

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2208

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 2208 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2647

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. CARDIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 2647 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself, Mr. INOUE, and Mr. SANDERS):

S. 1990. A bill to amend part D of title III of the Public Health Service Act to authorize grants and loan guarantees for health centers to enable the centers to fund capital needs projects, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, today I rise with Senators INOUE and SANDERS to introduce a very important bill—the Build, Update, Improve, Lift, and Design Health Centers Act of 2007. Also known as the BUILD Act, this legislation would provide building grants and loan guarantees to community health centers qualified under Section 330 of the Public Health Service Act. This widely-needed source of funding would be used for clinic renovation, replacement, modernization, and/or expansion in order to support community health centers in their on-going efforts to deliver high-quality health care in medically underserved areas.

Research from the National Association of Community Health Centers and the Robert Graham Center indicates that there are 56 million Americans that do not have access to a primary care provider, regardless of insurance. Another 45 million Americans lack health insurance or the funds to pay out-of-pocket for their basic health care needs. This means that more than 100 million Americans do not get the medical treatment they need each year.

Established over 40 years ago, community health centers are the back-

bone of America's health care safety net. Encompassing a network of over 1,000 centers, they provide much needed care to nearly 16 million people each year, including one in five children. 40 percent of health center patients are uninsured while Medicaid and CHIP cover approximately 36 percent. More than 70 percent of patients live in poverty. The average annual cost per patient is small, roughly \$1.25 per day. However, the benefits of community health centers are great. People in areas served by these clinics are less likely to use emergency room services and have unmet health care needs. Without these centers, many people, particularly those in rural areas, would have nowhere to turn.

Clearly, our Nation's health centers bring health care to those in need, but these health centers are in need as well. Renovation and modernization are important to keep these buildings intact and up-to-date. According to the National Association of Community Health Centers, 30 percent of the buildings are more than 30 years old and 12 percent are more than 50 years old. Narrow operating margins, however, mean that most health centers do not have the resources necessary to pay for the capital improvements or new facilities needed to continue providing effective health care.

In recent years, the President and the Senate have supported dramatic increases in funding to create a number of new community health centers. However, there has been no corresponding commitment to address the desperate need for renovation and modernization of the older centers.

Currently, the Federal Government has no authority to provide grants or loan guarantees to address the building and capacity needs of existing community health centers. The BUILD Act provides such authority and, in doing so, supports the ability of these clinics to continue offering high quality, cost-effective care now and into the future.

I urge my colleagues to join me in support of this critical legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Build, Update, Improve, Lift, and Design Health Centers Act of 2007" or the "BUILD Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Many health care experts believe that lack of access to basic health services is our Nation's single most pressing health care problem. There are 56,000,000 Americans that do not have access to a primary care provider, whether they have health insurance or not. In addition, more than 45,000,000 Americans lack health insurance and have difficulty accessing care due to the inability to pay for such care.

(2) Health centers, including community health centers, migrant health centers, health centers for the homeless, and public housing health centers, address the health care access problem by providing primary care services in thousands of rural and urban medically-underserved communities throughout the United States.

(3) Health centers provide basic health care services to 16,000,000 Americans each year, including nearly 9,500,000 minorities, 850,000 farmworkers, and 750,000 homeless individuals. One in five children from low-income families receives care through health centers.

(4) Studies show that health centers provide high-quality and cost-effective health care. The average yearly cost for a health center patient is approximately \$1.25 per day.

(5) One of the most effective ways to address America's health care access problem is by dramatically expanding access to health centers, as both the Senate and the President have proposed.

(6) Many existing health centers operate in facilities that desperately need renovation or modernization. Thirty percent of health centers are located in buildings that are more than 30 years old, with 12 percent of such centers operating out of facilities that are more than 50 years old. In a survey of health centers in 11 States, 2/3 of those centers identified a need to improve, expand, or replace their current facility. An extrapolation based on this survey indicates there may be as much as \$2,200,000,000 in unmet capital needs in our Nation's health centers.

(7) Dramatically increasing access to health centers requires building new facilities in communities that have access problems and lack a health center.

(8) Health centers often do not have the means to pay for capital improvements or new facilities. While most health centers raise some funds through private donations, it is difficult to raise sufficient amounts for capital needs without a middle-upper-class donor base similar to other nonprofit organizations like universities and hospitals.

(9) Health centers have a limited ability to support loan payments. Due to an increasing number of uninsured patients and the fact that many health care reimbursements are less than the cost of care, health centers rarely have more than minimal positive operating margins. Yet lenders are rarely willing to take risks on nonprofit organizations without these positive margins.

(10) While the Federal Government currently provides grants to health centers to assist with operational expenses used to provide care to a medically underserved population, there is no authority to provide grants to assist health centers to meet capital needs, such as construction of new facilities or modernization, expansion, or replacement of existing buildings.

(11) To assist health centers with their mission of providing health care to the medically underserved, the Federal Government should supplement local efforts to meet the capital needs of health centers.

SEC. 3. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) HEALTH CARE FACILITY GRANTS AND LOAN GUARANTEES.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

"SEC. 330R. HEALTH CARE FACILITY GRANTS AND LOAN GUARANTEES.

"(a) ELIGIBLE HEALTH CENTER DEFINED.—In this section, the term 'eligible health center' means a health center that receives—

"(1) a grant, on or after the date of enactment of this section, under subsection

(c)(1)(A), (e)(1)(A), (e)(1)(B), (f), (g), (h), or (i) of section 330; or

“(2) a subgrant, on or after the date of enactment of this section, from a grant awarded under such provision of law.

“(b) GRANT PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary may award grants to eligible health centers to pay for the costs described in paragraph (2).

“(2) USE OF FUNDS.—An eligible health center that receives a grant under paragraph (1) may use the grant funds to—

“(A) modernize, expand, and replace existing facilities at such center; and

“(B) construct new facilities at such center.

“(3) LIMITATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Federal share of a grant awarded under paragraph (1) to expand an existing, or construct a new, facility shall not exceed 90 percent of the total cost of the project (including interest payments) proposed by the eligible health center.

“(B) EXCEPTION.—The Federal share maximum under subparagraph (A) shall not apply if—

“(i) the total cost of the project proposed by the eligible health center is less than \$750,000; or

“(ii) the Secretary waives such maximum upon a showing of good cause.

“(c) FACILITY LOAN GUARANTEES.—

“(1) IN GENERAL.—

“(A) IN GENERAL.—The Secretary shall establish a program under which the Secretary may guarantee not less than 90 percent of the principal and interest on the total amount of loans made to an eligible health center by non-Federal lenders in order to pay for the costs associated with a capital needs project described in subparagraph (B).

“(B) PROJECTS.—Capital needs projects under this subsection include—

“(i) acquiring, leasing, modernizing, expanding, or replacing existing facilities;

“(ii) constructing new facilities; or

“(iii) purchasing or leasing equipment; or

“(ii) the costs of refinancing loans made for any of the projects described in clause (i).

“(C) NOT A FEDERAL SUBSIDY.—Any loan guarantee issued pursuant to this subsection shall not be deemed a Federal subsidy for any other purpose.

“(2) AUTHORITY FOR LOAN GUARANTEE PROGRAM.—With respect to the program established under paragraph (1), the Secretary shall assume such authority—

“(A) as the Secretary has under paragraphs (2) and (4) of section 330; and

“(B) under section 1620 as the Secretary determines is necessary and appropriate.

“(3) HEALTH CENTER PROJECT APPLICATIONS.—The Secretary shall require that all applicants for grants and loans under this section—

“(A) comply with the conditions set forth in section 1621, as in effect on the date of enactment of this section, with respect to activities authorized for assistance under subsections (b)(2) and (c)(1)(B) in the same manner that applicants for loans, loan guarantees, or grants for medical facilities projects under such section are required to comply with such conditions, unless such conditions are, by their terms, otherwise inapplicable; and

“(B)(i) give priority to contractors that employ substantial numbers of workers who reside in the area to be served by the health center; and

“(ii) include in the construction contract involved a requirement that the contractor will give priority in hiring new employees to residents of such area.

“(4) DEFINITIONS.—In this subsection:

“(A) FACILITIES.—The term ‘facilities’ means a building or buildings used by a

health center, in whole or in part, to provide services permitted under section 330 and for such other purposes as are not specifically prohibited under such section as long as such use furthers the objectives of the health center.

“(B) NON-FEDERAL LENDER.—The term ‘non-Federal lender’ means any entity other than an agency or instrumentality of the Federal Government authorized by law to make loans, including a federally-insured bank, a lending institution authorized or licensed to make loans by the State in which it is located, a community development finance institution or community development entity (as designated by the Secretary of the Treasury), any such lender as the Secretary may designate, and a State or municipal bonding authority or such authority’s designee.

“(d) EVALUATION.—Not later than 3 years after the date of enactment of this section, the Secretary shall prepare a report containing an evaluation of the programs authorized under this section. Such report shall include recommendations on how this section can be improved to better help health centers meet such centers’ capital needs in order to expand access to health care in the United States.

“(e) AUTHORIZATION.—For the purpose of carrying out this section, the Secretary shall use not more than 5 percent of any funds appropriated pursuant to section 330(s) (relating to authorization of appropriations). In addition, funds appropriated for fiscal years 1997 and 1998 under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts of 1997 and 1998, which were made available for loan guarantees for loans made by non-Federal lenders for construction, renovation, and modernization of medical facilities that are owned and operated by health centers and which have not been expended, shall be made available for loan guarantees under this section.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 330(r)(1) of the Public Health Service Act (42 U.S.C. 254b(r)(1)) (relating to authorization of appropriations) is amended by striking “this section” and inserting “this section and section 330R”.

By Mr. BUNNING:

S. 1991. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BUNNING. Mr. President, I would like to introduce a bill to authorize the National Park Service to conduct a comprehensive study to examine the extension of the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or return phase of the expedition, commonly known as the “Eastern Legacy.”

On May 14, 1804, Lewis and Clark, along with the Corps of Discovery departed from Camp Dubois, IL, to set out on voyage that would shed light on a landscape that had only been considered legend at the time. But this American tale of adventure, determination, and curiosity did not begin there. The 8,000-mile, 32-month expedition

through the uncharted West and back to Washington, DC, started more than a year earlier in Virginia.

In 1803, Meriwether Lewis traveled through Maryland, Pennsylvania, Virginia, and West Virginia purchasing supplies and learning everything he could about botany, paleontology, navigation, and field medicine. The intrepid explorer and his growing crew then traveled down the Ohio River through Ohio and Indiana, meeting up with William Clark in Louisville, KY. Along this rich trail are many landmarks and sites that serve to honor and educate about this important event in American history.

Whether it is commemorating the American spirit or teaching about the early Republic, the Lewis and Clark National Historic Trail is an enduring resource for education. A sea-to-sea trail would make it the largest and longest trail in the National Park System, guiding visitors from across the Nation to all parks and interpretive centers.

This extension, a few years after the successful bicentennial celebration, will continue to raise the profile of the Lewis and Clark Trail and increase the potential for tourism revenue in States across the country. Including the eastern portion of the trail will garner greater Lewis and Clark interest east of the Mississippi and bring unity to this American expedition of East meeting West.

By Mr. DURBIN (for himself, Mr. HAGEL, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. DODD, Mrs. MURRAY, and Mr. JOHNSON):

S. 1998. A bill to reduce child marriage, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “International Child Marriage Prevention and Protection Act of 2007”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Research shows that child marriage in developing nations is often associated with adverse economic and social consequences and is dangerous to the health, security, and well-being of girls and detrimental to the economic development of communities.

(2) The issue of child marriage is interwoven with broader social and cultural issues and is most effectively addressed as a development challenge through integrated, community-based approaches to promote and support girls’ education and skill-building and healthcare, legal rights, and awareness for girls and women.

(3) As Charlotte Ponticelli, Senior Coordinator for International Women’s Issues for the Department of State, stated on September 14, 2005: “It is unconscionable that in

the 21st century girls as young as 7 or 8 can be sold as brides. There is no denying that extreme poverty is the driving factor that has enabled the practice to continue, even in countries where it has been outlawed . . . We need to be shining the spotlight on early marriage and its underlying causes . . . We must continue to do everything we can to ensure that girls have every opportunity to become agents of change and to expand the 'realm of what is possible' for their societies and the world at large."

(4) The severity of the adverse impact of child marriage increases as the age at marriage and first childbirth decreases.

(5) A Department of State survey in 2005 found that child marriage was a concern in 64 out of 182 countries surveyed and that the practice is especially acute in sub-Saharan Africa and South Asia.

(6) According to the United Nations Children's Fund, in Ethiopia and in parts of West Africa marriage at the age of 7 or 8 is not uncommon.

(7) In developing countries, girls aged 10 to 14 who become pregnant are 5 times more likely to die in pregnancy or childbirth than women aged 20 to 24.

(8) Girls in sub-Saharan Africa are at much higher risk of suffering obstetric fistula.

(9) According to the Department of State: "Pregnancy at an early age often leads to obstetric fistulae and permanent incontinence. In Ethiopia, treatment is available at only 1 hospital in Addis Ababa that performs over 1,000 fistula operations a year. It estimates that for every successful operation performed, 10 other young women need the treatment. The maternal mortality rate is extremely high due, in part, to food taboos for pregnant women, poverty, early marriage, and birth complications related to FGM [Female Genital Mutilation], especially infibulation."

(10) Adolescents are at greater risk of complications during childbirth that can lead to fistula because they have less access to health care and are subject to other significant risk factors related to the mother's physical immaturity.

(11) In nearly every case of obstetric fistula, the baby will be stillborn.

(12) The physical symptoms of obstetric fistula include incontinence or constant uncontrollable leaking of urine or feces, frequent bladder infections, infertility, and foul odor. The condition often leads to the desertion of fistula sufferers by husbands and family members and extreme social stigma.

(13) Although data on obstetric fistula are scarce, the World Health Organization (WHO) estimates that there are more than 2,000,000 women living with fistula and 50,000 to 100,000 new cases each year. These figures are based on the number of women who seek medical care. Many more suffer from the disabling condition.

(14) Adolescent girls are more susceptible than mature women to sexually transmitted infections, including HIV, due to both biological and social factors.

(15) Research in several countries with high rates of HIV infection indicates that married girls are at greater risk for HIV than their unmarried peers.

(16) Child marriage can have additional long-term consequences when combined with female genital cutting because the girls who have undergone that procedure can experience greater complications during pregnancy, leading to lasting health problems for themselves and their children.

(17) Child marriage is a leading barrier to girls' education in certain developing countries.

(18) A high incidence of child marriage undermines the efforts of developing countries and donor countries, including the United

States, to promote economic and social development.

(19) The causes of child marriage include poverty, custom, and the desire to protect girls from violence or premarital sexual relations.

(20) Child marriage may also be a product of gender violence in which a man abducts and rapes a girl and then, sometimes through negotiations with traditional leaders, negotiates a settlement with the girl's parents, including marriage to the victim.

(21) The practice of child marriage is considered a "harmful traditional practice" by the United Nations Children's Fund.

(22) The Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages, adopted at the United Nations, December 10, 1962, requires the parties to the Convention to overcome all "customs, ancient laws, and practices by ensuring complete freedom in the choice of a spouse, eliminating completely child marriages and the betrothal of young girls before the age of puberty".

(23) The African Charter on the Rights and Welfare of the Child, which entered into force in 1990, provides that "child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be eighteen years".

(24) In Ethiopia, Girls' Activity Committees, community-based groups formed to support girls in school and advocate for girls' education, have conducted community awareness and informational campaigns, enlisted the assistance of traditional clan and religious leaders, discouraged families from practicing child marriage, encouraged girls' school attendance, and taken steps to reduce gender-based violence and create safer environments for girls en route to or from school and in the classroom.

(25) Recognizing the importance of the issue and the effects of child marriage, the Senior Coordinator for International Women's Issues of the Department of State initiated an effort in 2005 to collect and assess information on the incidence of child marriage and on the existence and effectiveness of initiatives funded by the United States to reduce the incidence of child marriage or the negative effects of child marriage and to measure the need for additional programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Agency.

(2) AGENCY.—Except as otherwise provided in this Act, the term "Agency" means the United States Agency for International Development.

(3) CHILD MARRIAGE.—The term "child marriage" means the legal or traditional marriage of a girl or boy who has not yet reached the minimum age for marriage stipulated in law in the country of which they are a citizen.

(4) DEVELOPING NATION.—The term "developing nation" means any nation eligible to receive assistance from the International Development Association or the International Bank for Reconstruction and Development.

(5) HIV.—The term "HIV" has the meaning given that term in section 3 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7602).

(6) HIV/AIDS.—The term "HIV/AIDS" has the meaning given that term in section 3 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7602).

(7) OBSTETRIC FISTULA.—The term "obstetric fistula" means a rupture or hole in tissues surrounding the vagina, bladder, or rectum that occurs during prolonged, obstructed childbirth.

(8) RELEVANT EXECUTIVE BRANCH AGENCIES.—The term "relevant executive branch agencies" means the Department of State, the Agency, the Department of Health and Human Services, and any other department or agency of the United States, including the Millennium Challenge Corporation, that is involved in implementing international health or development policies and programs of the United States.

(9) SECRETARY.—Except as otherwise provided in this Act, the term "Secretary" means the Secretary of State.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the untapped economic and educational potential of girls and women in many developing nations represent an enormous loss to those societies;

(2) expanding educational opportunities for girls and economic opportunities for women and reducing maternal and child mortality are critical to the achievement of internationally recognized health and development goals and of many global health and development objectives of the United States, including efforts to prevent HIV/AIDS;

(3) since child marriage is a leading barrier to the continuation of girl's education in many developing countries, it is important to integrate this issue into new and existing United States-funded efforts to promote education, strengthen legal rights and legal awareness, reduce gender-based violence, and promote skill-building and economic opportunities for girls and young women in regions with a high incidence of child marriage; and

(4) effective community-based efforts to reduce and move toward the elimination of child marriage as part of an integrated strategy to promote girls' education and empowerment will yield long-term dividends in the health and economic sectors in developing countries.

SEC. 5. DEVELOPMENT OF CHILD MARRIAGE PREVENTION STRATEGY.

(a) REQUIREMENTS FOR STRATEGY.—The Secretary shall develop a comprehensive strategy, taking into account the work of the relevant executive branch agencies, to reduce the incidences of child marriage around the world by further integrating this issue into existing and planned relevant United States development efforts.

(b) REPORT ON STRATEGY.—

(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report on the strategy described in subsection (a), including a discussion of the elements described in paragraph (2).

(2) REPORT ELEMENTS.—The elements referred to in paragraph (1) are the following:

(A) A description of existing or potential approaches to prevent child marriage and address the vulnerabilities of populations who may be at risk of child marriage.

(B) A description of programs funded by the United States that address child marriage, and an assessment of the impact of such programs in the areas of health, education, and access to economic opportunities, including microfinance programs.

(C) A description of programs funded by the United States that are intended to prevent obstetric fistula.

(D) A description of programs funded by the United States that support the surgical treatment of obstetric fistula.

(E) A description of the impact of child marriage on the United States efforts to assist in achieving the goals set out in the

United Nations Millennium Declaration adopted by the United Nations General Assembly on September 8, 2000 (resolution 55/2), including specifically the impact on efforts to—

- (i) eliminate gender disparity in primary and secondary education;
- (ii) reduce child mortality;
- (iii) improve maternal health; and
- (iv) combat HIV/AIDS, tuberculosis, malaria, and other disease.

(F) A description of the impact of child marriage on achieving the purposes set out in section 602 of the Millennium Challenge Act of 2003 (22 U.S.C. 7701).

(G) A description of how the issue of child marriage can best be integrated into existing or planned United States programs to promote girls' education and skill-building, healthcare, legal rights and awareness, and other relevant programs in developing nations.

(c) **REPORT ON CHILD MARRIAGE.**—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with other appropriate officials, shall submit to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives a report that describes—

- (1) United States assistance programs that address child marriage;
- (2) the impact of child marriage on maternal mortality and morbidity and on infant mortality in countries in which child marriage is prevalent;
- (3) the projected effect of such programs on increasing the age of marriage, reducing maternal mortality and morbidity, reducing the incidence of obstetric fistula, reducing the incidence of domestic violence, increasing girls' access to and completion of primary and secondary education, reducing the incidence of early childbearing, and reducing HIV infection rates among married and unmarried adolescents;
- (4) the scale and scope of the practice of child marriage in developing nations; and
- (5) the status of efforts by the government of each developing nation with a high incidence of child marriage to eliminate such practices.

SEC. 6. AUTHORIZATION OF ASSISTANCE TO REDUCE INCIDENCES OF CHILDHOOD MARRIAGE AND OBSTETRIC FISTULA.

The President is authorized to provide assistance, including through international, nongovernmental, or faith-based organizations or through direct assistance to a recipient country, for programs to reduce the incidences of child marriage and promote the empowerment of girls and young woman. Such assistance may include—

- (1) improving the access of girls and young women in developing nations to primary and secondary education and vocational training;
- (2) supporting community education activities to educate parents, community leaders, and adolescents of the health risks associated with child marriage and the benefits for adolescents, especially girls, of access to education, health care, employment, microfinance, and savings programs;
- (3) supporting community-based organizations in encouraging the prevention or delay of child marriage and its replacement with other non-harmful rites of passage;
- (4) increasing access of women to economic opportunities, including microfinance and small enterprise development;
- (5) supporting efforts to prevent gender-based violence;
- (6) improving access of adolescents to adequate health care;
- (7) supporting programs to promote educational and economic opportunities and ac-

cess to health care for adolescents who are already married;

(8) supporting the surgical repair of fistula, including the creation or expansion of centers for the treatment of fistula in countries with high rates of fistula, and the care, support, and transportation of persons in need of such surgery; and

(9) supporting efforts to reduce incidences of fistula, including programs to increase access to skilled birth attendants, and to promote access to family planning where desired by local communities.

SEC. 7. RESEARCH AND DATA COLLECTION.

The Secretary shall work through the Agency and any other relevant agencies of the Department of State, and in conjunction with relevant executive branch agencies as part of their ongoing research and data collection activities, to—

- (1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and
- (2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

SEC. 8. HUMAN RIGHTS REPORT.

The Secretary shall include in the Department of State's Annual Country Reports on Human Rights Practices a section for each country where child marriage is prevalent, outlining the status of the practice of child marriage in that country.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS AND OTHER FUNDING.

There are authorized to be appropriated to carry out the provisions of this Act, and the amendments made by this Act, in addition to funds otherwise available for such purposes, amounts as follows:

- (1) \$15,000,000 for fiscal year 2008.
- (2) \$20,000,000 for fiscal year 2009.
- (3) \$25,000,000 for fiscal year 2010.

By Mr. LIEBERMAN (for himself, Ms. LANDRIEU, and Mr. COLEMAN):

S. 2001. A bill to amend the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce, together with my colleagues Senator MARY LANDRIEU and Senator NORM COLEMAN, the All Students Can Achieve Act. This bill represents a comprehensive bipartisan proposal to strengthen and improve No Child Left Behind, NCLB. We hope that many of the ideas contained in our proposal will be considered by the HELP Committee as it tackles NCLB reauthorization, and we look forward to working with the committee to that end.

Over 5 years ago, the President and Congress created a watershed moment in American education when we enacted the No Child Left Behind Act. We worked together across party lines and from both ends of Pennsylvania Avenue to address an ongoing crisis in our public schools, especially schools in minority and low-income communities, where students' reading and math achievement was far below that of peers in better off white communities.

Closing these student achievement gaps may be the most important civil

rights movement of our time. In No Child Left Behind we made a national commitment to reject as unacceptable a system in which low-income minority students were reading at a grade level 4 years below that of their higher-income peers. We made a national commitment to bring an end to that intolerable gap and to ensure that each and every child, regardless of race, nationality or family income, could develop his or her talents to the fullest.

No Child Left Behind had the goal of bringing all minority and disadvantaged children, including children with disabilities, the attention and support they need to succeed, by holding schools and States accountable for delivering results to all of their students. With passage of NCLB, we made a good start. Progress has occurred but there is much more to be done to close the persistent gaps in student achievement.

No Child Left Behind, which Congress must now reauthorize, provides a foundation, but we now must take new, bold steps to fulfill the national commitments we first made 5 years ago. So that is why today we are presenting a significant reform proposal, which we are calling the All Students Can Achieve Act, and which we ask our colleagues and the President to give serious consideration as we work to reauthorize No Child Left Behind.

I want to touch briefly on some of the key features in this bill that build upon the reforms of the No Child Left Behind Act, and will attach a more detailed summary at the conclusion of my remarks.

Central to our strategy for closing the achievement gap is the pathway our bill creates for getting the very best teachers, teachers who are the best at bringing real learning and real growth in achievement to their students, into the schools and classrooms where they are most needed. No one does more important work in our society today than good teachers. We must attract, train and pay them as the critical professionals that they are. In our proposal, we ask States to move to a "teacher effectiveness" evaluation system. This system would evaluate teacher performance based on results in the classroom. To get to this point, States must develop comprehensive data systems that can track individual student growth and performance, and link student performance to individual teachers. We require and fund the data systems, and permit development of so-called growth models for compliance with Adequate Yearly Progress, AYP. Growth models give schools credit for boosting student performance over time, even where absolute test results are not at required levels. By linking student growth to individual teachers, States can measure teacher effectiveness by determining which teachers demonstrate learning gains in the classroom.

Our proposal allows those States that have developed meritorious teacher effectiveness systems to opt out of the

Federal Highly Qualified Teacher requirements, and to benefit from additional flexibilities in the use of Federal funds. Further, since we want to make sure that we can get the best teachers to the students most in need, our bill requires an equitable distribution of effective teachers across all schools and ultimately, after teacher professional development, if teachers are still not effective, we assign them away from our most needy schools. Our bill includes a provision to ensure that future collective bargaining agreements allow this to happen. In fact, because we recognize that there is nobody more important than a teacher, especially the most effective teachers, our bill puts the option of merit pay on the radar screen through a discretionary grant program to support new ideas for teacher professional development, tenure, assignment and compensation policies. We also seek to enrich the quality of education by, among other things, giving schools the option to bring in experienced professionals in math, science and critical foreign languages, as members of an Adjunct Teacher Corps.

We strengthen accountability by closing the existing loopholes that often prevent States and schools from truly measuring the actual achievement of minority students. Instead of allowing minority students to fall through the cracks of underachievement, this will force schools to take the steps needed to close the achievement gap for those students. Our bill gives parents the option of transferring their children in failing schools to other public schools, including schools across district lines if there is not an acceptable option within the original school district. In addition, our bill provides a two-track system for schools missing AYP. Schools missing AYP due to one or more subgroups, but less than 50 percent of the student population, would go through a more targeted attention program to address the problem areas.

Finally, we call for the development of voluntary American standards and assessments. Here we seek to address the need to promote rigorous standards and assessment of student learning to ensure that all students, no matter where they are schooled, are taught the skills they need to succeed in life. We call on the National Assessment Governing Board, with an expanded membership to include more teachers and business leaders, to develop these world class standards. States may choose to adopt these standards, thereby freeing up State resources. Alternatively, states could build their own assessments and standards based on the American standards, keep their own standards and tests, or team together in regional consorsial to develop standards and assessments. The Department of Education would report to Congress on the variance between the rigor of state assessments and the American standards and assessments in

cases where the voluntary standards are not used. It should be apparent that nothing in our bill would interfere with State flexibility to determine teaching format and substance.

In sum, No Child Left Behind is not just the name of an education law. It remains a solemn and urgent commitment that we made to America's children and parents. Because far too many children are still left behind and denied the opportunity to succeed in our society, we have renewed that commitment by offering this bill.

I want to thank my colleagues and cosponsors, Senators Mary Landrieu and Norm Coleman, and their staffs for their help in shaping this bill.

I ask unanimous consent that the text of the bill and a detailed summary be printed in the RECORD

There being no objection the material was ordered to be printed in the RECORD, as follows:

S. 2001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "All Students Can Achieve Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

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Sec. 101. Purpose.

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Sec. 103. Requiring States to measure teacher effectiveness and permitting growth models.

Sec. 104. Data systems.

Sec. 105. Highly effective teachers and principals.

Sec. 106. Permitting growth model systems.

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TITLE II—CLOSING THE ACHIEVEMENT GAP

Sec. 201. Purpose.

Sec. 202. Equitable distribution of highly effective teachers and non-Federal funding.

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TITLE III—ACHIEVING HIGH STANDARDS

Sec. 301. Purposes.

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PART A—American Standards and Assessments

Sec. 311. American standards and assessments.

PART B—P-16 Education Stewardship Systems

Sec. 321. P-16 education stewardship commission.

Sec. 322. P-16 education State plans.

Sec. 323. P-16 education stewardship system grants.

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TITLE IV—STRENGTHENING ACCOUNTABILITY

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Sec. 402. Authorizations.

Sec. 403. School intervention plan development.

Sec. 404. Comprehensive and focused intervention.

Sec. 405. Counting all children.

Sec. 406. Including science in the academic assessments.

Sec. 407. Mathematics and science partnerships.

Sec. 408. Children with disabilities and children who are limited English proficient.

Sec. 409. Early childhood development.

Sec. 410. Adjunct teacher corps.

TITLE V—ENHANCEMENTS

Sec. 501. Purposes.

Sec. 502. Authorizations.

Sec. 503. Public school choice.

Sec. 504. Public charter schools.

Sec. 505. Parental involvement.

Sec. 506. Response to intervention.

Sec. 507. Universal design for learning.

Sec. 508. Doubling scientific-based education research at Department of Education.

Sec. 509. Supplemental educational services.

Sec. 510. Increasing support for foster children and youth.

Sec. 511. Graduation rates.

Sec. 512. District wide high schools reform.

TITLE I—GROWTH MODELS, DATA SYSTEMS, AND EFFECTIVE TEACHERS

SEC. 101. PURPOSE.

The purposes of this title are to—

(1) require States to measure teacher and principal effectiveness;

(2) develop data systems to measure effectiveness and to permit growth models;

(3) provide States with the opportunity to opt out of the highly qualified teacher requirements of section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) once a State implements a highly effective teacher system; and

(4) provide enhanced funding flexibility for States and local educational agencies with highly effective teacher and principal systems described in section 1119A of such Act (as amended by this Act).

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out sections 104, 105, and 106, and the amendments made by these sections, there are authorized to be appropriated \$400,000,000 for fiscal year 2008, \$400,000,000 for fiscal year 2009, \$500,000,000 for fiscal year 2010, \$500,000,000 for fiscal year 2011, and \$600,000,000 for fiscal year 2012. The Secretary shall allot to each State—

(a) an amount that bears the same relation to 50 percent of such funds as the number of students in kindergarten through grade 12 in the State bears to the number of all such students in all States; and

(b) an equal share of the remaining 50 percent of such funds.

SEC. 103. REQUIRING STATES TO MEASURE TEACHER EFFECTIVENESS AND PERMITTING GROWTH MODELS.

Section 2112(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6612(b)) is amended by adding at the end the following:

“(13) Not later than 4 years after the date of enactment of the All Students Can Achieve Act, a plan to implement a system of identifying highly effective teachers and principals as required under section 1119A.”.

SEC. 104. DATA SYSTEMS.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1120B the following:

“SEC. 1120C. DATA SYSTEMS AND REQUIREMENTS.

“(a) IN GENERAL.—A State receiving assistance under this part shall, not later than 4 years after the date of enactment of the All Students Can Achieve Act—

“(1) develop a longitudinal data system for the State or as part of a State consortium

that meets the requirements of this section; and

“(2) implement the data system after submitting to the Secretary an independently conducted audit certifying that the data system meets the requirements of this section.

“(b) DATA SYSTEM ELEMENTS.—The data system required by subsection (a) shall include the following:

“(1) The use of a unique statewide student identifier for each student enrolled in a school in the State that remains stable over time.

“(2) The ability to match the assessment records to each individual student, for each year the student is enrolled in a school in the State.

“(3) The collection and processing of data at the student level, including—

“(A) information on students who have not participated in the State academic assessments described in section 1111(b)(3) and the reasons those students did not participate;

“(B) student enrollment, demographic, including English language proficiency and native language, and academic and intervention program participation information;

“(C) information regarding student participation in supplemental educational services under section 1116(e), including—

“(i) the type of supplemental educational services provided;

“(ii) the dates of such services; and

“(iii) the identification of the providers of such services;

“(D) student transcript data; and

“(E) the existence of an individualized educational plan and other evaluations.

“(4) Data for each group described in section 1111(b)(2)(C)(v), regarding—

“(A) the graduation rate, as defined in section 1111(b)(2)(C)(vi), and an on-time cohort graduation rate; and

“(B) each other academic indicator used by the State under section 1111(b)(2)(C)(vii) for public elementary school students.

“(5) A statewide audit system to ensure the validity and reliability of data in such system.

“(6) A unique statewide teacher identifier for each teacher employed in the State that—

“(A) remains stable over time and matches student records, including assessments, to the appropriate teacher; and

“(B) provides access to teacher data elements, including—

“(i) grade levels and subjects of teaching assignment;

“(ii) preparation program participation; and

“(iii) professional development program participation.

“(7) Ability to link information from the data system to public higher education data systems in the State, in order to gather information on postsecondary education enrollment, placement, persistence, and attainment.

“(c) DATA SYSTEM REQUIREMENTS.—A State implementing a data system required under this section shall—

“(1) develop and implement such system in a manner to ensure—

“(A) the privacy of student records in the data system, in accordance with the ‘Family Educational Rights and Privacy Act of 1974’ commonly known as Section 444 of the General Education Provisions Act;

“(B) the use of effective data architecture (including standard definitions and formatting) and warehousing, including the ability to link student records over time and across databases and to produce standardized or customized reports;

“(C) the interoperability among software interfaces used to input, access, and analyze the data of such system;

“(D) the interoperability with the system linking migrant student records required under part C;

“(E) the electronic portability of data and records in the system; and

“(2) provide training for the individuals using and operating such system.

“(d) PREEXISTING DATA SYSTEMS.—A State that has developed and implemented a longitudinal data system before the date of enactment of the All Students Can Achieve Act may utilize such system for purposes of this section, if the State submits to the Secretary an independently conducted audit described in subsection (a)(2).

“(e) COMPLIANCE.—Beginning on the date that is 4 years after the date of enactment of the All Students Can Achieve Act, if the Secretary finds, after notice and an opportunity for a hearing, that a State has failed to meet the requirements of this section, the Secretary may, at the discretion of the Secretary, suspend or limit the State’s eligibility for assistance under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.).

“(f) REGIONAL CONSORTIA DATA SYSTEM GRANT PROGRAM.—

“(1) IN GENERAL.—From amounts authorized under paragraph (5), the Secretary shall award grants, in accordance with paragraph (3), to regional consortia of States for the activities described in paragraph (4).

“(2) APPLICATION.—A regional consortium desiring to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(3) AWARD BASIS AND ALLOTMENTS.—The Secretary shall reserve up to \$50,000,000 of the funds authorized under section 102 to award grants, on a competitive basis, to regional consortia of States.

“(4) USE OF FUNDS.—A regional consortium receiving a grant under this subsection shall use grant funds to develop data systems for multi-State use that meet the requirements of this section.”.

SEC. 105. HIGHLY EFFECTIVE TEACHERS AND PRINCIPALS.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1119 the following:

“SEC. 1119A. HIGHLY EFFECTIVE TEACHERS AND PRINCIPALS.

“(a) IN GENERAL.—Not later than 2 years after completing the data system requirements in section 1120C and not later than 6 years after the date of enactment of the All Students Can Achieve Act, a State receiving assistance under this title shall implement a highly effective teacher and principal system by—

“(1) determining the requirements necessary to become a highly effective teacher in the State, which shall—

“(A) be based primarily on objective measures of student achievement; and

“(B) at a minimum, include that the teacher has demonstrated success in—

“(i) effectively conveying and explaining academic subject matter, as evidenced by the increased student academic achievement of the teacher’s students; and

“(ii) employing strategies that—

“(I) are based on scientifically based research;

“(II) are specific to the academic subject matter being taught; and

“(III) focus on the identification of, and tailoring of academic instruction to, students’ specific learning needs, particularly children with disabilities, students with limited English proficient, and students who are gifted and talented;

“(2) determining the requirements necessary to become a highly effective principal in the State, which shall be based primarily on increased student academic achievement of each group described in section 1111(b)(2)(C)(v) in the principal’s school, as compared to the achievement growth of other schools with similar student populations to the principal’s school, as determined by the State; and

“(3) implementing a system of identifying teachers and principals determined to be highly effective based on the requirements established by the State under paragraphs (1) and (2).

“(b) PEER REVIEW PROCESS.—The Secretary shall establish a peer review process to annually evaluate and rate each State’s highly effective teacher and principal requirements, identification system, and resulting data.

“(c) RESERVATION OF FUNDS.—The Secretary shall reserve not more than 10 percent of the funds appropriated for this section or \$60,000,000, whichever is less—

“(1) to conduct, commission, and disseminate research to determine the most effective methods of determining teacher effectiveness based on objective measures of growth in student achievement; and

“(2) to study the most effective uses of such data in improving student achievement.

“(d) WAIVER OF HIGHLY QUALIFIED TEACHER REQUIREMENTS.—

“(1) WAIVER APPLICATION.—A State establishing a highly effective teacher and principal system under this section may request a waiver of the highly qualified teacher requirements under subparagraphs (C) and (E) of section 1114(b)(1) and sections 1115(c)(1)(E) and 1119(a) for the State and the local educational agencies within the State, by submitting an application for a waiver to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) GRANTING OF WAIVER.—Notwithstanding subparagraphs (C) and (E) of section 1114(b)(1) and sections 1115(c)(1)(E) and 1119(a), the Secretary shall waive the highly qualified teacher requirements under such sections for a State and the local educational agencies within the State—

“(A) if the State demonstrates, in the application described in paragraph (1), that the State—

“(i) has implemented a highly effective teacher and principal system that meets the requirements of subsection (a) for not less than 1 year; and

“(ii) has baseline data regarding student achievement linked to teacher data for the schools in the State for not less than the 2 years preceding the year that the system is implemented; and

“(B) the peer review panel described in subsection (b) has determined the State’s system to be meritorious for the preceding year.

“(e) FUNDING FLEXIBILITY.—The Secretary shall waive, upon the request of a State that has a highly effective teacher and principal system that has been determined to be meritorious by the peer review panel described in subsection (b), the limitations on transfers under section 6123(a) and 6123(b).

“(f) CONSEQUENCES FOR TEACHERS WHO ARE NOT HIGHLY EFFECTIVE.—

“(1) PROFESSIONAL DEVELOPMENT.—If a local educational agency receiving assistance under this part evaluates a teacher and finds that the teacher is not highly effective, the local educational agency shall provide the teacher with professional development and other support specifically designed to enable such teacher to produce student learning gains sufficient to become highly effective. Such professional development and support shall be provided during not less than the 4 years following the teacher’s identification as not highly effective or until the teacher is evaluated as effective.

“(2) PLACEMENT OF TEACHERS WHO DO NOT BECOME HIGHLY EFFECTIVE.—A local educational agency receiving assistance under this part shall not employ in a school receiving assistance under this part a teacher who has been evaluated as not highly effective and, 4 years after such evaluation, is still evaluated as not highly effective, until such time as the teacher is evaluated as highly effective.

“(g) CONSEQUENCES FOR PRINCIPALS WHO ARE NOT HIGHLY EFFECTIVE.—

“(1) PROFESSIONAL DEVELOPMENT.—If a local educational agency receiving assistance under this part evaluates a principal and finds that the principal is not highly effective, the local educational agency shall provide the principal with professional development and other support specifically designed to enable such principal to produce student learning gains sufficient to become highly effective. Such professional development and support shall be provided during not less than 2 years following the identification as not highly effective or until the principal is evaluated as effective.

“(2) PLACEMENT OF PRINCIPALS WHO DO NOT BECOME HIGHLY EFFECTIVE.—A State or local educational agency receiving assistance under this part shall not employ in a school receiving assistance under this part a principal who has been evaluated as not highly effective and, 3 years after such evaluation, is still evaluated as not highly effective, until such time as the principal is evaluated as highly effective.

“(h) BARGAINING AGREEMENT EXCEPTION AND RESTRICTIONS ON NEW AGREEMENTS.—

“(1) IN GENERAL.—The Secretary shall not determine that a State or local educational agency has failed to comply with section 1119A if the reason for the agency’s non-compliance is a contract or collective bargaining agreement that was entered into prior to the date of enactment of this Act.

“(2) RESTRICTIONS.—A local educational agency or State educational agency shall not enter into a new contract or collective bargaining agreement or renew or extend a contract or collective bargaining agreement that prevents the local educational agency or State educational agency from meeting the requirements of section 1119A after the date of enactment of this Act.”.

SEC. 106. PERMITTING GROWTH MODEL SYSTEMS.

Section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)) is amended by adding at the end the following:

“(11) USE OF GROWTH MODEL SYSTEMS.—

“(A) DEFINITION OF GROWTH MODEL SYSTEM.—In this paragraph, the term ‘growth model system’ means a system that—

“(i) calculates the academic growth of each individual student served by a school in the State over time;

“(ii) establishes growth targets for each such student, including students who already meet or exceed the proficient or advanced level of academic achievement on a State assessment required under section 1111(b)(3); and

“(iii) meets the minimum standards regarding data systems and data quality that the Secretary establishes pursuant to regulation, which standards shall include requirements that the system—

“(I) matches the assessment records of a student to the student for each year the student is enrolled in a public school in the State; and

“(II) measures student growth at the classroom and school levels.

“(B) USE OF GROWTH MODEL SYSTEMS.—Notwithstanding any other provision of law, for purposes of any provision that requires the calculation of a number or percentage of stu-

dents who meet or exceed the proficient level of academic achievement on a State assessment under paragraph (3), a State authorized by the Secretary to use a growth model system under subparagraph (D) shall calculate such number or percentage by counting—

“(i) the students who meet or exceed the proficient level of academic achievement on the State assessment; and

“(ii) the students who are on a 3-year growth trajectory toward meeting or exceeding the proficient level.

“(C) APPLICATION.—A State desiring to develop, enhance, or implement a growth model system shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require. This application shall include a description of how students with disabilities and English language learners will be included in growth models.

“(D) AUTHORIZATION FOR A GROWTH MODEL SYSTEM.—The Secretary shall authorize a State that has submitted an application to use a growth model system for the purposes of calculating adequate yearly progress if the Secretary determines that—

“(i) the State has the capacity to track individual academic growth for not less than the 2 school years preceding the year of application; and

“(ii) the State has developed a plan for implementing a highly effective teacher and principal evaluation system.

“(E) RULE FOR EXISTING GROWTH MODEL PILOT PROGRAMS.—Notwithstanding this section, a State that, as of the day before the date of enactment of the All Students Can Achieve Act, has been approved by the Secretary to carry out a growth model as a pilot program, may continue to participate in the pilot program instead of the requirements of this section, at the Secretary’s discretion.”.

SEC. 107. INNOVATIVE TEACHER AND SCHOOL INCENTIVE PROGRAMS.

Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is amended by adding at the end the following:

“Subpart 6—Innovative Teacher and School Incentive Programs

“SEC. 2371. INNOVATIVE TEACHER AND SCHOOL INCENTIVE PROGRAMS.

“(a) GRANT FUND FOR INNOVATIVE TEACHER PROGRAMS.—

“(1) GRANTS AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants to eligible States to enable the eligible States—

“(A) to implement programs to improve professional development for public school educators such as—

“(i) establishing professional development committees, which are primarily composed of teachers, to evaluate the school’s professional development activities and develop a plan for future activities that better meet the needs of the teachers and the students the teachers serve; and

“(ii) providing funding to local education agencies to increase the number of professional development release days; and

“(B) to reform teacher compensation, assignment, and tenure policies, including policies providing incentives to encourage the best teachers to teach high-need subjects or in high-need schools.

“(2) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means a State that, in evaluating teachers, uses objective measures of student learning growth as the primary indicators of teacher performance.

“(3) APPLICATION.—An eligible State desiring a grant under this subsection shall submit an application at such time, in such manner, and containing such information as the Secretary may require.

“(4) USE OF PEER REVIEW PANEL.—In awarding a grant under this subsection, the Secretary shall—

“(A) establish a peer review process to provide recommendations to the Secretary regarding awarding grants under this section; and

“(B) ensure that the participants in the peer review process include experts or researchers with knowledge regarding appropriate statistical methodology for assessing teacher effectiveness.

“(b) GRANTS FOR INNOVATIVE SCHOOL INCENTIVE PROGRAMS.—

“(1) GRANTS AUTHORIZED.—From amounts appropriated for this subsection, the Secretary shall award grants, on a competitive basis, to States to enable the States to implement school-based reward systems that recognize the teamwork (for example, among teachers, administrators, counselors, resource staff, media specialists, and other staff) necessary to improve eligible schools in low-income areas receiving assistance under title I.

“(2) APPLICATION.—A State desiring a grant under this subsection shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(3) USE OF FUNDS.—A State receiving a grant under this subsection shall use the grant to implement a school-based reward system described in paragraph (4) for eligible schools.

“(4) SCHOOL-BASED REWARD SYSTEM.—A school-based reward system funded under this subsection shall—

“(A) provide award amounts to eligible schools based on—

“(i) the degree of improvement of student performance;

“(ii) the number of students in the school; and

“(iii) the number of teachers, administrators, and staff serving the school;

“(B) give the eligible school the discretion to determine the appropriate uses described in subparagraph (C), with guidance and oversight provided by the State educational agency; and

“(C) require that the awards be used by the school for any of the following:

“(i) Non-recurring bonuses for teachers, administrators, and staff at the school.

“(ii) The addition of temporary personnel to continue the school’s improvement.

“(iii) Providing a limited number of teachers with reduced teaching schedules to permit the teachers to act as mentors at the school or at other schools receiving assistance under title I.

“(5) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term ‘eligible school’ means an elementary or secondary school that—

“(A) is in the highest third of schools in the State in terms of the percentage of students eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act; and

“(B) shows significant improvement in student performance, as compared to similar schools.

“(c) REPORT.—The Secretary shall annually report to Congress on the grants awarded under subsections (a) and (b) and shall evaluate the effectiveness of such grants.

“(d) AUTHORIZATION.—For the purpose of carrying out this subsection, there are authorized to be appropriated \$200,000,000 for fiscal year 2008 and for each of the 4 succeeding fiscal years.”

TITLE II—CLOSING THE ACHIEVEMENT GAP

SEC. 201. PURPOSE.

The purposes of this title are to—

(1) require the equitable distribution of effective teachers and non-Federal funding;

(2) increase authorizations for school-improvement funds; and

(3) provide incentives for States to maintain rigorous assessments by distributing these school-improvement funds according to the number of schools in need of improvement.

SEC. 202. EQUITABLE DISTRIBUTION OF HIGHLY EFFECTIVE TEACHERS AND NON-FEDERAL FUNDING.

(a) IN GENERAL.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is further amended by adding at the end the following:

“SEC. 1120D. EQUITABLE DISTRIBUTION OF HIGHLY EFFECTIVE OR HIGHLY QUALIFIED TEACHERS.

“(a) ANNUAL STATE EDUCATIONAL AGENCY REPORT.—

“(1) IN GENERAL.—Each State educational agency receiving assistance under this part shall annually prepare and submit to the Secretary, and make available to the public, a report on the equitable distribution of—

“(A) highly effective teachers and principals in the State; or

“(B) in the case of a State that has not yet implemented a highly effective teacher system under section 1119A or for which highly effective teacher evaluations have not been completed, highly qualified teachers in the State.

“(2) STATE REPORT CONTENT.—The report described in paragraph (1) shall include the following:

“(A) The percentage of public elementary school and secondary school teachers in the State who are not highly effective or highly qualified, as applicable.

“(B) The specific steps the State educational agency is taking to address any disproportionate assignment of teachers who are not highly effective or highly qualified in the schools and local educational agencies of the State.

“(C) A description of progress made regarding the State’s capacity to implement a system for measuring individual teacher effectiveness.

“(D) A comparison between the elementary and secondary schools in the State in the highest quartile in terms of the percentage of students eligible for free and reduced-price lunches under the Richard B. Russell National School Lunch Act, and such schools in the lowest quartile, with respect to each of the following:

“(i) The annual teacher attrition rate.

“(ii) The percentage of classes taught by teachers who are not highly effective or highly qualified, as applicable.

“(iii) The percentage of such schools with principals who are not highly effective, if the State has implemented highly effective principal evaluations under section 1119A.

“(E) A comparison between the public schools in the State in the highest quartile in terms of the percentage of minority student enrollment, and such schools in the lowest quartile, with respect to each category described in clauses (i) through (iii) of subparagraph (D).

“(F) A compendium of statewide data and local educational reports described in subparagraph (b).

“(G) Such other information as the Secretary may reasonably require.

“(b) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT.—

“(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall annually prepare and submit to the State educational agency, and make available to the public, a report on the equitable distribution of—

“(A) highly effective teachers and principals in the elementary and secondary schools served by the local educational agency; or

“(B) in the case of a local educational agency in a State that is not implementing a highly effective teacher system under section 1119A or for which highly effective teacher evaluations have not been completed, highly qualified teachers in the elementary and secondary schools served by the local educational agency.

“(2) REPORT CONTENTS.—The report required under this subsection shall include—

“(A) The percentage of public elementary school and secondary school teachers employed by the local educational agency who are not highly effective or highly qualified, as applicable.

“(B) The specific steps the local educational agency is taking to address any disproportionate assignment of teachers who are not highly effective or highly qualified, as applicable.

“(C) A comparison between the elementary schools and secondary schools served by the local educational agency in the highest quartile in terms of the percentage of students eligible for free and reduced-price lunches under the Richard B. Russell National School Lunch Act, and such schools in the lowest quartile, with respect to each of the following:

“(i) The annual teacher attrition rate.

“(ii) The percentage of classes taught by teachers who are not highly effective or highly qualified, as applicable.

“(iii) The percentage of public schools with principals who are not highly effective, in States that have implemented highly effective principal evaluations under section 1119A.

“(D) A comparison between the public schools served by the local educational agency in the highest quartile in terms of minority student enrollment, and such schools in the lowest quartile, with respect to each category described in clauses (i) through (iii) of subparagraph (C).

“(E) Specific, measurable, and quantifiable annual goals for achieving equity in the distribution of teachers who are highly effective or highly qualified, as applicable.

“(F) Such other information as the Secretary may reasonably require.

“(c) LOCAL EDUCATIONAL AGENCY PLANS.—Not later than 180 days after the date of enactment of the All Students Can Achieve Act, each local educational agency receiving assistance under this part shall submit a plan to the State educational agency that describes how the local educational agency will achieve equitable assignment of highly effective teachers (or, in the case of a local educational agency in a State that has not yet implemented a highly effective teacher system, highly qualified teachers) to high-poverty and high-minority schools.

“SEC. 1120E. EQUITABLE DISTRIBUTION OF NON-FEDERAL FUNDING.

“(a) REQUIREMENTS.—

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the All Students Can Achieve Act, each State educational agency receiving assistance under this title shall provide evidence to the Secretary that the non-Federal funds used by the State for public elementary and secondary education, including those funds used for actual, and not estimated or averaged, teacher salaries, based upon classroom hours, for each fiscal year, are distributed equitably across the schools within each local educational agency.

“(2) INFORMATION ON SCHOOL REPORT CARDS.—If, for a fiscal year, a school receiving assistance under this part receives significantly less than the average non-Federal

school funding provided to schools in the local educational agency for such year, the local educational agency shall include in the school report card required under section 1111(h)(2)(B)(ii) for such school the amount by which the school’s non-Federal school funding is significantly below the average non-Federal school funding for schools served by the local educational agency.

“(3) EVALUATION.—2 years after the date of enactment of the All Students Can Achieve Act, and every year thereafter, the Inspector General of the Department shall—

“(A) evaluate 5 State educational agencies that receive assistance under this part and 10 local educational agencies that receive assistance under this part, to determine such agencies’ progress in meeting the requirements of this section; and

“(B) prepare and distribute a report regarding the findings of the evaluation to the Secretary and to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

“(b) REGULATIONS AND GUIDELINES.—

“(1) STATE EDUCATIONAL AGENCY REGULATIONS.—Not later than 180 days after the date of enactment of the All Students Can Achieve Act, the Secretary shall promulgate regulations for State educational agencies regarding how to review the State educational agency’s rules and guidelines and work with local educational agencies to establish plans and timelines for providing equitable non-Federal funding to all schools in the State who receive assistance under this title.

“(2) GUIDELINES FOR LOCAL EDUCATIONAL AGENCIES.—Not later than 1 year after the issuance of the regulations described in paragraph (1), each State educational agency receiving assistance under this part shall—

“(A) develop guidelines for local educational agencies regarding the local educational agencies’ responsibilities under this section; and

“(B) distribute such guidelines to the local educational agencies and make such guidelines publicly available.

“(3) LOCAL EDUCATIONAL AGENCY PLANS.—Not later than 180 days after the receipt of the State educational agency’s guidelines described in paragraph (2), each local educational agency in the State that receives assistance under this part shall develop and submit to the State educational agency a plan that—

“(A) describes how the local educational agency will ensure the equitable distribution of non-Federal funds;

“(B) includes a timeline that provides for the implementation of the plan by not later than 3 years after the local educational agency has received the guidelines under paragraph (3); and

“(C) shall be made publicly available.

“(c) DEFINITION OF NON-FEDERAL FUNDS.—In this section, the term ‘non-Federal funds’ means the amount of State and local funds provided to a school (including those State and local funds used for teacher salaries but not including any Federal funding).

“SEC. 1120F. MAKE WHOLE PROVISIONS.

“If a State has not achieved an equitable distribution, within local educational agencies, of effective teachers and non-Federal funds 3 years after the date of enactment of the All Students Can Achieve Act, the Secretary may withhold a portion of the State’s funds under the All Students Can Achieve Act.”

(b) REPORT CARD.—Section 1111(h)(2)(B)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(2)(B)(ii)) is amended—

(1) in subclause (I), by striking “and” after the semicolon;

(2) in subclause (II), by striking the period and inserting a semicolon and “and”; and

(3) by inserting after clause (II), as so amended, the following:

“(III) the information required under section 1120E(a)(2), if required for such school; and”.

SEC. 203. STRENGTHEN AND FOCUS STATE CAPACITY FOR SCHOOL IMPROVEMENT EFFORTS.

(a) SCHOOL IMPROVEMENT GRANT AUTHORIZATION OF APPROPRIATIONS.—Section 1002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(i)) is amended by striking “appropriated \$500,000,000” and all that follows through the period and inserting “appropriated—

“(1) \$600,000,000 for fiscal year 2008;

“(2) \$700,000,000 for fiscal year 2009;

“(3) \$800,000,000 for fiscal year 2010;

“(4) \$900,000,000 for fiscal year 2011; and

“(5) \$1,000,000,000 for fiscal year 2012.”.

(b) STATE ADMINISTRATION.—Section 1003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6303) is amended—

(1) in subsection (g)(2), by striking “the funds received by the States, the Bureau of Indian Affairs, and the outlying areas, respectively, for the fiscal year under parts A, C, and D of this title.” and inserting “the number of schools in the States, the Department of Interior, and the outlying areas, respectively, that are not making adequate yearly progress for the most recent school year for which information is available.”; and

(2) by adding at the end the following:

“(h) ADDITIONAL AMOUNTS FOR ADMINISTRATIVE COSTS.—

“(1) IN GENERAL.—Notwithstanding subsections (a), (b), and (g), in addition to the amounts reserved under subsection (a) but not allocated under subsection (b)(1) and the amounts of a grant award described in subsection (g)(7), a State may use an additional percentage of the amounts reserved under subsection (a) and the grant award under subsection (g), not to exceed 15 percent of the sum of such reserved amounts and grant award, if the State matches the dollar amount of such additional amount with an equal amount of State funds.

“(2) USE OF FUNDS.—A State that elects to use an additional percentage described in paragraph (1) shall use such funds, and the required matching State funds, to build more capacity at the State level to diagnose, intervene in, and assist schools—

“(A) by supporting State personnel in carrying out the responsibilities under this section; or

“(B) by entering into contracts with non-profit entities with a record of assisting in the improvement of persistently low-performing schools.”.

(c) EXTENDING THE FOUR PERCENT SCHOOL IMPROVEMENT STATE RESERVATIONS.—Section 1003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6303) is amended in subsection (a)—

(1) by striking “2 percent” and inserting “4 percent”; and

(2) by striking “for fiscal years 2002” and all that follows through “2007,” and inserting “for each fiscal year”.

TITLE III—ACHIEVING HIGH STANDARDS

SEC. 301. PURPOSES.

The purposes of this title are to—

(1) enhance the National Assessment Governing Board and the Board’s responsibilities to develop 21st century performance-based American standards and assessments, including world-class alternate assessments for students with disabilities and English-language learners, with incentives for States to adopt voluntarily the American standards and assessments;

(2) align State curricula with college and workplace needs through State P-16 commissions covering pre-kindergarten through college in the subjects of reading or language arts, history, science, technology, engineering, and mathematics; and

(3) require the Department of Education to report annually on the quality and rigor of the model American and the State standards and assessments.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out this title and the amendments made by this title, in addition to other amounts already authorized, there are authorized to be appropriated \$250,000,000 for fiscal year 2008 and for each of the 4 succeeding fiscal years.

PART A—AMERICAN STANDARDS AND ASSESSMENTS

SEC. 311. AMERICAN STANDARDS AND ASSESSMENTS.

(a) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 302 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (G), by striking “Three classroom teachers representing” and inserting “Six classroom teachers with 2 each representing”; and

(B) in subparagraph (H), by striking “One representative of business or industry” and inserting “Three representatives of business or industry”; and

(C) by adding at the end the following: “(O) Two members from higher education.”;

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (I), by striking “and” after the semicolon;

(ii) in subparagraph (J), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(K)(i) create American content and performance standards and assessments in language arts or reading, mathematics, and science for grades 3 through 12;

“(ii) create high-quality alternative assessments for students with disabilities and English-language learners for use by States;

“(iii) provide web-based mechanisms for States to receive timely results from these assessments and alternate assessments;

“(iv) extrapolate such standards and assessments based on the National Assessment of Educational Progress frameworks; and

“(v) ensure that such standards and assessments are aligned with college and workplace readiness skills.”; and

(B) by adding at the end the following:

“(7) REPORT ON AMERICAN STANDARDS.—The Assessment Board shall issue a report to the Secretary containing the model standards and describe the assessments specified in paragraph (1)(K).”;

(3) in subsection (f)—

(A) in paragraph (2)(B), by striking “not more than six”; and

(B) by adding at the end the following:

“(3) DETAILEES.—Any Federal Government employee may be detailed to the Governing Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of such employee’s regular employment without interruption.”.

(b) AMENDMENT TO STATE PLANS.—Section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended—

(1) in subsection (c)(2), by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(2) by adding at the end the following:

“(n) USE BY STATES OF MODEL AMERICAN STANDARDS AND ASSESSMENTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, upon issuance of

the report under section 302(e)(7) of the National Assessment of Educational Progress Authorization Act, each State desiring to receive funding under this part shall—

“(A) adopt the model American standards and assessments specified in that report for use in carrying out this section;

“(B) modify the State’s existing academic standards and assessments to align with those model American standards and assessments; or

“(C) continue using the State’s existing academic standards and academic assessments or those of a regional consortium.

(2) SECRETARY TO EVALUATE STANDARDS AND ASSESSMENTS OF STATES NOT ADOPTING MODEL AMERICAN STANDARDS AND ASSESSMENTS.—The Secretary shall—

“(A) analyze the academic standards and assessments of States that do not adopt the model American standards and assessments; and

“(B) compare such academic standards and assessments to the model American standards and assessments, using a common scale.

“(3) ANNUAL REPORT.—The Secretary shall annually report to Congress on any variance in quality and rigor between the model American standards and assessments adopted by the Assessment Board and the standards and assessments used by the States. Until development and implementation of the model American standards and assessments adopted by the Assessment Board, the Secretary shall report annually to the public on differences between State assessment results and results from the National Assessment of Educational Progress.”.

(c) AMENDMENT TO LOCAL PLANS.—Section 1112(b)(1)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)(F)) is amended by striking “reading and mathematics” and inserting “reading, mathematics, and science”.

(d) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 303 of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9621) is amended—

(1) in subsection (b)(1), by striking “reading, mathematics” and inserting “reading, mathematics, science”;

(2) in subsection (b)(2)(B), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(3) in subsection (b)(2)(C), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(4) in subsection (b)(2)(E), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(5) in subsection (b)(3)(A)(i), by striking “reading and mathematics” and inserting “reading, mathematics, and science”;

(6) in subsection (b)(3)(A)(ii), by striking “reading and mathematics” and inserting “reading, mathematics, and science”; and

(7) in subsection (b)(3)(C)(ii), by striking “reading and mathematics” and inserting “reading, mathematics, and science”.

PART B—P-16 EDUCATION STEWARDSHIP SYSTEMS

SEC. 321. P-16 EDUCATION STEWARDSHIP COMMISSION.

(a) P-16 EDUCATION STEWARDSHIP COMMISSION.—

(1) IN GENERAL.—Each State that receives assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) shall establish a P-16 education stewardship commission that has the policymaking ability to meet the requirements of this section.

(2) EXISTING COMMISSION.—The State may designate an existing coordinating body or commission as the State P-16 education stewardship commission for purposes of this title, if the body or commission meets, or is

amended to meet, the basic requirements of this section.

(b) MEMBERSHIP.—

(1) COMPOSITION.—Each P-16 education stewardship commission shall be composed of the Governor of the State, or the designee of the Governor, and the stakeholders of the statewide education community, as determined by the Governor or the designee of the Governor, such as—

(A) the chief State official responsible for administering prekindergarten through grade 12 education in the State;

(B) the chief State official of the entity primarily responsible for the supervision of institutions of higher education in the State;

(C) bipartisan representation from the State legislative committee with jurisdiction over prekindergarten through grade 12 education and higher education;

(D) representatives of 2- and 4-year institutions of higher education in the State;

(E) public elementary and secondary school teachers employed in the State;

(F) representatives of the business community; and

(G) at the discretion of the Governor, or the designee of the Governor, representatives from pre-kindergarten through grade 12 and higher education governing boards and other organizations.

(2) CHAIRPERSON; MEETINGS.—The Governor of the State, or the designee of the Governor, shall serve as chairperson of the P-16 education stewardship commission and shall convene regular meetings of the commission.

(c) DUTIES OF THE COMMISSION.—

(1) MEETINGS.—Each State P-16 education stewardship commission shall convene regular meetings.

(2) COMMISSION RECOMMENDATIONS.—Not later than 18 months after a State receives funds under section 303, and annually thereafter, the State P-16 education stewardship commission informed by the higher education institutions in the State shall—

(A) develop recommendations to better align the content knowledge requirements for secondary school graduates with the knowledge and skills needed to succeed in postsecondary education and the workforce in the subjects of reading or language arts, history, mathematics, science, technology, and engineering, and, at the discretion of the Commission, additional academic content areas;

(B) develop recommendations regarding the prerequisite skills and knowledge, patterns of coursework, and other academic factors including—

(i) the prerequisite skills and knowledge expected of incoming freshmen at institutions of higher education to successfully engage in and complete postsecondary-level general education coursework without the prior need to enroll in developmental coursework; and

(ii) patterns of coursework and other academic factors that demonstrate the highest correlation with success in completing postsecondary-level general education coursework and degree or certification programs, particularly with respect to science, technology, engineering, and mathematics; and

(C) develop recommendations and enact policies to increase the success rate of students in the students' transition from secondary school to postsecondary education, including policies to increase success rates for—

(i) students of economic disadvantage;

(ii) students of racial and ethnic minorities;

(iii) students with disabilities; and

(iv) students with limited English proficiency.

SEC. 322. P-16 EDUCATION STATE PLANS.

(a) IN GENERAL.—Each State receiving assistance under part A of title I of the Ele-

mentary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) shall develop a plan that includes, at a minimum, the following:

(1) A demonstration that the State will work with the State P-16 education stewardship commission and others, as necessary, to examine the relationship among the content of postsecondary education admission and placement exams, the prerequisite skills and knowledge required to successfully take postsecondary-level general education coursework, the pre-kindergarten through grade 12 courses and academic factors associated with academic success at the postsecondary level, particularly with respect to science, technology, engineering, and mathematics, and existing academic standards and aligned academic assessments.

(2) A description of how the State will, using the information from the State P-16 education stewardship commission, increase the percentage of students taking courses that have the highest correlation of academic success at the postsecondary level, for each of the following groups of students:

(A) Economically disadvantaged students.

(B) Students from each major racial and ethnic group within the State.

(C) Students with disabilities.

(D) Students with limited English proficiency.

(3) A description of how the State will distribute the information in the P-16 education stewardship commission's report to the public in the State, including public secondary schools, local educational agencies, school counselors, P-16 educators, institutions of higher education, students, and parents.

(4) An assurance that the State will continue to pursue effective P-16 education alignment strategies.

(b) SUBMISSION.—Each State shall submit the State plan described in subsection (a) to the Secretary not later than 1 year of the date of the enactment of this Act.

SEC. 323. P-16 EDUCATION STEWARDSHIP SYSTEM GRANTS.

(a) PROGRAM AUTHORIZED.—From amounts appropriated under this section, the Secretary shall award grants, from allotments under subsection (b), to States to enable the States—

(1) to establish P-16 education stewardship commissions in accordance with section 321; and

(2) to carry out the activities and programs described in the State plan submitted under section 322.

(b) ALLOTMENTS.—The Secretary shall allot the amounts available for grants under this section equally among the States that have submitted plans described in section 322. Each such plan shall include a demonstration that the State, not later than 5 months after receiving grant funds under this section, will establish a P-16 education stewardship commission described in section 321.

SEC. 324. REPORTS.

(a) IN GENERAL.—Not later than 18 months after a State receives funds under this section, and annually thereafter, the State P-16 education stewardship commission shall prepare and submit to the Governor, and make easily accessible and available to the public, a clear and concise report that shall include the recommendations described in section 321(c)(2).

(b) DISTRIBUTION TO THE PUBLIC.—Not later than 60 days after the submission of a report under subsection (a), each State P-16 education stewardship commission shall publish and widely distribute the information in the report in various concise and understandable formats to targeted audiences such as—

(1) all public secondary schools and local educational agencies;

(2) school counselors;

(3) P-16 educators;

(4) institutions of higher education; and

(5) students and parents, especially students and parents of students listed in subparagraphs (A) through (D) of section 322(a)(2) and those entering grade 9 in the next academic year, to assist students and parents in making informed and strategic course enrollment decisions.

TITLE IV—STRENGTHENING ACCOUNTABILITY

SEC. 401. PURPOSES.

The purposes of this title are—

(1) to divide the accountability structure for schools under the Elementary and Secondary Education Act of 1965 to provide—

(A) comprehensive intervention for schools that do not make adequate yearly progress because groups comprising collectively 50 percent or more of the students in the school have not achieved the State objectives under section 1111(b)(2)(G) of such Act; and

(B) focused intervention for schools that do not make adequate yearly progress because groups comprising collectively less than 50 percent of the students in the school have not achieved such objectives;

(2) to strengthen the program of providing supplemental educational services;

(3) to count all children and increase rigor by ensuring that the State calculations of adequate yearly progress have limits on student thresholds and also on statistical confidence intervals that do not exceed 95 percent confidence;

(4) to add science to the subjects included in the adequate yearly progress calculations in the academic assessments under section 1111(b)(3) of such Act;

(5) to support research and development for mathematics and science partnerships;

(6) to amend the provisions regarding the accountability for students with disabilities and English-language learners;

(7) to screen children entering schools identified as in need of comprehensive intervention under section 1116(b)(1) of such Act; and

(8) to develop the Adjunct Teacher Corps to meet the country's needs for teachers in critical foreign languages and science, technology, engineering, and mathematics.

SEC. 402. AUTHORIZATIONS.

For the purpose of carrying out this title and the amendments made by this title, there are authorized to be appropriated \$250,000,000 for fiscal year 2008 and for each of the 4 succeeding fiscal years.

SEC. 403. SCHOOL INTERVENTION PLAN DEVELOPMENT.

Part A of title I of the Elementary and Secondary Education Act of 1965 is further amended by inserting before section 1116 the following:

“SEC. 1115A. SCHOOL INTERVENTION PLAN DEVELOPMENT.

“(a) IN GENERAL.—A school that does not make adequate yearly progress but has not been so identified for the immediate preceding year shall, not later than the end of the first year following such identification—

“(1) develop, in conjunction with the local educational agency and in consultation with parents, teachers, administrators, students, and school-intervention specialists from the local educational agency or the State educational agency, a school-intervention plan;

“(2) obtain approval of the plan from the local educational agency and certification from the superintendent that the plan meets the requirements of this subparagraph and is reasonably designed to ensure that the school will meet adequate yearly progress targets for the following year; and

“(3) after approval, make the school-intervention plan publicly available.

“(b) CONTENTS OF PLAN.—A school plan under this section shall—

“(1) analyze and address systemic causes for the school’s inability to make adequate yearly progress;

“(2) identify the specific reasons why the school did not make adequate yearly progress;

“(3) articulate a plan to improve instruction and achievement that addresses how the school will—

“(A) implement curriculum and benchmark assessments that are aligned with the State academic content standards and student academic achievement standards, if collectively more than 50 percent of students are contained within groups that did not meet adequate yearly progress;

“(B) expand instructional time for students who have not met the proficient level or are not making sufficient progress toward reaching such level on the State academic assessments;

“(C) ensure that first-year teachers are not disproportionately assigned to students described in subparagraph (B);

“(D) ensure that all teachers in the school receive assistance and support in implementing the curriculum, evidence-based intervention models, benchmark assessments, and additional instructional time;

“(E) if the subgroup of limited English proficient students does not make adequate yearly progress, articulate how the school will work with the local educational agency to redeploy, as permitted, funds made available to the local educational agency under title III;

“(F) if the subgroup of students with disabilities did not make adequate yearly progress, articulate how the school will work with the local educational agency to redeploy, as permitted, funds made available to the local educational agency under the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.);

“(G) include data on the school, relevant to the factors identified in the plan, from the local educational agency’s report under section 1120D; and

“(H) identify specific actions that the local educational agency will take to make supplemental educational services and public school transfer available.”

SEC. 404. COMPREHENSIVE AND FOCUSED INTERVENTION.

Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316) is amended—

(1) in subsection (a)(1)(B)—

(A) by striking “subject to school improvement” and inserting in lieu thereof “subject to comprehensive intervention or focused intervention”; and

(B) by striking “for school improvement” and inserting in lieu thereof “for comprehensive intervention or focused intervention”;

(2) by striking subsection (b) and inserting the following:

“(b) SCHOOL INTERVENTION.—

“(1) COMPREHENSIVE INTERVENTIONS.—

“(A) IDENTIFICATION.—

“(i) IN GENERAL.—A local educational agency shall identify as in need of comprehensive intervention, any elementary school or secondary school served under this part that does not make, for 2 or more consecutive years, adequate yearly progress as defined in the State’s plan under section 1111(b)(2) because—

“(I) the group of all students at the school did not meet the objectives set by the State under section 1111(b)(2)(G); or

“(II) 1 or more groups of students specified in section 1111(b)(2)(C)(v) that collectively represents 50 percent or more of the students in the school’s enrollment did not meet such objectives.

“(ii) TRANSFER TO FOCUSED INTERVENTION.—In the case of a school that has been identified as in need of comprehensive intervention under clause (i), the school shall be transferred to the year under the focused intervention timeline, as defined in paragraph (2)(A)(i), where the school would have fallen if the school had never needed comprehensive intervention, if the school—

“(I) makes adequate yearly progress for 2 consecutive years for groups that collectively contain more than 50 percent of the students; and

“(II) does not make adequate yearly progress for one or more subgroups for 2 or more consecutive years for the same subgroups.

“(iii) EXITING COMPREHENSIVE INTERVENTION.—In the case of a school that has been identified as in need of comprehensive intervention under clause (i), the school shall continue to be identified as in need of comprehensive intervention and subject to the requirements of this section until—

“(I) the school makes adequate yearly progress for 2 consecutive years for groups that collectively contain more than 50 percent of the students; or

“(II) the school year following the implementation of a comprehensive restructuring plan under subparagraph (E).

“(B) HIRING, TRANSFERRING, AND PROFESSIONAL DEVELOPMENT REQUIREMENTS FOR IDENTIFIED SCHOOLS.—

“(i) IN GENERAL.—Subject to clause (iii), a local educational agency or State educational agency receiving assistance under this part shall—

“(I) permit a school identified as being in need of comprehensive intervention under subparagraph (A) to deny transfer requests from teachers;

“(II) provide such school with priority in the hiring timeline for the local educational agency or State educational agency; and

“(III) in the case of a school that has been identified as being in need of comprehensive intervention for 2 or more years, allow the school to add additional professional development hours for teachers if the professional development is included as part of the approved intervention plan defined in this subsection for the school.

“(ii) DETERMINATION BY SECRETARY.—Each local educational agency or State educational agency receiving assistance under this part shall demonstrate to the Secretary that the agency can meet the requirements of clause (i) by not later than 3 years after the date of enactment of this Act. If the Secretary determines that the local educational agency or State educational agency has failed to meet this requirement, the Secretary may withhold a portion of funds to the State educational agency under this title.

“(iii) BARGAINING AGREEMENT EXCEPTION AND RESTRICTIONS ON NEW AGREEMENTS.—

“(I) IN GENERAL.—The Secretary shall not determine that a State educational agency has failed to comply with clause (i) if the reason for the agency’s non-compliance is a contract or collective bargaining agreement that was entered into prior to the date of enactment of this Act.

“(II) RESTRICTIONS.—A local educational agency or State educational agency shall not enter into a new contract or collective bargaining agreement, or renew or extend a contract or collective bargaining agreement, that prevents the local educational agency or State educational agency from meeting the requirements of clause (i) after the date of enactment of the All Students Can Achieve Act.

“(C) PLAN IMPLEMENTATION IN YEARS 1, 2, 3, AND 4.—

“(i) IN GENERAL.—In the case of a school that has been identified as in need of com-

prehensive intervention for less than 5 consecutive years—

“(I) the school shall implement the approved school intervention plan developed under section 1115A; and

“(II) not later than the beginning of the first school year of intervention plan implementation, and for each of the succeeding years if the school remains in need of comprehensive or focused intervention, the local educational agency shall arrange for the provision of supplemental educational services; and

“(III) by not later than 6 weeks before the start of the first school year of intervention plan implementation, the local educational agency serving the school shall notify the parents of the students attending the school of the parents’ right to transfer their child to another public school that is not identified as in need of comprehensive intervention including the out of district transfer program in section 503.

“(ii) PLAN AND PROGRESS REVIEW.—In the case of a school that is required to carry out a comprehensive school improvement plan under this subparagraph, the local educational agency and the State educational agency shall annually review the school’s implementation of the plan and progress for each year that the school is designated as in need of comprehensive intervention.

“(D) RESTRUCTURING PLAN DEVELOPMENT IN YEAR 4.—

“(i) IN GENERAL.—In the case of a school identified as in need of comprehensive intervention for 4 consecutive years, the local educational agency, in consultation with the school and in addition to plan implementation as defined in subparagraph (C), shall, by not later than the end of the year—

“(I) develop a comprehensive restructuring plan, in consultation with school intervention specialists, where available, from the State educational agency, parent and community representatives, and local government officials;

“(II) obtain—

“(aa) approval of the plan from a peer review panel selected by the chief State school officer; and

“(bb) certification by the chief State school officer that the plan meets the requirements of this subparagraph and is designed to ensure that the school will make adequate yearly progress in the succeeding years; and

“(III) make the comprehensive restructuring plan public.

“(ii) RESTRUCTURING OPTIONS.—A comprehensive restructuring plan for a school subject to this subparagraph shall include details sufficient to carry out one of the following as consistent with State law:

“(I) Closing and reopening the school as a charter school even if the addition of such school would exceed the State’s limit on the number of charter schools that may operate in the State, city, county, or region.

“(II) Closing and reopening the school under the management of a private or non-profit organization with a proven record of improving schools.

“(III) Closing and reopening the school under the direct administration of the State educational agency or the chief executive officer of a State or local government entity, such as a governor or mayor.

“(IV) Reassigning the majority of the staff at the school, and ensuring that in the subsequent year the staff serving the school does not have a greater percentage of teachers who are not highly effective than the average percentage of such teachers in the schools served by the local educational agency.

“(iii) MULTIPLE RESTRUCTURING EXCEPTION.—

“(I) EXCEPTION.—Notwithstanding subparagraph (A) or clause (i), if 10 percent or more of the schools served by a local educational agency are required to develop a comprehensive restructuring plan, the local educational agency, with the approval and cooperation of the State educational agency, may carry out the requirements of this subparagraph for a limited number of the lowest performing of such schools, as described in subclause (II).

“(II) LIMITED NUMBER OF SCHOOLS.—The number of schools described in this subclause shall be not less than the greater of—

“(aa) 10 percent of the number of the schools served by the local educational agency; or

“(bb) 1.

“(III) RULE FOR NONSELECTED SCHOOLS.—A school identified for comprehensive restructuring that is not one of the limited number of lowest performing schools under this clause shall be subject to comprehensive restructuring in subsequent years and comparable expenditures under subparagraph (F) unless the school exits comprehensive intervention.

“(E) YEAR 5—COMPREHENSIVE RESTRUCTURING PLAN IMPLEMENTATION.—A school that has been identified as in need of comprehensive intervention for 5 consecutive years, shall, subject to the exemption in subparagraph (D)(iii), fully implement the comprehensive restructuring plan by not later than the end of the year following such identification.

“(F) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude a local educational agency from implementing a policy of carrying out a comprehensive restructuring of a school more quickly than is required by this section.

“(2) FOCUSED INTERVENTION.—

“(A) IDENTIFICATION.—

“(i) IN GENERAL.—If any elementary school or secondary school served under this part does not, for 2 or more consecutive years, make adequate yearly progress as defined in the State’s plan under section 1111(b)(2) but is not identified as in need of comprehensive intervention, the local educational agency shall identify the school as in need of focused intervention with respect to each group of students described in section 1111(b)(2)(C)(v) that did not meet the objectives set by the State under section 1111(b)(2)(G) in the same subject area for both years.

“(ii) TRANSFER TO COMPREHENSIVE INTERVENTION.—In the case of a school that has been identified as in need of focused intervention under clause (i), the school will no longer be under focused intervention if the school does not make adequate yearly progress for 2 consecutive years for groups that collectively contain more than 50 percent of the students.

“(iii) EXITING FOCUSED INTERVENTION.—In the case of a school that has been identified as in need of focused intervention with respect to a focused group and focused subject under clause (i), the school shall continue to be identified as in need of focused intervention and subject to the requirements of this section until the focused group meets or exceeds the objectives set by the State under section 1111(b)(2)(G) for the focused subject for 2 consecutive years.

“(B) DEFINITIONS.—In this paragraph—

“(i) the term ‘focused group’ means the group of students described in subparagraph (A)(i); and

“(ii) the term ‘focused subject’ means each subject area for which the focused group did not meet the objectives set by the State under section 1111(b)(2)(G) for both years.

“(C) MULTIPLE GROUPS.—A school may be identified for focused improvement under this paragraph for more than 1 focused group of students and with respect to more than 1

focused subject, and shall carry out the requirements of this paragraph for each such group and subject.

“(D) PLAN IMPLEMENTATION IN YEARS 1, 2, 3, AND 4.—In the case of a school identified as in need of focused intervention for the same focused group and 1 or more of the same focused subjects for 2 consecutive years—

“(i) the school shall implement the school intervention plan under section 1115A and issue an annual progress report regarding the implementation to the public by not later than the following academic year; and

“(ii) the local educational agency shall target supplemental educational services to students in the focused group while allowing other students to participate in accordance with subsection (E) by not later than the following academic year.

“(E) PUBLIC SCHOOL TRANSFER IN YEAR 1.—In the case of a school identified as in need of focused intervention for the same focused group and 1 or more of the same focused subjects for 2 consecutive years—

“(i) the school shall continue to implement the intervention plan and provide annual progress reports, as required under subparagraph (D)(i);

“(ii) the local educational agency shall continue to provide supplemental educational services under subparagraph (D)(ii); and

“(iii) by not later than 6 weeks before the start of the first school year of intervention plan implementation, the local educational agency serving the school shall notify the parents of the students attending the school of the parents’ right to transfer the students to another public school that is not identified as in need of comprehensive intervention and shall provide such right.

“(F) FOCUSED RESTRUCTURING PLAN DEVELOPMENT IN YEAR 4.—In the case of a school identified as in need of focused intervention for the same focused group and 1 or more of the same focused subjects for 4 consecutive years, the local educational agency, in consultation with the school and in addition to plan implementation as defined in subparagraph (D), shall carry out clauses (i) and (ii).

“(i) IN GENERAL.—The local educational agency, in consultation with school intervention specialists from the local educational agency and the State educational agency, and parent and community representatives, shall—

“(I) develop a focused restructuring plan that may utilize additional school improvement funding provided to the State educational agency;

“(II) obtain certification of the plan from the chief school officer of the local educational agency and the chief State school officer attesting that the plan meets the requirements of this subparagraph and is reasonably designed to ensure that the school will make adequate yearly progress in the succeeding years; and

“(III) after certification, make the focused restructuring plan publicly available.

“(ii) CONTENTS.—A focused restructuring plan for a school subject to this subparagraph shall include a plan to carry out 1 or more of the following as consistent with State law:

“(I) Reassigning the majority of the staff at the school associated with the subgroups that did not meet adequate yearly progress, and ensuring that, in the subsequent year, the staff serving the students in these subgroups do not have a greater percentage of teachers who are not highly effective than the average percentage of such teachers in the schools served by the local educational agency.

“(II) Entering into an agreement with a private or non-profit organization with a proven record of improving schools and

school instruction to manage and staff the instructional areas not meeting adequate yearly progress.

“(G) FOCUSED RESTRUCTURING PLAN IMPLEMENTATION IN YEAR 5.—In the case of a school identified as in need of focused intervention for the same focused group and 1 or more of the same focused subjects for 5 consecutive years, the local educational agency shall implement the certified focused restructuring plan in the following school year.

“(H) CONTINUED PLAN IMPLEMENTATION IN YEAR 6 AND BEYOND.—In the case of a school identified as in need of focused intervention for the same focused group and 1 or more of the same focused subjects for 6 or more consecutive years, the local educational agency shall continue refining the intervention plan and the local educational agency shall use sufficient funds available under this title to carry out extended time instructional programs for students in the focused group.

“(3) GENERAL PROVISIONS.—

“(A) DEADLINE.—The identification of a school as in need of comprehensive intervention under paragraph (1) or focused intervention under paragraph (2) shall take place before the beginning of the school year following the failure to make adequate yearly progress.

“(B) FOCUSED ASSISTANCE SCHOOLS.—To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified as in need of comprehensive intervention or focused intervention under this section, a local educational agency may choose to review the progress of only the students in the school who are served, or are eligible for services, under this part.

“(4) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE; TIME LIMIT.—

“(A) IDENTIFICATION.—Before identifying an elementary school or a secondary school as in need of comprehensive intervention or focused intervention under paragraphs (1) or (2), the local educational agency shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.

“(B) EVIDENCE.—If the principal of a school proposed for identification as in need of comprehensive intervention or focused attention under paragraphs (1) or (2) believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the State educational agency, which shall consider that evidence before making a final determination within 30 days.

“(5) TECHNICAL ASSISTANCE.—

“(A) IN GENERAL.—For each school identified as in need of comprehensive intervention or focused intervention under paragraph (1) or (2), the local educational agency serving the school shall ensure the provision of technical assistance as the school develops and implements the school plan under either such paragraph throughout the plan’s duration.

“(B) SPECIFIC ASSISTANCE.—Such technical assistance—

“(i) shall include assistance in gathering and analyzing data from assessments and other examples of student work, to identify and address—

“(I) problems in instruction; and

“(II) problems, if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan; and

“(III) solutions to such problems;

“(ii) shall include assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school-improvement;

“(iii) shall include assistance in analyzing and revising the school’s budget so that the school’s resources are more effectively allocated to the activities most likely to increase student academic achievement and to remove the school from school-improvement status; and

“(iv) may be provided—

“(I) by the local educational agency, through mechanisms authorized under section 1117; or

“(II) by the State educational agency, an institution of higher education (that is in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, or another entity with experience in helping schools improve academic achievement.

“(C) SCIENTIFICALLY BASED RESEARCH.—Technical assistance provided under this section by a local educational agency or an entity approved by that agency shall be based on scientifically based research.

“(6) INDEPENDENT AUDIT OF SPACE AVAILABILITY.—

“(A) IN GENERAL.—Each local educational agency serving any school identified as in need of comprehensive intervention under paragraph (1) shall annually document (through an independent audit that may be conducted by the State educational agency) the space in public schools served by such agency that are making adequate yearly progress that is available for transfers under paragraph (1)(C) or (2)(E).

“(B) RULE IF INADEQUATE SPACE.—The Secretary shall deem a local educational agency to have met its obligations under paragraph (1)(C) or (2)(E) if—

“(i) an audit under subparagraph (A) determines that the requirements of paragraph (1)(C) or (2)(E) cannot be met because of—

“(I) the lack of physical space, and the inability to reasonably acquire additional physical space (such as the lack of land to place portable classrooms);

“(II) the inability to acquire new classroom space; or

“(III) State and local health or safety laws and regulations; and

“(ii) the local educational agency makes available for transfers under such paragraph all the space determined by the audit to be practically available.

“(7) NOTICE TO PARENTS.—A local educational agency shall promptly provide to a parent or parents of each student enrolled in an elementary school or a secondary school identified for comprehensive intervention or each student in a focused group in an elementary school or secondary school identified for focused intervention (in an understandable and uniform format and, to the extent practicable, in a language the parents can understand)—

“(A) an explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency involved;

“(B) the reasons for the identification;

“(C) an explanation of what the school identified is doing to address the problem of low achievement;

“(D) an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem;

“(E) an explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and

“(F) an explanation of the parents’ option to transfer their child to another public school under paragraph (1)(C) or (2)(E), (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child, under paragraph (1) or (2) and in accordance with subsection (e).

“(8) DELAY.—Notwithstanding any other provision of this paragraph, the local educational agency may delay, for a period not to exceed 1 year, implementation of restructuring if the school makes adequate yearly progress for 1 year or if its failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.

“(9) TRANSPORTATION.—In the case of any school identified as in need of comprehensive intervention or focused intervention that is required to provide public school transfer under paragraph (1)(C) or (2)(E), the local educational agency shall provide, or shall pay for the provision of, transportation for the student to the public school the student attends.

“(10) FUNDS FOR TRANSPORTATION AND SUPPLEMENTAL EDUCATIONAL SERVICES.—

“(A) IN GENERAL.—Unless a lesser amount is needed to comply with paragraph (9) and to satisfy all requests for supplemental educational services under subsection (e), a local educational agency shall spend an amount equal to 20 percent of its allocation under subpart 2, from which the agency shall spend—

“(i) an amount equal to 5 percent of its allocation under subpart 2 to provide, or pay for, transportation under paragraph (8);

“(ii) an amount equal to 5 percent of its allocation under subpart 2 to provide supplemental educational services under subsection (e); and

“(iii) an amount equal to the remaining 10 percent of its allocation under subpart 2 for transportation under paragraph (8), supplemental educational services under subsection (e), or both, as the agency determines.

“(B) TOTAL AMOUNT.—The total amount described in subparagraph (A)(ii) is the maximum amount the local educational agency shall be required to spend under this part on supplemental educational services described in subsection (e).

“(C) INSUFFICIENT FUNDS.—If the amount of funds described in subparagraph (A)(ii) or (iii) and available to provide services under this subsection is insufficient to provide supplemental educational services to each child whose parents request the services, the local educational agency shall give priority to providing the services to the lowest-achieving children.

“(D) PROHIBITION.—A local educational agency shall not, as a result of the application of this paragraph, reduce by more than 15 percent the total amount made available under section 1113(c) to a school described in paragraph (7)(C) or (8)(A) of subsection (b).

“(11) SPECIAL RULES REGARDING SCHOOL TRANSFER.—

“(A) CONTINUATION OF SCHOOLING.—A local educational agency shall permit a child who transferred to another school under this subsection to remain in that school until the child has completed the highest grade in that school. The obligation of the local educational agency to provide, or to provide for,

transportation for the child ends at the end of a school year if the local educational agency determines that the school from which the child transferred is no longer identified for as in need of comprehensive intervention or focused intervention.

“(B) SPECIAL VOLUNTARY SCHOOL CHOICE PROGRAMS.—A local educational agency receiving assistance under this part that offers a voluntary school choice program, other than the program specified in section 1116(i), for students served by the local educational agency, shall not offer such program before first making the voluntary program available to all students in schools served by the local educational agency that are identified as in need of comprehensive intervention or focused intervention, with priority to students in schools identified as in need of comprehensive intervention.

“(C) COOPERATIVE AGREEMENT.—In any case where a local educational agency is required to provide public school transfer under paragraph (1)(C) or (2)(E) and all public schools served by the local educational agency to which a child may transfer are identified as in need of comprehensive intervention, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for a transfer.

“(12) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

“(A) make technical assistance under section 1117 available to schools identified as in need of comprehensive intervention or focused intervention under this subsection consistent with section 1117(a)(2);

“(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this subsection, take such corrective actions as the State educational agency determines to be appropriate and in compliance with State law;

“(C) ensure that academic assessment results under this part are provided to schools before any identification of a school may take place under this subsection; and

“(D) for local educational agencies or schools identified for comprehensive intervention or in need of focused intervention under this subsection, notify the Secretary of major factors that were brought to the attention of the State educational agency under section 1111(b)(9) that have significantly affected student academic achievement.”;

(3) by striking paragraph (1) of subsection (c) and inserting the following:

“(1) SUPPLEMENTAL EDUCATIONAL SERVICES.—The local educational agency serving any school required under paragraph (1) or (2) of subsection (b) to provide supplemental educational services shall, subject to this subsection, arrange for the provision of supplemental educational services to eligible children in the school from a provider with a demonstrated record of effectiveness, that is selected by the parents and approved for that purpose by the State educational agency in accordance with reasonable criteria, consistent with paragraph (5), that the State educational agency shall adopt.”;

(4) in subsection (g), by striking paragraphs (3) and (4) and inserting the following:

“(3) SCHOOL-IMPROVEMENT FOR DEPARTMENT OF INTERIOR SCHOOLS.—

“(A) CONTRACT AND GRANT SCHOOLS.—For a school funded by the Department of Interior which is operated under a contract issued by the Secretary of the Interior pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.) or under a grant issued by the Secretary of the Interior pursuant to the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), the school board of such

school shall be responsible for meeting the requirements of subsection (b) relating to development and implementation of any comprehensive intervention plan or comprehensive restructuring plan as described in subsection (b)(1) or focused intervention plan or focused restructuring plan as described in subsection (b)(2), except for the requirements to provide public school transfer under paragraph (1)(C) or (2)(E) of subsection (b). The Department of Interior shall be responsible for meeting the requirements of subsection (b)(5) relating to technical assistance.

“(B) DEPARTMENT OPERATED SCHOOLS.—For schools operated by the Department of the Interior, the Department shall be responsible for meeting the requirements of subsection (b) relating to development and implementation of any comprehensive intervention plan or comprehensive restructuring plan as described in subsection (b)(1), or focused intervention plan or focused restructuring plan as described in subsection (b)(2), except for the requirements to provide public school transfer under paragraph (1)(C) or (2)(E) of subsection (b).

“(4) CORRECTIVE ACTION AND RESTRUCTURING FOR BUREAU-FUNDED SCHOOLS.—

“(A) CONTRACT AND GRANT SCHOOLS.—For a school funded by the Department of Interior which is operated under a contract issued by the Secretary of the Interior pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.) or under a grant issued by the Secretary of the Interior pursuant to the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), the school board of such school shall be responsible for meeting the requirements of paragraph (1) or (2) of subsection (b). Any action taken by such school board under subsection (b)(1)(D) shall take into account the unique circumstances and structure of the Department of Interior-funded school system and the laws governing that system.

“(B) BUREAU OPERATED SCHOOLS.—For schools operated by the Department of Interior, the Department shall be responsible for meeting the requirements of paragraph (1) or (2) of subsection (b). Any action taken by the Department under subsection (b)(1)(D) shall take into account the unique circumstances and structure of the Department of Interior-funded school system and the laws governing that system.

“(5) ANNUAL REPORT.—On an annual basis, the Secretary of the Interior shall report to the Secretary of Education and to the appropriate committees of Congress regarding any schools funded by the Department of Interior which have been identified for comprehensive intervention or focused intervention. Such report shall include—

“(A) the identity of each school;

“(B) a statement from each affected school board regarding the factors that lead to such identification; and

“(C) an analysis by the Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, as to whether sufficient resources were available to enable such school to achieve adequate yearly progress.”; and (5) in subsection (h), by striking “(b)(14)(D)” and inserting “(b)(12)(D)”.

SEC. 405. COUNTING ALL CHILDREN.

(a) CONFIDENCE INTERVALS.—Subparagraph (G) of section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(G)) is amended by adding at the end the following flush sentence:

“Confidence intervals of not greater than 95 percent may be used for purposes of this subparagraph, except that a school that has implemented a growth model system under section 1120D may not use confidence intervals.”.

(b) NUMBER OF STUDENTS NECESSARY FOR STATISTICALLY RELIABLE INFORMATION.—Section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended by adding at the end the following:

“(n) INSUFFICIENT NUMBER TO YIELD RELIABLE INFORMATION.—For purposes of this section—

“(1) any group of 20 students or more shall be deemed to be sufficient to yield statistically reliable information; and

“(2) the Secretary may, upon the request of a State educational agency, deem a group of students too small if—

“(A) the group consists of more than 20 but less than 31 students; and

“(B) the Secretary determines that the State educational agency has justified, through documented evidence, the need for such an interpretation.”.

SEC. 406. INCLUDING ALREADY-REQUIRED SCIENCE ASSESSMENTS IN ADEQUATE YEARLY PROGRESS.

Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended—

(1) in subparagraph (E), by inserting “Each State, using data for the 2001–2002 school year for mathematics and reading or language arts and data for the 2007–2008 school year for science,” after “Starting Point.”;

(2) by amending subparagraph (F) to read as follows:

“(F) TIMELINE.—Each State shall establish a timeline for adequate yearly progress, which shall ensure that, by the end of—

“(i) the 2013–2014 school year, all students in each group described in subparagraph (C)(v) will meet or exceed the State’s proficient level of academic achievement on the State assessments of mathematics and reading or language arts under paragraph (3); and

“(ii) the 2019–2020 school year, all students in each group described in subparagraph (C)(v) will meet or exceed the State’s proficient level of academic achievement on the State assessments of science under paragraph (3).”; and (3) in paragraph (G)(i), by striking “subsection (a)(3)” and inserting “paragraph (3) and, beginning in the 2008–2009 school year, science.”.

SEC. 407. MATHEMATICS AND SCIENCE PARTNERSHIPS.

Section 2202 (20 U.S.C. 6662) is amended—

(1) by striking subparagraph (C) of subsection (b)(2) and inserting the following:

“(C)(i) a description of how the activities to be carried out by the eligible partnership will be based on a review of scientifically based research on mathematics and science education programs that are effective in improving student academic achievement, which may include programs identified by the Director of the National Science Foundation for replication on a more expansive basis; and

“(ii) an explanation of how the activities are expected to improve student academic achievement and strengthen the quality of mathematics and science instruction.”;

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

“(c) SPECIAL CONSIDERATION.—In awarding grants pursuant to subsection (a)(1) or awarding subgrants pursuant to subsection (a)(2), the Secretary or the State educational agency, respectively, shall give special consideration to eligible partnerships that carry out activities modeled after programs identified by the Director of the National Science Foundation for replication on a more expansive basis.”;

(4) by striking paragraph (2) of subsection (e) (as redesignated by paragraph (2)) and inserting the following:

“(2) NATIONAL SCIENCE FOUNDATION.—In carrying out the activities authorized by this part, the Secretary shall—

“(A) consult with the Director of the National Science Foundation, particularly in the conduct of summer workshops, institutes, or partnerships to improve mathematics and science teaching in elementary schools and secondary schools; and

“(B) consult with the Director of the National Science Foundation regarding the dissemination of model programs identified by the Director of the National Science Foundation to be replicated on a more expansive basis.”;

(5) in subsection (f) (as redesignated by paragraph (2))—

(A) in paragraph (2)—

(i) in subparagraph (B), by striking “and” after the semicolon;

(ii) in subparagraph (C), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(D) shall describe how the activities assisted under this section will be coordinated with other programs to improve mathematics and science academic achievement that are being implemented by the local educational agency that is a member of the partnership.”; and

(B) by adding at the end the following:

“(3) REPORTS.—

“(A) ELIGIBLE PARTNERSHIP REPORTS.—Each eligible partnership receiving a grant or subgrant under this part shall report annually to the Secretary regarding the eligible partnership’s progress in meeting the objectives described in the accountability plan of the partnership under paragraph (2).

“(B) SECRETARY REPORTS.—The Secretary shall annually report to the appropriate committees of Congress on the effectiveness of programs assisted under this part in improving student mathematics and science academic achievement.

“(4) REVOCATION.—If the Secretary or State educational agency, as applicable, determines that an eligible partnership is not making substantial progress in meeting the objectives described in the accountability plan of the partnership under paragraph (2) by the end of the second year of the grant or subgrant under this part, then the Secretary or State educational agency shall not make a grant or subgrant payment under this part to the eligible partnership for the third year of the grant or subgrant.”.

SEC. 408. CHILDREN WITH DISABILITIES AND CHILDREN WHO ARE LIMITED ENGLISH PROFICIENT.

(a) STUDENTS WITH DISABILITIES.—Paragraph (2) of section 1111(b) (20 U.S.C. 6311(b)(2)) is amended by inserting after subparagraph (L) the following:

“(M) STUDENTS WITH DISABILITIES.—

“(i) IN GENERAL.—Subject to clause (ii), in determining whether students with disabilities meet or exceed the objectives set by the State under subparagraph (G)—

“(I) students with significant cognitive disabilities may be assessed against alternative standards using alternative assessments; and

“(II) students described in clause (iii) may be assessed against modified achievement standards that measure the same academic content as the regular student academic achievement standards under paragraph (1)(D).

“(ii) NUMERICAL LIMITS.—

“(I) STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES.—A local educational agency may not claim the exception under clause (i)(I) for more than 1 percent of the students attending schools served by the local educational agency for each school year.

“(II) TOTAL LIMIT.—A local educational agency may not claim the exceptions under subclauses (I) and (II) of clause (i) for more

than 2 percent of the students attending schools served by the local educational agency.

“(iii) STUDENTS ASSESSED WITH MODIFIED STANDARDS.—A student is described in this clause if—

“(I) the student has a disability other than a significant cognitive disability; and

“(II) the Secretary determines by regulations that the type and level of such disability warrants the use of modified achievement standards.

“(iv) SEPARATE STANDARDS.—The determination of whether subclause (I) or (II) of clause (i) applies to a student shall be made separately from other categorizations of disabilities.

“(v) EXCEPTION.—

“(I) Each State educational agency shall provide for necessary exceptions to permit increased limits in this subparagraph where a larger limit is justified, such as a specialized facility in the local educational agency that results in a larger percentage of students than average requiring alternative assessments with alternative or modified standards.

“(II) The State educational agency must provide notification to the Secretary when providing exceptions to a local educational agency and provide an annual report to the Secretary and to the public on all the local educational agencies receiving exemptions under this paragraph. The report shall include the resulting assessment percentages associated with the approved exemptions and such additional information as the Secretary may reasonably require.

“(III) Exceptions should not be granted on the basis of poor or inaccurate identification or the inappropriate use of alternate achievement standards.

“(IV) Exception requests are appropriate where a local educational agency addresses issues such as high rates of students with the most significant cognitive disabilities; circumstances in the local education agency that would explain the higher rates such as specialized health programs or facilities; and documentation that the local educational agency has implemented safeguards that limit the inappropriate use of alternative achievement standards. These safeguards may include implementing State guidelines through the Individualized Educational Plan process; informing parents about the actual achievement of students; reporting, to the extent possible, on test-taking patterns; including these students in the general curriculum; providing information about the use of appropriate accommodations; and ensuring that teachers and other educators participate in appropriate professional development about alternate assessments.

“(vi) STATE PLAN.—Each State plan shall demonstrate how the provisions of this section are to be communicated to all public school principals and special education teachers in the State. The State plan shall also demonstrate that each local educational agency within the State monitors the implementation of this subparagraph to ensure that the subparagraph is uniformly applied to all schools served by such agency.”

(b) STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT.—Paragraph (2) of section 1111(b) of such Act is amended by inserting after subparagraph (M) the following:

“(N) STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT.—

“(i) IN GENERAL.—Notwithstanding this section, a State may—

“(I) exempt a recently arrived limited English proficient student from taking the assessments during the first year that the student is enrolled in a school in the United States, and not include such student in determining the percentage of students en-

rolled in a school that are required to take the assessments under subparagraph (I); and

“(II) choose to not include the assessment results of all recently arrived limited English proficient students in the State for the first year in which the students are enrolled in a school in the United States for the purposes of determining if a group described in subparagraph (C)(v) has met or exceeded the objectives set by the State under subparagraph (G) for a school year.

“(ii) RETENTION IN LIMITED ENGLISH PROFICIENT STUDENT GROUP.—

“(I) IN GENERAL.—Notwithstanding this subparagraph, in determining whether the subgroup of limited English proficient students met or exceeded the objectives for a school or local educational agency, a State may include in such subgroup the assessment results of students who—

“(aa) were limited English proficient, as determined by the State; and

“(bb) whose English proficiency has improved so that the students are no longer limited English proficient, as determined by the State.

“(II) TIME PERIOD.—A State may include a student described in subclause (I) in the subgroup of limited English proficient students only during the 3 school years following the determination that the student is no longer limited English proficient.

“(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to relieve a State or local educational agency from its responsibility under applicable law to provide recently arrived limited English proficient students and students who were limited English proficient but who are no longer limited English proficient, as determined by the State, with appropriate instruction to assist such students in gaining English-language proficiency as well as meeting or exceeding the proficient levels of achievement in mathematics, reading or language arts, and science.”

SEC. 409. EARLY CHILDHOOD DEVELOPMENT.

Paragraph (1) of section 1116(b) (20 U.S.C. 6316(b)) is amended by adding at the end the following new subparagraph:

“(G) EARLY CHILDHOOD EDUCATION IMPROVEMENT.—

“(i) IN GENERAL.—In the case of an elementary school identified as in need of comprehensive or focused intervention, the local educational agency shall administer developmental screens and assessments to preschool and kindergarten students who are enrolled in the school or as provided for in clause (iv), for purposes of—

“(I) identifying areas for which instructional intervention is necessary in the areas of pre-literacy and pre-numeracy for each cohort of preschool or kindergarten students;

“(II) improving instruction and services being offered to preschool and kindergarten students; and

“(III) determining whether diagnostic assessments are necessary to identify needed interventions, including in the areas of literacy and mathematics.

“(ii) DEVELOPMENT SCREENS AND ASSESSMENTS.—The developmental screens and assessments described in clause (i) shall be screens and assessments scientifically determined to be valid, reliable, and appropriate for the population for whom the screens and assessments are being used.

“(iii) RESTRICTIONS ON USE.—The results of the screens and assessments described in clause (i) shall be used for improving instruction and services, and shall not be used for accountability-based decisions regarding students, schools, or local educational agencies.

“(iv) EARLIEST GRADE.—An elementary school that does not have preschool or kin-

dergarten shall administer such screens and assessments before or during entrance into the earliest grade offered by the school.”

SEC. 410. ADJUNCT TEACHER CORPS.

Subpart 3 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6711 et seq.) is amended to read as follows:

“Subpart 3—Adjunct Teacher Corps

“SEC. 2341. DECLARATION OF PURPOSE.

“It is the purpose of this subpart to create opportunities for professionals and other individuals with subject-matter expertise to teach secondary school courses in the core academic subjects, particularly mathematics, science, and critical foreign languages, on an adjunct basis.

“SEC. 2342. ADJUNCT TEACHER PROGRAM.

“(a) PROGRAM AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to recruit and train well-qualified individuals to serve as adjunct teachers in secondary school courses in the core academic subjects, and to place such individuals as adjunct teachers in secondary schools.

“(b) ELIGIBLE ENTITY.—For the purpose of this subpart, an eligible entity is—

“(1) a local educational agency;

“(2) a public or private entity (which may be a State educational agency); or

“(3) a partnership consisting of a local educational agency and a public or private entity.

“(c) DURATION OF GRANTS.—The Secretary shall award each grant under this subpart for a period of not more than 5 years.

“(d) PRIORITIES.—In awarding grants under this subpart, the Secretary shall give priority to eligible entities that propose to—

“(1) serve local educational agencies that have a large number or percentage of students performing below grade level, including local educational agencies that are not making adequate yearly progress as defined in the State plan under section 1111(b)(2);

“(2) recruit and train adjunct teachers in mathematics, science, or critical foreign languages, and provide schools with the adjunct teachers; and

“(3) recruit adjunct teachers to serve in schools that have an insufficient number of teachers with expertise in the subjects the adjunct teachers will teach.

“(e) APPLICATION.—

“(1) IN GENERAL.—An eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) CONTENTS.—The application shall, at a minimum, include a description of—

“(A) the need for, and expected benefits of using, adjunct teachers in the participating schools, which may include information on the difficulty participating schools face in recruiting effective faculty and the achievement levels of students in those schools;

“(B) the goals and objectives for the project, including the number of adjunct teachers the eligible entity intends to place in classrooms and the specific gains in academic achievement intended to be achieved;

“(C) how the eligible entity will recruit experienced individuals and appropriate public and private entities to participate in the program;

“(D) the participating schools at which, and the grade levels and subjects in which, the eligible entity proposes to have the adjunct faculty teach;

“(E) how the eligible entity will use funds received under this subpart, including how the eligible entity will use funds to evaluate the success of the program;

“(F) how the eligible entity will ensure that low-income students, defined through

their eligibility for free and reduced-price lunches under the Richard B. Russell National School Lunch Act, in participating schools and local educational agencies will, during the period of the grant, receive instruction in the core academic subjects from a teacher with expertise in the subject taught;

“(G) the eligible entity’s commitment, after the project period ends, to continue to hire and employ adjunct teachers, as needed, to teach secondary school courses, particularly mathematics, science, and critical foreign languages; and

“(H) how the eligible entity will overcome legal, contractual, or administrative barriers to the employment of adjunct faculty in each participating State educational agency or local educational agency.

“(f) USES OF FUNDS.—Each eligible entity that receives a grant under this subpart shall use the grant funds only to carry out 1 or more of the following:

“(1) To develop the capacity of the local educational agency or the State educational agency participating in the eligible entity to identify, recruit, and train qualified individuals outside of the elementary and secondary education system (including individuals in business and government, and individuals who would participate through distance-learning arrangements) to become adjunct teachers.

“(2) To provide financial incentives to adjunct teachers.

“(3) To reimburse outside entities for the costs associated with allowing an employee to serve as an adjunct teacher, except that the costs shall not exceed the corresponding total costs of salary and benefits for teachers with comparable experience or expertise in the local educational agency.

“(4) To collect and report such performance information as the Secretary may require, including information needed for the national evaluation conducted under subsection (h).

“(g) MATCHING REQUIREMENT.—Each eligible entity that receives a grant under this section shall match the grant funds with non-Federal funds, in cash or in kind.

“(h) NATIONAL EVALUATION.—From the amount made available for any fiscal year under subsection (k), the Secretary shall reserve such sums as may be necessary to conduct an independent evaluation, by grant or by contract, of the adjunct teacher corps program carried out under this subpart, which shall include an assessment of the impact of the program on student academic achievement. The Secretary shall report the results of this evaluation to the appropriate committees of Congress.

“(i) PROGRAM PERFORMANCE.—

“(1) FINAL REPORT.—Each eligible entity receiving a grant under this section shall prepare and submit to the Secretary a final report on the results of the grant that shall include—

“(A) information on the academic achievement of students receiving instruction from an adjunct teacher; and

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

“(2) CONTENTS.—The information required for the report under this subsection shall be—

“(A) reported in a manner that provides for a comparison of student achievement data prior to, during, and after implementation of the adjunct teacher corps program under this subpart; and

“(B) disaggregated by race, ethnicity, disability status, limited English proficient status, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which—

“(i) the number of students in a category is insufficient to yield statistically reliable information; or

“(ii) the result would reveal personally identifiable information about an individual student.

“(j) DEFINITIONS.—In this subpart:

“(1) ADJUNCT TEACHER.—The term ‘adjunct teacher’ means a teacher who—

“(A) possesses, at a minimum, a baccalaureate degree;

“(B) has demonstrated expertise in the subject matter the teacher teaches;

“(C) during the first year assists the teacher of record or shall receive other mentoring services;

“(D) is subject to the same teacher effectiveness provisions as other teachers; and

“(E) is not required to meet the other requirements of section 9101(23).

“(2) CRITICAL FOREIGN LANGUAGE.—The term ‘critical foreign language’ means a foreign language considered most critical to ensure future United States national security and economic prosperity, as determined by the Secretary.

“(3) SECONDARY SCHOOL COURSE.—The term ‘secondary school course’ means a course in 1 of the core academic subjects (as that term is defined in section 9101) provided to students in grades 6 through 12.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart \$25,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding years.”

TITLE V—ENHANCEMENTS

SEC. 501. PURPOSES.

The purposes of this title are to—

(1) permit low-income students in schools not making adequate yearly progress with the option to go to another public school outside of their own district and have Federal funds follow the child;

(2) provide incentives for the equitable distribution of funds to public charter schools;

(3) improve programs for parental involvement;

(4) provide evidence-based intervention models to improve access to early intervention, early identification, and improved academic outcomes for all students;

(5) incorporate universal design for learning properties to provide a research-based framework for designing curricula including goals, teaching methods, instructional materials, and assessments, that enables all individuals to gain knowledge, skills, and enthusiasm for learning;

(6) double over 3 years the research and development investment to develop innovative education models and strengthen the scientifically based information necessary under the Elementary and Secondary Education Act of 1965;

(7) expand access to supplemental educational services;

(8) increase support for foster children and youth;

(9) disaggregate graduation rates and hold schools accountable for closing the achievement gap in graduation rates; and

(10) develop high school improvement plans.

SEC. 502. AUTHORIZATIONS.

For the purpose of carrying out this title, in addition to other amounts already authorized, there are to be appropriated \$750,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.

SEC. 503. PUBLIC SCHOOL CHOICE.

Section 1116 (20 U.S.C. 6316) is amended by adding at the end the following:

“(1) OUT-OF-DISTRICT TRANSFER PROGRAM TO ANOTHER PUBLIC SCHOOL.—

“(1) PROGRAM AUTHORIZED.—From amounts authorized under paragraph (5), the Secretary is authorized to make payments to local education agencies on behalf of eligible

students attending schools that are in need of comprehensive intervention, to enable such students to transfer to elementary or secondary schools served by other local educational agencies.

“(2) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE STUDENT.—the term ‘eligible student’ means an elementary or secondary school student who—

“(i) is from a low-income family as determined by eligibility for free and reduced-price lunches under the Richard B. Russell National School Lunch Act;

“(ii) at the time of application, is enrolled in a school that is in need of comprehensive intervention; and

“(iii) is unable to take advantage of public school choice under subsection (b)(1)(D) because—

“(I) all public schools in the local educational agency for the student’s grade are identified as in need of comprehensive intervention; or

“(II) all public schools that are not so identified do not have availability to take additional students.

“(B) RECEIVING SCHOOL.—The term ‘receiving school’ means a public elementary or secondary school that—

“(i) is served by a local educational agency and is located nearby the student’s home school;

“(ii) is not identified as being in need of comprehensive intervention for the school year preceding the year the student participates in the program under this subsection; and

“(iii) agrees to accept students participating in the program under this subsection.

“(3) AWARD BASIS.—If the amounts appropriated under paragraph (5) for a fiscal year are not sufficient to award payments, the Secretary shall give a priority to students in States or localities that offer matching grants or cost sharing with the Federal funding.

“(4) PAYMENTS.—

“(A) IN GENERAL.—For each student that participates in the program under this section, the Secretary shall make a payment to the local educational agency that serves the receiving school that accepts such student, to be used toward the costs of providing a quality public education to the eligible students.

“(B) AMOUNT.—The amount of a payment provided on behalf of a student under this section shall be up to \$5,000 a year, of which—

“(i) not more than the average amount of Federal funds per student from title I and title V of the Elementary and Secondary Education Act of 1965 in the originating local educational agency shall be transferred from the originating local educational agency of the school in need of comprehensive intervention to the receiving local educational agency;

“(ii) not more than \$4,000 shall be used by the receiving local educational agency for tuition, fees, and transportation related to providing public education to eligible students; and

“(iii) not more than \$1,000 shall be used to provide mentoring for eligible students transferring to the new school and to offer parental involvement programs for the eligible student.

“(5) AUTHORIZATION OF APPROPRIATIONS.—From the amounts authorized to be appropriated under section 502 of the All Students Can Achieve Act, there are authorized to be appropriated to carry out this section \$50,000,000 for fiscal year 2008 and for the 4 succeeding fiscal years.”

SEC. 504. PUBLIC CHARTER SCHOOLS.

(a) IDEA AND CHARTER SCHOOLS.—Section 5205(a) (20 U.S.C. 7221(d)) is amended by adding at the end the following:

“(6) To provide technical assistance to public charter schools on how to meet the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).”

(b) Charter School Equitable Funding.—Section 5202(e)(3) (20 U.S.C. 7221e(e)(3)) is amended by adding at the end the following:

“(D) The State—

“(i) provides public charter schools with funding commensurate with that provided to other public schools, including provision for school facilities; and

“(ii) ensures that each local educational agency sends to the charter schools the Federal, State and local dollars to which the charter schools are entitled in a timely manner.”

(c) AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC CHARTER SCHOOL PROGRAMS.—Section 5211 (20 U.S.C. 7221j) is amended to read as follows:

“SEC. 5211. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated—

“(1) to carry out this subpart (except for section 5205(b)), \$250,000,000 for fiscal year 2008 and each of the 4 succeeding fiscal years; and

“(2) to carry out section 5205(b), \$30,000,000 for fiscal year 2008 and each of the 4 succeeding fiscal years.”

SEC. 505. PARENTAL INVOLVEMENT.

Section 1118 (20 U.S.C. 6318) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (E), by striking “and” after the semicolon;

(B) in subparagraph (F), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(G) in the case of a State where a parental information and resource center is established, integrate the center in the policy and utilize the center to—

“(i) disseminate information and materials to parents; and

“(ii) provide valuable assistance to schools that have not achieved adequate yearly progress.”; and

(2) by striking subsection (h) and inserting the following:

“(h) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—

“(1) REVIEW.—Each State educational agency receiving assistance under this part shall review the local educational agency’s parental involvement policies and practices to determine if the policies and practices meet the requirements of this section.

“(2) OVERSIGHT.—Each State educational agency receiving assistance under this part shall designate an office or position within the State educational agency that shall—

“(A) oversee the proper implementation of the requirements pertaining to parental involvement of this part;

“(B) maintain records of all comments made to or about any local educational agency in the State with respect to the local educational agency’s development and implementation of the parental involvement policy under subsection (a); and

“(C) in the case of a State that has a parental information and resource center, annually prepare and submit a report to the center that includes, for each local educational agency and public school in the State, that—

“(i) lists the scores for each local educational agency and public school in the State on the State academic assessments for each group described in section 1111(b)(2)(C)(v);

“(ii) lists each agency or school’s result for each indicator of adequate yearly progress, as defined under section 1111(b)(3)(C), for each such group; and

“(iii) provides information on each agency or school’s compliance with the requirements pertaining to parental involvement under this part.”

SEC. 506. RESPONSE TO INTERVENTION.

(a) INCLUSION IN LOCAL EDUCATIONAL AGENCY PLANS UNDER SECTION 1112.—Subparagraph (C) of section 1112(b)(1) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the semicolon “, such as through an evidence-based intervention model described in section 1114(b)(1)(B)(v)”.

(b) INCLUSION IN SCHOOLWIDE REFORM STRATEGIES OF SCHOOLS UNDER SECTION 1114.—Subparagraph (B) of section 1114(b)(1) of such Act is amended—

(1) by striking “and” at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting a semicolon; and

(3) by adding at the end the following new clauses:

“(iv) coordinate with early intervening services under section 613(f) of the Individuals with Disabilities Education Act; and

“(v) provide evidence-based intervention models that include high-quality instruction, universal screening, progress monitoring, research-based interventions matched to student needs, and educational decision-making using learning rate over time and level of performance.”

(c) INCLUSION IN READING FIRST STRATEGIES.—Clause (ii) of section 1202(c)(7)(A) of such Act is amended—

(1) by striking “and” at the end of subclause (I);

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

(3) by adding at the end the following new subclause:

“(III) includes an evidence-based intervention model described in section 1114(b)(1)(B)(v) to support the activities required or permitted under this paragraph.”

(d) INCLUSION IN PROFESSIONAL DEVELOPMENT FUNDING.—

(1) SECTION 2113(C)(2).—Paragraph (2) of section 2113(c) of such Act is amended—

(A) by striking “and” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(C) enable teachers to provide services under an evidence-based intervention model described in section 1114(b)(1)(B)(v).”

(2) SECTION 2123(A)(3)(B).—Subparagraph (B) of section 2123(a)(3) of such Act is amended—

(A) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively; and

(B) by inserting after clause (iii) the following new clause:

“(iv) provide training to enable teachers to provide services under an evidence-based intervention model described in section 1114(b)(1)(B)(v).”

SEC. 507. UNIVERSAL DESIGN FOR LEARNING.

(a) SECTION 111(B)(1)(D)(i).—Section 1111(b)(1)(D)(i) of such Act is amended—

(1) by striking “and” at the end of subclause (II); and

(2) by adding at the end the following new subclause:

“(IV) may incorporate the principals of universal design for learning.”

(b) SECTION 1111(B)(3)(C).—Section 1111(b)(3)(C) of such Act is amended—

(1) by striking “and” at the end of clause (xiv);

(2) by striking the period and adding “; and” to the end of clause (xv); and

(3) by adding at the end a new clause:

“(xvi) to the extent feasible, be universally designed assessments that are designed from

the outset to enable all students, including those with disabilities, to demonstrate their knowledge, skills, and abilities in accordance with intended learning standards and instructional goals.

Based on the principles of universal design for learning, such assessments—

“(I) minimize the effect of construct-irrelevant factors, such as physical, sensory, cultural, learning, or cognitive disabilities, or language barriers, that may interfere with the accuracy of the assessment; and

“(II) provide appropriate supports for students to demonstrate the knowledge, skills, and abilities according to the intended learning standards.”

(c) SECTION 1111(C).—Section 1111(c) of such Act is amended—

(1) by striking “and” at the end of paragraph (13);

(2) by striking the period and adding “; and” at the end of paragraph (14); and

(3) by adding at the end a new paragraph:

“(15) the State educational agency, to the extent that it is involved in selecting and recommending textbooks and other instructional materials, will encourage the purchase of textbooks and materials that are consistent with the principles of universal design for learning.”

(d) SECTION 1111(H)(5).—Section 1111(h)(5) of such Act is amended by striking the period and inserting the following: “a comprehensive plan developed in consultation with the experts in the field and stakeholders to address the implementation of universal design for learning. The plan must be sufficiently detailed to provide substantial guidance for activities that include research, model demonstrations, technical assistance and dissemination, technology innovations, personnel preparation, staff development and other means to develop and apply universal design for learning to standards, curriculum, teaching methods, instructional materials and assessments. The plan shall include proposed funding levels and timelines for implementing the various research, development and dissemination activities, and other components of the plan.”

(e) SECTION 1112(C)(1).—Section 1112(c)(1) of such Act is amended—

(1) by striking “and” at the end of subclause (N);

(2) by striking the period and adding “; and” at the end of subclause (O); and

(3) by adding at the end the following:

“(P) Encourage the use of curriculum, teaching methods, instructional materials and assessments that are consistent with the principles of universal design for learning.”

(f) SECTION 2112(B).—Section 2112(b) of such Act is amended by adding at the end the following:

“(12) A description of how the State educational agency will use funds under this part to provide training in the use of teaching methods consistent with the principles of universal design for learning.”

(g) SECTION 2112(C)(2).—Section 2112(c)(2) of such Act is amended by inserting “general and special education” after “involvement of”, and inserting “consistent with the principle of universal learning” after “teaching skills”.

(h) SECTION 2402(A).—Section 2402(a) of such Act is amended by adding at the end the following:

“(9) To permit the purchase and implementation of universally designed technology, including staff development and technical support; to ensure that all students, including those with disabilities, will have an opportunity to benefit from the integration of technology into the general education curriculum; to provide frequent experiences in the use of universally designed technologies

that may be applied to large scale assessments; and to measure the impact of universally designed technologies on the learning and achievement of all learners.”.

(i) SECTION 6111(L).—Section 6111(L) of such Act is amended by inserting “and universally designed assessments under section 1111(b)(3)(C)(xvi)” after “required by section 1111(b)”.

(j) SECTION 9101.—Section 9101 of such Act is amended by adding at the end the following:

“(44) UNIVERSAL DESIGN.—The term ‘universal design’, as defined in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002), means a concept or philosophy for designing and delivering products and services that are usable by people with the widest range of possible functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

“(45) UNIVERSAL DESIGN FOR LEARNING.—The term ‘universal design for learning’ extends the concept of universal design to the field of education. It is a research-based framework for designing curriculum, including goals, methods, materials, and assessments, that enables all individuals to gain knowledge, skills, and enthusiasm for learning. Universal design for learning provides curricular flexibility (in activities, in the ways information is presented, in the ways students respond or demonstrate knowledge, and in the ways students are engaged) to reduce barriers, provide appropriate supports and challenges, and maintain high achievement standards for all students, including students with disabilities.

“(46) UNIVERSALLY DESIGNED TECHNOLOGY.—The term ‘universally designed technology’ means hardware and software that—

“(A) include the features necessary for use by all learners or supports integration with the necessary assistive hardware and software technologies to ensure that the hardware and software are accessible and optimized for all learners; and

“(B) provide flexibility in the ways that information is presented, in the ways that students respond or demonstrate knowledge, and in the ways in which students are engaged in order to provide appropriate support and challenge and enhance the performance for a typically diverse spectrum of learners.”.

SEC. 508. DOUBLING SCIENTIFIC-BASED EDUCATION RESEARCH AT DEPARTMENT OF EDUCATION.

There are authorized to be appropriated for research, development, and dissemination activities for the Institute of Education Sciences of the Department of Education—

- (1) \$163,000,000 for fiscal year 2008;
- (2) \$218,000,000 for fiscal year 2009;
- (3) \$272,000,000 for fiscal year 2010;
- (4) \$326,000,000 for fiscal year 2011; and
- (5) \$380,000,000 for fiscal year 2012;

To enhance research and development on primary and secondary education reform through scientifically based research and innovative models for education and learning.

SEC. 509. SUPPLEMENTAL EDUCATIONAL SERVICES.

(a) USE OF SCHOOL FACILITIES IN PROVIDING SUPPLEMENTAL EDUCATIONAL SERVICES.—Paragraph (2) of section 1116(e) of such Act is amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(3) by inserting after subparagraph (D) the following new subparagraph:

“(E) establish a process (which may include, after consultation with parents receiving such services, reasonable limits) for ap-

proved providers to provide such services at schools which otherwise permit nonschool-affiliated groups to use school facilities.”.

(b) USE OF MULTI-DISTRICT CONSORTIUMS TO SATISFY SES REQUIREMENTS.—Subsection (e) of section 1116 of such Act is amended—

(1) by redesignating paragraph (12) as paragraph (13); and

(2) by inserting after paragraph (11) the following new paragraph:

“(12) CONSORTIUMS.—
“(A) USE OF MULTI-DISTRICT CONSORTIUMS TO SATISFY SES REQUIREMENTS.—Local educational agencies may form consortiums to carry out the functions of such agencies under this subsection.

“(B) POOLING OF ELIGIBLE STUDENTS.—Nothing in this section shall be construed to prohibit students eligible for supplemental educational services from pooling together to attract additional provider options.”.

SEC. 510. INCREASING SUPPORT FOR FOSTER CHILDREN AND YOUTH.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) SECTION 1112(B)(1)(E)(II).—Section 1112(b)(1)(E)(ii) of the Elementary and Secondary Education Act of 1965 is amended by inserting “foster children and youth,” after “homeless children.”.

(2) SECTION 1112(B)(1)(O).—Section 1112(b)(1)(O) of the Elementary and Secondary Education Act of 1965 is amended by inserting “and foster children and youth” after “homeless children.”.

(3) SECTION 1113(B)(3)(A).—Section 1113(b)(3)(A) of the Elementary and Secondary Education Act of 1965 is amended by inserting “and foster children and youth” after “homeless children.”.

(4) SECTION 1115(B)(2).—Section 1115(b)(2) of the Elementary and Secondary Education Act is amended by inserting at the end the following:

“(F) FOSTER CHILDREN AND YOUTH.—A child or youth who is in the foster care system and attending any school served by the local educational agency is eligible for services under this part.”.

“Subtitle B—Education for Eligible Children and Youths

“SEC. 721. STATEMENT OF POLICY.

“The following is the policy of the Congress:

“(1) Each State educational agency shall ensure that each child of a homeless individual and each eligible child or youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

“(2) In any State that has a compulsory residency requirement as a component of the State’s 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 eligible children and youths, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that eligible children and youths are afforded the same free, appropriate public education as provided to other children and youths.

“(3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.

“(4) Eligible children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

“SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF ELIGIBLE CHILDREN AND YOUTHS.

“(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in ac-

cordance with the provisions of this section to enable such States to carry out the activities described in subsections (d) through (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) ALLOCATION.—(A) Subject to subparagraph (B), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724(d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except that no State shall receive less than the greater of—

“(i) \$150,000;

“(ii) one-fourth of 1 percent of the amount appropriated under section 726 for that year; or

“(iii) the amount such State received under this section for fiscal year 2001.

“(B) If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (A), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

“(2) RESERVATIONS.—(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.

“(B)(i) The Secretary shall transfer 1 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 (25 U.S.C. 450 et seq.), that are consistent with the purposes of the programs described in this subtitle.

“(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this subtitle, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

“(3) STATE DEFINED.—For purposes of this subsection, the term ‘State’ does not include the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.

“(d) ACTIVITIES.—Grants under this section shall be used for the following:

“(1) To carry out the policies set forth in section 721 in the State.

“(2) To provide activities for, and services to, eligible children and youths (including eligible children and youths of preschool age) that enable children and youths described in this paragraph to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs.

“(3) To establish or designate an Office of Coordinator for Education of Homeless Children and Youths in the State educational agency in accordance with subsection (f).

“(4) To prepare and carry out the State plan described in subsection (g).

“(5) To develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of eligible children and youths.

“(e) STATE AND LOCAL SUBGRANTS.—

“(1) MINIMUM DISBURSEMENTS BY STATES.—From the sums made available each year to carry out this subtitle, the State educational agency shall distribute not less than 75 percent in subgrants to local educational agencies for the purposes of carrying out section 723, except that States funded at the minimum level set forth in subsection (c)(1) shall distribute not less than 50 percent in subgrants to local educational agencies for the purposes of carrying out section 723.

“(2) USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use funds made available for State use under this subtitle to conduct activities under subsection (f) directly or through grants or contracts.

“(3) PROHIBITION ON SEGREGATING ELIGIBLE CHILDREN AND YOUTHS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free public education to an eligible child or youth, no State receiving funds under this subtitle shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as an eligible child or youth.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of eligible children or youths in schools, a State that has a separate school for eligible children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if—

“(i) the school meets the requirements of subparagraph (C);

“(ii) any local educational agency serving a school that the eligible children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and

“(iii) the State is otherwise eligible to receive funds under this subtitle.

“(C) SCHOOL REQUIREMENTS.—For the State to be eligible under subparagraph (B) to receive funds under this subtitle, the school described in such subparagraph shall—

“(i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that—

“(I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);

“(II) sets forth the general rights provided under this subtitle;

“(III) specifically states—

“(aa) the choice of schools eligible children and youths are eligible to attend, as provided in subsection (g)(3)(A);

“(bb) that no eligible child or youth is required to attend a separate school for eligible children or youths;

“(cc) that eligible children and youths shall be provided comparable services described in subsection (g)(4), including transportation services, educational services, and meals through school meals programs; and

“(dd) that eligible children and youths should not be stigmatized by school personnel; and

“(IV) provides contact information for the local liaison for eligible children and youths

and the State Coordinator for Education of Homeless Children and Youths;

“(ii)(I) provide assistance to the parent or guardian of each eligible child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of schools, as provided in subsection (g)(3)(A); and

“(II) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

“(iii) ensure that the parent or guardian (or, in the case of an unaccompanied youth, the youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

“(iv) demonstrate in the school's application for funds under this subtitle that such school—

“(I) is complying with clauses (i) and (ii); and

“(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with sections 1111 and 1116 of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

“(D) SCHOOL INELIGIBILITY.—A separate school described in subparagraph (B) that fails to meet the standards, regulations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

“(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B)(ii) shall—

“(i) implement a coordinated system for ensuring that eligible children and youths—

“(I) are advised of the choice of schools provided in subsection (g)(3)(A);

“(II) are immediately enrolled, in accordance with subsection (g)(3)(C), in the school selected under subsection (g)(3)(A); and

“(III) are promptly provided necessary services described in subsection (g)(4), including transportation, to allow eligible children and youths to exercise their choices of schools under subsection (g)(3)(A);

“(ii) document that written notice has been provided—

“(I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school under subparagraph (B); and

“(II) in accordance with subsection (g)(6)(A)(v);

“(iii) prohibit schools within the agency's jurisdiction from referring eligible children or youths to, or requiring eligible children and youths to enroll in or attend, a separate school described in subparagraph (B);

“(iv) identify and remove any barriers that exist in schools within the agency's jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and

“(v) not use funds received under this subtitle to establish—

“(I) new or additional separate schools for eligible children or youths; or

“(II) new or additional sites for separate schools for eligible children or youths, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.

“(F) REPORT.—

“(i) PREPARATION.—The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph. The report shall contain, at a minimum, information on—

“(I) compliance with all requirements of this paragraph;

“(II) barriers to school access in the school districts served by the local educational agencies; and

“(III) the progress the separate schools are making in integrating eligible children and youths into the mainstream school environment, including the average length of student enrollment in such schools.

“(ii) COMPLIANCE WITH INFORMATION REQUESTS.—For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinator for Education of Homeless Children and Youths established in the State under subsection (d)(3), and shall comply with any requests for information by the Secretary and State Coordinator for such State.

“(iii) SUBMISSION.—Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall submit the report described in clause (i) to—

“(I) the President;

“(II) the Committee on Education and the Workforce of the House of Representatives; and

“(III) the Committee on Health, Education, Labor, and Pensions of the Senate.

“(G) DEFINITION.—For purposes of this paragraph, the term ‘covered county’ means—

“(i) San Joaquin County, California;

“(ii) Orange County, California;

“(iii) San Diego County, California; and

“(iv) Maricopa County, Arizona.

“(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator for Education of Homeless Children and Youths established in each State shall—

“(1) gather reliable, valid, and comprehensive information on the nature and extent of the problems eligible children and youths have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youths, 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 programs under this subtitle in allowing eligible children and youths to enroll in, attend, and succeed in, school;

“(2) develop and carry out the State plan described in subsection (g);

“(3) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, a report containing such information as the Secretary determines is necessary to assess the educational needs of eligible children and youths within the State;

“(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies (including agencies providing mental health services) to provide services to eligible children and youths (including eligible children and youths of preschool age), and to families of children and youths described in this paragraph;

“(5) in order to improve the provision of comprehensive education and related services to eligible children and youths and their families, coordinate and collaborate with—

“(A) educators, including child development and preschool program personnel;

“(B) providers of services to foster, runaway, and eligible children and youths, and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for eligible children and youth);

“(C) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for eligible children and youths; and

“(D) community organizations and groups representing eligible children and youths and their families; and

“(6) provide technical assistance to local educational agencies in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of section 722(e)(3) and paragraphs (3) through (7) of subsection (g).

“(g) STATE PLAN.—

“(1) IN GENERAL.—Each State shall submit to the Secretary a plan to provide for the education of eligible children and youths within the State. Such plan shall include the following:

“(A) A description of how such children and youths are (or will be) given the opportunity to meet the same challenging State academic achievement standards all students are expected to meet.

“(B) A description of the procedures the State educational agency will use to identify such children and youths in the State and to assess their special needs.

“(C) A description of procedures for the prompt resolution of disputes regarding the educational placement of eligible children and youths.

“(D) A description of programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of foster, runaway, and eligible children and youths.

“(E) A description of procedures that ensure that eligible children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs.

“(F) A description of procedures that ensure that—

“(i) eligible children and youths of preschool age have equal access to the same public preschool programs, administered by the State agency, as provided to other children in the State;

“(ii) eligible children and youths of secondary school age and youths separated from the public schools are identified and accorded equal access to appropriate secondary education and support services; and

“(iii) eligible children and youths who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs.

“(G) Strategies to address problems identified in the report provided to the Secretary under subsection (f)(3).

“(H) Strategies to address other problems with respect to the education of eligible children and youths, including problems resulting from enrollment delays that are caused by—

“(i) immunization and medical records requirements;

“(ii) residency requirements;

“(iii) lack of birth certificates, school records, or other documentation;

“(iv) guardianship issues; or

“(v) uniform or dress code requirements.

“(I) A demonstration that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove bar-

riers to the enrollment and retention of eligible children and youths in schools in the State.

“(J) Assurances that—

“(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that eligible children and youths are not stigmatized or segregated on the basis of their status as eligible children and youths;

“(ii) local educational agencies will designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a local educational agency liaison for eligible children and youths, to carry out the duties described in paragraph (6)(A); and

“(iii) the State and its local educational agencies will adopt policies and practices to ensure that transportation is provided, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, as determined in paragraph (3)(A), in accordance with the following, as applicable:

“(I) If the eligible child or youth continues to live in the area served by the local educational agency in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.

“(II) If the eligible child's or youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency in which the eligible child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

“(2) COMPLIANCE.—

“(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

“(B) COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

“(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

“(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the child's or youth's best interest—

“(i) continue the child's or youth's education in the school of origin for the duration of homelessness, or jurisdiction of the public child welfare agency, as the case may be—

“(I) in any case in which a family becomes homeless between academic years or during an academic year; or

“(II) in any case in which a child or youth is placed in the jurisdiction of the public child welfare agency between academic years or during an academic year; or

“(III) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

“(ii) enroll the child or youth in any public school that students who are not eligible children and youths and who live in the attendance area in which the child or youth is actually living are eligible to attend.

“(B) BEST INTEREST.—In determining the best interest of the child or youth under sub-

paragraph (A), the local educational agency shall—

“(i) to the extent feasible, keep an eligible child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian;

“(ii) provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the eligible child's or youth's parent or guardian, if the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian; and

“(iii) in the case of an unaccompanied youth, ensure that the liaison designated under paragraph (1)(J)(ii) assists in placement or enrollment decisions under this subparagraph, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E).

“(C) ENROLLMENT.—(i) The school selected in accordance with this paragraph shall immediately enroll the eligible child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

“(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

“(iii) If the child or youth needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations, or immunization or medical records, in accordance with subparagraph (D).

“(D) RECORDS.—Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each eligible child or youth shall be maintained—

“(i) so that the records are available, in a timely fashion, when a child or youth enters a new school or school district; and

“(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

“(E) ENROLLMENT DISPUTES.—If a dispute arises over eligibility for school services, school selection, enrollment in a school, or any other issue under this subtitle—

“(i) the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

“(ii) (I) the unaccompanied youth or the parent or guardian of the child or youth shall be provided with written explanations of any related decisions made by the school, the local educational agency, or the State educational agency, which shall include information about the right to appeal the decisions; and

“(II) if the child or youth is in out-of-home care, the responsible local child welfare agency and the court involved shall also be provided with such written explanation and shall, in turn, provide such written explanations to individuals involved in the child's or youth's care, as appropriate;

“(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of the dispute; and

“(iv) in the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute, including all available appeals.

“(F) PLACEMENT CHOICE.—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.

“(G) SCHOOL OF ORIGIN DEFINED.—In 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.

“(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of an eligible child to submit contact information.

“(4) COMPARABLE SERVICES.—Each eligible child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected under paragraph (3), including the following:

“(A) Transportation services.

“(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 and technical education.

“(D) Programs for gifted and talented students.

“(E) School nutrition programs.

“(5) COORDINATION.—

“(A) IN GENERAL.—Each local educational agency serving eligible children and youths that receives assistance under this subtitle shall coordinate—

“(i) the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to eligible children and youths and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

“(ii) with other local educational agencies on interdistrict issues, such as transportation or transfer of school records.

“(B) HOUSING ASSISTANCE.—If applicable, each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youths who become homeless.

“(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

“(i) ensure that eligible children and youths have access and reasonable proximity to available education and related support services; and

“(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness and being in the foster care system.

“(6) LOCAL EDUCATIONAL AGENCY LIAISON.—

“(A) DUTIES.—Each local educational agency liaison for eligible children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

“(i) eligible children and youths are identified by school personnel and through coordination activities with other entities and agencies;

“(ii) eligible children and youths enroll in, and have a full and equal opportunity to suc-

ceed in, schools of that local educational agency;

“(iii) eligible children and youths and homeless families receive educational services for which such children and youths and families are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

“(iv) the parents or guardians of eligible children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

“(v) public notice of the educational rights of eligible children and youths is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens;

“(vi) enrollment disputes are mediated in accordance with paragraph (3)(E); and

“(vii) the parent or guardian of an eligible child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A).

“(B) NOTICE.—State coordinators established under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the local educational agency liaisons.

“(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for eligible children and youths shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to eligible children and youths.

“(7) REVIEW AND REVISIONS.—

“(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle shall review and revise any policies that may act as barriers to the enrollment of eligible children and youths in schools that are selected under paragraph (3).

“(B) CONSIDERATION.—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.

“(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of eligible children and youths who are not currently attending school.

“SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF ELIGIBLE CHILDREN AND YOUTHS.

“(a) GENERAL AUTHORITY.—

“(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of eligible children and youths.

“(2) SERVICES.—

“(A) IN GENERAL.—Services under paragraph (1)—

“(i) may be provided through programs on school grounds or at other facilities;

“(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate eligible children and youths with noneligible children and youths; and

“(iii) shall be designed to expand or improve services provided as part of a school’s

regular academic program, but not to replace such services provided under such program.

“(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds, schools—

“(i) may use funds under this subtitle to provide the same services to other children and youths who are determined by the local educational agency to be at risk of failing in, or dropping out of, school, subject to the requirements of clause (ii); and

“(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in settings within a school that segregate eligible children and youths from other children and youths, except as necessary for short periods of time—

“(I) for health and safety emergencies; or

“(II) to provide temporary, special, and supplementary services to meet the unique needs of eligible children and youths.

“(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and 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 subgrant 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 reasonably require. Such application shall include the following:

“(1) An assessment of the educational and related needs of eligible children and youths in the area served by such agency (which may be undertaken as part of needs assessments for other disadvantaged groups).

“(2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

“(3) 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 such agency for the fiscal year preceding the fiscal year for which the determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

“(4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

“(5) A description of policies and procedures, consistent with section 722(e)(3), that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize eligible children and youths.

“(c) AWARDS.—

“(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

“(2) NEED.—In determining need under paragraph (1), the State educational agency may consider the number of eligible children and youths enrolled in preschool, elementary, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and youths and the ability of the local educational agency to meet such needs. The State educational agency may also consider the following:

“(A) The extent to which the proposed use of funds will facilitate the enrollment, retention, and educational success of eligible children and youths.

“(B) The extent to which the application—
“(i) reflects coordination with other local and State agencies that serve eligible children and youths; and

“(ii) describes how the applicant will meet the requirements of section 722(g)(3).

“(C) The extent to which the applicant exhibits in the application and in current practice a commitment to education for all eligible children and youths.

“(D) Such other criteria as the State agency determines appropriate.

“(3) **QUALITY.**—In determining the quality of applications under paragraph (1), the State educational agency shall consider the following:

“(A) The applicant’s needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs.

“(B) The types, intensity, and coordination of the services to be provided under the program.

“(C) The involvement of parents or guardians of eligible children or youths in the education of their children.

“(D) The extent to which eligible children and youths will be integrated within the regular education program.

“(E) The quality of the applicant’s evaluation plan for the program.

“(F) The extent to which services provided under this subtitle will be coordinated with other services available to eligible children and youths and their families.

“(G) Such other measures as the State educational agency considers indicative of a high-quality program, such as the extent to which the local educational agency will provide case management or related services to unaccompanied youths.

“(4) **DURATION OF GRANTS.**—Grants awarded under this section shall be for terms not to exceed 3 years.

“(d) **AUTHORIZED ACTIVITIES.**—A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

“(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State academic content standards and challenging State student academic achievement standards the State establishes for other children and youths.

“(2) The provision of expedited evaluations of the strengths and needs of eligible children and youths, 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 and technical education, and school nutrition programs).

“(3) Professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of eligible children and youths, the rights of such children and youths under this subtitle, and the specific educational needs of foster, runaway, and eligible children and youths.

“(4) The provision of referral services to eligible children and youths for medical, dental, mental, and other health services.

“(5) The provision of assistance to defray the excess cost of transportation for students under section 722(g)(4)(A), not other-

wise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3).

“(6) The provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for eligible children and youths of preschool age.

“(7) The provision of services and assistance to attract, engage, and retain eligible children and youths, and unaccompanied youths, in public school programs and services provided to noneligible children and youths.

“(8) The provision for eligible children and youths of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities.

“(9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll eligible children and youths in school, including birth certificates, immunization or medical records, academic records, guardianship records, and evaluations for special programs or services.

“(10) The provision of education and training to the parents of eligible children and youths about the rights of, and resources available to, such children and youths.

“(11) The development of coordination between schools and agencies providing services to eligible children and youths, as described in section 722(g)(5).

“(12) The provision of pupil services (including violence prevention counseling) and referrals for such services.

“(13) Activities to address the particular needs of eligible children and youths that may arise from domestic violence.

“(14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

“(15) The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

“(16) The provision of other extraordinary or emergency assistance needed to enable eligible children and youths to attend school.

“SEC. 724. SECRETARIAL RESPONSIBILITIES.

“(a) **REVIEW OF STATE PLANS.**—In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of eligible children and youths relating to access to education and placement as described in such plan.

“(b) **TECHNICAL ASSISTANCE.**—The Secretary shall provide support and technical assistance to a State educational agency to assist such agency in carrying out its responsibilities under this subtitle, if requested by the State educational agency.

“(c) **NOTICE.**—The Secretary shall, before the next school year that begins after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, create and disseminate nationwide a public notice of the educational rights of eligible children and youths and disseminate such notice to other Federal agencies, programs, and grantees, including Head Start grantees, Health Care for the Homeless grantees, Emergency Food and Shelter grantees, and homeless assistance programs administered by the Department of Housing and Urban Development.

“(d) **EVALUATION AND DISSEMINATION.**—The Secretary shall conduct evaluation and dis-

semination activities of programs designed to meet the educational needs of eligible children and youths who are elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

“(e) **SUBMISSION AND DISTRIBUTION.**—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

“(f) **DETERMINATION BY SECRETARY.**—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each eligible child or youth has access to a free appropriate public education, as described in section 721(1).

“(g) **GUIDELINES.**—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, school enrollment guidelines for States with respect to eligible children and youths. The guidelines shall describe—

“(1) successful ways in which a State may assist local educational agencies to immediately enroll eligible children and youths in school; and

“(2) how a State can review the State’s requirements regarding immunization and medical or school records and make such revisions to the requirements as are appropriate and necessary in order to enroll eligible children and youths in school immediately.

“(h) **INFORMATION.**—

“(1) **IN GENERAL.**—From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding—

“(A) the number and location of eligible children and youths;

“(B) the education and related services such children and youths receive;

“(C) the extent to which the needs of eligible children and youths are being met; and

“(D) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

“(2) **COORDINATION.**—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

“(i) **REPORT.**—Not later than 4 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of eligible children and youths, which shall include information on—

“(1) the education of eligible children and youths; and

“(2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

“SEC. 725. DEFINITIONS.

“For purposes of this subtitle:

“(1) The term ‘eligible children and youths’ includes—

“(A) individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1));

“(B)(i) children and youths who—
“(I) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

“(II) are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

“(III) are living in emergency or transitional shelters;

“(IV) are abandoned in hospitals; or

“(V) are awaiting foster care placement;

“(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

“(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

“(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who are considered eligible for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii); and

“(C) children and youths in out-of-home care under the jurisdiction of the responsible public child welfare agency, including foster care, kinship care, care in a group home, and care in a child care institution.

“(2) The terms ‘enroll’ and ‘enrollment’ include attending classes and participating fully in school activities.

“(3) The terms ‘local educational agency’ and ‘State educational agency’ have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965.

“(4) The term ‘parent or guardian’, used with respect to a child or youth in out-of-home care, means—

“(A) the person who is the birth or adoptive parent or legal guardian of the child or youth, unless—

“(i) such person’s right to make educational decisions for the child or youth has been terminated or suspended by a court; or

“(ii) the person cannot be identified or located after reasonable efforts, is not available with reasonable promptness to assist in enrollment or placement decisions, or is not acting in the best educational interests of the child in enrollment or placement decisions; or

“(B) in a situation described in clause (i) or (ii) of subparagraph (A), a person appointed by a court to make educational decisions for the child or youth under this Act, after considering (in the case of a child or youth who is eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)) whether the person considered to be the parent of the child or youth for purposes of that Act should serve as the person to make those educational decisions.

“(5) The term ‘Secretary’ means the Secretary of Education.

“(6) The term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(7) The term ‘unaccompanied youth’ includes a youth not in the physical custody of a parent or guardian.

“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this subtitle, there are authorized to be appropriated \$150,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding years .”.

SEC. 511. GRADUATION RATES.

(a) DISAGGREGATION OF GRADUATION RATES AND ELEMENTARY SCHOOL INDICATOR IN DETERMINING ADEQUATE YEARLY PROGRESS.—Subparagraph (D) of section 1111(b)(2) of such Act is amended—

(1) by striking “and” at the end of clause (i);

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

“(ii) shall determine adequate yearly progress using graduation rates of public secondary school students (measured separately for each group described in subparagraph (C)(v)); and”.

(b) GOALS FOR INCREASING GRADUATION RATES FOR GROUPS OF STUDENTS.—

(1) IN GENERAL.—Subparagraph (G) of section 1111(b)(2) of such Act is amended—

(A) by striking “and” at the end of clause (iv);

(B) by striking the period at the end of clause (v) and inserting “; and”; and

(C) by adding at the end the following new clause:

“(vi) shall ensure each group of students described in subparagraph (C)(v) meets—

the graduation rate for public secondary school students.

(2) SAFE HARBOR.—Clause (i) of section 1111(b)(2)(I) of such Act is amended to read as follows:

“(i) each group of students described in subparagraph (C)(v) must meet or exceed the objectives set by the State under subparagraph (G), except that if any group described in subparagraph (C)(v) does not meet those objectives in any particular year, the school shall be considered to have made adequate yearly progress if—

“(I) except in the case of the objectives described in subparagraph (G)(vi), the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments under paragraph (3) for that year decreased by 10 percent of that percentage from the preceding school year and that group made progress on one or more of the academic indicators described in subparagraph (C)(vi) or (vii); and

“(II) in the case of the objectives described in subparagraph (G)(vi)—

“(aa) the school meets the objectives described in subparagraph (G)(vi), or for any school year prior to the school year which is at the end of the timeline described in subparagraph (F), meets the intermediate goals for such objectives described in subparagraph (H); or

“(bb) there is less than a 5 percentage point difference between the group described in subparagraph (C)(v) having the highest rate and the group so described having the lowest rate (except that students with disabilities who are not assessed against grade level content standards shall not be taken into account in determining adequate yearly progress for public secondary school students and public elementary school students); and”.

(c) GRADUATION RATES DETERMINED USING 4-YEAR ADJUSTED COHORT RATE.—Subparagraph (C) of section 1111(b)(2) of such Act is amended—

(1) by striking “(defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years)” in clause (vi); and

(2) by adding at the end the following new flush sentence:

“Graduation rates under clause (vi) shall be determined using a 4-year adjusted cohort rate, which compares the number of students enrolling in the 9th grade to the number of students who graduate from the 12th grade 4 years later, controlling for students transferring to other schools and allowing for children with disabilities and limited-English proficient children to have additional time to graduate. The period of additional time

described in the preceding sentence shall be defined in regulation by the Secretary. A similar 3-year such cohort rate shall be used for secondary schools with only 3 grades.”.

SEC. 512. DISTRICT WIDE HIGH SCHOOLS REFORM.

(a) IN GENERAL.—Paragraph (1) of section 1112(b) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking “and” at the end of subparagraph (P);

(2) by striking the period at the end of subparagraph (Q) and inserting “; and”; and

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

“(R) a description of the districtwide school improvement plan (meeting the requirements of paragraph (3)(B)) that the local educational agency will implement if such agency is required by paragraph (3)(A) to implement such a plan as of the beginning of any year.”.

(b) REQUIREMENTS.—Subsection (b) of section 1112 of such Act is amended by adding at the end the following new paragraph:

“(3) DISTRICTWIDE SCHOOL IMPROVEMENT PLANS.—

“(A) IN GENERAL.—A local educational agency shall implement its districtwide school improvement plan as of the beginning of any year if—

“(i)(I) at least 50 percent of the students served by such agency are enrolled in secondary schools which did not make adequate yearly progress (as set out in the State’s plan under section 1111(b)(2)) for the preceding year; or

“(II) at least 50 percent of the secondary schools served by such agency did not make such progress for such preceding year; and

“(ii) attendance rates at the secondary schools served by such agency that did not make such progress for such preceding year, and the attendance rates of 8th grade students (or the highest grade before entering secondary school) who would otherwise enter such schools for such preceding year, are in the bottom quartile compared to all schools served by such agency.

“(B) DISTRICTWIDE PLAN REQUIREMENTS.—A districtwide school improvement program meets the requirements of this subparagraph if—

“(i) the plan requires the local educational agency, in determining the interventions necessary to improve achievement at secondary schools served by the agency, to consider—

“(I) the status of schools in making adequate yearly progress (as set out in the State’s plan under section 1111(b)(2));

“(II) graduation rates (within the meaning of section 1111(b)(2)(C)(vi)) for each group described in section 1111(b)(2)(C)(v);

“(III) assessment results and attendance rates for the highest grade at elementary schools whose students attend such agency’s secondary schools; and

“(IV) the level of credit accumulation by students as of the end of the lowest grade in secondary school; and

“(ii) such plan requires the local educational agency—

“(I) to focus on the secondary schools which resulted in meeting the requirement of subparagraph (A)(i) in order to reduce the number of students at those schools who do not meet a proficient level of academic performance; and

“(II) to do a resource allocation analysis of the needs of the secondary schools served by such agency with respect to staffing, professional development, instruction, and student attendance and behavior;

“(III) to develop a research-based plan which meets the requirements of subparagraph (C) to address—

“(aa) the instructional, curriculum, and capacity needs of the local educational agency’s ability to assist secondary schools in increasing achievement; and

“(bb) the instructional needs of its schools; “(IV) increase attendance and earned, on-time grade promotion; and

“(V) take steps designed to ensure students graduate from secondary school ready for college and the workplace.

“(C) PLAN TO MEET INSTRUCTIONAL NEEDS.—A plan meets the requirements of this subparagraph if the plan requires the local educational agency to consider—

“(i) ensuring alignment between the curriculum used by the school district and State standards;

“(ii) the use of formative assessments;

“(iii) the use of data to improve instruction;

“(iv) the incorporation of staff-focused professional development;

“(v) the hiring, placement, and distribution of highly effective principals;

“(vi) the hiring and distribution of highly effective teachers; and

“(vii) the use of an extended school day and school year.

“(D) PEER REVIEW BEFORE STATE APPROVAL.—The State educational agency may approve a local educational agency’s plan under this section only after—

“(i) considering the results of a peer review of the districtwide school improvement plan referred to in paragraph (1)(R); and

“(ii) consulting with State officials responsible for juvenile justice and alternative education placements.

The State educational agency shall provide technical assistance to local educational agencies in the development of such districtwide school improvement plans.”

ALL STUDENTS CAN ACHIEVE ACT

(Senators Lieberman-Landrieu-Coleman)

This legislation strives to improve the quality and equality of our education system. A good education is the best way to help every child realize their American dream. No Child Left Behind must adhere to the basic principle that each child can learn, and that all children, no matter where they live in the country, are entitled to an education that prepares them to succeed in life.

1. *Moving to student achievement growth and effective teachers*

Teachers are the most important factor in school and student achievement. This section requires states to measure teacher and principal effectiveness. An effective teacher is one that can demonstrate learning in the classroom. Funds are provided for states to assess effectiveness primarily through objective measures of student growth and achievement (“growth models”), while allowing secondary consideration of other factors including peer and principal evaluations. This legislation requires and funds the development of data systems to track individual student performance over time and to link that performance to teachers, programs and services. States with adequate data systems and plans for measuring effectiveness may use growth models for determining Adequate Yearly Progress (AYP). Schools that demonstrate teacher effectiveness will have greater flexibilities to opt out of the Highly Qualified Teacher requirements. States can also gain flexibilities in their use of federal funds as long as those funds principally still target students with the highest needs.

Components:

Require and fund the development of state longitudinal data systems, with common data elements, to track student growth over time and to link student development to key items including teachers, programs and supplemental services. A portion of the funding is available for consortia of states to develop infrastructure and systems for multi-state use.

States will need to complete data systems within four years. If states already have data systems meeting the necessary criteria or complete their systems in less than four years, their funds may be used for the development, enhancement and/or implementation of teacher and principal effectiveness and growth model programs. Up to one-third of the funds appropriated for data systems may go to regional state consortia.

Provide funds for states to implement teacher and principal effectiveness evaluations primarily through objective measures of student learning growth. Teachers not rated as effective will receive professional development. After five years of continuously being rated as ineffective, these teachers would no longer be permitted to teach in Title I schools.

States with a plan to measure teacher effectiveness may adopt a growth model for accountability. Students will need to be on a trajectory toward proficiency in reading/language arts and math by 2014 and science by 2020. The growth model goals must be based on grade-level proficiency, with a limited exception for students with severe cognitive disabilities. States currently in the growth model pilot may continue in that pilot.

Provide flexibility for schools and districts that actually demonstrate effectiveness by allowing them to opt out of the Highly Qualified Teacher (HQT) provisions. These schools and districts would also be able to benefit from greater flexibility in their use of federal funds, as long as those funds still target students with the highest needs and their states adopt or maintain rigorous standards and assessments. States may apply to be permitted to increase from 50 percent to 100 percent the amount that may be transferred from other Titles into Title I where they are making AYP and states have a successfully peer-reviewed teacher and principal effectiveness program.

Provides grant funds for innovative programs to evaluate professional development activities and to reform teacher compensation, assignment, and tenure policies. These reforms may include better pay to better teachers and incentives for the best teachers to teach in high need schools.

2. *Closing the achievement gap*

This section takes steps to tackle the continuing achievement gap in the country. It addresses the situation where many students do not get a good education simply because of where they live. It promotes the notion that education anywhere should prepare you for life everywhere. Among other things, this section requires the equitable distribution of non-Federal funds within school districts; provides incentives for school professionals through teamwork in the poorest schools to make the greatest improvements in student performance; provides funds for out-of-district transfers to public schools for students without viable alternatives; provide equitable funding and flexibility under the Charter School Program; and disaggregates graduation rate data requiring the gap in graduation rates to be closed.

Components:

Require that Title I and non-Title I schools have an equitable distribution of non-Federal funds. States will perform a needs assessment to identify disproportionate funding.

Provide a school-based rewards system that recognizes the teamwork of teachers, administrators, counselors, librarians and media specialists, and other staff necessary to improve schools. Schools in the bottom third of income of Title I schools in the state that show exemplary growth in student performance will be eligible. Funding may be used for non-recurring bonuses for teachers,

administrators and staff; professional development for teachers, administrators and staff; the addition of temporary personnel to continue school improvement; and reduced teaching schedules to permit limited numbers of teachers to act as mentors at their school and/or at other Title I schools.

Grants for students in schools missing AYP for two or more consecutive years with no available alternative public school options, due to all the other schools failing to make AYP within the school district or a lack of room in other schools, to transfer to a public school outside of their district with the federal funds following the student. Students will need to be from low income families. Receiving schools will be public schools within another nearby district agreeing to accept students. Under this pilot program, the receiving district will receive funding, up to \$4000, for tuition, fees and transportation; safe harbor against missing AYP due to recent transfers (transferred students may be excluded from AYP calculation for their first year); and provided funds, up to \$1000 per student, for mentoring new students and for parental involvement programs.

Require independent audits of space availability for in-district transfers for school districts containing schools in need of improvement.

Disaggregate graduation rate data and work to close the achievement gap where subgroups are significantly falling behind.

Incorporate evidence-based intervention (also known as response to intervention) models to increase the opportunity for all students to meet challenging academic achievement standards through early identification.

Elementary schools identified for school improvement shall administer developmental screens and assessments to incoming preschool and kindergarten. These screens and assessments will be used to plan for and improve instruction and needed services.

Include principles of universal design for learning to reduce barriers, provide appropriate supports and challenges, and maintain high achievement standards for all students, including those with disabilities and English language learners.

Enhance the Charter Schools Program to permit schools under restructuring to close and reopen themselves as charters even if the addition of such schools would exceed the State’s limit on the number of charter schools that may operate in the State, city, county, or region. Preference is given under the program to states that fund charter schools commensurate with their funding of other public schools.

3. *Setting and achieving high American standards*

This section addresses the need to promote rigorous standards and assessments of student learning to ensure that students succeed in life. Nothing in this section would interfere with local flexibility in how to teach. The National Assessment Governing Board, with local, state and national representatives, is expanded with more business leaders and teachers. They will develop world-class voluntary American learning standards and assessments in reading, math and science while ensuring that the standards and assessments are aligned with life, college and workplace readiness skills.

States may choose to adopt these standards and assessments. In return, they will receive the assessments, including alternative assessments designed specifically for students with disabilities and English language learners, and the infrastructure for administering them. This will free these states to concentrate their education resources in other critical need areas. States may also

build their own assessments based upon the American learning standards or keep their existing rigorous standards and tests. State standards and tests, however, will be compared to the rigorous voluntary American standards.

State leaders from higher education, schools, businesses and government will work, through P-16 Commissions, to align standards, assessments and curriculum from preschool through college to ensure that high school and college graduates have up-to-date skills needed to succeed in life.

Components:

Directs the National Assessment Governing Board, where more business leaders, teachers and other representatives are added, to develop world-class voluntary American learning standards and assessments in reading, math and science in grades 3-12. Alternate assessments will be developed for students with disabilities and English language learners.

States may adopt the American standards and tests, build their tests to the American standards, join standards and assessments from regional consortia, or keep their current systems. The Secretary of Education will report to the Congress and public annually on the variance between the rigor of state assessments and the Commission's assessment.

Require states to ensure that they have the standards, assessments and curriculum aligned to meet life, college and workplace needs, including critical thinking and problem solving skills, from preschool to college, through P-16 Commissions. These Commissions, headed by the Governor or the Governor's designee, will also address ways that economically disadvantaged students, students from each major racial and ethnic group, students with disabilities, and English language learners will increase their success in postsecondary education.

4. Improvements to accountability

This section distinguishes those schools needing intensive interventions, i.e. schools with a majority of students missing AYP, from schools missing AYP for less than half the student population. This division permits more resources to be directed to those schools with pervasive problems while other schools concentrate on improving learning for specific subgroups or within particular areas of need. This change also alleviates a common criticism that a single subgroup, especially students with disabilities, will single-handedly move a school into restructuring.

The vague restructuring option that permitted "any other major restructuring of the school's governance" is eliminated while a limit is provided on the percentage of schools required to implement comprehensive restructuring within a single school district in a given year. This legislation addresses modified and alternative achievement standards and related assessments for students with disabilities and provides more time in AYP calculations for students exiting the English language learner subgroup. Schools and districts will be held more accountable for students with disabilities and English language learners by placing upper limits on the minimum number of students that need to make up a subgroup. It also limits the practice of using very wide statistical error ranges when determining success.

Funding school improvements continues to be a critical need. This legislation increases the authorization for the School Improvement Grants program and distributes new funds to states according to the number of schools they have under improvement. This distribution provides incentives for a more

accurate portrayal of schools not meeting Adequate Yearly Progress as states with more schools under improvement will receive a larger share of funds.

Components:

Schools with a majority of their students missing AYP will follow an intensive program of attention. Supplemental Education Services (SES) will be available in the second year under improvement, one year earlier than under the present law. Schools in the final year of restructuring, limited to no more than 10 percent of schools, as determined by the state, within a given district in a single year, will have similar options to those existing now except that the option for "any other major restructuring of the school's governance" is eliminated.

Schools missing AYP due to one or more subgroups, but less than 50 percent of the student population, will go through a targeted attention program to address the problem areas. This program will include identification of specific actions to address the subgroups in need. SES and school transfers are still offered as options for economically disadvantaged students failing to make AYP.

AYP calculations by states will have limits on student thresholds, N-size no greater than 20-30, and statistical confidence intervals, no greater than 95 percent confidence.

States may develop modified academic achievement standards and use alternate assessments based on those modified grade-level achievement standards for students with persistent academic disabilities for up to 1 percent of students tested (down from current regulations of 2 percent). School districts showing strong evidence of a significantly larger percentage of students than the national average with disabilities within the district or an individual school, perhaps due to a facility focusing on students with disabilities, may apply to the state to use a higher percentage. States may also use alternate assessments based on alternate achievement standards for students with the most significant cognitive disabilities for up to 1 percent of students tested.

Expand, from two to three years, the amount of time English language learners may be included in AYP calculations after they become proficient and exit the subgroup.

Substantially increase funding for the School Improvement Grants program while linking the federal distribution of additional funds to the number of schools under improvement. This provides incentives for a more accurate portrayal of schools not meeting Adequate Yearly Progress as states with more schools under improvement will receive a larger share.

5. Enhancing learning

There are various other ways to support enhancements to student learning and achievement including making it easier to access SES services and providing ways to better inform and involve parents. Innovative approaches to education and successful innovations by charters need to be provided for use in schools. States and districts successful at meeting AYP and at measuring teacher effectiveness should have greater flexibility in transferring funds to the most critical areas they have within No Child Left Behind.

Components:

Districts that permit other non-school-affiliated entities to use school facilities will need to offer, with limitations, space in schools for private providers of SES services.

Permit multi-district cooperatives for administering SES programs and services.

Authorize grants for an Adjunct Teacher Corps program to bring math, science and critical foreign language professionals into

public secondary schools to work with teachers and students. These adjunct teachers will provide expertise and assistance to teachers during their first year and in subsequent years will be held accountable under the teacher effectiveness requirements.

Given its importance to American competitiveness, science assessments already required under No Child Left Behind will be added to the accountability system with all students to be proficient by the 2019-2020 school year. Successful models of math and science partnerships expanded and replicated.

Support increased peer-reviewed research and development on innovative approaches to education and ways to improve learning to allow states, districts, schools and students to better meet the goals of No Child Left Behind.

Strengthen parental involvement in and notification by schools including having states designate an office or position responsible for overseeing implementation of parent involvement provisions. Parent Information and Resource Centers will be integrated into increased parental involvement plans.

Amend the McKinney-Vento provisions to protect children in transition, including both children who lack a fixed, regular, and adequate nighttime residence, and children who are in out of home care in the custody of the public child welfare agency.

Ms. LANDRIEU. Mr. President, today I rise to discuss the All Students Can Achieve Act that I am introducing today with Senators LIEBERMAN and COLEMAN.

I was proud to have been a part of developing the No Child Left Behind legislation 5 years ago, which made strides in holding schools accountable and drawing attention to the students who had fallen between the cracks. Senators LIEBERMAN, COLEMAN, and I have come together to build upon the successes of No Child Left Behind, to improve it, and to help our Nation's schools take the next step to help all of our students to achieve and to succeed. Louisiana has made great progress in its standards and accountability, now ranking number one in the Nation. However, of the more than 650,000 students in Louisiana, many are not meeting academic achievement goals. We need to help all of our students meet and exceed achievement expectations.

The All Students Can Achieve Act focuses on the achievements of all students. Recognizing that quality data systems are crucial to measuring the progress of student achievement, we have included a requirement to establish data systems and provided funding authorizations and incentives to support the development of such systems. In order to ensure that all students are achieving, states must create comprehensive data systems that track students' academic progress and other factors that affect their success.

One of the most important factors in school and student achievement is teachers. The quality of teachers should be determined by their effect on students' learning, not just their qualifications. All students should have effective teachers. Thus, these data systems must link student achievement data to teachers, allowing states to

measure teacher effectiveness. In addition, this bill requires the equitable distribution of effective teachers and non-federal funding.

States should be held accountable for student achievement. However, students do not progress at the same pace. Louisiana has recognized this and has incorporated growth labels in its accountability system. Louisiana looks at the level of growth achieved by a school and each school's success in meeting its growth targets. The All Students Can Achieve Act allows states to use growth models in calculating adequate yearly progress. It allows states the flexibility to measure student academic growth, rather than strictly looking at test scores.

We must have high expectations for all students. To ensure that all elementary through secondary school students, regardless of where they live, are prepared for success in college or the workplace, states must set high expectations for all students. Academic standards must be designed to prepare students to succeed and assessments must be effective tools to measure students' progress toward meeting these standards. In addition, we need to continue to properly measure the achievement of all students. Thus, this bill will close current loopholes in the law that allow states to avoid counting students or skew achievement data.

The All Students Can Achieve Act aims to close the achievement gap. States need to focus resources on closing the achievement gap. This includes directing their attention to comprehensive interventions where more than 50% of students are not making Adequate Yearly Progress (AYP) or focused interventions where less than 50% of students are not making AYP. The All Students Can Achieve Act increases the amount of funding authorized for these interventions and focuses support where the need is greatest.

Another important measure of academic achievement is high school graduation rates, which should be tracked and reported for all groups of students. High school graduation rates are an important measure of academic achievement, but they must be calculated consistently and accurately. Like other assessments, these rates should be tracked and reported for all groups of students. Nearly 1.2 million students did not graduate from American high schools in 2006; the lost lifetime earnings in America for that class of dropouts alone totals more than \$309 billion.

The All Students Can Achieve Act also increases focus on and support for high need students. For example, we have also included foster children and youth. There are over 800,000 foster children and youth. They face many of the same challenges as homeless children and youth. They go through numerous changes in where they live and go to school. They lack stability and permanency. Thus, we have added them to the McKinney-Vento Act, in order to

ensure that they do not fall through the cracks. We hope that by giving them access to the services and protections of McKinney-Vento, their schools will become a safe and permanent place in their lives.

Public education is important to Senators LIEBERMAN, COLEMAN, and me. We want our Nation's children to be prepared to compete and succeed once they graduate. We need to improve our schools and hold them accountable for the achievement of all students. Though there has been much discussion about No Child Left Behind Act, there has been little action toward the reauthorization of this law. We have heard from our constituents about the parts of NCLB that work and the parts that do not work for our students at home. Through a nationwide public process, the Aspen Institute has generated concrete, actionable recommendations that will improve schools for the Nation's children. We wanted to take this opportunity to help begin the process of improving this law. We have come together to take a bipartisan approach to improving the education of all students. We have pulled together the proposals that we think will best serve our students and improve public education in America. We want people to actively discuss our proposal. We hope that people will support what we have done or build upon it.

Mr. COLEMAN. Mr. President, today I rise with my colleagues Senators JOE LIEBERMAN and MARY LANDRIEU to introduce the All Students Can Achieve Act of 2007, ASCA, legislation aimed at improving the current No Child Left Behind law.

As a parent and a legislator, improving our Nation's education system has been a top priority for me. Several years ago, we passed the No Child Left Behind Act to bring accountability to our Nation's learning system. While this bill was a step in the right direction, Minnesota's educators have voiced their concerns over an overly restrictive system that still leaves students behind. The All Students Can Achieve Act will change that by giving flexibility to each State and school without diminishing school accountability.

One of the best features of our legislation is that it will allow States to measure individual student growth over time instead of relying on, and teaching for, one test administered on one day. Measuring a student's growth over time benefits both students and teachers because it recognizes that students have different starting points and acknowledges their individual progress. This approach will free teachers from the burden of teaching for one high-stakes test, while still giving parents the assurances they need that their children are learning in a high quality atmosphere. Minnesota has been trying for some time to move to this "growth model" of evaluation and our bill provides the funding to develop

and implement the data systems our State would need to move to such a model.

Our bill also addresses something I have been particularly focused on—ensuring that the next generation has the math, science and foreign language skills needed to be competitive in an increasingly globalized economy. As countries like China or India develop increasingly skilled workforces, we must ensure that American students do not fall behind in these critical and highly relevant fields. Our legislation adds a science assessment to the accountability system and gives States the option to bring in qualified science, math, and foreign language practitioners to assist teachers and students.

Another concern I hear in Minnesota is that a school can be, in effect, penalized because a group of new immigrants does not test as well as long-time students. The All Students Can Achieve Act will replace the current all-or-nothing approach with a system that makes a distinction between schools that need comprehensive interventions, versus those that need more focused help. In other words, while current law groups all low performing schools together regardless of how many students miss adequate yearly progress, our legislation offers a more targeted approach, sending additional resources toward schools with pervasive problems, while allowing schools that just have one or more low performing subgroups to focus on closing the achievement gap with that particular group.

A final aspect of our legislation is that it would change the way teachers are evaluated. Currently under No Child Left Behind, good teachers have to jump through a number of bureaucratic hoops to demonstrate on paper that they are "qualified" experts in the subjects they teach. I understand this has been a serious burden particularly in rural communities, where very good teachers provide instruction in more than one subject. I also know as a parent, that a teacher's resume may or may not reflect their actual abilities in the classroom. That is why our legislation provides States with new flexibility in the ways they rate and reward excellent teachers.

At its core, No Child Left Behind is about closing the achievement gap. We still have a long way to go, recent data shows that still only 13 percent of African American and 19 percent of Hispanic 4th graders scored at or above the proficient level on the National Assessment of Educational Progress mathematics test, compared to 47 percent of their white peers. By measuring teacher effectiveness, school quality, and student learning, our legislation will help reduce this unacceptable disparity in America today.

Our bipartisan legislation is based on recommendations from a panel of experts, and has been endorsed by some leading educators. However, we know it is just the beginning of a conversation

about how and where to add flexibility to the No Child Left Behind law. As we move forward, I welcome the advice of teachers, parents, and administrators on how best to help all students achieve.

By Mr. HATCH (for himself, Mr. SALAZAR, Mr. SMITH, and Mr. KERRY):

S. 2002. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes; to the Committee on Finance.

Mr. HATCH: Mr. President, I rise today to introduce the REIT Investment Diversification and Empowerment Act of 2007, legislation which would make several important revisions to the current tax law governing real estate investment trusts, or REITs. I am particularly pleased to be joined by my good friend, the distinguished senator from Colorado, Senator SALAZAR, in sponsoring this bipartisan legislation. I am also very happy that Senators SMITH and KERRY are joining us as original cosponsors.

The development of real estate investment trusts is among the true success stories of American business. Moreover, REIT legislation enacted over the past 47 years presents a remarkable example of how Congress can create the legal framework to liberate entrepreneurs, small investors, and hard working men and women across the country to do what they do best—create wealth and, more importantly, build thriving communities.

When REITs were first created in 1960, small investors had almost no role in commercial real estate ventures. At that time, private partnerships and other groups closed to ordinary investors directed real estate investments, typically using debt, not equity, to finance their ventures. That model not only served small investors poorly, it resulted in the misallocation of capital, and contributed to significant market volatility.

Since that time, REITs have permitted small investors to participate in one of our country's greatest generators of wealth, income producing real estate, and REITs have greatly improved real estate markets by promoting transparency, liquidity, and stability. The growth in REITs has been particularly dramatic and beneficial in the past 15 years, as capital markets responded to a series of changes in the tax rules that modernized the original 1960 REIT legislation to adjust it to new realities of the marketplace.

I am proud of my role in sponsoring legislation that included many of these changes that modernized the REIT rules, and I remain committed to making every effort to ensure that the people of Utah and across our Nation continue to benefit from a dynamic and innovative REIT sector.

I have seen first hand what REITs have done for communities across my

State. It is very much in Utah's interests, and in our country's interests, to make sure that REITs continue to work effectively and efficiently to carry out the mission which Congress intended.

As my colleagues know, Utah is known as the "Beehive State", a testament to the hard work and industriousness of its residents. REITs have proven again and again to be a particularly effective means through which Utahns can utilize those attributes, and aggregate needed capital, to create the thriving real estate sector which is essential to our State's economic well being.

Towards that end, I am pleased to report that REITs now account for well over a \$1 billion of property in Utah alone, and afford an opportunity for many investors in my State to have an ownership stake in those properties in their communities. This is not an aberration. I believe that my colleagues will find a similarly impressive amount of REIT investment in their home States as well.

I am also pleased to report, that, in an era when companies must compete successfully on a global scale, our Nation's REITs have grown to be leaders in international real estate markets, and our REIT laws are proving to be a model for other countries around the globe. In fact, much of the bill I am introducing today is necessitated by the growing international presence of our domestic REITs. The international expansion of real estate investment trusts is something that could not have been contemplated when the first REIT laws were enacted decades ago.

The bill we are introducing today is based on S. 4030, which I introduced toward the end of the 109 Congress, and is very similar to H.R. 1147, which was introduced in the House this year. I note that H.R. 1147 enjoys the bipartisan sponsorship of more than two-thirds of the House Ways and Means Committee, and I hope that more of my colleagues on the Finance Committee will join us in supporting this bill.

Further, I am grateful that the distinguished Chairman of the Finance Committee stated at our recent markup of the Senate energy tax package that he was aware of my efforts to pass REIT reform legislation this year, and that he and his staff "will continue to work with Senator GRASSLEY and you, Senator HATCH, to find a tax bill later this year in which to include this proposal."

I urge my colleagues to review this bill and lend their support to it. In a small but important way, it will help Americans to better invest for their savings and retirement. I hope we can move this straightforward, bipartisan legislation through as quickly as possible.

I ask unanimous consent that a section-by-section description of the REIT Investment Diversification and Empowerment Act be included in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT ACT OF 2007

SECTION-BY-SECTION DESCRIPTION

The REIT Investment Diversification and Empowerment Act of 2007 (RIDEA) includes the following provisions to help modernize the tax rules governing Real Estate Investment Trusts to permit REITs to better meet the challenges of evolving market conditions and opportunities:

Title I: Foreign currency and other qualified activities

Title I addresses one specific issue and also equips the IRS to handle similar interpretative matters in the future without the need of legislation.

As globalization has accelerated in the past decade, REITs, as with other businesses, have followed their customers abroad and have accessed new opportunities in Canada, Mexico, Europe and Asia. The issue that Title I resolves is how foreign currency gains a REIT earns should be treated under the REIT income and asset tests. For example, if a REIT buys a shopping center in England for a million pounds, operates it for ten years and then sells it for a million pounds, that sale produces no gain (assuming that capital expenditures equal the tax depreciation accruing during that period). If during that 10-year period the U.S. dollar has declined compared to the English pound, U.S. tax law says that the appreciation of the pounds when they are converted back to dollars is a separate gain. Until recently, it wasn't clear how that currency gain should be treated under the REIT tax tests.

In May, 2007, the IRS released Revenue Ruling 2007-33 and Notice 2007-42 to clarify that in the overwhelming majority of cases a REIT's foreign currency gains earned while operating its real estate business qualify as "good income" under the REIT rules. Title I essentially reaches the same result on a more direct basis and also provides some conforming changes in other parts of the REIT rules.

Although the recent guidance was welcome, it took the IRS about four years to issue it because of questions about the extent of the government's regulatory authority in the area. To prevent similar delays in the future, Title I clearly provides the Secretary of the Treasury with the authority to determine what items of income can be treated either as "good income" or disregarded for purposes of the REIT income tests. Under this authority, it is expected that, for example, the IRS would conclude that dividend-like items such as Subpart F deemed dividends and PFIC income would be treated in the same manner as dividends for purposes of the 95 percent gross income test. Further, the IRS could convert many of its rulings it issued to individual taxpayers into public guidance, which could be a more efficient use of its resources.

Title II: Taxable REIT subsidiaries

In 1999, Congress materially changed the REIT rules to allow a REIT to own up to 20 percent of its assets in securities of one or more taxable REIT subsidiaries. The premise is straight-forward: a REIT should be able to engage in activities outside of the scope of renting and financing real estate as permitted by the REIT rules with a single level of tax, but only if the subsidiary is subject to a separate level of tax.

These "TRS" rules have worked quite well. REITs have been able to use their real estate expertise in a number of ways not available under the REIT rules so long as they subjected their profits from these activities to a

corporate level of tax, as well as the shareholder level of tax once those profits are distributed to the REIT and its shareholders. Further, the IRS study on TRSs mandated by the 1999 law shows that TRSs formed after the bill was enacted are generating a substantial and increasing amount of tax revenues.

Since both the main asset and income tests are set at 75 percent, the dividing line normally used to demarcate between REIT and non-REIT activities is 25 percent. RIDEA would conform to this dividing line by increasing the limit on TRS size from 20 percent to 25 percent of a REIT's assets, thereby subjecting even more activities conducted by a REIT to two levels of tax.

Title III: Dealer sales

Congress has always wanted REITs to invest in real estate on behalf of their shareholders for the long term. Since the late 1970s, the mechanism to carry out these purposes has been a 100 percent excise tax on a REIT's gain from so-called "dealer sales". Because the 100 percent tax is so severe, Congress created a safe harbor under which a REIT can be certain that it is not acting as a dealer (and therefore not subject to the excise tax) if it meets a series of objective tests. This provision would update two of these safe harbor requirements.

The current safe harbor requires a REIT to own property for at least four years. This is simply too long a time in today's marketplace. Further, four years departs too much from the most common time requirement for long-term investment—the one-year holding period for an individual's long-term capital gains. Accordingly, this provision uses a more realistic two-year threshold.

Another test under the dealer sales safe harbor restricts the amount of real estate assets a REIT can sell in any taxable year to 10 percent of its portfolio. Current law measures the 10 percent level by reference to the REIT's tax basis in its assets. H.R. 1147 instead would measure the 10 percent level by using fair market value. To allow a REIT to maximize its sales under the safe harbor (and thereby generating more economic activity), RIDEA would allow a REIT to choose either method for any given year. Presumably, the IRS would develop instructions on Form 1120-REIT allowing a REIT to declare which method it selected when it files its tax return for the year in which the sales occur.

Title IV: Health care REITs

In 1999, Congress allowed a REIT to rent lodging facilities to its taxable REIT subsidiary (TRS) while treating the rental payments from the TRS as income that qualifies under the REIT income tests so long as the rents were in line with rents from unrelated third parties. Simultaneously, it required that the TRS use an independent contractor to manage or operate the lodging facilities. These complex rules were adopted because hotel management companies did not want to assume the leasing risk inherent in lodging facilities but rather wanted to be compensated purely for operating the facilities.

A similar situation has arisen with regard to health care properties such as assisted living facilities. Operators that now lease such facilities would rather have a REIT (through its TRS) assume any leasing risk and instead be hired purely to operate the facilities. Accordingly, this provision would extend the exception made in 1999 for lodging facilities to health care facilities. This change should make it easier for health care facilities to be provided to senior citizens and others in need of such services. As with the current rules for lodging facilities, a TRS would continue to need an independent contractor to manage or operate health care facilities.

Title V: Foreign REITs

Since imitation is the sincerest form of flattery, Congress should be proud that about 20 countries have enacted legislation paralleling the U.S. REIT rules after observing the benefits brought to the United States as a result of a vibrant REIT market. Just this year, Germany, Italy and the United Kingdom enacted REIT laws, and Canada codified its long-standing trust rules to adopt U.S.-like REIT tests. Although the tax code treats stock in a U.S. REIT as a real estate asset, so that it is a qualified asset that generates qualifying income, current law does not afford the same treatment to the stock of non-U.S. REITs.

Because of the many tests designed to focus a REIT on commercial real estate, since the original 1960 REIT law a stock interest in a U.S. REIT is treated as real estate when owned by another U.S. REIT. This provision would extend this treatment to a U.S. REIT's ownership in foreign REITs to the extent that the Treasury Department concludes that the rules or market requirements in another country are comparable to the basic tenets defining a U.S. REIT.

By Ms. COLLINS (for herself, Mr. WARNER, and Mr. VOINOVICH):

S. 2003. A bill to facilitate the part-time reemployment of annuitants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce Senate Bill 2003, a measure that will enhance the Federal Government's ability to perform its duties capably and economically as it faces a wave of retirement of highly experienced Federal employees.

When we think about the coming demographic shock of millions of baby boomers reaching retirement age, we usually focus on the cash-flow implications for the Social Security and Medicare programs. But their aging will also have a profound effect on the Federal workforce.

On average, retirements from the Federal workforce have exceeded 50,000 a year for a decade. The numbers will certainly rise in the near future. The Office of Personnel Management calculates that 60 percent of the current Federal workforce, whose civilian component approaches 3 million people, will be eligible to retire during the coming 10 years.

Federal agencies, which already must hire more than 250,000 new employees each year, will need to work hard to replace those retirees, as the private sector and State and local governments will be facing the same problem and competing for qualified replacements.

The baby boom retirement wave will have another impact. It will cause a sudden acceleration in the loss of accumulated skills and mentoring capabilities that experienced workers uniquely possess.

Human-resources research has repeatedly shown that, in general, older workers equal or outperform younger workers in organizational knowledge, ability to work independently, commitment, productivity, flexibility, and mentoring ability.

Making good use of their talents is, therefore, not charity. It is common sense and sound management.

Federal agencies recognize the value of older workers, as witnessed by the fact that nearly 4,500 retirees have been allowed to return to full-time work on a waiver basis.

Agencies could make use of even more Federal annuitants for short-term projects or part-time work, but for a disincentive embedded in current law.

Title 5 of the United States Code currently mandates that annuitants who return to work for the Federal Government must have their salary reduced by the amount of their annuity during the period of reemployment. The bill I introduce today with the welcome co-sponsorship of Senators WARNER and VOINOVICH would provide a limited but vital measure of relief to agencies who could benefit from the skills and knowledge of Federal retirees. It provides a limited opportunity for Federal agencies to reemploy retirees without requiring them to take pay cuts based on their annuity payment.

This simple but powerful reform is a priority item for the Federal Office of Personnel Management. As OPM Director Linda Springer has said, "Modifying the rules to bring talented retirees back to the Government on a part-time basis without penalizing their annuity would allow Federal agencies to rehire recently retired employees to assist with short-term projects, fill critical skill gaps and train the next generation of Federal employees."

Organizations endorsing the reform contemplated in my bill include the National Active and Retired Federal Employees Association, the Federal Managers Association, the Partnership for Public Service, and the Council for Excellence in Government.

I would note two important points about the bill.

First, it will not materially affect the necessary flow of younger workers into Federal agencies. The bill contemplates reemployment for part-time or project work of not more than 520 hours in the first 6 months following the start of annuity payments, not more than 1,040 hours in any 12-month period, and not more than 6,240 hours total for the annuitant's lifetime. In terms of 8-hour days, those figures are equivalent to 65, 130, and 780 days, respectively.

These limits will give agencies flexibility in assigning retirees to limited-time or limited-scope projects, including mentoring and collaboration, without evading or undermining the waiver requirement for substantial or full-time employment of annuitants.

I would also note that this bill gives no cause for concern about financial impact. Reemployed annuitants would be performing work that the agencies needed to do in any case, but would not require any additional contributions to pension or savings plans. Meanwhile, their retiree health and life insurance benefits would be costs unaffected by their part-time work. Even without making any allowance for the positive

effects of their organizational knowledge, commitment, productivity, and mentoring potential, their reemployment is likely to produce net savings.

This measure offers benefits for Federal agencies, for Federal retirees who would welcome the opportunity to perform part-time work, and for taxpayers. I urge my colleagues to support it.

By Mrs. CLINTON (for herself,
Mr. SANDERS, and Mrs. MURRAY):

S. 2005. A bill to amend the Public Health Service Act to provide education on the health consequences of exposure to secondhand smoke, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, I am introducing the Secondhand Smoke Education and Outreach Act of 2007 to provide information to the public about the health consequences of secondhand smoke and support tobacco cessation education.

I want to thank Senators SANDERS and MURRAY for cosponsoring the Secondhand Smoke Education and Outreach Act and recognize them as strong advocates for smoking cessation efforts.

I believe that tobacco use constitutes one of the greatest threats to public health, a conclusion that was also expressed in the 2000 Supreme Court ruling, and I also believe that we have a duty to safeguard our Nation's health against tobacco products.

Every year, an estimated 400,000 smokers die as a result of smoking-related diseases. But nonsmokers also suffer and die from exposure to tobacco smoke.

Last year, the Surgeon General issued the report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, which found that there is no risk-free level of exposure to secondhand smoke. The Surgeon General reported that nearly half of all nonsmoking Americans are still regularly exposed to secondhand smoke, which contains more than 50 carcinogens.

Living with a smoker increases a non-smoker's risk of developing lung cancer by 20 to 30 percent and, according to the California Environmental Protection Agency, exposure to secondhand smoke causes approximately 3,000 lung cancer deaths in the U.S. each year. Secondhand smoke also causes 46,000 cardiac deaths annually in our country.

Studies have shown that exposure to secondhand smoke has both immediate and long-term adverse health consequences on the adult cardiovascular system. Exposure to secondhand smoke for 30 minutes can damage coronary arteries, while sustained exposure can increase the risk of coronary heart disease by 20 to 30 percent.

Although more than 20 States have passed smoke-free laws, including laws

that ban smoking in restaurants and bars, Americans of all age groups are involuntarily exposed to tobacco smoke through exposure in workplaces, homes, cars, apartments, and even outdoor public spaces. According to the National Cancer Institute, racial and ethnic minorities in the U.S. have higher rates of occupational exposure to secondhand smoke, with Latinos and Native Americans having the highest rates.

Therefore, it is critical that individuals, especially youth, should not be exposed to secondhand smoke. Further, parents should have access to information about the adverse health consequences so that they can better protect their children and themselves from secondhand smoke.

Education about the dangers of tobacco use and exposure to tobacco smoke is absolutely critical for combating the misleading messages that the tobacco industry propagates through savvy advertising campaigns.

There is strong evidence that tobacco advertisements cynically target advertising to adult and adolescent women. According to an analysis published by the *Journal of the American Medical Association* in 1994 and a 2001 report by the Surgeon General, the tobacco industry has targeted women with some form of this dangerous promotional strategy for almost a century, beginning in the 1920s. The latest example of this is chronicled in a recent *New York Times* editorial, entitled "Don't Fall for Hot Pink Camels", which discusses R.J. Reynolds's \$25 million to \$50 million investment in an advertising campaign behind the new female-friendly Camel No. 9.

In addition to targeting women, tobacco advertisements are also designed to appeal to our youth. In the August 2006 racketeering suit brought by the Justice Department against the tobacco industry, Judge Kessler's Final Opinion concluded that: "... Defendants continue to engage in many practices which target youth, and deny that they do so. Despite the provisions of the MSA, Defendants continue to track youth behavior and preferences and market to youth using imagery which appeals to the needs and desires of adolescents." This is an unconscionable, but effective, practice. A study published this year in the *Archives of Pediatrics and Adolescent Medicine* concluded that youth are more likely to start smoking if exposed to retail cigarette advertising and that cigarette promotions also increase the probability of youth becoming regular smokers.

Finally, racial and ethnic minority communities are disproportionately targeted with advertising campaigns for tobacco products, according to the U.S. Department of Health and Human Services. The tobacco industry has contributed to primary and secondary schools, funded universities and colleges, and supported scholarship programs targeting racial and ethnic mi-

norities. Tobacco companies have also placed advertising in community publications and sponsored cultural events in racial and ethnic minority communities.

Despite the public's growing understanding of the health dangers posed by tobacco, too many still succumb to the lure of these deadly products. According to the Centers for Disease Control and Prevention, over 20 percent of adults currently smoke cigarettes in the U.S. Among racial and ethnic communities, approximately 16 percent of Hispanic adults, 13 percent of Asian American adults, 22 percent of Caucasians adults, 22 percent of African American adults, and 32 percent of American Indians and Alaska Natives currently smoke cigarettes.

As for our Nation's youth, a 2005 National Survey on Drug Use and Health reported that nearly 3 million Americans under the age of 18 currently smoke cigarettes. According to the CDC, unless current rates of youth smoking are reversed, more than 6.3 million children under the age of 18 will die from smoking-related diseases.

That is why health care professionals should have the opportunity to receive training in the delivery of evidence-based tobacco dependence and prevention treatment in order to assist smokers in overcoming their addiction and educating all patients about the harm of secondhand smoke.

That is why I, along with Senators SANDERS and MURRAY, am introducing the Secondhand Smoke Education and Outreach Act. I am grateful to have developed this proposal with the American Lung Association, the American Cancer Society, the American Heart Association, and the Campaign for Tobacco Free Kids.

This bill, through education and outreach, will help reverse the public's underestimation of the harm that secondhand smoke can wreck on one's health and will promote smoking cessation efforts across our nation.

This new legislation would establish grants and demonstration projects, awarded by the Secretary of HHS in consultation with the SAMHSA administrator, for educating the public about the health consequences of secondhand smoke in multi-unit dwellings and in public spaces, such as public parks, playgrounds, and national parks. Special consideration would be given to awarding grants to organizations whose participation includes secondary school or college-age individuals, and to organizations that reach racial or ethnic populations that experience a disproportionate share of the cancer burden.

The Secondhand Smoke Education and Outreach Act would also authorize and fund grants for regional or local tobacco cessation education and counseling for health care workers and providers. The training curricula would assist smokers in quitting through smoking cessation counseling, educate smokers and nonsmokers about the

health consequences of secondhand smoke, and help promote self-sustaining networks for the delivery of affordable, accessible, and effective cessation services.

The U.S. spends more on health care than any other industrialized nation and yet we struggle to provide adequate health care for all our citizens. We literally cannot afford the myriad of health problems that we know result from tobacco use: bladder, esophageal, laryngeal, lung, oral, and throat cancers, chronic lung diseases, coronary heart and cardiovascular diseases, as well as reproductive effects and sudden infant death syndrome.

The Secondhand Smoke Education and Outreach Act is an important step in ensuring that our nation's communities have the knowledge they need to keep themselves and their environments healthy, and I look forward to working with my colleagues to enact this legislation during the upcoming reauthorization of the Substance Abuse and Mental Health Services Administration at the Department of Health and Human Services.

I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

AMERICAN HEART ASSOCIATION,
AMERICAN STROKE ASSOCIATION,
August 2, 2007.

Hon. HILLARY RODHAM CLINTON,
Russell Senate Building,
Washington, DC.

DEAR SENATOR CLINTON: The American Heart Association, on behalf of our more than 22 million volunteers and supporters, strongly endorses the Secondhand Smoke Education and Outreach Act of 2007. If enacted, this legislation would provide Federal funds to educate the public about the health consequences of secondhand smoke and create tobacco cessation education and counseling programs.

Secondhand smoke causes death and disease in children and adults who do not choose to smoke. The 2006 Surgeon General's Report The Health Consequences of Involuntary Exposure to Tobacco Smoke found that there is no safe level of secondhand smoke. Secondhand smoke has immediate adverse effects on the cardiovascular system, increasing the risk of coronary heart disease by 25 to 30 percent. An estimated 35,052 nonsmokers die each year as a result of exposure to environmental tobacco smoke.

Secondhand smoke has a particularly adverse effect on children's health. An estimated 150,000-300,000 children younger than 18 months of age have respiratory tract infections due to exposure to secondhand smoke. The educational campaigns and demonstration projects about the health effects of secondhand smoke in multi-unit housing and public spaces that would be funded by the Secondhand Smoke Education and Outreach Act of 2007 would give particular emphasis to programs that would include secondary school and college-age individuals.

We applaud you for your leadership and look forward to working with you to advance this vitally important legislation.

Sincerely,

SUE A. NELSON,
Vice President, Federal Advocacy.

CAMPAIGN FOR TOBACCO-FREE KIDS,
Washington, DC, August 2, 2007.

Hon. HILLARY R. CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The Campaign for Tobacco Free Kids strongly supports your legislation, "Secondhand Smoke Education and Outreach Act." As stated by former Surgeon General Richard Carmona, "The debate is over. The science is clear. Secondhand smoke is not a mere annoyance but a serious health hazard." This legislation will provide timely and accessible educational programs concerning secondhand smoke along with funds to train health professionals to help more Americans quit smoking.

The "Secondhand Smoke Education and Outreach Act" will fund much needed educational campaigns about the dangers of secondhand smoke in the workplace and in multi-unit housing. These campaigns will promote greater awareness on the health consequences of smoking and secondhand smoke and will encourage more communities to go smokefree.

The mission of the Campaign for Tobacco Free Kids is to reduce the harm associated with smoking and exposure to tobacco smoke, preventing children from using tobacco, and helping adults to end their tobacco use. Your initiative will help further these goals by promoting awareness of the harms of secondhand smoke and ways to prevent exposure to it and by supporting people's efforts to quit smoking and improve their quality of life.

This initiative is consistent with your demonstrated commitment to helping protect our nation's children from the harms associated with tobacco use. Your support of re-authorization of the State Children's Health Insurance Program which is funded by an increase in the excise tax on all tobacco products (a proven measure to deter kids from smoking) and your recent vote in the Senate Health Education Labor and Pensions Committee to give the Food and Drug Administration the authority to regulate tobacco products and advertising clearly demonstrates your strong support for reducing the harms of tobacco in this country.

The Campaign for Tobacco Free Kids applauds your leadership on tobacco prevention efforts and we look forward to working with you to move your Secondhand Smoke Education and Outreach Act forward.

Sincerely,

WILLIAM V. CORR,
Executive Director.

AMERICAN CANCER SOCIETY,
CANCER ACTION NETWORK,
Washington, DC, August 1, 2007.

Hon. HILLARY CLINTON,
U. S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The American Cancer Society Cancer Action NetworkSM (ACS CAN) is pleased to endorse the Secondhand Smoke Education and Outreach Act of 2007. This legislation would make federal funds available for public education campaigns on the dangers of secondhand smoke and the consequences of secondhand smoke in public spaces, as well as fund grants for tobacco cessation education and counseling.

There are devastating health consequences directly attributable to secondhand smoke: Secondhand smoke causes between 35,000 and 40,000 deaths from heart disease every year; 3,000 otherwise healthy nonsmokers will die of lung cancer annually because of their exposure to secondhand smoke; The total annual costs of secondhand smoke exposure are estimated to be at least \$5 billion in direct medical costs and at least \$5 billion in indirect costs.

The 2006 Surgeon General's Report on The Health Consequences of Involuntary Exposure to Tobacco Smoke documents that: There is no risk-free level of exposure to secondhand smoke; Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), low birthweights, acute respiratory infections, ear problems and more severe asthma; Parents who smoke cause respiratory symptoms and slow lung growth in their children; Exposure to secondhand smoke leads to an increased risk for lung cancer and cardiovascular disease and death; Nonsmokers living with a smoker have a 20 to 30 percent increased risk of lung cancer and a 25 to 30 percent increased risk for coronary heart disease.

We look forward to working with you to secure passage of this important legislation by the 110th Congress.

Sincerely,

Daniel E. Smith,
President

WENDY K. SELIG,
Vice President, Legislative Affairs.

AUGUST 1, 2007.

Hon. HILLARY R. CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The American Lung Association strongly supports your Secondhand Smoke Education and Outreach Act. Despite the irrefutable scientific evidence that secondhand smoke kills, people of every age are exposed to tobacco smoke in the workplace, at home and in other public spaces. This legislation will provide accessible educational programs concerning secondhand smoke and smoking cessation in order to effectively reduce secondhand smoke exposure and promote lung health among Americans.

In June of 2006, the U.S. Surgeon General issued The Health Consequences of Involuntary Exposure to Tobacco Smoke, which concluded that there is no risk-free level of exposure to secondhand smoke. Even short exposure to secondhand smoke can decrease coronary flow and increase the risk of a heart attack in adults; additionally, in children, the risk of developing acute respiratory infections or asthma is elevated. However, despite this conclusive scientific evidence, more education is needed to communicate the dangers of secondhand smoke.

The Secondhand Smoke Education and Outreach Act will fund much needed educational campaigns about the dangers of secondhand smoke in the workplace and in multi-unit housing. These campaigns will promote awareness on the health consequences of smoking and secondhand smoke and promote lung health among the public. The legislation will also authorize grants to health care workers and providers for tobacco cessation education.

The mission of the American Lung Association is to prevent lung disease and promote lung health. The Secondhand Smoke Education and Outreach Act will do both by promoting secondhand smoke awareness and supporting people's efforts to quit smoking and enhance their lives.

The American Lung Association looks forward to working with you to see the Secondhand Smoke Education and Outreach Act enacted into law.

Sincerely,

BERNADETTE A. TOOMEY,
President and CEO.

THE CITY OF WHITE PLAINS,
YOUTH BUREAU,

White Plains, New York, July 31, 2007.

Senator HILLARY RODHAM CLINTON,
Russell Building Suite 476, U.S. Senate, Wash-
ington, DC.

Re: Second hand Smoke Education

DEAR SENATOR CLINTON: The White Plains Youth Bureau is writing this letter in support of the Bill you are introducing to amend the Public Health Service Act to provide education on the health consequences of exposure to second hand smoke, and for other purposes.

Studies conducted by various health organizations, as well as the Surgeon General have documented that there are more than 60 million young children still being involuntarily exposed to second hand smoke. Although the passage of laws such as the Clean Indoor Air Act, and other laws passed by individual states, have made significant reductions to smoking rates, involuntary exposure to second hand smoke continues to effect the health of our most vulnerable population—our children. Exposure to second hand smoke in outdoor public spaces as well as in multi unit housing complexes continues to be a significant health risk factor.

This bill is designed to address these very problems by providing support for increased education about the dangers of second hand smoke exposure. Research has proven that continuous education does make a difference. Additionally, the support for increased training of health professionals will help educate parents and other adults about the need to protect vulnerable segment of our population from involuntary exposure to second hand smoke.

We commend you and your staff for taking the initiative in putting together this important Bill that will definitely help to improve the health outcomes for many of our young people as well as continue the battle against the unscrupulous practices of the tobacco industry.

Sincerely Yours,

LINDA PUOPLO,
Deputy Director.

By Ms. LANDRIEU:

S. 2008. A bill to reform the single family housing loan guarantee program under the Housing Act of 1949; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I rise today to introduce the Home Ownership Made Easier Act, or the HOME Act. This bill will revitalize our Nation's rural communities by making it easier to become a homeowner and to provide opportunities to refinance high interest and subprime loans.

Our country has provided many excellent opportunities over the years to individuals living in rural areas to become a homeowner. One of these programs is what is commonly referred to as the 502 program administered by the U.S. Department of Agriculture. This program administers guaranteed loans to low-income families that are backed by the U.S. Government. Families must be able to show that they are without adequate housing and not exceed certain income limits. Currently, these loans last 30 years and do not require a down payment, however the applicant must be able to afford mortgage payments, including taxes, and insurance.

I applaud the success of the 502 program. In Louisiana alone, the program

has already administered 1,212 loans for 2007 and nationwide, the program has administered 27,643 loans. While the program does cost the taxpayer approximately \$42 million a year, it administers over \$3 billion in loans a year. Let me repeat that again, for \$42 million a year, our Government is able to provide \$3 billion in loans a year to low-income families to become homeowners. The risk extremely low. In 2006, the 502 program has a foreclosure rate of 1.36 percent. Again, I applaud the success of our Government to provide this much-needed help to rural Americans.

Some might ask why should the Federal Government help low-income families become homeowners? The answer is simple. Homeownership provides financial advantages to owners and to their communities. Individuals who own homes have an investment, of those that own homes, on average, one-half of the equity in their homes is one-half of their net worth. Homeowners enjoy tax benefits and they also enjoy financial stability if they are locked into a permanent interest rate. Communities also benefit, those that have a high percentage of homeownership see increased involvement with the community and with the local schools.

Also, maybe most importantly, homeownership by low-income households is linked to a child's educational advancement and future success.

My HOME Act will build upon the success of the 502 program and update the program to reflect current conditions. In some instances, this law hasn't been updated in nearly 30 years.

The HOME Act will do five things. First, it will increase the qualifying income limits for families and set out a three-tiered level of income standard instead of the current eight tiered standard. The first tier will be for families that have one to four individuals, the second tier is established for families of 5 to 8 persons and the third tier is for families larger than eight.

The second change will affect the qualifying population limit. Currently, the population limit is tied to communities of 10,000 or less in an area contained within a standard metropolitan statistical area, MSA, and communities less than 20,000 if they are not contained within a MSA. My HOME Act will expand the qualifying population limit to encompass rural communities of 40,000 or less.

HOME Act legislation will maintain the guaranteed fee that an applicant is required to pay at 2 percent, instead of raising the fee to 3 percent. This is to keep costs low for the borrower. It will also reduce the redtape involved by allowing an applicant that qualifies for a 502 loan to receive that loan regardless of whether or not the applicant can qualify for another Federal Government housing loan.

Finally, my bill will provide opportunities for individuals inside and outside the 502 program to refinance their

loans. These opportunities include refinancing to pay for a first or second purchase mortgage, for repairs to structural deficiencies, to pay for closing costs, and allow a borrower to consolidate debts up to the greater of \$10,000 or 10 percent.

The 502 program is an excellent program that has helped many individuals and families afford to purchase a clean, affordable home that increases their quality of life. I want to expand this program and allow more opportunities for low-income rural Americans to become homeowners. This is a good bill and I look forward to working with my colleagues to make this bill a reality.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2013. A bill to initially apply the required use of tamper-resistant prescription pads under the Medicaid Program to schedule II narcotic drugs and to delay the application of the requirement to other prescription drugs for 18 months; to the Committee on Finance.

Mr. BROWN. Mr. President, I am introducing legislation today that would delay for 18 months the requirement that doctors write Medicaid prescriptions on tamper-resistant paper. I am pleased that my colleague and friend, Mr. VOINOVICH, has agreed to cosponsor this important bill.

Let me place the bill in context. The Iraq supplemental signed into law 2 months ago requires all Medicaid prescriptions to be written on tamper-resistant paper effective October 1, 2007.

It is important to understand what tamper-resistant prescribing does and does not do.

First, what it does not do.

Tamper-resistant prescribing does not help prevent medication errors, which occur when a provider writes the wrong prescription, a pharmacist dispenses the wrong medicine, or a patient takes the wrong dose of a medicine.

Tamper-resistant prescribing does, however, help prevent fraud.

Tamper-resistant paper is intended to prevent the fraudulent modification of prescriptions, particularly prescriptions for opiates and other narcotics.

It is a worthy goal, and one we should pursue.

But the October 1, 2007, implementation date simply isn't realistic.

More time is needed to inform physicians and pharmacists about these new requirements and make sure that physicians across America have tamper-resistant pads in their offices.

If we don't delay the requirement, come October 1 pharmacists throughout our Nation will face an impossible situation.

The pharmacist can turn the beneficiary away since they are not going to be paid if they seek payment for a Medicaid prescription that is not written on tamper proof paper. Or they can go ahead and fill it and hope they don't get sued.

And what about the Medicaid beneficiary who needs to fill a prescription?

What about the financial integrity of Medicaid itself?

Let us say a Medicaid beneficiary needs insulin.

How much work does she miss and what is the additional cost to Medicaid if, in order to fill her prescription, this beneficiary must: 1. go to her doctor for a prescription; 2. go to her local pharmacy, which is forced to turn her away; 3. go to the emergency room in the hopes she can get a temporary supply; 4. go back to her doctor for a tamper-resistant prescription; and 5. go back to her pharmacy for her medicine?

If you give the health care sector enough time to prepare for the tamper-proof requirement, that requirement will improve the public health and reduce Medicaid costs.

Implemented prematurely, and the equation flips, Medicaid wastes dollars on needless doctor and hospital visits, and Medicaid beneficiaries suffer the consequences of unfilled prescriptions.

Providing more time to ensure smooth implementation of the tamper-resistant prescribing requirement is the smart thing to do and the right thing to do. It is the right thing to do for Medicaid beneficiaries, for community pharmacies, and for U.S. taxpayers.

On behalf of all of these constituencies, we should send this legislation to the President's desk as soon as possible.

By Mr. STEVENS (for himself, Mr. INOUE, Ms. CANTWELL, Ms. SNOWE, Ms. MURKOWSKI, Mr. SUNUNU, Mr. COCHRAN, Mr. KERRY, Ms. COLLINS, Mrs. MURRAY, and Mrs. BOXER):

S.J. Res. 17. A joint resolution directing the United States to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean; to the Committee on Foreign Relations.

Mr. STEVENS. Mr. President, I am pleased to introduce a Senate joint resolution directing the United States to initiate efforts with other Nations to negotiate international agreements for managing migratory and transboundary fish stocks in the Arctic Ocean. As we have seen in far too many cases around the world, fish stocks can easily become depleted when the international community fails to develop effective, science based agreements for conserving and managing shared fish stocks. The goal of this resolution is to ensure that we do not repeat that same mistake with any commercial fisheries that develop in the Arctic Ocean.

In many ways, the Arctic Ocean is the final frontier into which the world's commercial fisheries may expand. Currently, industrial fishing in this ocean has been limited by the distribution of fish habitat and the short duration of favorable fishing conditions, but that may change in the com-

ing years. Scientific evidence suggests that as the world's climate changes, ocean temperature regimes may shift and cause many fish stocks to colonize new habitats in the Arctic Ocean.

Similarly, fishing vessels may gain greater access to previously inhospitable areas of the Arctic.

Taken together, these potential shifts may create favorable conditions for expanding commercial fisheries in the United States, Russia, Canada, Norway, Denmark, and other nations that have access to the remote arctic waters.

Having seen the fish stock declines that come when multiple nations target the same stocks without effective coordinated management, it is vital that these nations work together to prevent this outcome.

Given the benefit of foresight and our ability to anticipate the need for international fisheries management systems in the Arctic, we must now begin the process of creating such a system before commercial fisheries become firmly established there.

The North Pacific Regional Fisheries Management Council, the body that manages U.S. fisheries in the North Pacific, recognizes the need to develop an effective management plan for Arctic Ocean fishing before significant fishing activity occurs. In June 2007, the council approved a proposal to close all Federal waters in the Arctic Ocean to fishing until they develop and implement a fisheries management plan. This action should serve as a signal to the rest of the United States and to all nations interested in Arctic Ocean fishing that sound conservation and management plans should be our top priority before moving forward to develop commercial fisheries there.

This Senate joint resolution builds upon the efforts of the North Pacific Regional Fisheries Management Council and takes it a step further by calling on the United States to lead international efforts to develop international fisheries management agreements for the Arctic Ocean. Such agreements should promote management systems for member nations that emphasize science-based limits on harvests, timely and accurate reporting of catch-and-trade data, equitable allocation and access systems, and effective monitoring and enforcement. These fisheries management principles are consistent with the Magnuson-Stevens Fishery Conservation and Management Amendments Act that was enacted last January and the United Nations Fish Stocks Agreement. Such principles are vital for preventing proliferation of illegal, unreported, and unregulated—what we call IUU—fishing which unfortunately continues to plague and undermine other international fisheries.

This resolution contains other important provisions as well. While negotiating any agreements for the arctic fisheries, the United States should consult with the North Pacific Regional Fishery Management Council and Alas-

ka Native subsistence communities in the Arctic. And, of course, consistent with the President's October 2006 Memorandum on Promoting Sustainable Fisheries and Ending Destructive Fishing Practices, this resolution calls on the United States to support international efforts to halt the expansion of commercial fisheries on the high seas of the Arctic Ocean until effective international agreements are enforced.

On behalf of Alaska's subsistence and commercial fishing communities and the organizations that work to sustain our fisheries, I thank the many cosponsors of this resolution for sharing our great concern for sound fisheries management.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. JOINT RES. 17

Whereas the decline of several commercially valuable fish stocks throughout the world's oceans highlights the need for fishing nations to conserve fish stocks and develop management systems that promote fisheries sustainability;

Whereas fish stocks are migratory throughout their habitats, and changing ocean conditions can restructure marine habitats and redistribute the species dependent on those habitats;

Whereas changing global climate regimes may increase ocean water temperature, creating suitable new habitats in areas previously too cold to support certain fish stocks, such as the Arctic Ocean;

Whereas habitat expansion and migration of fish stocks into the Arctic Ocean and the potential for vessel docking and navigation in the Arctic Ocean could create conditions favorable for establishing and expanding commercial fisheries in the future;

Whereas commercial fishing has occurred in several regions of the Arctic Ocean, including the Barents Sea, Kara Sea, Beaufort Sea, Chukchi Sea, and Greenland Sea, although fisheries scientists have only limited data on current and projected future fish stock abundance and distribution patterns throughout the Arctic Ocean;

Whereas remote indigenous communities in all nations that border the Arctic Ocean engage in limited, small scale subsistence fishing and must maintain access to and sustainability of this fishing in order to survive;

Whereas many of these communities depend on a variety of other marine life for social, cultural and subsistence purposes, including marine mammals and seabirds that may be adversely affected by climate change, and emerging fisheries in the Arctic should take into account the social, economic, cultural and subsistence needs of these small coastal communities;

Whereas managing for fisheries sustainability requires that all commercial fishing be conducted in accordance with science-based limits on harvest, timely and accurate reporting of catch data, equitable allocation and access systems, and effective monitoring and enforcement systems;

Whereas migratory fish stocks traverse international boundaries between the exclusive economic zones of fishing nations and the high seas, and ensuring sustainability of fisheries targeting these stocks requires management systems based on international coordination and cooperation;

Whereas international fishing treaties and agreements provide a framework for establishing rules to guide sustainable fishing activities among those nations that are parties to the agreement, and regional fisheries management organizations provide international fora for implementing these agreements and facilitating international cooperation and collaboration;

Whereas under its authorities in the Magnuson-Stevens Fishery Conservation and Management Act, the North Pacific Fishery Management Council has proposed that the United States close all Federal waters in the Chukchi and Beaufort Seas to commercial fishing until a fisheries management plan is fully developed; and

Whereas future commercial fishing and fisheries management activities in the Arctic Ocean should be developed through a coordinated international framework, as provided by international treaties or regional fisheries management organizations, and this framework should be implemented before significant commercial fishing activity expands to the high seas: Now, therefore, be it

Resolved, by the Senate and the House of Representatives in Congress assembled That—

(1) the United States should initiate international discussions and take necessary steps with other Arctic nations to negotiate an agreement or agreements for managing migratory, transboundary, and straddling fish stocks in the Arctic Ocean and establishing a new international fisheries management organization or organizations for the region;

(2) the agreement or agreements negotiated pursuant to paragraph (1) should conform to the requirements of the United Nations Fish Stocks Agreement and contain mechanisms, inter alia, for establishing catch and bycatch limits, harvest allocations, observers, monitoring, data collection and reporting, enforcement, and other elements necessary for sustaining future Arctic fish stocks;

(3) as international fisheries agreements are negotiated and implemented, the United States should consult with the North Pacific Regional Fishery Management Council and Alaska Native subsistence communities of the Arctic; and

(4) until the agreement or agreements negotiated pursuant to paragraph (1) come into force and measures consistent with the United Nations Fish Stocks Agreement are in effect, the United States should support international efforts to halt the expansion of commercial fishing activities in the high seas of the Arctic Ocean.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 299—RECOGNIZING THE RELIGIOUS AND HISTORICAL SIGNIFICANCE OF THE FESTIVAL OF DIWALI

Mr. MENENDEZ (for himself and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 299

Whereas Diwali, a festival of great significance to Indian Americans and South Asian Americans, is celebrated annually by Hindus, Sikhs, and Jains throughout the United States;

Whereas there are nearly 2,000,000 Hindus in the United States, approximately 1,250,000 of which are of Indian and South Asian origin;

Whereas the word “Diwali” is a shortened version of the Sanskrit term “Deepavali”, which means “a row of lamps”;

Whereas Diwali is a festival of lights, during which celebrants light small oil lamps, place them around the home, and pray for health, knowledge, and peace;

Whereas celebrants of Diwali believe that the rows of lamps symbolize the light within the individual that rids the soul of the darkness of ignorance;

Whereas Diwali falls on the last day of the last month in the lunar calendar and is celebrated as a day of thanksgiving and the beginning of the new year for many Hindus;

Whereas for Hindus, Diwali is a celebration of the victory of good over evil;

Whereas for Sikhs, Diwali is feted as the day that the sixth founding Sikh Guru, or revered teacher, Guru Hargobind, was released from captivity by the Mughal Emperor Jehangir; and

Whereas for Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, the last of the Tirthankaras (the great teachers of Jain dharma), at the end of his life in 527 B.C.: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the religious and historical significance of the festival of Diwali; and

(2) requests the President to issue a proclamation recognizing Diwali.

SENATE RESOLUTION 300—EXPRESSING THE SENSE OF THE SENATE THAT THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA (FYROM) SHOULD STOP THE UTILIZATION OF MATERIALS THAT VIOLATE PROVISIONS OF THE UNITED NATIONS-BROKERED INTERIM AGREEMENT BETWEEN FYROM AND GREECE REGARDING “HOSTILE ACTIVITIES OR PROPAGANDA” AND SHOULD WORK WITH THE UNITED NATIONS AND GREECE TO ACHIEVE LONGSTANDING UNITED STATES AND UNITED NATIONS POLICY GOALS OF FINDING A MUTUALLY-ACCEPTABLE OFFICIAL NAME FOR FYROM

Mr. MENENDEZ (for himself, Ms. SNOWE and Mr. OBAMA) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 300

Whereas, on April 8, 1993, the United Nations General Assembly admitted as a member the Former Yugoslav Republic of Macedonia (FYROM), under the name the “Former Yugoslav Republic of Macedonia”;

Whereas United Nations Security Council Resolution 817 (1993) states that the dispute over the name must be resolved to maintain peaceful relations between Greece and FYROM;

Whereas, on September 13, 1995, Greece and FYROM signed a United Nations-brokered Interim Accord that, among other things, commits them to not “support claims to any part of the territory of the other party or claims for a change of their existing frontiers”;

Whereas a pre-eminent goal of the United Nations Interim Accord was to stop FYROM from utilizing, since its admittance to the United Nations in 1993, what the Accord calls “propaganda”, including in school textbooks;

Whereas a television report in recent years showed students in a state-run school in FYROM still being taught that parts of Greece, including Greek Macedonia, are rightfully part of FYROM;

Whereas some textbooks, including the Military Academy textbook published in 2004 by the Military Academy “General Mihailo Apostolski” in the FYROM capital city, contain maps showing that a “Greater Macedonia” extends many miles south into Greece to Mount Olympus and miles east to Mount Pirin in Bulgaria;

Whereas, in direct contradiction of the spirit of the United Nations Interim Accord’s section “A”, entitled “Friendly Relations and Confidence Building Measures”, which attempts to eliminate challenges regarding “historic and cultural patrimony”, the Government of FYROM recently renamed the capital city’s international airport “Alexander the Great Airport”;

Whereas the aforementioned acts constitute a breach of FYROM’s international obligations deriving from the spirit of the United Nations Interim Accord, which provide that FYROM should abstain from any form of “propaganda” against Greece’s historical or cultural heritage;

Whereas such acts are not compatible with Article 10 of the United Nations Interim Accord, which calls for “improving understanding and good neighbourly relations”, as well as with European standards and values endorsed by European Union member-states; and

Whereas this information, like that exposed in the media report and elsewhere, being used contrary to the United Nations Interim Accord instills hostility and a rationale for irredentism in portions of the population of FYROM toward Greece and the history of Greece: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Former Yugoslav Republic of Macedonia (FYROM) to observe its obligations under Article 7 of the 1995 United Nations-brokered Interim Accord, which directs the parties to “promptly take effective measures to prohibit hostile activities or propaganda by state-controlled agencies and to discourage acts by private entities likely to incite violence, hatred or hostility” and review the contents of textbooks, maps, and teaching aids to ensure that such tools are stating accurate information; and

(2) urges FYROM to work with Greece within the framework of the United Nations process to achieve longstanding United States and United Nations policy goals by reaching a mutually-acceptable official name for FYROM.

SENATE RESOLUTION 301—RECOGNIZING THE 50TH ANNIVERSARY OF THE DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL, ONE OF THE MOST SIGNIFICANT EVENTS IN THE AMERICAN CIVIL RIGHTS MOVEMENT

Mrs. LINCOLN (for herself and Mr. PRYOR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 301

Whereas the landmark 1954 Supreme Court decision in *Brown v. Board of Education of Topeka* established that racial segregation in public schools violated the Constitution of the United States;

Whereas, in September 1957, 9 African-American students (Minnijean Brown, Elizabeth Eckford, Ernest Green, Thelma Mothershed, Melba Pattillo, Gloria Ray, Terrence Roberts, Jefferson Thomas, and