

107TH CONGRESS
1ST SESSION

S. 167

To allow a State to combine certain funds to improve the academic achievement of all its students.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2001

Mr. FRIST (for himself, Mr. ALLARD, Mr. BROWNBACK, Ms. COLLINS, Mr. CRAIG, Mr. DOMENICI, Mr. HAGEL, Mr. HELMS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. KYL, Mr. LOTT, Mr. MURKOWSKI, and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To allow a State to combine certain funds to improve the academic achievement of all its students.

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. SHORT TITLE.**

4 This Act may be cited as the “Academic Achievement
5 for All Act” or “Straight A’S Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to create options for States
8 and communities—

1 (1) to improve the academic achievement of all
2 students, and to focus the resources of the Federal
3 Government upon such achievement;

4 (2) to improve teacher quality and subject mat-
5 ter mastery, especially in mathematics, reading, and
6 science;

7 (3) to empower parents and schools to effec-
8 tively address the needs of their children and stu-
9 dents;

10 (4) to give States and communities maximum
11 freedom in determining how to boost academic
12 achievement and implement education reforms;

13 (5) to eliminate Federal barriers to imple-
14 menting effective State and local education pro-
15 grams;

16 (6) to hold States and communities accountable
17 for boosting the academic achievement of all stu-
18 dents, especially disadvantaged children; and

19 (7) to narrow achievement gaps between the
20 lowest and highest performing groups of students so
21 that no child is left behind.

22 **SEC. 3. PERFORMANCE AGREEMENT.**

23 (a) PROGRAM AUTHORIZED.—States may, at their
24 option, execute a performance agreement with the Sec-
25 retary under which the provisions of law described in sec-

1 tion 4(a) shall not apply to such State except as otherwise
2 provided in this Act. The Secretary shall execute perform-
3 ance agreements with States that submit approvable per-
4 formance agreements under this section.

5 (b) LOCAL INPUT.—States shall provide parents,
6 teachers, and local schools and school districts notice and
7 opportunity to comment on any proposed performance
8 agreement prior to submission to the Secretary as pro-
9 vided under general State law notice and comment provi-
10 sions.

11 (c) APPROVAL OF PERFORMANCE AGREEMENT.—A
12 performance agreement submitted to the Secretary under
13 this section shall be considered as approved by the Sec-
14 retary within 60 days after receipt of the performance
15 agreement unless the Secretary, before the expiration of
16 the 60-day period, provides a written determination to the
17 State that the performance agreement fails to satisfy the
18 requirements of this Act.

19 (d) TERMS OF PERFORMANCE AGREEMENT.—Each
20 performance agreement executed pursuant to this Act
21 shall comply with the following provisions:

22 (1) TERM.— The performance agreement shall
23 contain a statement that the term of the perform-
24 ance agreement shall be 5 years.

1 (2) APPLICATION OF PROGRAM REQUIRE-
2 MENTS.—The performance agreement shall contain
3 a statement that no program requirements of any
4 program included by the State in the performance
5 agreement shall apply, except as otherwise provided
6 in this Act.

7 (3) LIST OF PROGRAMS.—The performance
8 agreement shall provide a list of the programs that
9 the State wishes to include in the performance
10 agreement.

11 (4) USE OF FUNDS TO IMPROVE STUDENT
12 ACHIEVEMENT.— The performance agreement shall
13 contain a 5-year plan describing how the State in-
14 tends to combine and use the funds from programs
15 included in the performance agreement to advance
16 the education priorities of the State, improve stu-
17 dent achievement, and narrow achievement gaps be-
18 tween students.

19 (5) ACCOUNTABILITY SYSTEM REQUIRE-
20 MENTS.—If the State includes any of title I of the
21 Elementary and Secondary Education Act of 1965
22 (20 U.S.C. 6301 et seq.) in the State’s performance
23 agreement, the performance agreement shall include
24 a certification that the State has—

1 (A)(i) developed and implemented the chal-
2 lenging State content standards, challenging
3 State student performance standards, and
4 aligned assessments described in section
5 1111(b) of such Act (20 U.S.C. 6311(b)); or

6 (ii) developed and implemented a system to
7 measure the degree of change from one school
8 year to the next in student performance;

9 (B) developed and is implementing a state-
10 wide accountability system that has been or is
11 reasonably expected to be effective in substan-
12 tially increasing the numbers and percentages
13 of all students who meet the State's proficient
14 and advanced levels of performance;

15 (C) established a system under which as-
16 sessment information may be disaggregated
17 within each State, local educational agency, and
18 school by each major racial and ethnic group,
19 gender, English proficiency status, migrant sta-
20 tus, and by economically disadvantaged stu-
21 dents as compared to students who are not eco-
22 nomically disadvantaged (except that such
23 disaggregation shall not be required in cases in
24 which the number of students in any such
25 group is insufficient to yield statistically reliable

1 information or will reveal the identity of an in-
2 dividual student);

3 (D) established specific, measurable, nu-
4 merical performance objectives for student
5 achievement, including a definition of perform-
6 ance considered to be proficient by the State on
7 the academic assessment instruments described
8 in subparagraph (A); and

9 (E) developed and implemented a statewide
10 system for holding its local educational agencies
11 and schools accountable for student perform-
12 ance that includes—

13 (i) a procedure for identifying local
14 educational agencies and schools for im-
15 provement, using the assessments de-
16 scribed in subparagraph (A);

17 (ii) assisting and building capacity in
18 local educational agencies and schools iden-
19 tified for improvement to improve teaching
20 and learning; and

21 (iii) implementing corrective actions
22 after not more than 3 years if the assist-
23 ance and capacity building under clause
24 (ii) is not effective.

25 (6) PERFORMANCE GOALS.—

1 (A) STUDENT ACADEMIC ACHIEVEMENT.—
2 Each State that includes part A of title I of the
3 Elementary and Secondary Education Act of
4 1965 (20 U.S.C. 6311 et seq.) in its perform-
5 ance agreement shall establish annual student
6 performance goals for the 5-year term of the
7 performance agreement that, at a minimum—

8 (i) establish a single high standard of
9 performance for all students;

10 (ii) take into account the progress of
11 students from every local educational agen-
12 cy and school in the State;

13 (iii) are based primarily upon the
14 State's challenging content and student
15 performance standards and assessments
16 described in paragraph (5);

17 (iv) include specific annual improve-
18 ment goals in each subject and grade in-
19 cluded in the State assessment system,
20 which shall include, at a minimum, reading
21 or language arts and mathematics;

22 (v) compare the proportions of stu-
23 dents at levels of performance (as defined
24 by the State) with the proportions of stu-

1 dents at the levels in the same grade in the
2 previous school year;

3 (vi) include annual numerical goals
4 for improving the performance of each
5 group specified in paragraph (5)(C) and
6 narrowing gaps in performance between
7 the highest and lowest performing students
8 in accordance with section 10(b); and

9 (vii) require all students in the State
10 to make substantial gains in achievement.

11 (B) ADDITIONAL INDICATORS OF PER-
12 FORMANCE.—A State may identify in the per-
13 formance agreement any additional indicators
14 of performance such as graduation, dropout, or
15 attendance rates.

16 (C) CONSISTENCY OF PERFORMANCE
17 MEASURES.—A State shall maintain, at a min-
18 imum, the same level of challenging State stu-
19 dent performance standards and assessments
20 throughout the term of the performance agree-
21 ment.

22 (7) FISCAL RESPONSIBILITIES.—The perform-
23 ance agreement shall contain an assurance that the
24 State will use fiscal control and fund accounting pro-
25 cedures that will ensure proper disbursement of, and

1 accounting for, Federal funds paid to the State
2 under this Act.

3 (8) CIVIL RIGHTS.—The performance agree-
4 ment shall contain an assurance that the State will
5 meet the requirements of applicable Federal civil
6 rights laws.

7 (9) PRIVATE SCHOOL PARTICIPATION.—The
8 performance agreement shall contain assurances—

9 (A) that the State will provide for the equi-
10 table participation of students and professional
11 staff in private schools; and

12 (B) that sections 10104, 10105, and
13 10106 of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 8004–8006)
15 shall apply to all services and assistance pro-
16 vided under this Act in the same manner as
17 such sections apply to services and assistance
18 provided in accordance with section 10103 of
19 the Elementary and Secondary Education Act
20 of 1965 (20 U.S.C. 8003).

21 (10) STATE FINANCIAL PARTICIPATION.—The
22 performance agreement shall contain an assurance
23 that the State will not reduce the level of spending
24 of State funds for elementary and secondary edu-

1 cation during the term of the performance agree-
2 ment.

3 (11) ANNUAL REPORTS.—The performance
4 agreement shall contain an assurance that not later
5 than 1 year after the execution of the performance
6 agreement, and annually thereafter, each State shall
7 disseminate widely to parents and the general public,
8 submit to the Secretary, distribute to print and
9 broadcast media, and post on the Internet, a report
10 that includes—

11 (A) student academic performance data,
12 disaggregated as provided in paragraph (5)(C);
13 and

14 (B) a detailed description of how the State
15 has used Federal funds to improve student aca-
16 demic performance and reduce achievement
17 gaps to meet the terms of the performance
18 agreement.

19 (e) SPECIAL RULES.—If a State does not include
20 part A of title I of the Elementary and Secondary Edu-
21 cation Act of 1965 (20 U.S.C. 6311 et seq.) in its per-
22 formance agreement, the State shall—

23 (1) certify that the State developed a system to
24 measure the academic performance of all students;
25 and

1 (2) establish challenging academic performance
2 goals for such other programs in accordance with
3 paragraph (6)(A) of subsection (d), except that
4 clause (vi) of such paragraph shall not apply to such
5 performance agreement.

6 (f) AMENDMENT TO PERFORMANCE AGREEMENT.—
7 A State may submit an amendment to the performance
8 agreement to the Secretary under the following cir-
9 cumstances:

10 (1) REDUCTION IN SCOPE OF PERFORMANCE
11 AGREEMENT.—Not later than 1 year after the exe-
12 cution of the performance agreement, a State may
13 amend the performance agreement through a re-
14 quest to withdraw a program from such agreement.
15 If the Secretary approves the amendment, the re-
16 quirements of existing law shall apply for any pro-
17 gram withdrawn from the performance agreement.

18 (2) EXPANSION OF SCOPE OF PERFORMANCE
19 AGREEMENT.—Not later than 1 year after the exe-
20 cution of the performance agreement, a State may
21 amend its performance agreement to include addi-
22 tional programs and performance indicators for
23 which the State will be held accountable.

24 (3) APPROVAL OF AMENDMENT.—An amend-
25 ment submitted to the Secretary under this sub-

1 section shall be considered as approved by the Sec-
2 retary within 60 days after receipt of the amend-
3 ment unless the Secretary provides, before the expi-
4 ration of the 60-day period, a written determination
5 to the State that the performance agreement, if
6 amended by the amendment, will fail to satisfy the
7 requirements of this Act.

8 **SEC. 4. ELIGIBLE PROGRAMS.**

9 (a) ELIGIBLE PROGRAMS.—The provisions of law re-
10 ferred to in section 3(a) except as otherwise provided in
11 subsection (b), are as follows:

12 (1) Part A of title I of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C. 6311 et
14 seq.).

15 (2) Part B of title I of the Elementary and Sec-
16 ondary Education Act of 1965 (20 U.S.C. 6361 et
17 seq.).

18 (3) Part C of title I of the Elementary and Sec-
19 ondary Education Act of 1965 (20 U.S.C. 6391 et
20 seq.).

21 (4) Part D of title I of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C. 6421 et
23 seq.).

1 (5) Section 1502 of part E of title I of the Ele-
2 mentary and Secondary Education Act of 1965 (20
3 U.S.C. 6492).

4 (6) Part B of title II of the Elementary and
5 Secondary Education Act of 1965 (20 U.S.C. 6641
6 et seq.).

7 (7) Section 3132 of the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C. 6842).

9 (8) Title IV of the Elementary and Secondary
10 Education Act of 1965 (20 U.S.C. 7101 et seq.)

11 (9) Title VI of the Elementary and Secondary
12 Education Act of 1965 (20 U.S.C. 7301 et seq.).

13 (10) Part C of title VII of the Elementary and
14 Secondary Education Act of 1965 (20 U.S.C. 7541
15 et seq.).

16 (11) Section 307 of the Department of Edu-
17 cation Appropriations Act of 1999.

18 (12) Titles II, III, and IV of the School-to-
19 Work Opportunities Act.

20 (13) Title III of the Goals 2000: Educate
21 America Act (20 U.S.C. 5881 et seq.).

22 (14) Sections 115 and 116, and parts B and C
23 of title I of the Carl D. Perkins Vocational and
24 Technical Education Act of 1998.

1 (15) Subtitle B of title VII of the Stewart B.
2 McKinney Homeless Assistance Act (42 U.S.C.
3 11431 et seq.).

4 (16) Section 321 of the Department of Edu-
5 cation Appropriations Act, 2001.

6 (b) ALLOCATIONS TO STATES.—A State may choose
7 to consolidate funds from any or all of the programs de-
8 scribed in subsection (a) without regard to the program
9 requirements of the provisions referred to in such sub-
10 section, except that the proportion of funds made available
11 for national programs and allocations to each State for
12 State and local use, under such provisions, shall remain
13 in effect unless otherwise provided.

14 (c) USE OF FUNDS.—Funds made available under
15 this Act to a State shall be used for any elementary and
16 secondary educational purposes permitted by State law of
17 the participating State.

18 **SEC. 5. WITHIN-STATE DISTRIBUTION OF FUNDS.**

19 (a) IN GENERAL.—The distribution of funds from
20 programs included in a performance agreement from a
21 State to a local educational agency within the State shall
22 be determined by the Governor of the State and the State
23 legislature. In a State in which the constitution or State
24 law designates another individual, entity, or agency to be
25 responsible for education, the allocation of funds from pro-

1 grams included in the performance agreement from a
2 State to a local educational agency within the State shall
3 be determined by that individual, entity, or agency, in con-
4 sultation with the Governor and State Legislature. Noth-
5 ing in this section shall be construed to supersede or mod-
6 ify any provision of a State constitution or State law.

7 (b) LOCAL INPUT.—States shall provide parents,
8 teachers, and local schools and school districts notice and
9 opportunity to comment on the proposed allocation of
10 funds as provided under general State law notice and com-
11 ment provisions.

12 (c) LOCAL HOLD HARMLESS OF PART A TITLE I
13 FUNDS.—

14 (1) IN GENERAL.—In the case of a State that
15 includes part A of title I of the Elementary and Sec-
16 ondary Education Act of 1965 (20 U.S.C. 6311 et
17 seq.) in the performance agreement, the agreement
18 shall provide an assurance that each local edu-
19 cational agency shall receive under the performance
20 agreement an amount equal to or greater than the
21 amount such agency received under part A of title
22 I of such Act in the fiscal year preceding the fiscal
23 year in which the performance agreement is exe-
24 cuted.

1 (2) PROPORTIONATE REDUCTION.—If the
2 amount made available to the State from the Sec-
3 retary for a fiscal year is insufficient to pay to each
4 local educational agency the amount made available
5 under part A of title I of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C. 6311 et
7 seq.) to such agency for the preceding fiscal year,
8 the State shall reduce the amount each local edu-
9 cational agency receives by a uniform percentage.

10 **SEC. 6. LOCAL PARTICIPATION.**

11 (a) NONPARTICIPATING STATE.—

12 (1) IN GENERAL.—If a State chooses not to
13 submit a performance agreement under this Act, any
14 local educational agency in such State is eligible, at
15 the local educational agency's option, to submit to
16 the Secretary a performance agreement in accord-
17 ance with this section.

18 (2) AGREEMENT.—The terms of a performance
19 agreement between an eligible local educational
20 agency and the Secretary shall specify the programs
21 to be included in the performance agreement, as
22 agreed upon by the State and the agency, from the
23 list under section 4(a).

24 (b) STATE APPROVAL.—When submitting a perform-
25 ance agreement to the Secretary, an eligible local edu-

1 cational agency described in subsection (a) shall provide
 2 written documentation from the State in which such agen-
 3 cy is located that the State has no objection to the agen-
 4 cy's proposal for a performance agreement.

5 (c) APPLICATION.—

6 (1) IN GENERAL.—Except as provided in this
 7 section, and to the extent applicable, the require-
 8 ments of this Act shall apply to an eligible local edu-
 9 cational agency that submits a performance agree-
 10 ment in the same manner as the requirements apply
 11 to a State.

12 (2) EXCEPTIONS.—The following provisions
 13 shall not apply to an eligible local educational agen-
 14 cy:

15 (A) WITHIN STATE DISTRIBUTION FOR-
 16 MULA NOT APPLICABLE.—The distribution of
 17 funds under section 5 shall not apply.

18 (B) STATE SET ASIDE NOT APPLICABLE.—
 19 The State set aside for administrative funds
 20 under section 7 shall not apply.

21 **SEC. 7. LIMITATIONS ON STATE AND LOCAL EDUCATIONAL**
 22 **AGENCY ADMINISTRATIVE EXPENDITURES.**

23 (a) IN GENERAL.—Except as otherwise provided
 24 under subsection (b), a State that includes part A of title
 25 I of the Elementary and Secondary Education Act of 1965

1 (20 U.S.C. 6311 et seq.) in the performance agreement
2 may use not more than 1 percent of such total amount
3 of funds allocated to such State under the programs in-
4 cluded in the performance agreement for administrative
5 purposes.

6 (b) EXCEPTION.—A State that does not include part
7 A of title I of the Elementary and Secondary Education
8 Act of 1965 (20 U.S.C. 6311 et seq.) in the performance
9 agreement may use not more than 3 percent of the total
10 amount of funds allocated to such State under the pro-
11 grams included in the performance agreement for adminis-
12 trative purposes.

13 (c) LOCAL EDUCATIONAL AGENCY.—A local edu-
14 cational agency participating in this Act under a perform-
15 ance agreement under section 6 may not use for adminis-
16 trative purposes more than 4 percent of the total amount
17 of funds allocated to such agency under the programs in-
18 cluded in the performance agreement.

19 **SEC. 8. PERFORMANCE REVIEW AND PENALTIES.**

20 (a) MID-TERM PERFORMANCE REVIEW.—If, during
21 the 5-year term of the performance agreement, student
22 achievement significantly declines for 3 consecutive years
23 in the academic performance categories established in the
24 performance agreement, the Secretary may, after notice
25 and opportunity for a hearing, terminate the agreement.

1 (b) FAILURE TO MEET TERMS.—If, at the end of
2 the 5-year term of the performance agreement, a State
3 has not substantially met the performance goals submitted
4 in the performance agreement, the Secretary shall, after
5 notice and an opportunity for a hearing, terminate the
6 performance agreement and the State shall be required to
7 comply with the program requirements, in effect at the
8 time of termination, for each program included in the per-
9 formance agreement.

10 (c) PENALTY FOR FAILURE TO IMPROVE STUDENT
11 PERFORMANCE.—If a State has made no progress toward
12 achieving its performance goals by the end of the term
13 of the agreement, the Secretary may reduce funds for
14 State administrative costs for each program included in
15 the performance agreement by up to 50 percent for each
16 year of the 2-year period following the end of the term
17 of the performance agreement.

18 **SEC. 9. RENEWAL OF PERFORMANCE AGREEMENT.**

19 (a) NOTIFICATION.—A State that wishes to renew its
20 performance agreement shall notify the Secretary of its
21 renewal request not less than 6 months prior to the end
22 of the term of the performance agreement.

23 (b) RENEWAL REQUIREMENTS.—A State that has
24 met or has substantially met its performance goals sub-
25 mitted in the performance agreement at the end of the

1 5-year term may apply to the Secretary to renew its per-
2 formance agreement for an additional 5-year period. Upon
3 the completion of the 5-year term of the performance
4 agreement or as soon thereafter as the State submits data
5 required under the agreement, the Secretary shall renew,
6 for an additional 5-year term, the performance agreement
7 of any State that has met or has substantially met its per-
8 formance goals.

9 **SEC. 10. ACHIEVEMENT GAP REDUCTION REWARDS.**

10 (a) CLOSING THE GAP REWARD FUND.—

11 (1) IN GENERAL.—To reward States that make
12 significant progress in eliminating achievement gaps
13 by raising the achievement levels of the lowest per-
14 forming students, the Secretary shall set aside suffi-
15 cient funds from the Fund for the Improvement of
16 Education under part A of title X of the Elementary
17 and Secondary Education Act of 1965 (20 U.S.C.
18 8001 et seq.) to grant a reward to States that meet
19 the conditions set forth in subsection (b) by the end
20 of their 5-year performance agreement.

21 (2) REWARD AMOUNT.—The amount of the re-
22 ward referred to in paragraph (1) shall be not less
23 than 5 percent of funds allocated to the State during
24 the first year of the performance agreement for pro-
25 grams included in the agreement.

1 (b) CONDITIONS OF PERFORMANCE REWARD.—Sub-
2 ject to paragraph (3), a State is eligible to receive a re-
3 ward under this section as follows:

4 (1) A State is eligible for such an award if the
5 State reduces by not less than 25 percent, over the
6 5-year term of the performance agreement, the dif-
7 ference between the percentage of highest and lowest
8 performing groups of students described in section
9 3(d)(5)(C) that meet the State’s proficient level of
10 performance.

11 (2) A State is eligible for such an award if a
12 State increases the proportion of 2 or more groups
13 of students under section 3(d)(5)(C) that meet State
14 proficiency standards by 25 percent.

15 (3) A State shall receive such an award if the
16 following requirements are met:

17 (A) CONTENT AREAS.—The reduction in
18 the achievement gap or improvement in achieve-
19 ment shall include not less than 2 content
20 areas, 1 of which shall be mathematics or read-
21 ing.

22 (B) GRADES TESTED.—The reduction in
23 the achievement gap or improvement in achieve-
24 ment shall occur in at least 2 grade levels.

1 (c) RULE OF CONSTRUCTION.—Student achievement
 2 gaps shall not be considered to have been reduced in cir-
 3 cumstances where the average academic performance of
 4 the highest performing quintile of students has decreased.

5 **SEC. 11. STRAIGHT A'S PERFORMANCE REPORT.**

6 The Secretary shall make the annual State reports
 7 described in section 3(d)(11) available to the Committee
 8 on Education and the Workforce of the House of Rep-
 9 resentatives and the Committee on Health, Education,
 10 Labor and Pensions of the Senate not later than 60 days
 11 after the Secretary receives the report.

12 **SEC. 12. APPLICABILITY OF TITLE X.**

13 To the extent that provisions of title X of the Elemen-
 14 tary and Secondary Education Act of 1965 (20 U.S.C.
 15 8001 et seq.) are inconsistent with this Act, this Act shall
 16 be construed as superseding such provisions.

17 **SEC. 13. APPLICABILITY OF GENERAL EDUCATION PROVI-**
 18 **SIONS ACT.**

19 To the extent that the provisions of the General Edu-
 20 cation Provisions Act (20 U.S.C. 1221 et seq.) are incon-
 21 sistent with this Act, this Act shall be construed as super-
 22 seding such provisions, except where relating to civil
 23 rights, withholding of funds and enforcement authority,
 24 and family educational and privacy rights.

1 **SEC. 14. APPLICABILITY TO HOME SCHOOLS.**

2 Nothing in this Act shall be construed to affect home
3 schools regardless of whether a home school is treated as
4 a private school or home school under State law.

5 **SEC. 15. GENERAL PROVISIONS REGARDING NON-RECIPI-**
6 **ENT, NON-PUBLIC SCHOOLS.**

7 Nothing in this Act shall be construed to permit,
8 allow, encourage, or authorize any Federal control over
9 any aspect of any private, religious, or home school, re-
10 gardless of whether a home school is treated as a private
11 school or home school under State law.

12 **SEC. 16. DEFINITIONS.**

13 In this Act:

14 (1) ALL STUDENTS.—The term “all students”
15 means all students attending public schools or char-
16 ter schools that are participating in the State’s ac-
17 countability and assessment system.

18 (2) LOCAL EDUCATIONAL AGENCY.—The term
19 “local educational agency” has the same meaning
20 given such term in section 14101 of the Elementary
21 and Secondary Education Act of 1965 (20 U.S.C.
22 8801).

23 (3) SECRETARY.—The term “Secretary” means
24 the Secretary of Education.

25 (4) STATE.—The term “State” means each of
26 the 50 States, the District of Columbia, the Com-

1 monwealth of Puerto Rico, Guam, the United States
2 Virgin Islands, the Commonwealth of the Northern
3 Mariana Islands, and American Samoa.

4 **SEC. 17 EFFECTIVE DATE.**

5 This Act shall take effect with respect to funds appro-
6 priated for the fiscal year beginning October 1, 2001.

○