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1 tus, migrant students, by children with disabil-
2 ities as compared to other students, and by eco-
3 nomically disadvantaged students as compared
4 to students who are not economically disadvan-
5 taged, except that such disaggregation shall not
6 be required in a case in which the number of
7 students in a category is insufficient to yield
8 statistically reliable information or the results
9 would reveal individually identifiable informa-
10 tion about an individual student.

11 “(3) PLAN DEVELOPMENT.—The comprehen-
12 sive plan shall be—

13 “(A) developed during a 1-year period,
14 unless—

15 “(i) the local educational agency de-
16 termines that less time is needed to de-
17 velop and implement the schoolwide pro-
18 gram; or

19 “(ii) the school is operating a
20 schoolwide program on the day preceding
21 the date of enactment of the Student Re-
22 sults Act of 1999, in which case such
23 school may continue to operate such pro-
24 gram, but shall develop amendments to
25 their existing plan during the first year of



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1 assistance under such Act to reflect the
2 provisions of this section;

3 “(B) developed with the involvement of the
4 community to be served and individuals who
5 will carry out such plan, including teachers,
6 principals, administrator (including administra-
7 tors of programs described in other parts of
8 this title), pupil services personnel, where ap-
9 propriate school staff and parents, and, if the
10 plan relates to a secondary school, students
11 from such school;

12 “(C) in effect for the duration of the
13 school’s participation under this part and re-
14 viewed and revised, as necessary, by the school;

15 “(D) available to the local educational
16 agency, parents, and the public, and the infor-
17 mation contained in such plan shall be provided
18 in a format, and to the extent practicable, in a
19 language that they can understand; and

20 “(E) if appropriate, developed in coordina-
21 tion with programs under the Reading Excel-
22 lence Act, the Carl D. Perkins Vocational and
23 Technical Education Act of 1998, the Head
24 Start Act, and part B of this title.



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1 “(c) ACCOUNTABILITY.—A schoolwide program
2 under this section shall be subject to the school improve-
3 ment provisions of section 1116.

4 **SEC. ____ TARGETED ASSISTANCE SCHOOLS.**

5 (a) IN GENERAL.—Subsection (a) of section 1115
6 (20 U.S.C. 6315(a)) is amended by striking “section
7 1113(c)” and inserting “section 1113(g)”.

8 (b) ELIGIBLE CHILDREN.—Subsection (b) of section
9 1115 (20 U.S.C. 6315(b)) is amended to read as follows:

10 “(b) ELIGIBLE CHILDREN.—

11 “(1) ELIGIBLE POPULATION.—(A) The eligible
12 population for services under this section is—

13 “(i) children not older than age 21 who are
14 entitled to a free public education through
15 grade 12; and

16 “(ii) children who are not yet at a grade
17 level where the local educational agency pro-
18 vides a free public education.

19 “(B) From the population described in subpara-
20 graph (A), eligible children are children identified by
21 the school as failing, or most at risk of failing, to
22 meet the State’s challenging student performance
23 standards on the basis of assessments under this
24 part, or in the absence of such assessments, on the
25 basis of multiple, educationally related, objective cri-



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1 teria established by the local educational agency and
2 supplemented by the school, except that children
3 from preschool through grade 2 may be selected
4 solely on the basis of such criteria as teacher judgment,
5 interviews with parents, and developmentally
6 appropriate measures.

7 “(2) CHILDREN INCLUDED.—(A)(i) Children
8 with disabilities, migrant children, and children with
9 limited English proficiency are eligible for services
10 under this part on the same basis as other children.

11 “(ii) Funds received under this part may not be
12 used to provide services that are otherwise required
13 by law to be made available to such children but
14 may be used to coordinate or supplement such services.
15 ices.

16 “(B) A child who, at any time in the 2 years
17 preceding the year for which the determination is
18 made, participated in a Head Start or Even Start
19 program or in preschool services under this title, is
20 eligible for services under this part.

21 “(C)(i) A child who, at any time in the 2 years
22 preceding the year for which the determination is
23 made, received services under part D is eligible for
24 services under this part.



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1 “(ii) A child in a local institution for neglected
2 or delinquent children or attending a community day
3 program for such children is eligible for services
4 under this part.

5 “(D) A child who is homeless and attending any
6 school in the local educational agency is eligible for
7 services under this part.”.

8 (c) COMPONENTS OF TARGETED ASSISTANCE
9 SCHOOL PROGRAM.—Subsection (c) of section 1115 (20
10 U.S.C. 6315(c)) is amended to read as follows:

11 “(c) COMPONENTS OF A TARGETED ASSISTANCE
12 SCHOOL PROGRAM.—

13 “(1) IN GENERAL.—To assist targeted assist-
14 ance schools and local educational agencies to meet
15 their responsibility to provide for all their students
16 served under this title the opportunity to meet the
17 State’s challenging student performance standards
18 in subjects as determined by the State, each tar-
19 geted assistance program under this section shall—

20 “(A) use such program’s resources under
21 this part to help participating children meet
22 such State’s challenging student performance
23 standards expected for all children;



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1 “(B) ensure that planning for students
2 served under this part is incorporated into ex-
3 isting school planning;

4 “(C) use effective methods and instruc-
5 tional strategies that are based upon scientif-
6 ically based research that strengthens the core
7 academic program of the school and that—

8 “(i) give primary consideration to pro-
9 viding extended learning time such as an
10 extended school year, before- and after-
11 school, and summer, programs and oppor-
12 tunities;

13 “(ii) help provide an accelerated, high-
14 quality curriculum, including applied learn-
15 ing; and

16 “(iii) minimize removing children
17 from the regular classroom during regular
18 school hours for instruction provided under
19 this part;

20 “(D) coordinate with and support the reg-
21 ular education program, which may include
22 services to assist preschool children in the tran-
23 sition from early childhood programs to elemen-
24 tary school programs;



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1 “(E) provide instruction by fully qualified
2 teachers;

3 “(F) in accordance with subsection (e)(3)
4 and section 1119, provide opportunities for pro-
5 fessional development with resources provided
6 under this part, and, to the extent practicable,
7 from other sources, for teachers, principals, and
8 administrators and other school staff who work
9 with participating children in programs under
10 this section or in the regular education pro-
11 gram; and

12 “(G) provide strategies to increase paren-
13 tal involvement in accordance with section
14 1118, such as family literacy services.

15 “(2) REQUIREMENTS.—Each school conducting
16 a program under this section shall assist partici-
17 pating children selected in accordance with sub-
18 section (b) to meet the State’s proficient and ad-
19 vanced levels of performance by—

20 “(A) the coordination of resources provided
21 under this part with other resources; and

22 “(B) reviewing, on an ongoing basis, the
23 progress of participating children and revising
24 the targeted assistance program, if necessary,
25 to provide additional assistance to enable such



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1 children to meet the State's challenging student
2 performance standards, such as an extended
3 school year, before- and after-school, and sum-
4 mer, programs and opportunities, training for
5 teachers regarding how to identify students that
6 require additional assistance, and training for
7 teachers regarding how to implement student
8 performance standards in the classroom.”.

9 (d) INTEGRATION OF PROFESSIONAL DEVELOP-
10 MENT.—To promote the integration of staff supported
11 with funds under this part, public school personnel who
12 are paid with funds received under this part may partici-
13 pate in general professional development and school plan-
14 ning activities.

15 (e) COMPREHENSIVE SERVICES.—Paragraph (2) of
16 section 1115(e) (20 U.S.C. 6315(e)(2)) is amended—

17 (1) by inserting “and” at the end of subpara-
18 graph (A);

19 (2) by striking subparagraph (B); and

20 (3) by redesignating subparagraph (C) as sub-
21 paragraph (B).

22 **SEC. ____.** **SCHOOL CHOICE.**

23 Section 1115A (20 U.S.C. 6316) is amended to read
24 as follows:



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1 **“SEC. 1115A. SCHOOL CHOICE.**

2 “(a) CHOICE PROGRAMS.—A local educational agen-
3 cy may use funds under this part, in combination with
4 State, local, and private funds, to develop and implement
5 public school choice programs, for children eligible for as-
6 sistance under this part, which permit parents to select
7 the public school that their child will attend and are con-
8 sistent with State and local law, policy, and practice re-
9 lated to public school choice and local pupil transfer.

10 “(b) CHOICE PLAN.—A local educational agency that
11 chooses to implement a public school choice program shall
12 first develop a plan that includes assurances that—

13 “(1) all eligible students across grade levels
14 served under this part will have equal access to the
15 program;

16 “(2) the program does not include schools that
17 follow a racially discriminatory policy;

18 “(3) describe how the school will use resources
19 under this part and from other sources to implement
20 the plan;

21 “(4) the plan will be developed with the involve-
22 ment of parents and others in the community to be
23 served and individuals who will carry out the plan,
24 including administrators, teachers, principals, and
25 other staff;



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1 “(5) parents of eligible students in the local
2 educational agency will be given prompt notice of the
3 existence of the public school choice program and its
4 availability to them, and a clear explanation of how
5 the program will operate;

6 “(6) the program will include charter schools
7 and any other public school and shall not include a
8 school that is or has been identified as a school in
9 school improvement or is or has been in corrective
10 action for the past 2 consecutive years;

11 “(7) transportation services or the costs of
12 transportation may be provided by the local edu-
13 cational agency with funds under this part; and

14 “(8) such local educational agency will comply
15 with the other requirements of this part.

16 **SEC. ____ . ASSESSMENT AND LOCAL EDUCATIONAL AGENCY**
17 **AND SCHOOL IMPROVEMENT.**

18 (a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C.
19 6317(a)) is amended—

20 (1) in paragraph (2), by striking
21 “1111(b)(2)(A)(i)” and inserting “1111(b)(2)(B)”;

22 (2) in paragraph (3), by striking “individual
23 school performance profiles” and inserting “school
24 report cards”;



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1 (3) in paragraph (3), by striking “and” after
2 the semicolon;

3 (4) in paragraph (4), by striking the period at
4 the end and inserting “; and”; and

5 (5) by adding at the end the following:

6 “(5) review the effectiveness of the actions and
7 activities the schools are carrying out under this
8 part with respect to parental involvement assisted
9 under this Act.”.

10 (b) SCHOOL IMPROVEMENT.—Subsection (c) of sec-
11 tion 1116 (20 U.S.C. 6317(c)) is amended to read as fol-
12 lows:

13 “(b) SCHOOL IMPROVEMENT.—

14 “(1) IN GENERAL.—A local educational agency
15 shall identify for school improvement any school
16 served under this part that—

17 “(A) for 2 consecutive years failed to make
18 adequate yearly progress as defined in the
19 State’s plan under section 1111(b)(2); or

20 “(B) was in school improvement status
21 under this section on the day preceding the
22 date of the enactment of the Student Results
23 Act of 1999.

24 “(2) TRANSITION.—The 2-year period described
25 in paragraph (1)(A) shall include any continuous pe-



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1 riod of time immediately preceding the date of the
2 enactment of the Student Results Act of 1999 dur-
3 ing which a school did not make adequate yearly
4 progress as defined in the State's plan, as such plan
5 was in effect on the day preceding the date of the
6 enactment of the Student Results Act of 1999.

7 “(3) TARGETED ASSISTANCE SCHOOLS.—To de-
8 termine if a school that is conducting a targeted as-
9 sistance program under section 1115 should be iden-
10 tified as in need of improvement under this sub-
11 section, a local educational agency may choose to re-
12 view the progress of only those students in such
13 school who are served under this part.

14 “(4) OPPORTUNITY TO REVIEW AND PRESENT
15 EVIDENCE.—(A) Before identifying a school for
16 school improvement under paragraph (1), the local
17 educational agency shall provide the school with an
18 opportunity to review the school-level data, including
19 assessment data, on which the proposed identifica-
20 tion is based.

21 “(B) If the school principal believes that the
22 proposed identification is in error for statistical or
23 other substantive reasons, it may provide supporting
24 evidence to the local educational agency, which such



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1 agency shall consider before making a final deter-
2 mination.

3 “(5) NOTIFICATION TO PARENTS.—A local edu-
4 cational agency shall, in an easily understandable
5 format, provide in writing to parents of each student
6 in a school identified for school improvement—

7 “(A) an explanation of what the school im-
8 provement identification means and how the
9 school compares in terms of academic perform-
10 ance to other schools in the local educational
11 agency and State;

12 “(B) the reasons for such identification;

13 “(C) the data on which such identification
14 is based;

15 “(D) an explanation of what the school is
16 doing to address the problem of low achieve-
17 ment;

18 “(E) an explanation of how parents can
19 become involved in upgrading the quality of the
20 school;

21 “(F) an explanation of the right of par-
22 ents, pursuant to subparagraph (6), to transfer
23 their child to another public school, including a
24 public charter school, that is not in school im-



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1 provement, and how such transfer shall operate;
2 and

3 (G) notification to parents in a format
4 and, to the extent practicable, in a language
5 they can understand.

6 “(6) PUBLIC SCHOOL CHOICE OPTION.—

7 “(A) SCHOOLS IDENTIFIED FOR IMPROVE-
8 MENT.—

9 “(i) SCHOOLS IDENTIFIED ON OR BE-
10 FORE ENACTMENT.—Not later than 18
11 months after the date of enactment of the
12 Students Results Act of 1999, a local edu-
13 cational agency shall provide all students
14 enrolled in a school identified (on or before
15 such date of enactment) for school im-
16 provement with an option to transfer to
17 any other public school, including a public
18 charter school that has not been identified
19 for school improvement, consistent with
20 State and local law, policy, and practice re-
21 lated to public school choice and local pupil
22 transfer.

23 “(ii) SCHOOLS IDENTIFIED AFTER EN-
24 ACTMENT.—Not later than 18 months
25 after the date on which a local educational



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1 agency identifies a school for school im-
2 provement, the agency shall provide all
3 students enrolled in such school with an
4 option described in clause (i).

5 “(B) COOPERATIVE AGREEMENT.—If all public
6 schools in the local educational agency to which a
7 child may transfer to, are identified for school im-
8 provement, the agency shall, to the extent prac-
9 ticable, establish a cooperative agreement with other
10 local educational agencies in the area for the trans-
11 fer.

12 “(C) TRANSPORTATION.—The local educational
13 agency in which the schools have been identified for
14 improvement may use funds under this part to pro-
15 vide transportation to parents who choose to trans-
16 fer their children to a different school.

17 “(D) CONTINUE OPTION.—Once a school is no
18 longer identified for school improvement, the local
19 educational agency shall continue to provide public
20 school choice as an option to students in such school
21 for a period of not less than 2 years.

22 “(7) SCHOOL PLAN.—(A) Each school identified
23 under paragraph (1) for school improvement shall,
24 not later than 3 months after being so identified, de-
25 velop or revise a school plan, in consultation with



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1 parents, school staff, the local educational agency,
2 and other outside experts for approval by the local
3 educational agency. Such plan shall—

4 “(i) incorporate scientifically-based re-
5 search strategies that strengthen the core aca-
6 demic program in the school;

7 “(ii) adopt policies that have the greatest
8 likelihood of improving the performance of par-
9 ticipating children in meeting the State’s stu-
10 dent performance standards;

11 “(iii) address the professional development
12 needs of staff, particularly teachers and prin-
13 cipals;

14 “(iv) establish specific goals and objectives
15 the school will undertake for making adequate
16 yearly progress which include specific numerical
17 performance goals and targets for each of the
18 groups of students identified in the
19 disaggregated data pursuant to section
20 1111(b)(2);

21 “(v) identify how the school will provide
22 written notification to parents, in a format and
23 to the extent practicable in a language such
24 parents can understand; and



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1 “(vi) specify the responsibilities of the local
2 educational agency and the school under the
3 plan.

4 “(B) A local educational agency may condition
5 approval of a school plan on inclusion of 1 or more
6 of the corrective actions specified in paragraph (9).

7 “(C) A school shall implement its plan or re-
8 vised plan expeditiously, but not later than the be-
9 ginning of the school year after which the school has
10 been identified for improvement.

11 “(D) The local educational agency shall
12 promptly review the plan, work with the school as
13 necessary, and approve the plan if it meets the re-
14 quirements of this section.

15 “(8) TECHNICAL ASSISTANCE.—(A) For each
16 school identified for school improvement under para-
17 graph (1), the local educational agency shall provide
18 technical assistance as the school develops and im-
19 plements its plan.

20 “(B) Such technical assistance—

21 “(i) shall include effective methods and in-
22 structional strategies that are based upon sci-
23 entifically based research that strengthens the
24 core academic program in the school and ad-



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1 dresses the specific elements of student per-
2 formance problems in the school;

3 “(ii) may be provided directly by the local
4 educational agency, through mechanisms au-
5 thorized under section 1117, or with the local
6 educational agency’s approval, by an institution
7 of higher education, a private nonprofit organi-
8 zation, an educational service agency, a com-
9 prehensive regional assistance center under part
10 A of title XIII, or other entities with experience
11 in helping schools improve achievement.

12 “(C) Technical assistance provided under this
13 section by the local educational agency or an entity
14 authorized by such agency shall be based upon sci-
15 entifically based research.

16 “(9) CORRECTIVE ACTION.—In order to help
17 students served under this part meet challenging
18 State standards, each local educational agency shall
19 implement a system of corrective action in accord-
20 ance with the following:

21 “(A) After providing technical assistance
22 under paragraph (8) and subject to subpara-
23 graph (G), the local educational agency—



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1 “(i) may take corrective action at any
2 time with respect to a school that has been
3 identified under paragraph (1);

4 “(ii) shall take corrective action with
5 respect to any school that fails to make
6 adequate yearly progress, as defined by the
7 State, after the end of the second year fol-
8 lowing its identification under paragraph
9 (1); and

10 “(iii) shall continue to provide tech-
11 nical assistance while instituting any cor-
12 rective action under clause (i) or (ii).

13 “(B) As used in this paragraph, the term
14 ‘corrective action’ means action, consistent with
15 State and local law, that—

16 “(i) substantially and directly re-
17 sponds to the consistent academic failure
18 that caused the local educational agency to
19 take such action and to any underlying
20 staffing, curricular, or other problems in
21 the school; and

22 “(ii) is designed to substantially in-
23 crease the likelihood that students will per-
24 form at the proficient and advanced per-
25 formance levels.



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1 “(C) In the case of a school described in
2 subparagraph (A)(ii), the local educational
3 agency shall take not less than 1 of the fol-
4 lowing corrective actions:

5 “(i) Withhold funds from the school.

6 “(ii) Decrease decisionmaking author-
7 ity at the school level.

8 “(iii) Make alternative governance ar-
9 rangements, including reopening the school
10 as a public charter school.

11 “(iv) Reconstitute the school by re-
12 quiring each person employed at the school
13 to reapply for future employment at the
14 same school or for any position in the local
15 educational agency.

16 “(v) Authorize students to transfer to
17 other higher performing public schools
18 served by the local educational agency, in-
19 cluding public charter schools, and provide
20 such students transportation (or the costs
21 of transportation) to such schools in con-
22 junction with not less than 1 additional ac-
23 tion described under this subparagraph.

24 “(vi) Institute and fully implement a
25 new curriculum, including appropriate pro-



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1 professional development for all relevant staff,
2 that is based upon scientifically based re-
3 search and offers substantial promise of
4 improving educational achievement for low-
5 performing students.

6 “(D) A local educational agency may delay,
7 for a period not to exceed 1 year, implementa-
8 tion of corrective action only if the failure to
9 make adequate yearly progress was justified
10 due to exceptional or uncontrollable cir-
11 cumstances such as a natural disaster or a pre-
12 cipitous and unforeseen decline in the financial
13 resources of the local educational agency or
14 school.

15 “(E) The local educational agency shall
16 publish, and disseminate to the public and to
17 parents in a format and, to the extent prac-
18 ticable, in a language that they can understand
19 any corrective action it takes under this para-
20 graph through such means as the Internet, the
21 media, and public agencies.

22 “(F)(i) Before taking corrective action
23 with respect to any school under this para-
24 graph, a local educational agency shall provide
25 the school an opportunity to review the school



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1 level data, including assessment data, on which
2 the proposed determination is made.

3 “(ii) If the school believes that the pro-
4 posed determination is in error for statistical or
5 other substantive reasons, it may provide sup-
6 porting evidence to the local educational agency,
7 which shall consider such evidence before mak-
8 ing a final determination.

9 “(10) STATE EDUCATIONAL AGENCY RESPON-
10 SIBILITIES.—If a State educational agency deter-
11 mines that a local educational agency failed to carry
12 out its responsibilities under this section, it shall
13 take such action as it finds necessary, consistent
14 with this section, to improve the affected schools and
15 to ensure that the local educational agency carries
16 out its responsibilities under this section.

17 “(11) SPECIAL RULES.—Schools that, for at
18 least two of the three years following identification
19 under paragraph (1), make adequate yearly progress
20 toward meeting the State’s proficient and advanced
21 levels of performance shall no longer be identified
22 for school improvement.



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1 **SEC. ____.** **STATE REVIEW AND LOCAL EDUCATIONAL AGEN-**
2 **CY IMPROVEMENT.**

3 Section 1116(d) (20 U.S.C. 6317(d)) is amended to
4 read as follows:

5 “(d) **STATE REVIEW AND LOCAL EDUCATIONAL**
6 **AGENCY IMPROVEMENT.**—

7 “(1) **IN GENERAL.**—A State educational agency
8 shall—

9 “(A) annually review the progress of each
10 local educational agency receiving funds under
11 this part to determine whether schools receiving
12 assistance under this part are making adequate
13 yearly progress as defined in section 1111(b)(2)
14 toward meeting the State’s student performance
15 standards; and

16 “(B) publicize and disseminate to local
17 educational agencies, teachers and other staff,
18 parents, students, and the community the re-
19 sults of the State review consistent with section
20 1111, including statistically sound
21 disaggregated results, as required by section
22 1111(b)(2).

23 “(2) **IDENTIFICATION OF LOCAL EDUCATIONAL**
24 **AGENCY FOR IMPROVEMENT.**—A State educational
25 agency shall identify for improvement any local edu-
26 cational agency that—



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1 “(A) for 2 consecutive years failed to make
2 adequate yearly progress as defined in the
3 State’s plan under section 1111(b)(2); or

4 “(B) was in improvement status under this
5 section as this section was in effect on the day
6 preceding the date of enactment of the Student
7 Results Act of 1999.

8 “(3) TRANSITION.—The 2-year period described
9 in paragraph (2)(A) shall include any continuous pe-
10 riod of time immediately preceding the date of the
11 enactment of the Student Results Act of 1999, dur-
12 ing which a local educational agency did not make
13 adequate yearly progress as defined in the State’s
14 plan, as such plan was in effect on the day preceding
15 the date of the enactment of the Student Results
16 Act of 1999.

17 “(4) TARGETED ASSISTANCE SCHOOLS.—For
18 purposes of targeted assistance schools in a local
19 educational agency, a State educational agency may
20 choose to review the progress of only the students in
21 such schools who are served under this part.

22 “(5) OPPORTUNITY TO REVIEW AND PRESENT
23 EVIDENCE.—(A) Before identifying a local edu-
24 cational agency for improvement under paragraph
25 (2), a State educational agency shall provide the



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1 local educational agency with an opportunity to re-
2 view the local educational agency data, including as-
3 sessment data, on which that proposed identification
4 is based.

5 “(B) If the local educational agency believes
6 that the proposed identification is in error for statis-
7 tical or other substantive reasons, it may provide
8 supporting evidence to the State educational agency,
9 which such agency shall consider before making a
10 final determination.

11 “(6) NOTIFICATION TO PARENTS.—The State
12 educational agency shall promptly notify parents in
13 a format, and to the extent practicable in a lan-
14 guage, they can understand, of each student enrolled
15 in a school in a local educational agency identified
16 for improvement, of the reasons for such agency’s
17 identification and how parents can participate in up-
18 grading the quality of the local educational agency.

19 “(7) LOCAL EDUCATIONAL AGENCY REVI-
20 SIONS.—(A) Each local educational agency identified
21 under paragraph (2) shall, not later than 3 months
22 after being so identified, develop or revise a local
23 educational agency plan, in consultation with par-
24 ents, school staff, and others. Such plan shall—



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1 “(i) incorporate scientifically based re-
2 search strategies that strengthen the core aca-
3 demic program in the local educational agency;

4 “(ii) identify specific goals and objectives
5 the local educational agency will undertake to
6 make adequate yearly progress and which—

7 “(I) have the greatest likelihood of
8 improving the performance of participating
9 children in meeting the State’s student
10 performance standards;

11 “(II) address the professional develop-
12 ment needs of staff; and

13 “(III) include specific numerical per-
14 formance goals and targets for each of the
15 groups of students identified in the
16 disaggregated data pursuant to section
17 1111(b)(2);

18 “(iii) identify how the school district will
19 go about providing written notification to par-
20 ents in a format, and to the extent practicable
21 in a language, that they can understand, pursu-
22 ant to paragraph (6); and

23 “(iv) specify the responsibilities of the
24 State educational agency and the local edu-
25 cational agency under the plan.



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1 “(B) The local educational agency shall imple-
2 ment its plan or revised plan expeditiously, but not
3 later than the beginning of the school year after
4 which the school has been identified for improve-
5 ment.

6 “(8) STATE EDUCATIONAL AGENCY RESPONSIBI-
7 LITY.—For each local educational agency identi-
8 fied under paragraph (2), the State educational
9 agency shall provide technical or other assistance, if
10 requested, as authorized under section 1117, to bet-
11 ter enable the local educational agency—

12 “(A) to develop and implement its revised
13 plan as approved by the State educational agen-
14 cy consistent with the requirements of this sec-
15 tion; and

16 “(B) to work with schools needing im-
17 provement.

18 “(9) CORRECTIVE ACTION.—In order to help
19 students served under this part meet challenging
20 State standards, each State educational agency shall
21 implement a system of corrective action in accord-
22 ance with the following:

23 “(A) After providing technical assistance
24 under paragraph (8) and subject to subpara-
25 graph (D), the State educational agency—



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1 “(i) may take corrective action at any
2 time with respect to a local educational
3 agency that has been identified under
4 paragraph (2);

5 “(ii) shall take corrective action with
6 respect to any local educational agency
7 that fails to make adequate yearly
8 progress, as defined by the State, after the
9 end of the second year following its identi-
10 fication under paragraph (2); and

11 “(iii) shall continue to provide tech-
12 nical assistance while instituting any cor-
13 rective action under clause (i) or (ii).

14 “(B) As used in this paragraph, the term
15 ‘corrective action’ means action, consistent with
16 State law, that—

17 “(i) substantially and directly re-
18 sponds to the consistent academic failure
19 that caused the State educational agency
20 to take such action and to any underlying
21 staffing, curricular, or other problems in
22 the school; and

23 “(ii) is designed to meet the goal of
24 having all students served under this part



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1 perform at the proficient and advanced
2 performance levels.

3 “(C) In the case of a local educational
4 agency described in this paragraph, the State
5 educational agency shall take not less than 1 of
6 the following corrective actions:

7 “(i) Withhold funds from the local
8 educational agency.

9 “(ii) Reconstitution of school district
10 personnel;

11 “(iii) Remove particular schools from
12 the jurisdiction of the local educational
13 agency and establish alternative arrange-
14 ments for public governance and super-
15 vision of such schools.

16 “(iv) Appoint, through the State edu-
17 cational agency, a receiver or trustee to ad-
18 minister the affairs of the local educational
19 agency in place of the superintendent and
20 school board.

21 “(v) Abolish or restructure the local
22 educational agency.

23 “(vi) Authorize students to transfer
24 from a school operated by a local edu-
25 cational agency to a higher performing



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1 public school operated by another local
2 educational agency, or to a public charter
3 school and provide such students transpor-
4 tation (or the costs of transportation to
5 such schools, in conjunction with not less
6 than 1 additional action described under
7 this paragraph.

8 “(D) Prior to implementing any corrective
9 action, the State educational agency shall pro-
10 vide due process and a hearing to the affected
11 local educational agency, if State law provides
12 for such process and hearing.

13 “(E) The State educational agency shall
14 publish, and disseminate to parents and the
15 public any corrective action it takes under this
16 paragraph through such means as the Internet,
17 the media, and public agencies.

18 “(F) A local educational agency may delay,
19 for a period not to exceed 1 year, implementa-
20 tion of corrective action if the failure to make
21 adequate yearly progress was justified due to
22 exceptional or uncontrollable circumstances
23 such as a natural disaster or a precipitous and
24 unforeseen decline in the financial resources of
25 the local educational agency or school.



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1 **SEC. ____.** **STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
2 **IMPROVEMENT.**

3 Section 1117 (20 U.S.C. 6318) is amended to read
4 as follows:

5 **"SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
6 **IMPROVEMENT.**

7 “(a) **SYSTEM FOR SUPPORT.**—Each State edu-
8 cational agency shall establish a statewide system of inten-
9 sive and sustained support and improvement for local edu-
10 cational agencies and schools receiving funds under this
11 part, in order to increase the opportunity for all students
12 in those agencies and schools to meet the State’s content
13 standards and student performance standards.

14 “(b) **PRIORITIES.**—In carrying out this section, a
15 State educational agency shall—

16 “(1) first, provide support and assistance to
17 local educational agencies subject to corrective action
18 under section 1116 and assist schools, in accordance
19 with section 1116(c)(10), for which a local edu-
20 cational agency has failed to carry out its respon-
21 sibilities under section 1116(c)(8) and (9);

22 “(2) second, provide support and assistance to
23 other local educational agencies identified as in need
24 of improvement under section 1116; and

25 “(3) third, provide support and assistance to
26 other local educational agencies and schools partici-



1 pating under this part that need that support and
2 assistance in order to achieve the purpose of this
3 part.

4 “(c) APPROACHES.—In order to achieve the purpose
5 described in subsection (a), each such system shall provide
6 technical assistance and support through such approaches
7 as—

8 “(1) school support teams, composed of individ-
9 uals who are knowledgeable about scientifically
10 based research and practice on teaching and learn-
11 ing, particularly about strategies for improving edu-
12 cational results for low-achieving children; and

13 “(2) the designation and use of “Distinguished
14 Educators”, chosen from schools served under this
15 part that have been especially successful in improv-
16 ing academic achievement.

17 “(d) FUNDS.—Each State educational agency—

18 “(1) shall use funds reserved under section
19 1002(h); and

20 “(2) may use State administrative funds au-
21 thorized under section 1002(h) for such purpose.”.

22 “(e) ALTERNATIVES.—The State may devise addi-
23 tional approaches to providing the assistance described in
24 paragraphs (1) and (2) of subsection (c), such as pro-
25 viding assistance through institutions of higher education



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1 and educational service agencies or other local consortia,
2 and the State may seek approval from the Secretary to
3 use funds under section 1002(i) and funds made available
4 under section 1002(h) for such approaches as part of the
5 State plan.

6 **SEC. 1____. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.**

7 Subpart 1 of part A of title I is amended by inserting
8 after section 1117 the following:

9 **“SEC. 1117A. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.**

10 “(a) ESTABLISHMENT OF ACADEMIC ACHIEVEMENT
11 AWARDS PROGRAM.—

12 “(1) IN GENERAL.—Each State receiving a
13 grant under this part shall establish a program for
14 making academic achievement awards to recognize
15 and financially reward schools served under this part
16 that have—

17 “(A) significantly closed the achievement
18 gap between the groups of students defined in
19 section 1111(b)(2); or

20 “(B) exceeded their adequate yearly
21 progress goals, consistent with section
22 1111(b)(2), for 2 or more consecutive years.

23 “(2) AWARDS TO TEACHERS.—A State program
24 under paragraph (1) may also recognize and provide
25 financial awards to teachers teaching in a school de-



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1 scribed in such paragraph whose students consist-
2 ently make significant gains in academic achieve-
3 ment in the areas in which the teacher provides in-
4 struction.

5 “(b) FUNDING.—

6 “(1) RESERVATION OF FUNDS BY STATE.—For
7 the purpose of carrying out this section, each State
8 receiving a grant under this part shall reserve, from
9 the amount (if any) by which the funds received by
10 the State under this part for a fiscal year exceed the
11 amount received by the State under this part for the
12 preceding fiscal year, 25 percent of such excess
13 amount.

14 “(2) USE WITHIN 3 YEARS.—Notwithstanding
15 any other provision of law, the amount reserved
16 under paragraph (1) by a State for each fiscal year
17 shall remain available to the State until expended
18 for a period not exceeding 3 years.

19 “(3) SPECIAL ALLOCATION RULE FOR SCHOOLS
20 IN HIGH-POVERTY AREAS.—

21 “(A) IN GENERAL.—Each State receiving
22 a grant under this part shall distribute at least
23 50 percent of the amount reserved under para-
24 graph (1) for each fiscal year to schools de-



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1 scribed in subparagraph (B), or to teachers
2 teaching in such schools.

3 “(B) SCHOOLS DESCRIBED.—A school de-
4 scribed in subparagraph (A) is a school whose
5 student population is in the highest quartile of
6 schools statewide in terms of the percentage of
7 children eligible for free and reduced priced
8 lunches under the National School Lunch Act.”.

9 **SEC. ____ . PARENTAL INVOLVEMENT CHANGES.**

10 (a) LOCAL EDUCATIONAL AGENCY POLICY.—Sub-
11 section (a) of section 1118 (20 U.S.C. 6319(a)) is
12 amended—

13 (1) in paragraph (1), by striking “programs,
14 activities, and procedures” and inserting “activities
15 and procedures”.

16 (2) in paragraph (2) by striking subparagraphs
17 (E) and (F) and inserting the following:

18 “(E) conduct, with the involvement of par-
19 ents, an annual evaluation of the content and
20 effectiveness of the parental involvement policy
21 in improving the academic quality of the schools
22 served under this part;

23 “(F) involve parents in the activities of the
24 schools served under this part; and



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1 “(G) promote consumer friendly environ-
2 ments at the local educational agency and
3 schools served under this part.”;

4 (3) in paragraph (3) by adding at the end the
5 following new subparagraph:

6 “(C) Not less than 90 percent of the funds re-
7 served under subparagraph (A) shall be distributed
8 to schools served under this part.”.

9 (b) NOTICE.—Paragraph (1) of section 1118(b) (20
10 U.S.C. 6319(b)(1)) is amended by inserting after the first
11 sentence the following: “Parents shall be notified of the
12 policy a format, and to the extent practicable in a lan-
13 guage, that they can understand.”.

14 (c) PARENTAL INVOLVEMENT.—Paragraph (4) of
15 section 1118(c) (20 U.S.C. 6319(c)(4)) is amended—

16 (1) in subparagraph (B), by striking “perform-
17 ance profiles required under section 1116(a)(3)” and
18 inserting “school reports required under section
19 1111”;

20 (2) by redesignating subparagraphs (D) and
21 (E) as subparagraphs (F) and (G), respectively;

22 (3) by inserting after subparagraph (C) the fol-
23 lowing new subparagraphs:

24 “(D) notice of the schools’ designation as
25 a school in school improvement under section



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1 1116(c), if applicable, and a clear explanation
2 of what such designation means;

3 “(E) notice of the corrective action that
4 has been taken against the school under section
5 1116(c)(9) and 1116(d)(9), if applicable, and a
6 clear explanation of what such action means;”;
7 and

8 (4) in subparagraph (G) (as so redesignated),
9 by striking “subparagraph (D)” and inserting “sub-
10 paragraph (F)”.

11 (d) BUILDING CAPACITY FOR INVOLVEMENT.—Sub-
12 section (e) of section 1118 (20 U.S.C 6319(e)) is amended
13 to read as follows:

14 “(e) BUILDING CAPACITY FOR INVOLVEMENT.—To
15 ensure effective involvement of parents and to support a
16 partnership among the school, parents, and the commu-
17 nity to improve student achievement, each school and local
18 educational agency—

19 “(1) shall provide assistance to participating
20 parents in such areas as understanding the State’s
21 content standards and State student performance
22 standards, the provisions of section 1111(b)(8),
23 State and local assessments, the requirements of this
24 part, and how to monitor a child’s progress and
25 work with educators to improve the performance of



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1 their children as well as information on how parents
2 can participate in decisions relating to the education
3 of their children;

4 “(2) shall provide materials and training, such
5 as—

6 “(A) coordinating necessary literacy train-
7 ing from other sources to help parents work
8 with their children to improve their children’s
9 achievement; and

10 “(B) training to help parents to work with
11 their children to improve their children’s
12 achievement;

13 “(3) shall educate teachers, pupil services per-
14 sonnel, principals and other staff, with the assist-
15 ance of parents, in the value and utility of contribu-
16 tions of parents, and in how to reach out to, commu-
17 nicate with, and work with parents as equal part-
18 ners, implement and coordinate parent programs,
19 and build ties between home and school;

20 “(4) shall coordinate and integrate parent in-
21 volvement programs and activities with Head Start,
22 Even Start, the Home Instruction Programs for
23 Preschool Youngsters, the Parents as Teachers Pro-
24 gram, and public preschool programs and other pro-
25 grams, to the extent feasible and appropriate;



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1 “(5) shall conduct other activities, as appro-
2 priate and feasible, such as parent resource centers
3 and opportunities for parents to learn how to be-
4 come full partners in the education of their chil-
5 dren;”;

6 “(6) shall ensure, to the extent possible, that
7 information related to school and parent programs,
8 meetings, and other activities is sent to the homes
9 of participating children in the language used in
10 such homes;

11 “(7) shall provide such other reasonable sup-
12 port for parental involvement activities under this
13 section as parents may request;

14 “(8) shall expand the use of electronic commu-
15 nications among teachers, students, and parents,
16 such as through the use of websites and e-mail com-
17 munications;

18 “(9) may involve parents in the development of
19 training for teachers, principals, and other educators
20 to improve the effectiveness of such training in im-
21 proving instruction and services to the children of
22 such parents in a language and format the parent
23 can understand to the extent practicable;

24 “(10) may provide necessary literacy training
25 from funds received under this part if the local edu-



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1 cational agency has exhausted all other reasonably
2 available sources of funding for such activities;

3 “(11) may pay reasonable and necessary ex-
4 penses associated with local parental involvement ac-
5 tivities, including transportation and child care
6 costs, to enable parents to participate in school-re-
7 lated meetings and training sessions;

8 “(12) may train and support parents to en-
9 hance the involvement of other parents;

10 “(13) may arrange meetings at a variety of
11 times, such as in the mornings and evenings, in
12 order to maximize the opportunities for parents to
13 participate in school related activities;

14 “(14) may arrange for teachers or other edu-
15 cators, who work directly with participating children,
16 to conduct in-home conferences with parents who are
17 unable to attend such conferences at school;

18 “(15) may adopt and implement model ap-
19 proaches to improving parental involvement, such as
20 Even Start;

21 “(16) may establish a districtwide parent advi-
22 sory council to advise on all matters related to pa-
23 rental involvement in programs supported under this
24 part; and



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1 “(17) may develop appropriate roles for com-
2 munity-based organizations and businesses in parent
3 involvement activities, including providing informa-
4 tion about opportunities for organizations and busi-
5 nesses to work with parents and schools, and en-
6 couraging the formation of partnerships between ele-
7 mentary, middle, and secondary schools and local
8 businesses that include a role for parents.”.

9 (e) ACCESSIBILITY.—Subsection (f) of section 1118
10 (20 U.S.C. 6319(f)) is amended to read as follows:

11 “(f) ACCESSIBILITY.—In carrying out the parental
12 involvement requirements of this part, local educational
13 agencies and schools, to the extent practicable, shall pro-
14 vide full opportunities for the participation of parents with
15 limited English proficiency or with disabilities and parents
16 of migratory children, including providing information and
17 school reports required under section 1111 in a language
18 and form such parents understand.”.

19 **SEC. 1XXX. QUALIFICATIONS FOR TEACHERS AND PARA-**
20 **PROFESSIONALS.**

21 Section 1119 (20 U.S.C. 6301) is amended to read
22 as follows:

23 **“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**
24 **PROFESSIONALS.**

25 “(a) TEACHERS.—



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1 “(1) IN GENERAL.—Each local educational
2 agency receiving assistance under this part shall en-
3 sure that all teachers hired on or after the effective
4 date of the Student Results Act of 1999 and teach-
5 ing in a program supported with funds under this
6 part are fully qualified.

7 “(2) PLAN.—Each State receiving assistance
8 under this part shall develop and submit to the Sec-
9 retary a plan to ensure that all teachers teaching
10 within the State are fully qualified not later than
11 December 31, 2003. Such plan shall include an as-
12 surance that the State will require each local edu-
13 cational agency and school receiving funds under
14 this part publicly to report their annual progress on
15 the agency’s and the school’s performance in in-
16 creasing the percentage of classes in core academic
17 areas taught by fully qualified teachers.

18 “(b) NEW PARAPROFESSIONALS.—

19 “(1) IN GENERAL.—Each local educational
20 agency receiving assistance under this part shall en-
21 sure that all paraprofessionals hired one year or
22 more after the effective date of the Student Results
23 Act of 1999 and working in a program supported
24 with funds under this part shall—



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1 “(A) have completed at least 2 years of
2 study at an institution of higher education;

3 “(B) have obtained an associate’s (or high-
4 er) degree; or

5 “(C) have met a rigorous standard of qual-
6 ity that demonstrates, through a formal assess-
7 ment, knowledge of, and the ability to assist in
8 instructing, reading, writing, and math.

9 “(2) CLARIFICATION.—For purposes of para-
10 graph (1)(C), the receipt of a high school diploma
11 (or its recognized equivalent) shall not by itself be
12 sufficient to satisfy the requirements of such para-
13 graph.

14 “(c) EXISTING PARAPROFESSIONALS.—Each local
15 educational agency receiving assistance under this part
16 shall ensure that all paraprofessionals hired before the
17 date that is one year after the effective date of the Student
18 Results Act of 1999 and working in a program supported
19 with funds under this part shall, not later than 3 years
20 after such effective date, satisfy the requirements of sub-
21 section (b).

22 “(d) EXCEPTIONS FOR TRANSLATION AND PAREN-
23 TAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c)
24 shall not apply to a paraprofessional—



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1 “(A) who is proficient in English and a
2 language other than English and who provides
3 services primarily to enhance the participation
4 of children in programs under this part by act-
5 ing as a translator; or

6 “(B) whose duties consist solely of con-
7 ducting parental involvement activities con-
8 sistent with section 1118.

9 “(e) GENERAL REQUIREMENT FOR ALL PARA-
10 PROFESSIONALS.—Each local educational agency receiving
11 assistance under this part shall ensure that all paraprofes-
12 sionals working in a program supported with funds under
13 this part, regardless of the paraprofessional’s hiring date,
14 possess a high school diploma or its recognized equivalent.

15 “(f) DUTIES OF PARAPROFESSIONALS.—

16 “(1) IN GENERAL.—Each local educational
17 agency receiving assistance under this part shall en-
18 sure that a paraprofessional working in a program
19 supported with funds under this part is not assigned
20 a duty inconsistent with this subsection.

21 “(2) RESPONSIBILITIES PARAPROFESSIONALS
22 MAY BE ASSIGNED.—A paraprofessional described in
23 paragraph (1) may be assigned—

24 “(A) to provide one-on-one tutoring for eli-
25 gible students, if the tutoring is scheduled at a



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1 time when a student would not otherwise re-
2 ceive instruction from a teacher;

3 “(B) to assist with classroom management,
4 such as organizing instructional and other ma-
5 terials;

6 “(C) to provide assistance in a computer
7 laboratory;

8 “(D) to conduct parental involvement ac-
9 tivities;

10 “(E) to provide support in a library or
11 media center;

12 “(F) to act as a translator; or

13 “(G) to provide instructional services to
14 students;

15 “(3) ADDITIONAL LIMITATIONS.—A paraprofes-
16 sional described in paragraph (1)—

17 “(A) may not provide any instructional
18 service to a student unless the paraprofessional
19 is working under the direct supervision of a
20 fully qualified teacher; and

21 “(B) may not provide instructional services
22 to students in the area of reading unless the
23 paraprofessional has demonstrated, through a
24 State or local assessment, the ability effectively
25 to carry out reading instruction.



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1 “(g) USE OF FUNDS.—

2 “(1) PROFESSIONAL DEVELOPMENT.—A local
3 educational agency receiving funds under this part
4 may use such funds to support ongoing training and
5 professional development to assist teachers and
6 paraprofessionals in satisfying the requirements of
7 this section.

8 “(2) LIMITATION ON USE OF FUNDS FOR PARA-
9 PROFESSIONALS.—

10 “(A) IN GENERAL.—Beginning on and
11 after the effective date of the Student Results
12 Act of 1999, a local educational agency may not
13 use funds received under this part to fund any
14 paraprofessional hired after such date unless—

15 “(i) the hiring is to fill a vacancy cre-
16 ated by the departure of another para-
17 professional funded under this part; and

18 “(ii) the paraprofessional satisfies the
19 requirements of subsection (b) or (c).

20 “(B) EXCEPTION.—Subparagraph (A)
21 shall not apply for a fiscal year to a local edu-
22 cational agency that can demonstrate to the
23 State that all teachers under the jurisdiction of
24 the agency are fully qualified.

25 “(h) VERIFICATION OF COMPLIANCE.—



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1 “(1) IN GENERAL.—In verifying compliance
2 with this section, each local educational agency at a
3 minimum shall require that the principal of each
4 school operating a program under section 1114 or
5 1115 annually attest in writing as to whether such
6 school is in compliance with the requirements of this
7 section.

8 “(2) AVAILABILITY OF INFORMATION.—Copies
9 of attestations under paragraph (1)—

10 “(A) shall be maintained at each school op-
11 erating a program under section 1114 or 1115
12 and at the main office of the local educational
13 agency; and

14 “(B) shall be available to any member of
15 the general public upon request.

16 **SEC. ____ . PROFESSIONAL DEVELOPMENT.**

17 Section 1119A (20 U.S.C. 6301) is amended to read
18 as follows:

19 **“SEC. 1119A. PROFESSIONAL DEVELOPMENT.**

20 “(a) PURPOSE.—The purpose of this section is to as-
21 sist each local educational agency receiving assistance
22 under this part in increasing the academic achievement
23 of eligible children (as defined in section 1115(b)(1)(B))
24 through improved teacher quality.

25 “(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—



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1 “(1) REQUIRED ACTIVITIES.—Professional de-
2 velopment activities under this section shall—

3 “(A) support professional development ac-
4 tivities that give teachers, principals, and ad-
5 ministrators the knowledge and skills to provide
6 students with the opportunity to meet chal-
7 lenging State or local content standards and
8 student performance standards;

9 “(B) support the recruiting, hiring, and
10 training of fully qualified teachers, including
11 teachers fully qualified through State and local
12 alternative routes;

13 “(C) advance teacher understanding of ef-
14 fective instructional strategies based on scientif-
15 ically-based research for improving student
16 achievement, at a minimum, in reading/lan-
17 guage arts and mathematics;

18 “(D) be directly related to the curriculum
19 and content areas in which the teacher provides
20 instruction;

21 “(E) be designed to enhance the ability of
22 a teacher to understand and use the State’s
23 standards for the subject area in which the
24 teacher provides instruction;



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1 “(F) be tied to scientifically based research
2 demonstrating the effectiveness of such profes-
3 sional development activities or programs in in-
4 creasing student achievement or substantially
5 increasing the knowledge and teaching skills of
6 teachers;

7 “(G) be of sufficient intensity and duration
8 (not to include 1-day or short-term workshops
9 and conferences) to have a positive and lasting
10 impact on the teacher’s performance in the
11 classroom, except that this paragraph shall not
12 apply to an activity if such activity is one com-
13 ponent of a long-term comprehensive profes-
14 sional development plan established by the
15 teacher and the teacher’s supervisor based upon
16 an assessment of their needs, their students’
17 needs, and the needs of the local educational
18 agency;

19 “(H) be developed with extensive participa-
20 tion of teachers, principals, parents, and admin-
21 istrators of schools to be served under this part;

22 “(I) to the extent appropriate, provide
23 training for teachers in the use of technology so
24 that technology and its applications are effec-
25 tively used in the classroom to improve teaching



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1 and learning in the curriculum and academic
2 content areas in which the teachers provide in-
3 struction; and

4 “(J) as a whole, be regularly evaluated for
5 their impact on increased teacher effectiveness
6 and improved student achievement, with the
7 findings of such evaluations used to improve the
8 quality of professional development.

9 “(2) OPTIONAL ACTIVITIES.—Such professional
10 development activities may include—

11 “(A) instruction in the use of data and as-
12 sessments to inform and instruct classroom
13 practice;

14 “(B) instruction in ways that teachers,
15 principals, pupil services personnel, and school
16 administrators may work more effectively with
17 parents;

18 “(C) the forming of partnerships with in-
19 stitutions of higher education to establish
20 school-based teacher training programs that
21 provide prospective teachers and novice teachers
22 with an opportunity to work under the guidance
23 of experienced teachers and college faculty;

24 “(D) the creation of career ladder pro-
25 grams for paraprofessionals (assisting teachers



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1 under this part) to obtain the education nec-
2 essary for such paraprofessionals to become li-
3 censed and certified teachers;

4 “(E) instruction in ways to teach special
5 needs children;

6 “(F) joint professional development activi-
7 ties involving programs under this part, Head
8 Start, Even Start, or State-run preschool pro-
9 gram personnel; and

10 “(G) instruction in experiential-based
11 teaching methods such as service or applied
12 learning.

13 “(c) PROGRAM PARTICIPATION.—Each local edu-
14 cational agency receiving assistance under this part may
15 design professional development programs so that—

16 “(1) all school staff in schools participating in
17 a schoolwide program under section 1114 can par-
18 ticipate in professional development activities; and

19 “(2) all school staff in targeted assistance
20 schools may participate in professional development
21 activities if such participation will result in better
22 addressing the needs of students served under this
23 part.

24 “(d) PARENTAL PARTICIPATION.—Parents may par-
25 ticipate in professional development activities under this



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1 part if the school determines that parental participation
2 is appropriate.

3 “(e) CONSORTIA.—In carrying out such professional
4 development programs, local educational agencies may
5 provide services through consortia arrangements with
6 other local educational agencies, educational service agen-
7 cies or other local consortia, institutions of higher edu-
8 cation, or other public or private institutions or organiza-
9 tions.

10 “(f) CONSOLIDATION OF FUNDS.—Funds provided
11 under this part that are used for professional development
12 purposes may be consolidated with funds provided under
13 title II of this Act and other sources.”.

14 “(g) DEFINITION.—The term ‘fully qualified’ has the
15 same meaning given such term in [section ____].”.

16 “(h) SPECIAL RULE.—No State educational agency
17 shall require a school or a local educational agency to ex-
18 pend a specific amount of funds for professional develop-
19 ment activities under this part, except that this paragraph
20 shall not apply with respect to requirements under section
21 1116(d)(9).



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1 SEC. ____ PARTICIPATION OF CHILDREN ENROLLED IN
2 PRIVATE SCHOOLS.

3 (a) GENERAL REQUIREMENT.—Subsection (a) of sec-
4 tion 1120 (20 U.S.C. 6321(a)) is amended to read as fol-
5 lows:

6 “(a) GENERAL REQUIREMENT.—

7 “(1) IN GENERAL.—To the extent consistent
8 with the number of eligible children identified under
9 section 1115(b) in a local educational agency who
10 are enrolled in private elementary and secondary
11 schools, a local educational agency shall, after timely
12 and meaningful consultation with appropriate pri-
13 vate school officials, provide such children, on an eq-
14 uitable basis, special educational services or other
15 benefits under this part (such as dual enrollment,
16 educational radio and television, computer equip-
17 ment and materials, other technology, and mobile
18 educational services and equipment) that address
19 their needs, and shall ensure that teachers and fami-
20 lies of these students participate, on an equitable
21 basis, in services and activities developed pursuant
22 to sections 1118 and 1119.

23 “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—
24 Such educational services or other benefits, including
25 materials and equipment, shall be secular, neutral,
26 and nonideological.



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1 “(3) EQUITY.—Educational services and other
2 benefits for such private school children shall be eq-
3 uitable in comparison to services and other benefits
4 for public school children participating under this
5 part, and shall be provided in a timely manner.

6 “(4) EXPENDITURES.—Expenditures for edu-
7 cational services and other benefits to eligible private
8 school children shall be equal to the proportion of
9 funds allocated to participating school attendance
10 areas based on the number of children from low-in-
11 come families who attend private schools, which the
12 local educational agency may determine each year or
13 every 2 years.

14 “(5) PROVISION OF SERVICES.—The local edu-
15 cational agency shall provide services under this sec-
16 tion directly or through contracts with public and
17 private agencies, organizations, and institutions.

18 (b) CONSULTATION.—Subsection (b) of section 1120
19 (20 U.S.C. 6321(b)) is amended to read as follows:

20 “(b) CONSULTATION.—

21 “(1) IN GENERAL.—To ensure timely and
22 meaningful consultation, a local educational agency
23 shall consult with appropriate private school officials
24 during the design and development of such agency’s
25 programs under this part, on issues such as—



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1 “(A) how the children’s needs will be iden-
2 tified;

3 “(B) what services will be offered;

4 “(C) how, where, and by whom the services
5 will be provided;

6 “(D) how the services will be assessed and
7 how the results of that assessment will be used
8 to improve those services;

9 “(E) the size and scope of the equitable
10 services to be provided to the eligible private
11 school children, and the amount of funds gen-
12 erated by low-income private school children in
13 each participating attendance area;

14 “(F) the method or sources of data that
15 are used under subsection (a)(4) and section
16 1113(c)(2) to determine the number of children
17 from low-income families in participating school
18 attendance areas who attend private schools;
19 and

20 “(G) how and when the agency will make
21 decisions about the delivery of services to such
22 children, including a thorough consideration
23 and analysis of the views of the private school
24 officials on the provision of services through a
25 contract and which individual, association,



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1 agency, or organization may provide these serv-
2 ices. If the local educational agency disagrees
3 with the views of the private school officials on
4 the provision of services, through a contract,
5 the local educational agency shall provide in
6 writing to such private school officials, an anal-
7 ysis of the reasons why the local educational
8 agency has chosen not to use a contractor.

9 “(2) TIMING.—Such consultation shall include
10 meetings of agency and private school officials and
11 shall occur before the local educational agency
12 makes any decision that affects the opportunities of
13 eligible private school children to participate in pro-
14 grams under this part. Such meetings shall continue
15 throughout implementation and assessment of serv-
16 ices provided under this section.

17 “(3) DISCUSSION.—Such consultation shall in-
18 clude a discussion of service delivery mechanisms a
19 local educational agency can use to provide equitable
20 services to eligible private school children.

21 “(4) DOCUMENTATION.—Each local educational
22 agency shall provide to the State educational agency,
23 and maintain in its records, a written affirmation
24 signed by officials of each participating private



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1 school that the consultation required by this section
2 has occurred.

3 “(5) COMPLIANCE.—Private school officials
4 shall have the right to appeal to the State as to
5 whether the consultation provided for in this section
6 was meaningful and timely, including the consulta-
7 tion described in subparagraphs (F) and (G) and
8 that due consideration was given to the views of pri-
9 vate school officials. If the private school wishes to
10 appeal, the basis of the claim of noncompliance with
11 this section by the local educational agencies shall be
12 provided to the State, and the local educational
13 agency shall forward the documentation provided in
14 subsection (b)(3) to the State.”.

15 (d) STANDARDS FOR BYPASS.—Subsection (d) of sec-
16 tion 1120 (20 U.S.C. 6321(d)) is amended to read as fol-
17 lows:

18 “(d) STANDARDS FOR A BYPASS.—

19 “(1) IN GENERAL.—If a local educational agen-
20 cy is prohibited by law from providing for the par-
21 ticipation on an equitable basis of eligible children
22 enrolled in private elementary and secondary schools
23 or if the Secretary determines that a local edu-
24 cational agency has substantially failed or is unwill-



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1 ing to provide for such participation, as required by
2 this section, the Secretary shall—

3 “(A) waive the requirements of this section
4 for such local educational agency; and

5 “(B) arrange for the provision of services
6 to such children through arrangements that
7 shall be subject to the requirements of this sec-
8 tion and sections 14505 and 14506.

9 **“(2) SPECIAL RULE.—**If a child receiving serv-
10 ices under this section has failed to make satisfac-
11 tory progress in those subjects for which the child
12 receives title I services, the private elementary or
13 secondary school may request in writing from the
14 Secretary, a bypass of the local educational agency,
15 and present in such request evidence of the lack of
16 satisfactory progress and such other documentation
17 as appropriate. The Secretary shall make a deter-
18 mination of whether to grant such a request, based
19 upon all the evidence, not later than 90 days after
20 receipt of such request.”

21 (e) **CAPITAL EXPENSES.—**Effective September 30,
22 2002, subsection (e) of section 1120 (20 U.S.C. 6321(e))
23 is hereby repealed.

24 **SEC. ____ . COORDINATION REQUIREMENTS.**

25 Section 1120(B) is amended—



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1 (1) in subsection (a), by striking “to the extent
2 feasible” and all that follows through the period and
3 inserting “with local Head Start agencies, and if
4 feasible, other early childhood development pro-
5 grams.”;

6 (2) in subsection (b)—

7 (A) in paragraph (3) by striking “and”
8 after the semicolon;

9 (B) in paragraph (4) by striking the period
10 and inserting “; and”; and

11 (C) by adding at the end, the following:

12 “(5) linking the educational services provided in
13 such local educational agency with the services pro-
14 vided in local Head Start agencies.”.

15 Section 1121 is amended to read as follows:

16 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**
17 **SECRETARY OF THE INTERIOR.**

18 “(a) RESERVATION OF FUNDS.—From the amount
19 appropriated for payments to States for any fiscal year
20 under section 1002(a), the Secretary shall reserve a total
21 of 1 percent to provide assistance to—

22 “(1) the outlying areas in the amount deter-
23 mined in accordance with subsection (b); and



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1 “(2) the Secretary of the Interior in the amount
2 necessary to make payments pursuant to subsection
3 (d).

4 “(b) ASSISTANCE TO OUTLYING AREAS AND FREELY
5 ASSOCIATED STATES.—

6 “(1) FUNDS RESERVED.—From the amount
7 made available for any fiscal year under subsection
8 (a), the Secretary shall award grants to the outlying
9 areas.

10 “(2) COMPETITIVE GRANTS.—For fiscal years
11 2000 and 2001, the Secretary shall carry out the
12 competition described in paragraph (3), except that
13 the amount reserved to carry out such competition
14 shall not exceed the amount reserved under this sec-
15 tion for the freely associated states for fiscal year
16 1999.

17 “(3) LIMITATION FOR COMPETITIVE GRANTS.—

18 “(A) COMPETITIVE GRANTS.—The Sec-
19 retary shall use funds described in paragraph
20 (2) to award grants, on a competitive basis, to
21 the outlying areas and freely associated States
22 to carry out the purposes of this part.

23 “(B) AWARD BASIS.—The Secretary shall
24 award grants under subparagraph (A) on a
25 competitive basis, pursuant to the recommenda-



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1 tions of the Pacific Region Educational Labora-
2 tory in Honolulu, Hawaii.

3 “(C) TERMINATION OF ELIGIBILITY.—Not-
4 withstanding any other provision of law, the
5 freely associated States shall not receive any
6 funds under this part after September 30,
7 2001.

8 “(D) ADMINISTRATIVE COSTS.—The Sec-
9 retary may provide not more than five percent
10 of the amount reserved for grants under this
11 paragraph to pay the administrative costs of
12 the Pacific Region Educational Laboratory
13 under subparagraph (B).

14 “(4) SPECIAL RULE.—The provisions of Public
15 Law 95–134, permitting the consolidation of grants
16 by the outlying areas, shall not apply to funds pro-
17 vided to those areas or to the freely associated
18 States under this section.

19 “(c) DEFINITIONS.—For the purposes of subsection
20 (a) and (b)—

21 “(1) the term ‘freely associated States’ means
22 the Republic of the Marshall Islands, the Federated
23 States of Micronesia, and the Republic of Palau; and

24 “(2) the term ‘outlying area’ means the United
25 States Virgin Islands, Guam, American Samoa, and



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1 the Commonwealth of the Northern Mariana Is-
2 lands.

3 “(d) ALLOTMENT TO THE SECRETARY OF THE INTE-
4 RIOR.—

5 “(1) IN GENERAL.—The amount allotted for
6 payments to the Secretary of the Interior under sub-
7 section (a)(2) for any fiscal year shall be, as deter-
8 mined pursuant to criteria established by the Sec-
9 retary, the amount necessary to meet the special
10 educational needs of—

11 “(A) Indian children on reservations served
12 by elementary and secondary schools for Indian
13 children operated or supported by the Depart-
14 ment of the Interior; and

15 “(B) out-of-State Indian children in ele-
16 mentary and secondary schools in local edu-
17 cational agencies under special contracts with
18 the Department of the Interior.

19 “(2) PAYMENTS.—From the amount allotted
20 for payments to the Secretary of the Interior under
21 subsection (a)(2), the Secretary of the Interior shall
22 make payments to local educational agencies, upon
23 such terms as the Secretary determines will best
24 carry out the purposes of this part, with respect to
25 out-of-State Indian children described in paragraph



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1 (1). The amount of such payment may not exceed,
2 for each such child, the greater of—

3 “(A) 40 percent of the average per pupil
4 expenditure in the State in which the agency is
5 located; or

6 “(B) 48 percent of such expenditure in the
7 United States.

8 Section 1122 is amended to read as follows:

9 **“SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRA-**
10 **TION GRANTS, AND TARGETED GRANTS.**

11 “(a) ALLOCATION FORMULA.—Of the amount au-
12 thorized to be appropriated to carry out this part for each
13 of fiscal years 2000 through 2004 (referred to in this sub-
14 section as the current fiscal year)—

15 “(1) an amount equal to the amount appro-
16 priated to carry out section 1124 for fiscal year
17 1999 plus 42.5 percent of the amount, if any, by
18 which the amount appropriated under section
19 1002(a) for the current fiscal year exceeds the
20 amount appropriated under such section for fiscal
21 year 1999 shall be allocated in accordance with sec-
22 tion 1124;

23 “(2) an amount equal to the amount appro-
24 priated to carry out section 1124A for fiscal year
25 1999 plus 7.5 percent of the amount, if any, by



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1 which the amount appropriated under section
2 1002(a) for the current fiscal year exceeds the
3 amount appropriated under such section for fiscal
4 year 1999 shall be allocated in accordance with sec-
5 tion 1124A; and

6 “(3) an amount equal to 50 percent of the
7 amount, if any, by which the amount appropriated
8 under section 1002(a) for the current fiscal year ex-
9 ceeds the amount appropriated under such section
10 for fiscal year 1999 shall be allocated in accordance
11 with section 1125.

12 “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-
13 PROPRIATIONS.—

14 “(1) IN GENERAL.—If the sums available under
15 this part for any fiscal year are insufficient to pay
16 the full amounts that all local educational agencies
17 in States are eligible to receive under sections 1124,
18 1124A, and 1125 for such year, the Secretary shall
19 ratably reduce the allocations to such local edu-
20 cational agencies, subject to subsections (c) and (d)
21 of this section.

22 “(2) ADDITIONAL FUNDS.—If additional funds
23 become available for making payments under sec-
24 tions 1124, 1124A, and 1125 for such fiscal year,
25 allocations that were reduced under paragraph (1)



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1 shall be increased on the same basis as they were re-
2 duced.

3 “(c) HOLD-HARMLESS AMOUNTS.—

4 “(1) AMOUNTS FOR SECTIONS 1124 AND 1125.—

5 For each fiscal year, the amount made available to
6 each local educational agency under each of sections
7 1124 and 1125 shall be—

8 “(A) not less than 95 percent of the
9 amount made available in the preceding fiscal
10 year if the number of children counted for
11 grants under section 1124 is not less than 30
12 percent of the total number of children aged 5
13 to 17 years, inclusive, in the local educational
14 agency;

15 “(B) not less than 90 percent of the
16 amount made available in the preceding fiscal
17 year if the percentage described in subpara-
18 graph (A) is between 15 percent and 30 per-
19 cent; and

20 “(C) not less than 85 percent of the
21 amount made available in the preceding fiscal
22 year if the percentage described in subpara-
23 graph (A) is below 15 percent.

24 “(2) AMOUNT FOR SECTION 1124A.—The
25 amount made available to each local educational



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1 agency under section 1124A shall be not less than
2 85 percent of the amount made available in the pre-
3 ceding fiscal year.

4 “(3) PAYMENTS.—If sufficient funds are appro-
5 priated, the amounts described in paragraph (2)
6 shall be paid to all local educational agencies that
7 received grants under section 1124A for the pre-
8 ceding fiscal year, regardless of whether the local
9 educational agency meets the minimum eligibility
10 criteria for that fiscal year provided in section
11 1124A(a)(1)(A) except that a local educational agen-
12 cy that does not meet such minimum eligibility cri-
13 teria for 4 consecutive years shall no longer be eligi-
14 ble to receive a hold harmless amount referred to in
15 paragraph (2).

16 “(4) POPULATION DATA.—In any fiscal year for
17 which the Secretary calculates grants on the basis of
18 population data for counties, the Secretary shall
19 apply the hold harmless percentages in paragraphs
20 (1) and (2) to counties, and if the Secretary’s alloca-
21 tion for a county is not sufficient to meet the hold-
22 harmless requirements of this subsection for every
23 local educational agency within that county, the
24 State educational agency shall reallocate funds pro-
25 portionately from all other local educational agencies



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1 in the State that are receiving funds in excess of the
2 hold harmless amounts specified in this subsection.

3 “(d) RATABLE REDUCTIONS.—

4 “(1) IN GENERAL.—If the sums made available
5 under this part for any fiscal year are insufficient to
6 pay the full amounts that all States are eligible to
7 receive under subsection (c) for such year, the Sec-
8 retary shall ratably reduce such amounts for such
9 year.

10 “(2) ADDITIONAL FUNDS.—If additional funds
11 become available for making payments under sub-
12 section (c) for such fiscal year, amounts that were
13 reduced under paragraph (1) shall be increased on
14 the same basis as such amounts were reduced.

15 “(e) DEFINITION.—For the purpose of this section
16 and sections 1124, 1124A, and 1125, the term ‘State’
17 means each of the 50 States, the District of Columbia,
18 and the Commonwealth of Puerto Rico.

19 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
20 **CIES.**

21 “(a) AMOUNT OF GRANTS.—

22 “(1) GRANTS FOR LOCAL EDUCATIONAL AGEN-
23 CIES AND PUERTO RICO.—Except as provided in
24 paragraph (4) and in section 1126, the grant that
25 a local educational agency is eligible to receive under



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1 this section for a fiscal year is the amount deter-
2 mined by multiplying—

3 “(A) the number of children counted under
4 subsection (c); and

5 “(B) 40 percent of the average per-pupil
6 expenditure in the State, except that the
7 amount determined under this subparagraph
8 shall not be less than 32 percent or more than
9 48 percent, of the average per-pupil expenditure
10 in the United States.

11 “(2) CALCULATION OF GRANTS.—

12 “(A) ALLOCATIONS TO LOCAL EDU-
13 CATIONAL AGENCIES.—The Secretary shall cal-
14 culate grants under this section on the basis of
15 the number of children counted under sub-
16 section (c) for local educational agencies, unless
17 the Secretary and the Secretary of Commerce
18 determine that some or all of those data are un-
19 reliable or that their use would be otherwise in-
20 appropriate, in which case—

21 “(i) the 2 Secretaries shall publicly
22 disclose the reasons for their determination
23 in detail; and

24 “(ii) paragraph (3) shall apply.



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1 “(B) ALLOCATIONS TO LARGE AND SMALL
2 LOCAL EDUCATIONAL AGENCIES.—(i) For any
3 fiscal year in which this paragraph applies, the
4 Secretary shall calculate grants under this sec-
5 tion for each local educational agency.

6 “(ii) The amount of a grant under this
7 section for each large local educational agency
8 shall be the amount determined under clause
9 (i).

10 “(iii) For small local educational agencies,
11 the State educational agency may either—

12 “(I) distribute grants under this sec-
13 tion in amounts determined by the Sec-
14 retary under clause (i); or

15 “(II) use an alternative method ap-
16 proved by the Secretary to distribute the
17 portion of the State’s total grants under
18 this section that is based on those small
19 agencies.

20 “(iv) An alternative method under clause
21 (iii)(II) shall be based on population data that
22 the State educational agency determines best
23 reflect the current distribution of children in
24 poor families among the State’s small local edu-



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1 cational agencies that meet the eligibility cri-
2 teria of subsection (b).

3 “(v) If a small local educational agency is
4 dissatisfied with the determination of its grant
5 by the State educational agency under clause
6 (iii)(II), it may appeal that determination to the
7 Secretary, who shall respond not later than 45
8 days after receipt of such appeal.

9 “(vi) As used in this subparagraph—

10 “(I) the term ‘large local educational
11 agency’ means a local educational agency
12 serving an area with a total population of
13 20,000 or more; and

14 “(II) the term ‘small local educational
15 agency’ means a local educational agency
16 serving an area with a total population of
17 less than 20,000.

18 “(3) ALLOCATIONS TO COUNTIES.—(A) For any
19 fiscal year to which this paragraph applies, the Sec-
20 retary shall calculate grants under this section on
21 the basis of the number of children counted under
22 section 1124(c) for counties, and State educational
23 agencies shall suballocate county amounts to local
24 educational agencies, in accordance with regulations
25 issued by the Secretary.



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1 “(B) In any State in which a large number of
2 local educational agencies overlap county boundaries,
3 or for which the State believes it has data that
4 would better target funds than allocating them by
5 county, the State educational agency may apply to
6 the Secretary for authority to make the allocations
7 under this part for a particular fiscal year directly
8 to local educational agencies without regard to coun-
9 ties.

10 “(C) If the Secretary approves the State edu-
11 cational agency’s application under subparagraph
12 (B), the State educational agency shall provide the
13 Secretary an assurance that such allocations shall be
14 made—

15 “(i) using precisely the same factors for
16 determining a grant as are used under this
17 part; or

18 “(ii) using data that the State educational
19 agency submits to the Secretary for approval
20 that more accurately target poverty.

21 “(D) The State educational agency shall pro-
22 vide the Secretary an assurance that it shall estab-
23 lish a procedure through which a local educational
24 agency that is dissatisfied with its determinations



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1 under subparagraph (B) may appeal directly to the
2 Secretary for a final determination.

3 “(4) PUERTO RICO.—For each fiscal year, the
4 grant which the Commonwealth of Puerto Rico shall
5 be eligible to receive under this section shall be the
6 amount determined by multiplying the number of
7 children counted under subsection (c) for the Com-
8 monwealth of Puerto Rico by the product of—

9 “(A) the percentage which the average per
10 pupil expenditure in the Commonwealth of
11 Puerto Rico is of the lowest average per pupil
12 expenditure of any of the 50 States;

13 “(B) 32 percent of the average per pupil
14 expenditure in the United States; and

15 “(C) the percentage in subparagraph (A)
16 shall not be less than—

17 “(i) for fiscal year 2000, 75.0 percent;

18 “(ii) for fiscal year 2001, 77.5 per-
19 cent;

20 “(iii) for fiscal year 2002, 80.0 per-
21 cent;

22 “(iv) for fiscal year 2003, 82.5 per-
23 cent;

24 “(v) for fiscal year 2004 and suc-
25 ceeding fiscal years, 85.0 percent.



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1 Except that application of this paragraph may not
2 result in any of the 50 States or the District of Co-
3 lumbia receiving less under this part than it received
4 under this part for the preceding fiscal year.

5 “(5) DEFINITION.—For purposes of this sub-
6 section, the term “State” does not include Guam,
7 American Samoa, the Virgin Islands, and the North-
8 ern Mariana Islands.

9 “(b) MINIMUM NUMBER OF CHILDREN TO QUAL-
10 IFY.—A local educational agency is eligible for a basic
11 grant under this section for any fiscal year only if the
12 number of children counted under subsection (c) for that
13 agency is both—

14 “(1) 10 or more; and

15 “(2) more than 2 percent of the total school-age
16 population in the agency’s jurisdiction.

17 “(c) CHILDREN TO BE COUNTED.—

18 “(1) CATEGORIES OF CHILDREN.—The number
19 of children to be counted for purposes of this section
20 is the aggregate of—

21 “(A) the number of children aged 5 to 17,
22 inclusive, in the school district of the local edu-
23 cational agency from families below the poverty
24 level as determined under paragraph (2); and



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1 “(B) the number of children (determined
2 under paragraph (4) for either the preceding
3 year as described in that paragraph, or for the
4 second preceding year, as the Secretary finds
5 appropriate) aged 5 to 17, inclusive, in the
6 school district of such agency in institutions for
7 neglected and delinquent children (other than
8 such institutions operated by the United
9 States), but not counted pursuant to subpart 1
10 of part D for the purposes of a grant to a State
11 agency, or being supported in foster homes with
12 public funds.

13 “(2) DETERMINATION OF NUMBER OF CHIL-
14 DREN.—For the purposes of this section, the Sec-
15 retary shall determine the number of children aged
16 5 to 17, inclusive, from families below the poverty
17 level on the basis of the most recent satisfactory
18 data, described in paragraph (3), available from the
19 Department of Commerce. The District of Columbia
20 and the Commonwealth of Puerto Rico shall be
21 treated as individual local educational agencies. If a
22 local educational agency contains two or more coun-
23 ties in their entirety, then each county will be treat-
24 ed as if such county were a separate local edu-
25 cational agency for purposes of calculating grants



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1 under this part. The total of grants for such coun-
2 ties shall be allocated to such a local educational
3 agency, which local educational agency shall dis-
4 tribute to schools in each county within such agency
5 a share of the local educational agency's total grant
6 that is no less than the county's share of the popu-
7 lation counts used to calculate the local educational
8 agency's grant.

9 “(3) POPULATION UPDATES.—In fiscal year
10 2001 and every 2 years thereafter, the Secretary
11 shall use updated data on the number of children,
12 aged 5 to 17, inclusive, from families below the pov-
13 erty level for local educational agencies or counties,
14 published by the Department of Commerce, unless
15 the Secretary and the Secretary of Commerce deter-
16 mine that use of the updated population data would
17 be inappropriate or unreliable. If the Secretary and
18 the Secretary of Commerce determine that some or
19 all of the data referred to in this paragraph are in-
20 appropriate or unreliable, they shall publicly disclose
21 their reasons. In determining the families which are
22 below the poverty level, the Secretary shall utilize
23 the criteria of poverty used by the Bureau of the
24 Census in compiling the most recent decennial cen-
25 sus, in such form as those criteria have been up-



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1 dated by increases in the Consumer Price Index for
2 all urban consumers, published by the Bureau of
3 Labor Statistics.

4 “(4) OTHER CHILDREN TO BE COUNTED.—The
5 Secretary shall determine the number of children
6 aged 5 through 17 living in institutions for neglected
7 or delinquent children, or being supported in foster
8 homes with public funds, on the basis of the case-
9 load data for the month of October of the preceding
10 fiscal year or, to the extent that such data are not
11 available to the Secretary before January of the cal-
12 endar year in which the Secretary’s determination is
13 made, then on the basis of the most recent reliable
14 data available to the Secretary at the time of such
15 determination. The Secretary of Health and Human
16 Services shall collect and transmit the information
17 required by this subparagraph to the Secretary not
18 later than January 1 of each year. For the purpose
19 of this section, the Secretary shall consider all chil-
20 dren who are in correctional institutions to be living
21 in institutions for delinquent children.

22 “(5) ESTIMATE.—When requested by the Sec-
23 retary, the Secretary of Commerce shall make a spe-
24 cial updated estimate of the number of children of
25 such ages who are from families below the poverty



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1 level (as determined under subparagraph (A) of this
2 paragraph) in each school district, and the Secretary
3 is authorized to pay (either in advance or by way of
4 reimbursement) the Secretary of Commerce the cost
5 of making this special estimate. The Secretary of
6 Commerce shall give consideration to any request of
7 the chief executive of a State for the collection of ad-
8 ditional census information.

9 “(d) STATE MINIMUM.—Notwithstanding section
10 1122, the aggregate amount allotted for all local edu-
11 cational agencies within a State may not be less than the
12 lesser of—

13 “(1) 0.25 percent of total grants under this sec-
14 tion; or

15 “(2) the average of—

16 “(A) one-quarter of 1 percent of the total
17 amount available for such fiscal year under this
18 section; and

19 “(B) the number of children in such State
20 counted under subsection (c) in the fiscal year
21 multiplied by 150 percent of the national aver-
22 age per pupil payment made with funds avail-
23 able under this section for that year.



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1 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-**
2 **CATIONAL AGENCIES.**

3 “(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

4 “(1) IN GENERAL.—(A) Except as otherwise
5 provided in this paragraph, each local educational
6 agency, in a State other than Guam, American
7 Samoa, the Virgin Islands, and the Commonwealth
8 of the Northern Mariana Islands, which is eligible
9 for a grant under section 1124 for any fiscal year
10 is eligible for an additional grant under this section
11 for that fiscal year if the number of children counted
12 under section 1124(c) in the agency exceeds either—

13 “(i) 6,500; or

14 “(ii) 15 percent of the total number of
15 children aged 5 through 17 in the agency.

16 “(B) Notwithstanding section 1122, no State
17 described in subparagraph (A) shall receive less than
18 the lesser of—

19 “(i) 0.25 percent of total grants; or

20 “(ii) the average of—

21 “(I) one-quarter of 1 percent of the
22 sums available to carry out this section for
23 such fiscal year; and

24 “(II) the greater of—

25 “(aa) \$340,000; or



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1 “(bb) the number of children in
2 such State counted for purposes of
3 this section in that fiscal year multi-
4 plied by 150 percent of the national
5 average per pupil payment made with
6 funds available under this section for
7 that year.

8 “(2) SPECIAL RULE.—For each county or local
9 educational agency eligible to receive an additional
10 grant under this section for any fiscal year the Sec-
11 retary shall determine the product of—

12 “(A) the number of children counted under
13 section 1124(c) for that fiscal year; and

14 “(B) the quotient resulting from the divi-
15 sion of the amount determined for those agen-
16 cies under section 1124(a)(1) for the fiscal year
17 for which the determination is being made di-
18 vided by the total number of children counted
19 under section 1124(c) for that agency for that
20 fiscal year.

21 “(3) AMOUNT.—The amount of the additional
22 grant for which an eligible local educational agency
23 or county is eligible under this section for any fiscal
24 year shall be an amount which bears the same ratio
25 to the amount available to carry out this section for



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1 that fiscal year as the product determined under
2 paragraph (2) for such local educational agency for
3 that fiscal year bears to the sum of such products
4 for all local educational agencies in the United
5 States for that fiscal year.

6 “(4) LOCAL ALLOCATIONS.—(A) Grant
7 amounts under this section shall be determined in
8 accordance with section 1124(a)(2) and (3).

9 “(B) For any fiscal year for which the Sec-
10 retary allocates funds under this section on the basis
11 of counties, a State may reserve not more than 2
12 percent of its allocation under this section for any
13 fiscal year to make grants to local educational agen-
14 cies that meet the criteria of paragraph (1)(A)(i) or
15 (ii) but that are in ineligible counties that do not
16 meet these criteria.

17 “(b) STATES RECEIVING MINIMUM GRANTS.—In
18 States that receive the minimum grant under subsection
19 (a)(1)(B), the State educational agency shall allocate such
20 funds among the local educational agencies in each State
21 either—

22 “(1) in accordance with paragraphs (2) and (4)
23 of subsection (a); or

24 “(2) based on their respective concentrations
25 and numbers of children counted under section



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1 1124(c), except that only those local educational
2 agencies with concentrations or numbers of children
3 counted under section 1124(c) that exceed the state-
4 wide average percentage of such children or the
5 statewide average number of such children shall re-
6 ceive any funds on the basis of this paragraph.

7 **“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL**
8 **AGENCIES.**

9 “(a) **ELIGIBILITY OF LOCAL EDUCATIONAL AGEN-**
10 **CIES.**—A local educational agency in a State is eligible to
11 receive a targeted grant under this section for any fiscal
12 year if the number of children in the local educational
13 agency counted under subsection 1124(c), before applica-
14 tion of the weighting factor described in subsection (c),
15 is at least 10, and if the number of children counted for
16 grants under section 1124 is at least 5 percent of the total
17 population aged 5 to 17 years, inclusive, in the local edu-
18 cational agency. Funds made available as a result of ap-
19 plying this subsection shall be reallocated by the State
20 educational agency to other eligible local educational agen-
21 cies in the State in proportion to the distribution of other
22 funds under this section.

23 “(b) **GRANTS FOR LOCAL EDUCATIONAL AGENCIES,**
24 **THE DISTRICT OF COLUMBIA, AND PUERTO RICO.**—



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1 “(1) IN GENERAL.—The amount of the grant
2 that a local educational agency in a State or that the
3 District of Columbia is eligible to receive under this
4 section for any fiscal year shall be the product of—

5 “(A) the weighted child count determined
6 under subsection (c); and

7 “(B) the amount in paragraph
8 1124(a)(1)(B).

9 “(2) PUERTO RICO.—For each fiscal year, the
10 amount of the grant for which the Commonwealth of
11 Puerto Rico is eligible under this section shall be
12 equal to the number of children counted under sub-
13 section (c) for Puerto Rico, multiplied by the
14 amount determined in subparagraph 1124(a)(4).

15 “(c) WEIGHTED CHILD COUNT.—

16 “(1) WEIGHTS FOR ALLOCATIONS TO COUN-
17 TRIES.—

18 “(A) IN GENERAL.—For each fiscal year
19 for which the Secretary uses county population
20 data to calculate grants, the weighted child
21 count used to determine a county’s allocation
22 under this section is the larger of the two
23 amounts determined under clause (i) or (ii), as
24 follows:



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1 “(i) BY PERCENTAGE OF CHIL-
2 DREN.—This amount is determined by
3 adding—

4 “(I) the number of children de-
5 termined under section 1124(c) for
6 that county constituting up to 12.20
7 percent, inclusive, of the county’s total
8 population aged 5 to 17, inclusive,
9 multiplied by 1.0;

10 “(II) the number of such children
11 constituting more than 12.20 percent,
12 but not more than 17.70 percent, of
13 such population, multiplied by 1.75;

14 “(III) the number of such chil-
15 dren constituting more than 17.70
16 percent, but not more than 22.80 per-
17 cent, of such population, multiplied by
18 2.5;

19 “(IV) the number of such chil-
20 dren constituting more than 22.80
21 percent, but not more than 29.70 per-
22 cent, of such population, multiplied by
23 3.25; and



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1 “(V) the number of such children
2 constituting more than 29.70 percent
3 of such population, multiplied by 4.0.

4 “(ii) BY NUMBER OF CHILDREN.—

5 This amount is determined by adding—

6 “(I) the number of children de-
7 termined under section 1124(c) con-
8 stituting up to 1,917, inclusive, of the
9 county’s total population aged 5 to
10 17, inclusive, multiplied by 1.0;

11 “(II) the number of such children
12 between 1,918 and 5,938, inclusive, in
13 such population, multiplied by 1.5;

14 “(III) the number of such chil-
15 dren between 5,939 and 20,199, inclu-
16 sive, in such population, multiplied by
17 2.0;

18 “(IV) the number of such chil-
19 dren between 20,200 and 77,999, in-
20 clusive, in such population, multiplied
21 by 2.5; and

22 “(V) the number of such children
23 in excess of 77,999 in such popu-
24 lation, multiplied by 3.0.



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1 “(B) PUERTO RICO.—Notwithstanding
2 subparagraph (A), the weighting factor for
3 Puerto Rico under this paragraph shall not be
4 greater than the total number of children
5 counted under subsection 1124(c) multiplied by
6 1.72.

7 “(2) WEIGHTS FOR ALLOCATIONS TO LOCAL
8 EDUCATIONAL AGENCIES.—

9 “(A) IN GENERAL.—For each fiscal year
10 for which the Secretary uses local educational
11 agency data, the weighted child count used to
12 determine a local educational agency’s grant
13 under this section is the larger of the two
14 amounts determined under clauses (i) and (ii),
15 as follows:

16 “(i) BY PERCENTAGE OF CHIL-
17 DREN.—This amount is determined by
18 adding—

19 “(I) the number of children de-
20 termined under section 1124(c) for
21 that local educational agency consti-
22 tuting up to 14.265 percent, inclusive,
23 of the agency’s total population aged
24 5 to 17, inclusive, multiplied by 1.0;



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1 “(II) the number of such children
2 constituting more than 14.265 per-
3 cent, but not more than 21.553 per-
4 cent, of such population, multiplied by
5 1.75;

6 “(III) the number of such chil-
7 dren constituting more than 21.553
8 percent, but not more than 29.223
9 percent, of such population, multiplied
10 by 2.5;

11 “(IV) the number of such chil-
12 dren constituting more than 29.223
13 percent, but not more than 36.538
14 percent, of such population, multiplied
15 by 3.25; and

16 “(V) the number of such children
17 constituting more than 36.538 percent
18 of such population, multiplied by 4.0.

19 “(ii) BY NUMBER OF CHILDREN.—

20 This amount is determined by adding—

21 “(I) the number of children de-
22 termined under section 1124(c) con-
23 stituting up to 575, inclusive, of the
24 agency’s total population aged 5 to
25 17, inclusive, multiplied by 1.0;



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1 “(II) the number of such children
2 between 576 and 1,870, inclusive, in
3 such population, multiplied by 1.5;

4 “(III) the number of such chil-
5 dren between 1,871 and 6,910, inclu-
6 sive, in such population, multiplied by
7 2.0;

8 “(IV) the number of such chil-
9 dren between 6,911 and 42,000, inclu-
10 sive, in such population, multiplied by
11 2.5; and

12 “(V) the number of such children
13 in excess of 42,000 in such popu-
14 lation, multiplied by 3.0.

15 “(B) PUERTO RICO.—Notwithstanding
16 subparagraph (A), the weighting factor for
17 Puerto Rico under this paragraph shall not be
18 greater than the total number of children
19 counted under section 1124(c) multiplied by
20 1.72.

21 “(d) CALCULATION OF GRANT AMOUNTS.—Grants
22 under this section shall be calculated in accordance with
23 section 1124(a)(2) and (3).

24 “(e) STATE MINIMUM.—Notwithstanding any other
25 provision of this section or section 1122, from the total



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1 amount available for any fiscal year to carry out this sec-
2 tion, each State shall be allotted at least the lesser of—

3 “(1) 0.25 percent of total appropriations; or

4 “(2) the average of—

5 “(A) one-quarter of 1 percent of the total
6 amount available to carry out this section; and

7 “(B) 150 percent of the national average
8 grant under this section per child described in
9 section 1124(c), without application of a
10 weighting factor, multiplied by the State’s total
11 number of children described in section
12 1124(c), without application of a weighting fac-
13 tor.

14 **“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.**

15 “(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

16 “(1) IN GENERAL.—If a State educational
17 agency determines that a local educational agency in
18 the State is unable or unwilling to provide for the
19 special educational needs of children who are living
20 in institutions for neglected children as described in
21 subparagraph 1124(c)(1)(C), the State educational
22 agency shall, if such agency assumes responsibility
23 for the special educational needs of such children,
24 receive the portion of such local educational agency’s



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1 allocation under sections 1124, 1124A, and 1125
2 that is attributable to such children.

3 “(2) SPECIAL RULE.—If the State educational
4 agency does not assume such responsibility, any
5 other State or local public agency that does assume
6 such responsibility shall receive that portion of the
7 local educational agency’s allocation.

8 “(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL
9 AGENCIES.—The State educational agency may allocate
10 the amounts of grants under sections 1124, 1124A, and
11 1125 among the affected local educational agencies—

12 “(1) if two or more local educational agencies
13 serve, in whole or in part, the same geographical
14 area;

15 “(2) if a local educational agency provides free
16 public education for children who reside in the
17 school district of another local educational agency;
18 or

19 “(3) to reflect the merger, creation, or change
20 of boundaries of one or more local educational agen-
21 cies.

22 “(c) REALLOCATION.—If a State educational agency
23 determines that the amount of a grant a local educational
24 agency would receive under sections 1124, 1124A, and
25 1125 is more than such local agency will use, the State



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- 1 educational agency shall make the excess amount available
- 2 to other local educational agencies in the State that need
- 3 additional funds in accordance with criteria established by
- 4 the State educational agency.



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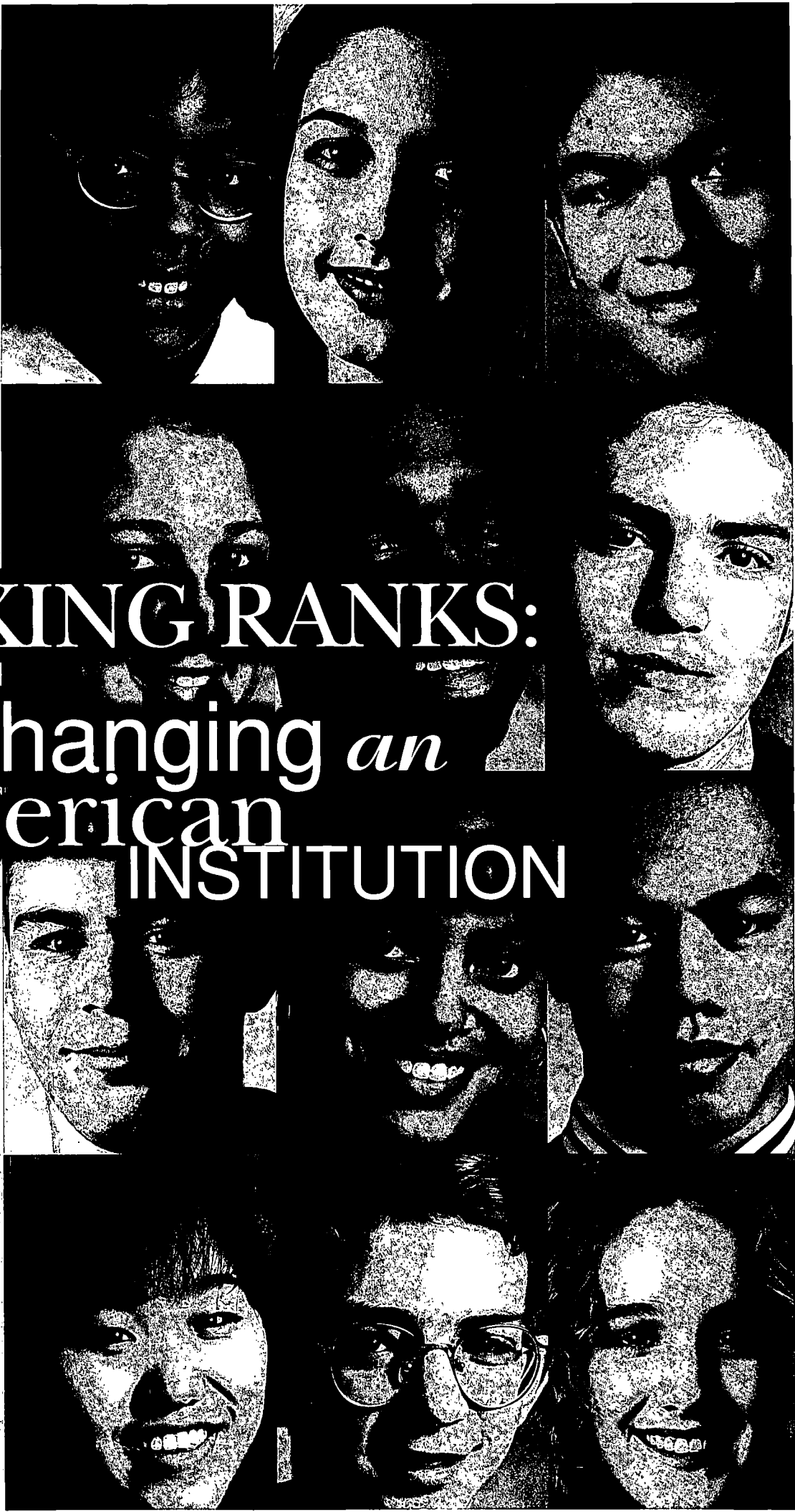
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