 tion 2016 (20 U.S.C. 2994(a)) is amended by adding at
3 the end the following new paragraph:

4 “(4) DESIGNATION.—Each regional consortium
5 assisted under this section shall be known as an ‘Ei-
6 senhower regional consortium’.”.

7 **SEC. 9. USE OF FUNDS.**

8 Section 2017 (20 U.S.C. 2994a) is amended—

9 (1) by amending paragraph (1) to read as fol-
10 lows:

11 “(1) work cooperatively with the other regional
12 consortiums and the National Clearinghouse for
13 Science and Mathematics Education established
14 under section 2012(d) to more effectively accomplish
15 the activities described in this section;”;

16 (2) by amending paragraph (8) to read as fol-
17 lows:

18 “(8) assist State and local educational agencies
19 in identifying science equipment needs and help such
20 agencies or consortia thereof assess the need for and
21 desirability of regional mathematics and science
22 academies;”.

23 (3) by amending paragraph (14) to read as fol-
24 lows:

1 “(14) identify exemplary teaching practices and
2 materials from within the region and communicate
3 such practices and materials to the Eisenhower Na-
4 tional Clearinghouse for Mathematics and Science
5 Education;”;

6 (4) in paragraph (15), by striking “and” after
7 the semicolon;

8 (5) in paragraph (16), by striking the period;
9 and

10 (6) by adding at the end the following new
11 paragraphs:

12 “(17) communicate, on a regular basis, with en-
13 tities within the region who are delivering services to
14 students and teachers of mathematics and science,
15 including, at a minimum, State supervisors of math-
16 ematics and science, State coordinators of programs
17 assisted under this part, the Director of the regional
18 education laboratory, personnel of the National Dif-
19 fusion Network, the regional laboratories supported
20 by the Department of Energy, a principal investiga-
21 tor or program director of the National Science
22 Foundation State Systemic Initiative within the re-
23 gion served by the regional consortium, and the Di-
24 rectors of the Eisenhower National State Curriculum

1 framework grant programs within the region served
2 by the Eisenhower regional consortium;

3 “(18) participate in collaborative meetings of
4 representatives of the Eisenhower National Clearing-
5 house for Science and Mathematics Education and
6 the regional consortiums to discuss issues of com-
7 mon interest and concern, to foster effective collabo-
8 ration and cooperation in acquiring and distributing
9 curriculum materials and programs, and to coordi-
10 nate computer network access to the Clearinghouse
11 and resources of the regional consortiums, except
12 that not more than 5 percent of the funds awarded
13 to a regional consortium under this section shall be
14 used to carry out this paragraph;

15 “(19) provide technical assistance to State edu-
16 cational agencies and local educational agencies for
17 evaluation of mathematics and science programs;

18 “(20) assist in the development of State and re-
19 gional plans and activities that hold promise of
20 bringing about systemic reform in student perform-
21 ance in mathematics and science; and

22 “(21) assist in the coordinated implementation
23 of the kindergarten through twelfth grade programs
24 of the Federal Coordinating Council for Science, En-
25 gineering and Technology in the regions.”.

1 **SEC. 10. REGIONAL BOARDS.**

2 Subsection (b) of section 2019 (20 U.S.C. 2994c(b))
3 is amended by inserting “, except that at the discretion
4 of a regional board, Federal funds may be used to provide
5 assistance such as travel and accommodations for board
6 members who could not otherwise afford to participate as
7 members of the board” before the period.

8 **SEC. 11. FEDERAL SHARE.**

9 Section 2020 (20 U.S.C. 2994e) is amended—

10 (1) by amending subsection (b) to read as fol-
11 lows:

12 “(b) FEDERAL SHARE.—For the purpose of sub-
13 section (a), the Federal share shall be 80 percent.”; and

14 (2) in subsection (c), by adding at the end the
15 following new sentence: “At least 10 percent of such
16 non-Federal share shall be from sources other than
17 the Federal Government or State or local govern-
18 ment.”.

19 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 2023 (20 U.S.C. 2994g) is amended by strik-
21 ing “\$17,000,000 for the fiscal year 1991, and such sums
22 as may be necessary for each of the fiscal years 1992 and
23 1993” and inserting “\$23,000,000 for the fiscal year
24 1994, and such sums as may be necessary for each of the
25 fiscal years 1995, 1996, 1997, and 1998”.

1 **SEC. 13. DEFINITIONS.**

2 Section 2031 (20 U.S.C. 2996) is amended by adding
3 at the end the following new paragraph:

4 “(3) The terms ‘mathematics’ and ‘science’ in-
5 clude the technology education associated with such
6 mathematics and science, respectively.”.

7 **SEC. 14. ELEMENTARY SCIENCE AND MATHEMATICS EQUIP-**
8 **MENT.**

9 Part A (20 U.S.C. 2981 et seq.) is amended by in-
10 serting after section 2023 the following new subpart:

11 **“Subpart 3—Elementary Mathematics and Science**
12 **Equipment**

13 **“SEC. 3031. SHORT TITLE.**

14 “This subpart may be cited as the ‘Elementary Math-
15 ematics and Science Equipment Act’.

16 **“SEC. 3032. STATEMENT OF PURPOSE.**

17 “It is the purpose of this subpart to raise the quality
18 of instruction in mathematics and science in the Nation’s
19 elementary schools by providing equipment and materials
20 necessary for hands-on instruction through assistance to
21 State and local educational agencies and schools.

22 **“SEC. 3033. PROGRAM AUTHORIZED.**

23 “(a) GRANTS.—The Secretary is authorized to make
24 allotments to State educational agencies under section
25 3034 to enable such agencies to award grants to local edu-
26 cational agencies for the purpose of providing equipment

1 and materials to elementary schools to improve mathe-
2 matics and science education in such schools.

3 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated \$30,000,000 for fiscal
5 year 1994, and such sums as necessary for each of the
6 fiscal years 1995, 1996, 1997, and 1998, to carry out this
7 subpart.

8 **“SEC. 3034. ALLOTMENTS OF FUNDS.**

9 “(a) IN GENERAL.—From the amount appropriated
10 under section 3033(b) for any fiscal year, the Secretary
11 shall reserve—

12 “(1) not more than one-half of 1 percent for al-
13 lotment among Guam, American Samoa, the Virgin
14 Islands, the Northern Mariana Islands, the Republic
15 of the Marshall Islands, the Federated States of Mi-
16 cronesia, and the Republic of Palau according to
17 their respective needs for assistance under this sub-
18 part; and

19 “(2) one-half of 1 percent for programs for In-
20 dian students served by schools funded by the Sec-
21 retary of the Interior which are consistent with the
22 purposes of this subpart.

23 “(b) ALLOTMENT.—

24 “(1) IN GENERAL.—Except as provided in para-
25 graph (2) and from the amount not reserved pursu-

1 ant to subsection (a), the Secretary shall make allot-
2 ments among State educational agencies in the
3 States as follows:

4 “(A) One-half of such remainder shall be
5 distributed among such State educational agen-
6 cies by allotting to each State educational agen-
7 cy an amount which bears the same ratio to
8 such one-half of such remainder as the number
9 of children aged 5 to 11, inclusive, in the State
10 bears to the number of such children in all
11 States.

12 “(B) One-half of such remainder shall be
13 distributed among such State educational agen-
14 cies according to each State’s share of alloca-
15 tions under chapter 1 of title I of this Act.

16 “(2) MINIMUM.—No State shall receive in any
17 fiscal year an allotment under paragraph (1) which
18 is less than—

19 “(A) one-half of 1 percent of the amount
20 available under this subsection in such fiscal
21 year; or

22 “(B) the amount allotted to such State for
23 fiscal year 1988 under title II of the Education
24 for Economic Security Act.

1 “(c) REALLOTMENT OF UNUSED FUNDS.—The
2 amount of any State’s allotment under subsection (b) for
3 any fiscal year to carry out this subpart which the Sec-
4 retary determines will not be required for that fiscal year
5 to carry out this subpart shall be available for reallocation
6 from time to time, on such dates during that year as the
7 Secretary may determine, to other States in proportion to
8 the original allotments to those States under subsection
9 (b) for that year but with such proportionate amount for
10 any of those other States being reduced to the extent it
11 exceeds the sum the Secretary estimates that the State
12 needs and will be able to use for that year, and the total
13 of those reductions shall be similarly reallocated among the
14 States whose proportionate amounts were not so reduced.
15 Any amounts reallocated to a State under this subsection
16 during a year shall be deemed a part of its allotment under
17 subsection (b) for that year.

18 “(d) DEFINITIONS.—For the purposes of this sub-
19 part—

20 “(1) the term ‘Secretary’, unless otherwise
21 specified, means the Secretary of Education; and

22 “(2) the term ‘State’ means each of the 50
23 States, the District of Columbia, and the Common-
24 wealth of Puerto Rico.

1 “(e) DATA.—The number of children aged 5 to 11,
2 inclusive, in a State and in all States shall be determined
3 by the Secretary on the basis of the most recent satisfac-
4 tory data available to the Secretary.

5 **“SEC. 3035. STATE APPLICATION.**

6 “(a) APPLICATION.—Each State educational agency
7 desiring to receive an allotment under this subpart shall
8 file an application with the Secretary which covers a pe-
9 riod of 5 fiscal years. Such application shall be filed at
10 such time, in such manner, and containing or accompanied
11 by such information as the Secretary may reasonably re-
12 quire.

13 “(b) CONTENTS OF APPLICATION.—Each application
14 described in subsection (a) shall—

15 “(1) provide assurances that—

16 “(A) the State educational agency shall use
17 the allotment provided under this subpart to
18 award grants to local educational agencies with-
19 in the State to enable such local educational
20 agencies to carry out the purpose of this sub-
21 part;

22 “(B) the State educational agency will pro-
23 vide such fiscal control and funds accounting as
24 the Secretary may require;

1 “(C) every public elementary school in the
2 State is eligible to receive a grant under this
3 subpart once over the 5-year duration of the
4 program assisted under this subpart;

5 “(D) funds provided under this subpart
6 will supplement, not supplant, State and local
7 funds made available for activities authorized
8 under this subpart;

9 “(E) during the 5-year period described in
10 the application, the State educational agency
11 will evaluate its standards and programs for
12 teacher preparation and inservice professional
13 development for elementary mathematics and
14 science;

15 “(F) the State educational agency will take
16 into account the needs for greater access to and
17 participation in mathematics and science by
18 students and teachers from historically
19 underrepresented groups, including females, mi-
20 norities, individuals with limited-English pro-
21 ficiency, the economically disadvantaged, and
22 individuals with disabilities; and

23 “(G) the needs of teachers and students in
24 areas with high concentrations of low-income
25 students and sparsely populated areas will be

1 considered in awarding grants under this sub-
2 part;

3 “(2) provide a description of how funds made
4 available under this subpart will be coordinated with
5 State and local funds and other Federal resources,
6 particularly with respect to programs for the profes-
7 sional development and inservice training of elemen-
8 tary school teachers in science and mathematics; and

9 “(3) describe procedures—

10 “(A) for submitting applications for assist-
11 ance in accordance with sections 3036 and
12 3037;

13 “(B) for the distribution of grant pay-
14 ments under this subpart within the State; and

15 “(C) for approval of applications by the
16 State educational agency, including appropriate
17 procedures to assure that such agency will not
18 disapprove an application without notice and
19 opportunity for a hearing.

20 “(c) STATE ADMINISTRATION.—Not more than 5
21 percent of the funds allotted to each State educational
22 agency under this part shall be used for the administrative
23 costs of such agency associated with carrying out the pro-
24 gram assisted under this subpart.

1 **“SEC. 3036. LOCAL APPLICATION.**

2 “(a) APPLICATION.—A local educational agency that
3 desires to receive a grant under this subpart shall submit
4 an application to the State educational agency. Each such
5 application shall contain assurances that each school
6 served by the local educational agency shall be eligible for
7 only one grant under this subpart.

8 “(b) CONTENTS OF APPLICATION.—Each application
9 described in subsection (a) shall—

10 “(1) provide assurances that the local edu-
11 cational agency shall use the grant such agency re-
12 ceives under this subpart to award grants to schools
13 served by such agency to enable such schools to
14 carry out the purpose of this subpart;

15 “(2) describe how the local educational agency
16 plans to set priorities on the use and distribution
17 among schools of grant funds received under this
18 subpart to meet the purpose of this subpart;

19 “(3) include assurances that the local edu-
20 cational agency has made every effort to match on
21 a dollar-for-dollar basis from private or public
22 sources the grant funds received under this subpart,
23 except that no such application shall be penalized or
24 denied assistance under this subpart based on fail-
25 ure to provide such matching funds;

1 “(4) describe how funds under this subpart will
2 be coordinated with State, local, and other Federal
3 resources, especially with respect to programs for
4 the professional development and inservice training
5 of elementary school teachers in science and mathe-
6 matics; and

7 “(5) describe the process which will be used to
8 determine different levels of grant amounts to be
9 awarded to schools with different needs.

10 “(c) PRIORITY.—In awarding grants under this sub-
11 part, the State educational agency shall give priority to
12 local applications that—

13 “(1) assign highest priority to providing assist-
14 ance to schools which are most seriously under-
15 equipped;

16 “(2) are attentive to the needs of
17 underrepresented groups in science and mathe-
18 matics;

19 “(3) demonstrate how science and mathematics
20 equipment will be part of a comprehensive plan of
21 curriculum planning or implementation and teacher
22 training supporting hands-on laboratory activities;

23 “(4) give priority to providing equipment and
24 materials for students in grades 1 through 6; and

1 “(5) provide assurances that equipment and
2 materials provided under this subpart shall be equi-
3 tably available to all children in the classroom.

4 **“SEC. 3037. PARTICIPATION OF PRIVATE NONPROFIT ELE-**
5 **MENTARY SCHOOLS.**

6 “(a) PARTICIPATION OF PRIVATE SCHOOLS.—To the
7 extent consistent with the number of children in the State
8 or in the school district of each local educational agency
9 who are enrolled in private nonprofit elementary schools,
10 such State educational agency shall, after consultation
11 with appropriate private school representatives, make pro-
12 vision to include services and arrangements for the benefit
13 of such children as will assure the equitable participation
14 of such children in the purpose and benefits of this sub-
15 part.

16 “(b) WAIVER.—If by reason of any provision of State
17 law a local educational agency is prohibited from providing
18 for the participation of children or teachers from private
19 nonprofit elementary schools as required by subsection (a),
20 or if the Secretary determines that a State or local edu-
21 cational agency has substantially failed or is unwilling to
22 provide for such participation on an equitable basis, the
23 Secretary shall waive such requirements and shall arrange
24 for the provision of services to such children or teachers
25 subject to the requirement of this subpart. Such waivers

1 shall be subject to consultation, withholding, notice, and
2 judicial review requirements described in section 1017.

3 **“SEC. 3038. PROGRAM REQUIREMENTS.**

4 “(a) COORDINATION.—Each State educational agen-
5 cy receiving a grant under this subpart shall—

6 “(1) disseminate information to school districts
7 and schools, including private nonprofit elementary
8 schools, regarding the grant program assisted under
9 this subpart;

10 “(2) evaluate applications of local educational
11 agencies;

12 “(3) award grants to local educational agencies
13 based on the priorities described in section 3036(c);
14 and

15 “(4) evaluate local educational agencies’ end-of-
16 the-year summaries.

17 “(b) LIMITATIONS ON USE OF FUNDS.—

18 “(1) IN GENERAL.—Grant funds and matching
19 funds under this subpart only shall be used to pur-
20 chase science equipment, science materials, or math-
21 ematical manipulative materials and shall not be
22 used for computers, computer peripherals, software,
23 textbooks, or staff development costs.

24 “(2) CAPITAL IMPROVEMENTS.—Grant funds
25 under this subpart may not be used for capital im-

1 provements. Not more than 50 percent of matching
2 funds provided by the local educational agency may
3 be used for capital improvements of classroom
4 science facilities to support the hands-on instruction
5 that this subpart is intended to support, such as the
6 installation of electrical outlets, plumbing, lab tables
7 or counters, or ventilation mechanisms.

8 **“SEC. 3039. FEDERAL ADMINISTRATION.**

9 “(a) TECHNICAL ASSISTANCE AND EVALUATION
10 PROCEDURES.—The Secretary shall provide technical as-
11 sistance and, in consultation with State and local rep-
12 resentatives of the program assisted under this subpart,
13 shall develop procedures for State and local evaluations
14 of the programs assisted under this subpart.

15 “(b) REPORT.—Beginning 1 year after the date of
16 enactment of this subpart and each year thereafter, the
17 Secretary shall report to the Congress on the program as-
18 sisted under this subpart.”.

19 **SEC. 15. TECHNICAL AMENDMENT.**

20 The heading for part C of title II of the Elementary
21 and Secondary Education Act of 1965 (20 U.S.C. 2996)
22 (as added by Public Law 101–589) is amended by striking
23 **“PART C—GENERAL PROVISIONS”** and insert-
24 ing **“Subpart 4—General Provisions”**.

S 1267 IS—2