Public Law 101-305
101st Congress

An Act

To require the Secretary of Education to conduct a comprehensive national assessment of programs carried out with assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

May 30, 1990
[H.R. 3910]

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

1992 National Assessment of Chapter 1 Act.
20 USC 236 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "1992 National Assessment of Chapter 1 Act".

SEC. 2. NATIONAL ASSESSMENT OF PROGRAMS ASSISTED UNDER CHAPTER 1.

20 USC 2882 note.

(a) NATIONAL ASSESSMENT.—

(1) GENERAL REQUIREMENT.—The Secretary of Education, through the Deputy Under Secretary for Planning, Budget, and Evaluation and the Assistant Secretary of Educational Research and Improvement (in this section referred to as the "Assistant Secretary"), shall conduct a comprehensive national assessment of the effects of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (in this section referred to as "chapter 1").

(2) INDEPENDENT REVIEW PANEL.—Such assessment shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals including individuals with a background in conducting congressionally mandated national assessments of chapter 1. The Federal Advisory Committee Act shall not apply to the establishment or operation of such panel.

(3) COORDINATION WITH AND USE OF EXISTING STUDIES.—Such assessment shall be coordinated with all related research conducted by the Secretary of Education. Nothing in this section shall be construed to limit or alter the authority of the Secretary to review other program aspects of chapter 1 not mandated by this section.

(b) CONTENTS OF ASSESSMENT.—The assessment required by subsection (a) shall include descriptions and evaluations of—

(1) the implementation of the provisions of sections 1019, 1020, 1021, and 1435 of chapter 1, including—

(A) the progress made by State educational agencies and local educational agencies in implementing such sections;

(B) procedures used by State educational agencies and local educational agencies to govern interactions between such agencies relating to the administration and coordination of the provisions of such sections;

(C) program improvements undertaken by local educational agencies and State educational agencies under such sections and the effects of such improvements on

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program participants with respect to the basic and more advanced skills that all children are expected to master; and

(D) major programmatic accomplishments and problems and procedural accomplishments and problems caused by the implementation of such sections;

(2) the implementation of section 1015 of chapter 1, including—

(A) the number of schoolwide projects assisted under such section;

(B) operational procedures used by the schoolwide projects assisted under such section, including an analysis of similarities and differences in procedures and programs among such projects in different States;

(C) accomplishments and problems resulting from establishing schoolwide projects;

(D) an analysis of the effectiveness of schoolwide projects as compared to other programs assisted under part A of chapter 1; and

(E) a description of uses of funds in programs assisted in the implementation of schoolwide projects;

(3) the overall operation and effectiveness of part A of chapter 1, including—

(A) program participation, particularly—

(i) allocation of funds to school sites and the factors involved in such allocation;

(ii) recipients of services delivered with assistance under such part, including limited English proficient students;

(iii) with respect to each local educational agency that receives assistance under such part (or a representative sample of such agencies for each State), the number of eligible children within the jurisdiction of such agency, the resources necessary to serve all such eligible children, and the school attendance of participants in programs assisted under such part; and

(iv) the effect of the decennial census compiled by the Bureau of the Census in 1990 on the allocation of funding to local educational agencies, as well as counties;

(B) program services and personnel, particularly—

(i) services delivered with assistance under part A of chapter 1; and

(ii) a comparison of the background and training of teachers and staff who conduct programs assisted under part A of chapter 1 and regular classroom teachers and staff;

(C) program administration, particularly—

(i) coordination with regular classroom activities and with other programs;

(ii) the adequacy of standardized tests; and

(iii) the effectiveness of parent involvement procedures in enhancing parental collaboration with schools and parent involvement in the children's educational development;

(D) program outcomes, particularly—

(i) student achievement, as reflected by student attendance, behavior, grades, and other indicators of achievement; and

(ii) the development of curricula that provides effective instruction in basic and more advanced skills that all children are expected to master; and

(E) a national profile of the manner in which local educational agencies implement activities described in the plans included in their applications submitted to the Secretary under section 1056 of chapter 1;

(4) the implementation of section 1017 of chapter 1;

(5) the operation and effectiveness of Even Start projects carried out under part B of chapter 1; and

(6) the operation and effectiveness of programs for migratory children carried out under subpart 1 of part D of chapter 1.

(c) CONSULTATION WITH CONGRESSIONAL COMMITTEES.—In designing and implementing the assessment required by subsection (a), the Secretary of Education shall consult with the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives.

(d) REPORTS TO CONGRESS.—

(1) GENERAL REQUIREMENTS.—The Secretary of Education shall submit to the Congress—

(A) not later than June 30, 1992, a report containing the preliminary results of the assessment required by subsection (a); and

(B) not later than December 1, 1992, a final report with respect to such assessment.

(2) LIMITATION ON DEPARTMENTAL REVIEW OF REPORTS.—Notwithstanding any other provision of law, the Secretary of Education shall make available to the appropriate committees of the Congress such studies, reports, and data as are submitted to the Secretary by grantees and contractors pursuant to this Act without any additions, deletions, or other modifications by the Department of Education. The Secretary of Education and the President may submit such additional studies and make such additional recommendations to the Congress with respect to chapter 1 as they may consider appropriate.

(e) RESERVATION OF AMOUNTS.—From funds appropriated for purposes of chapter 1, the Secretary of Education shall reserve for purposes of conducting the assessment required by subsection (a) a total amount of not more than $6,000,000 from funds appropriated for the fiscal years 1990, 1991, 1992, and 1993. Amounts reserved under the preceding sentence may only be expended during the period beginning on December 1, 1989, and ending on January 1, 1993.

SEC. 3. IMPACT AID.

(a) AMOUNT OF PAYMENTS.—(1) Subparagraph (A) of section 3(d)(2) of Public Law 81-874 is amended to read as follows: 20 USC 238.

"(A)(i) Except as provided in clause (ii), for any fiscal year after September 30, 1988, funds reserved to make payments under subparagraph (B) shall not exceed $25,000,000 from the funds appropriated for such fiscal year.

"(ii) In the event that the payments made under subparagraph (B) in any fiscal year are less than $25,000,000, such remaining funds as do not exceed $25,000,000 shall remain

available until expended for the purpose of carrying out the provisions of subparagraph (B). Such remaining funds shall not be considered part of the funds reserved to make payments under subparagraph (B), but shall be expended if funds in excess of $25,000,000 are needed to carry out the provisions of subparagraph (B) in any fiscal year.

"(iii) If for any fiscal year the total amount of payments to be made under subparagraph (B) exceeds $25,000,000 and the funds described in clause (ii) are insufficient to make such payments, then the provisions of clause (i) shall not apply.".

20 USC 238 and note.

(2) Subparagraph (B) of section 2(b)(2) of Public Law 101-26 is hereby repealed, and Public Law 81-874 shall be applied and administered as if such subparagraph (B) (and the amendment made by such subparagraph) had not been enacted.

20 USC 238.

(b) ADJUSTMENTS FOR DECREASES IN FEDERAL ACTIVITIES.—Section 3(e) of Public Law 81-874 is amended to read as follows:

Children and youth.
State and local governments.

"(e)(1) Whenever the Secretary of Education determines that—

"(A) for any fiscal year, the number of children determined with respect to any local educational agency under subsections (a) and (b) is less than 90 percent of the number so determined with respect to such agency during the preceding fiscal year;

"(B) there has been a decrease or cessation of Federal activities within the State in which such agency is located; and

"(C) such decrease or cessation has resulted in a substantial decrease in the number of children determined under subsections (a) and (b) with respect to such agency for such fiscal year;

the amount to which such agency is entitled for such fiscal year and for any of the 3 succeeding fiscal years shall not be less than 90 percent of the payment such agency received under subsections (a) and (b) for the preceding fiscal year.

Appropriation authorization.

"(2) There is authorized to be appropriated for each fiscal year such amount as may be necessary to carry out the provisions of this section, which remain available until expended.

Reports.

"(3) Expenditures pursuant to paragraph (2) shall be reported by the Secretary to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of expenditure.

"(4) The Secretary shall make available to the Congress in the Department of Education's annual budget submission, the amount of funds necessary to defray the costs associated with the provisions of this subsection during the fiscal year for which the submission is made.".

20 USC 240.

(c) APPLICATION.—Section 5(a) of Public Law 81-874 (Impact Aid) (hereafter in this section referred to as "the Act") is amended to read as follows:

State and local governments.

"(a) APPLICATIONS.—(1) Any local educational agency desiring to receive the payments to which it is entitled for any fiscal year under section 2, 3, or 4 shall submit an application therefor to the Secretary and file a copy with the State educational agency. Each such application shall be submitted in such form, and containing such information, as the Secretary may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of any such payment.

"(2) The Secretary shall establish a deadline for the receipt of applications. For each fiscal year beginning with fiscal year 1991, the Secretary shall accept an approvable application received up to

60 days after the deadline, but shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid. The Secretary shall not accept or approve any application submitted more than 60 days after the application deadline.

"(3) Notwithstanding any other provision of law or regulation, a State educational agency that had been accepted as an applicant for funds under section 3 for fiscal years 1985, 1986, 1987 and 1988 shall be permitted to continue as an applicant under the same conditions by which it made application during such fiscal years only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.".

(d) ADJUSTMENTS.—Section 5(c)(2) of Public Law 81-874 is amended by inserting at the end thereof the following new subparagraph: 20 USC 240.

"(C) For the purpose of determining the category under subparagraph (A) that is applicable to the local educational agency providing free public education to secondary school students residing on Hanscom Air Force Base, Massachusetts, the Secretary shall count children in kindergarten through grade 8 who are residing on such base as if such students are receiving a free public education from such local educational agency.". State and local governments. Massachusetts.

(e) SPECIAL RULE.—The Secretary of Education shall consider as timely filed, and shall process for payment, an application from a local educational agency that is eligible to receive the payments to which it is entitled in fiscal year 1990 under section 2 or 3 of the Act, if the Secretary receives the application by June 29, 1990, and the application is otherwise approvable. State and local governments. 20 USC 240 note.

(f) DEFINITION.—Section 403(6) of Public Law 81-874 is amended by inserting the following new sentences at the end thereof: "Such term does not include any agency or school authority that the Secretary determines, on a case-by-case basis— 20 USC 244.

"(A) was constituted or reconstituted primarily for the purpose of receiving assistance under this Act or increasing the amount of that assistance;

"(B) is not constituted or reconstituted for legitimate educational purposes; or

"(C) was previously part of a school district upon being constituted or reconstituted.

For the purpose of carrying out the provisions of section 3(a), such term includes any agency or school authority that has had an arrangement with a nonadjacent school district for the education of children of persons who reside or work on an installation of the Department of Defense for more than 25 years, but only if the Secretary determines that there is no single school district adjacent to the school district in which the installation is located that is capable of educating all such children.".

SEC. 4. BILINGUAL EDUCATION.

Awards made by the Secretary of Education to the Franklin-Northwest Supervisory Union of Vermont under the Bilingual Education Act (20 U.S.C. 3221 et seq.), in amounts of—

(1) $388,076.56 for the period of fiscal year 1984 through fiscal year 1986 (for programs of bilingual education, however characterized),

(2) $400,061.00 for the period of fiscal year 1984 through fiscal year 1986 (for programs of bilingual education, however characterized), and

(3) any expenditure of funds by the Franklin-Northwest Supervisory Union pursuant to the awards described in paragraphs (1) and (2),

shall be treated as if they were made in accordance with the provisions of the Bilingual Education Act for purposes of any claims for repayment asserted by the Secretary of Education.

SEC. 5. STUDENT LITERACY CORPS.

20 USC 1018e.

Section 146 of the Higher Education Act of 1965 is amended to read as follows:

"SEC. 146. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the provisions of this part $10,000,000 for fiscal year 1991.".

SEC. 6. THE HEAD START ACT AND CHAPTER 1 OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(a) FINDINGS.—The Senate finds that—

(1) one in every five children in America, some 12,600,000 youngsters under the age of 18, live in poverty;

(2) the Head Start program and programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 are proven early education programs that offer the best opportunity to break the cycle of poverty;

(3) since 1980, spending by the Federal Government for education has decreased by 4.7 percent in real terms;

(4) $1 invested in high-quality preschool programs like Head Start and chapter 1 of title I of the Elementary and Secondary Education Act of 1965 saves $6 in lowered costs for special education, grade retention, public assistance, and crime;

(5) children who enroll in Head Start are more likely than other poor children to be literate, employed, and enrolled in postsecondary education;

(6) children who enroll in Head Start programs are less likely than other poor children to be high school dropouts, teen parents, dependent on welfare, or arrested for criminal or delinquent activity;

(7) children who enroll in programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 experience larger increases in standardized achievement scores than comparable students who did not enroll in such programs;

(8) low funding levels for the Head Start Act limit the participation in Head Start programs to less than 20 percent of the eligible population; and

(9) low funding levels for chapter 1 of title I of the Elementary and Secondary Education Act of 1965 limit participation in programs assisted under such Act to less than 50 percent of the eligible population.

(b) SENSE OF SENATE.—It is the sense of the Senate that appropriations for the Head Start Act should be increased to fully serve the potential, eligible population under such Act by fiscal year 1994 and

that appropriations for chapter 1 of title I of the Elementary and Secondary Education Act of 1965 should be increased to the authorization level of such Act by fiscal year 1994.

SEC. 7. TECHNICAL AMENDMENT.

(a) IN GENERAL.—Section 2 of Public Law 81-874 is amended by inserting at the end thereof the following new subsection (d): 20 USC 237.

"(d) The United States shall be deemed to own Federal property, for the purposes of this Act where— Gifts and property.

"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

"(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

"(A) restricts some or any construction on such property;

"(B) requires that the property be used in perpetuity for the public purposes for which it was conveyed;

"(C) requires the grantee of the property to report to the Federal Government (or its agent) setting forth information on the use of the property;

"(D) prohibits the sale, lease assignment or other disposal of the property unless to another eligible government agency and with the approval of the Federal Government (or its agent); and

"(E) reserves to the Federal Government a right of reversion at any time the Federal Government (or its agent) deems it necessary for the national defense.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1989. 20 USC 237 note.

Approved May 30, 1990.

LEGISLATIVE HISTORY—H.R. 3910:

HOUSE REPORTS: No. 101-404 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Feb. 27, considered and passed House.
May 7, considered and passed Senate, amended.
May 10, House concurred in Senate amendment with an amendment.
May 14, Senate concurred in House amendment.