

1 sufficient information on which to base effective
2 assistance.

3 “(2) PLAN.—Any eligible school that desires to
4 operate a schoolwide program shall first develop (or
5 amend a plan for such a program that was in exist-
6 ence before [the date of enactment of the Student
7 Results Act of 1999]), a comprehensive plan for re-
8 forming the total instructional program in the school
9 that—

10 “(A) incorporates the components de-
11 scribed in paragraph (1);

12 “(B) describes how the school will use re-
13 sources under this part and from other sources
14 to implement those components;

15 “(C) includes a list of State and local edu-
16 cational agency programs and other Federal
17 programs under subsection (a)(4) that will be
18 included in the schoolwide program;

19 “(D) describes how the school will provide
20 individual student assessment results, including
21 an interpretation of those results, to the par-
22 ents of a child who participates in the assess-
23 ment required by section 1111(b)(3);

24 “(E) provides for the collection of data on
25 the achievement and assessment results of stu-

1 dents disaggregated by gender, major ethnic or
2 racial groups, limited English proficiency sta-
3 tus, migrant students, and by children with dis-
4 abilities as compared to other students, and by
5 economically disadvantaged students as com-
6 pared to students who are not economically dis-
7 advantaged;

8 “(F) seeks to produce statistically sound
9 results for each category for which assessment
10 results are disaggregated through the use of
11 oversampling or other means; and

12 “(G) provides for the public reporting of
13 disaggregated data only when such reporting is
14 statistically sound.

15 “(3) PLAN DEVELOPMENT.—The comprehen-
16 sive plan shall be—

17 “(A) developed during a 1-year period,
18 unless—

19 “(i) the local educational agency de-
20 termines that less time is needed to de-
21 velop and implement the schoolwide pro-
22 gram; or

23 “(ii) the school is operating a
24 schoolwide program on the day preceding
25 the date of enactment of the Student Re-

1 sults Act of 1999, in which case such
2 school may continue to operate such pro-
3 gram, but shall develop a new plan during
4 the first year of assistance under such Act
5 to reflect the provisions of this section;

6 “(B) developed with the involvement of the
7 community to be served and individuals who
8 will carry out such plan, including teachers,
9 principals, appropriate school staff and parents,
10 and, if the plan relates to a secondary school,
11 students 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 trans-
18 lated, to the extent feasible, into any language
19 that a significant percentage of the parents of
20 participating children in the school speak as
21 their primary language; and

22 “(E) where appropriate, developed in co-
23 ordination with programs under the Reading
24 Excellence Act, the Carl D. Perkins Vocational

1 and Technical Education Act of 1998, the Head
2 Start Act, and part B of this title.

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

6 **SEC. ____ TARGETED ASSISTANCE SCHOOLS.**

7 **[(a) IN GENERAL.**—Subsection (a) of section 1115
8 (20 U.S.C. 6315(a)) is amended by striking “section
9 1113(c)” and inserting “section 1113(g)”.

10 (b) ELIGIBLE CHILDREN.—Subsection (b) of section
11 1115 (20 U.S.C. 6315(b)) is amended to read as follows:

12 “(b) ELIGIBLE CHILDREN.—

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

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

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

21 “(B) From the population described in subpara-
22 graph (A), eligible children are children identified by
23 the school as failing, or most at risk of failing, to
24 meet the State’s challenging student performance
25 standards on the basis of multiple, educationally re-

1 lated, objective criteria established by the local edu-
2 cational agency and supplemented by the school, ex-
3 cept that children from preschool through grade 2
4 shall be selected solely on the basis of such criteria
5 as teacher judgment, interviews with parents, and
6 developmentally 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 serv-
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.

1 “(ii) A child in a local institution for neglected
2 or delinquent children or attending a community day
3 program for such children may be eligible for serv-
4 ices 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 part the opportunity to meet the
17 State’s student performance standards in subjects as
18 determined by the State, each targeted assistance
19 program under this section shall—

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

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 and that—

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

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

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

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

24 “(E) provide instruction by fully qualified
25 teachers;

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

10 “(G) provide strategies to increase paren-
11 tal involvement, such as family literacy services.

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

17 “(A) the coordination of resources provided
18 under this part with other resources to enable
19 the children served to meet the State content
20 standards and State student performance
21 standards; 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

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) ASSIGNMENT OF PERSONNEL.—Subsection (d) of
10 section 1115 (20 U.S.C. 6315(d)) is amended—

11 (1) by inserting “and” at the end of paragraph

12 (1);

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

14 (2) and inserting a period; and

15 (3) by striking paragraph (3).

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

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

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

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

23 **SEC. ____.** **SCHOOL CHOICE.**

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

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 school choice programs, for children eligible for assistance
6 under this part, which permit parents to select the public
7 school that their child will attend.

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

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

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

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

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

24 “(5) parents of eligible students in the local
25 educational agency will be given prompt notice of the
26 existence of the choice program and its availability

1 to them, and a clear explanation of how the program
2 will operate;

3 “(6) the program will include charter schools
4 and any other public school;

5 “(7) transportation services or the costs of
6 transportation will be provided by the local edu-
7 cational agency; and

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

10 “(c) SUPPLEMENTAL ASSISTANCE GRANTS.—In ad-
11 dition to using funds under sections 1124 and 1124A for
12 the operation of targeted assistance or schoolwide pro-
13 grams under this section, a local educational agency may
14 apply for a 1-time, competitive supplemental grant to as-
15 sist with the design and implementation of a choice pro-
16 gram. Such grants shall be administered by the Secretary. *Please show*

17 “(d) AUTHORIZATION.—There are authorized to be
18 appropriated such sums as necessary to carry out the sup-
19 plemental assistance grants described in subsection (c)
20 [for fiscal year 2000 and each of the 4 succeeding fiscal
21 years.]”.

22 **SEC. ____ . ASSESSMENT AND LOCAL EDUCATIONAL AGENCY**
23 **AND SCHOOL IMPROVEMENT.**

24 (a) LOCAL REVIEW.—Paragraph (3) of section
25 1116(a) (20 U.S.C. 6317(a)(3)) is amended by striking

1 “individual school performance profiles” and inserting
2 “individual school report cards”.

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

6 “(b) SCHOOL IMPROVEMENT.—

7 “(1) IN GENERAL.—A local educational agency
8 shall identify for school improvement any school
9 served under this part that—

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

13 “(B) was in school improvement status
14 under this section on the day preceding the
15 date of the enactment of ____.

16 “(2) TRANSITION.—The 2-year period described
17 in paragraph (1)(A) shall include any continuous pe-
18 riod of time immediately preceding the [date of the
19 enactment of the Student Results Act of 1999] dur-
20 ing which a school did not make adequate progress
21 as defined in the State’s plan, as such plan was in
22 effect on the day preceding the date of the enact-
23 ment of the Student Results Act of 1999 Act.

24 “(3) TARGETED ASSISTANCE SCHOOLS.—To de-
25 termine if a school that is conducting a targeted as-

1 sistance program under section 1115 should be iden-
2 tified as in need of improvement under this sub-
3 section, a local educational agency may choose to re-
4 view the progress of only those students in such
5 school who are served under this part.

6 “(4) OPPORTUNITY TO REVIEW AND PRESENT
7 EVIDENCE.—(A) Before identifying a school for
8 school improvement under paragraph (1), the local
9 educational agency shall provide the school with an
10 opportunity to review the school-level data, including
11 assessment data, on which the proposed identifica-
12 tion is based.

13 “(B) If the school [principal?] believes that the
14 proposed identification is in error for statistical or
15 other substantive reasons, it may provide supporting
16 evidence to the local educational agency, which such
17 agency shall consider before making a final deter-
18 mination.

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

23 “(A) an explanation of what the school im-
24 provement identification means and how the
25 school compares in terms of academic perform-

1 ance to other schools in the local educational
2 agency and surrounding local educational agen-
3 cies;

4 “(B) the reasons for such identification;

5 “(C) the data on which such identification
6 is based;

7 “(D) an explanation of what the school is
8 doing to address the problem of low achieve-
9 ment;

10 “(E) an explanation of how parents can
11 become involved in upgrading the quality of the
12 school; and

13 “(F) an explanation of the right of parents
14 to transfer their child to another public school
15 that is not in school improvement, and how
16 such transfer shall operate.

17 “(6) SCHOOL CHOICE OPTION.—(A) The local
18 educational agency shall, promptly after identifying
19 a school for school improvement, provide all students
20 enrolled in such school with an option to transfer to
21 any other public school in the local educational agen-
22 cy that has not been identified for school improve-
23 ment.

24 “(B) If all schools in the local educational agen-
25 cy are identified for school improvement, the agency

1 shall, to the extent practicable, establish a coopera-
2 tive agreement with other local educational agencies
3 in the area for the transfer.

4 “(C) The local educational agency in which the
5 schools have been identified for improvement may
6 use funds under this title to provide transportation
7 for children whose parents choose to transfer to a
8 different school.

9 “(7) SCHOOL PLAN.—(A) Each school identified
10 under paragraph (1) for school improvement shall,
11 not later than 3 months after being so identified, de-
12 velop or revise a school plan, in consultation with
13 parents, school staff, the local educational agency,
14 and other outside experts for approval by the local
15 educational agency. Such plan shall—

16 “(i) incorporate scientifically based re-
17 search strategies;

18 “(ii) identify specific goals and objectives
19 the school will undertake for making adequate
20 progress and which—

21 “(I) have the greatest likelihood of
22 improving the performance of participating
23 children in meeting the State’s student
24 performance standards;

1 “(II) address the professional develop-
2 ment needs of staff; and

3 “(III) include specific performance
4 goals and targets for each of the groups of
5 students identified in the disaggregated
6 data pursuant to section ____;

7 “(iii) identify how the school will provide
8 written notification to parents pursuant to
9 paragraph (5); and

10 “(iv) specify the responsibilities of the local
11 educational agency and the school under the
12 plan.

13 “(B) A local educational agency may condition
14 approval of a school plan on inclusion of 1 or more
15 of the corrective actions specified in section ____.

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

20 “(D) The local educational agency shall
21 promptly review the plan, work with the school as
22 necessary, and approve the plan if it meets the re-
23 quirements of this section.

24 “(7) TECHNICAL ASSISTANCE.—(A) For each
25 school identified for school improvement under para-

1 graph (1), the local educational agency shall provide
2 technical assistance as the school develops and im-
3 plements its plan.

4 “(B) Such technical assistance—

5 “(i) shall include effective methods and in-
6 structional strategies that are based upon sci-
7 entifically based research that strengthens the
8 core academic program in the school and ad-
9 dresses the specific elements of student per-
10 formance problems in the school;

11 “(ii) may be provided directly by the local
12 educational agency, [through mechanisms au-
13 thorized under section 1117], or with the local
14 educational agency’s approval, by an institution
15 of higher education, a private nonprofit organi-
16 zation, an educational service agency, [a com-
17 prehensive regional assistance center under part
18 A of title XIII], or other entities with experi-
19 ence in helping schools improve achievement.

20 “(C) Technical assistance authorized [pro-
21 vided?] under this section by the local educational
22 agency or an entity authorized by such agency shall
23 be based upon scientifically based research.

24 “(8) CORRECTIVE ACTION.—In order to help
25 students served under this part meet challenging

1 State standards, each local educational agency shall
2 implement a system of corrective action in accord-
3 ance with the following:

4 “(A) After providing technical assistance
5 under paragraph (7) and subject to subpara-
6 graph (G), the local educational agency—

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

10 “(ii) shall take corrective action with
11 respect to any school that fails to make
12 adequate progress, as defined by the State,
13 after the end of the second year following
14 its identification under paragraph (1); and

15 “(iii) may continue to provide tech-
16 nical assistance while instituting any cor-
17 rective action under clause (i) or (ii).

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

21 [“(i) substantially and directly re-
22 sponds to the consistent academic failure
23 that caused the local educational agency to
24 take such action and to any underlying

1 staffing, curricular, or other problems in
2 the school; and】

3 【“(ii) is designed to substantially in-
4 crease the likelihood that students will per-
5 form at the proficient and advanced per-
6 formance levels.】

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

11 “(i) Withhold funds from the school.

12 “(ii) Decrease decisionmaking author-
13 ity at the school level.

14 “(iii) Make alternative governance ar-
15 rangements, including reopening the school
16 as a public charter school.

17 “(iv) Require each person employed at
18 the school to reapply for future employ-
19 ment at the same school or for any posi-
20 tion in the local educational agency.

21 “(v) Authorize students to transfer to
22 other public schools served by the local
23 educational agency, including public char-
24 ter schools, and provide such students

1 transportation (or the costs of transpor-
2 tation) to such schools.

3 “(vi) Institute and fully implement a
4 new curriculum, including appropriate pro-
5 fessional development for all relevant staff,
6 that is based upon scientifically based re-
7 search and offers substantial promise of
8 improving educational achievement for low-
9 performing students.

10 “(D) Any school identified in paragraph
11 (1) shall no longer be eligible to employ teach-
12 ers’ aides **【placement?】**.

13 “(E) A local educational agency may delay,
14 for a period not to exceed 1 year, implementa-
15 tion of corrective action if the failure to make
16 adequate progress was justified due to excep-
17 tional or uncontrollable circumstances such as a
18 natural disaster or a precipitous and unforeseen
19 decline in the financial resources of the local
20 educational agency or school.

21 “(F) The local educational agency shall
22 publish and disseminate to parents and the
23 public any corrective action it takes under this
24 paragraph.

1 “(G)(i) Before taking corrective action
2 with respect to any school under this para-
3 graph, a local educational agency shall provide
4 the school an opportunity to review the school
5 level data, including assessment data, on which
6 the proposed determination is made.

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

13 “(9) STATE EDUCATIONAL AGENCY RESPON-
14 SIBILITIES.—If a State educational agency deter-
15 mines that a local educational agency failed to carry
16 out its responsibilities under paragraphs (4) and (5),
17 it shall take such action as it finds necessary to im-
18 prove the affected schools and to ensure that the
19 local educational agency carries out its responsibil-
20 ities [under this section?].

21 “(d) STATE REVIEW AND LOCAL EDUCATIONAL
22 AGENCY IMPROVEMENT.—

23 “(1) IN GENERAL.—A State educational agency
24 shall—

1 “(A) annually review the progress of each
2 local educational agency receiving funds under
3 this part to determine whether schools receiving
4 assistance under this part are making adequate
5 progress as defined in section 1111(b)(2)(A)(ii)
6 toward meeting the State’s student performance
7 standards; and

8 “(B) publicize and disseminate to local
9 educational agencies, teachers and other staff,
10 parents, students, and the community the re-
11 sults of the State review in the form of a State
12 report card, including statistically sound
13 disaggregated results, as required by section
14 1111(b)(3)(i).

15 “(2) IDENTIFICATION OF LOCAL EDUCATIONAL
16 AGENCY FOR IMPROVEMENT.—A State educational
17 agency shall identify for improvement any local edu-
18 cational agency that—

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

22 “(B) was in improvement status under this
23 section as this section was in effect on the day
24 preceding the date of enactment of the Student
25 Results Act of 1999.

1 “(4) TRANSITION.—The 2-year period described
2 in paragraph (3)(A) shall include any continuous pe-
3 riod of time immediately preceding the [date of the
4 enactment of the Student Results Act of 1999],
5 during which a local educational agency did not
6 make adequate progress as defined in the State’s
7 plan, as such plan was in effect on the day preceding
8 the date of the enactment of the Student Results
9 Act of 1999.

10 “(5) TARGETED ASSISTANCE SCHOOLS.—For
11 purposes of targeted assistance schools in a local
12 educational agency, a State educational agency may
13 choose to review the progress of only the students in
14 such schools who are served under this part.

15 “(6) OPPORTUNITY TO REVIEW AND PRESENT
16 EVIDENCE.—(A) Before identifying a local edu-
17 cational agency for improvement under paragraph
18 (3), a State educational agency shall provide the
19 local educational agency with an opportunity to re-
20 view the local educational agency data, including as-
21 sessment data, on which that proposed identification
22 is based.

23 “(B) If the local educational agency believes
24 that the proposed identification is in error for statis-
25 tical or other substantive reasons, it may provide

1 supporting evidence to the State educational agency,
2 which such agency shall consider before making a
3 final determination.

4 “(7) NOTIFICATION TO PARENTS.—The State
5 educational agency shall promptly notify parents of
6 each student enrolled in a school in a local edu-
7 cational agency identified for improvement, of the
8 reasons for such agency’s identification and how
9 parents can participate in upgrading the quality of
10 the local educational agency.

11 “(8) LOCAL EDUCATIONAL AGENCY REVI-
12 SIONS.—(A) Each local educational agency identified
13 under paragraph (3) shall, not later than 3 months
14 after being so identified, develop or revise a local
15 educational agency plan, in consultation with par-
16 ents, school staff, and others. Such plan shall—

17 “(i) incorporate scientifically based re-
18 search strategies;

19 “(ii) identify specific goals and objectives
20 the local educational agency will undertake to
21 make adequate progress and which—

22 “(I) have the greatest likelihood of
23 improving the performance of participating
24 children in meeting the State’s student
25 performance standards;

1 “(II) address the professional develop-
2 ment needs of staff; and

3 “(III) include specific performance
4 goals and targets for each of the groups of
5 students identified in the disaggregated
6 data pursuant to section ____;

7 “(iii) identify how the school district will
8 go about providing written notification to par-
9 ents pursuant to paragraph (7);

10 “(iv) specify the responsibilities of the
11 State educational agency and the local edu-
12 cational agency under the plan; and

13 “(v) determine why the original plan of the
14 local educational agency failed to result in ade-
15 quate yearly progress.

16 “(B) The local educational agency shall imple-
17 ment its plan or revised plan expeditiously, but not
18 later than the beginning of the school year after
19 which the school has been identified for improve-
20 ment.

21 “(9) STATE EDUCATIONAL AGENCY RESPONSIBI-
22 LITY.—For each local educational agency identi-
23 fied under paragraph (3), the State educational
24 agency shall provide technical or other assistance, if

1 requested, as authorized under section 1117, to bet-
2 ter enable the local educational agency—

3 “(A) to develop and implement its revised
4 plan; and

5 “(B) to work with schools needing im-
6 provement.

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

12 “(A) After providing technical assistance
13 under paragraph 9) and subject to subpara-
14 graph (D), the State educational agency—

15 “(i) may take corrective action at any
16 time with respect to a local educational
17 agency that has been identified under
18 paragraph (3);

19 “(ii) shall take corrective action with
20 respect to any local educational agency
21 that fails to make adequate yearly
22 progress, as defined by the State, after the
23 end of the second year following its identi-
24 fication under paragraph (3); and

1 “(iii) may continue to provide tech-
2 nical assistance while instituting any cor-
3 rective action under clause (i) or (ii).

4 “(B) As used in this paragraph, the term
5 ‘corrective action’ means action, consistent with
6 State law, that—

7 [“(i) substantially and directly re-
8 sponds to the consistent academic failure
9 that caused the local educational agency to
10 take such action and to any underlying
11 staffing, curricular, or other problems in
12 the school; and]

13 [“(ii) is designed to substantially in-
14 crease the likelihood that students will per-
15 form at the proficient and advanced per-
16 formance levels.]

17 “[(C)] In the case of a local educational
18 agency described in subparagraph ____, the
19 State educational agency shall take not less
20 than 1 of the following corrective actions:

21 “(i) Withhold funds from the local
22 educational agency.

23 “(ii) Require each person employed by
24 the local educational agency to reapply for
25 future employment;

1 “(iii) Remove particular schools from
2 the jurisdiction of the local educational
3 agency and establish alternative arrange-
4 ments for public governance and super-
5 vision of such schools.

6 “(iv) Appoint, through the State edu-
7 cational agency, a receiver or trustee to ad-
8 minister the affairs of the local educational
9 agency in place of the superintendent and
10 school board.

11 “(v) Abolish or restructure the local
12 educational agency.

13 “(vi) Authorize students to transfer
14 from a school operated by 1 local edu-
15 cational agency to a public school operated
16 by another local educational agency, or to
17 [missing text?]

18 “(D) Prior to implementing any corrective
19 action, the State educational agency shall pro-
20 vide due process and a hearing to the affected
21 local educational agency, if State law provides
22 for such process and hearing.

23 “[(E) Any local educational agency
24 [school v. local educational agencies hire?]

1 identified in paragraph (1) shall no longer be
2 eligible to employ teachers' aides.】

3 “(F) The State educational agency shall
4 publish, 【including through the Internet】 and
5 disseminate to parents and the public any cor-
6 rective action it takes under this paragraph.

7 “(e) PROTECTIONS.—Any person subject to adverse
8 action under this section shall be entitled to the protec-
9 tions of procedural due process guaranteed by the Con-
10 stitution and the laws of the United States.”.

11 **SEC. ____ . STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
12 **IMPROVEMENT.**

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

15 **“SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
16 **IMPROVEMENT.**

17 “(a) SYSTEM FOR SUPPORT.—Each State edu-
18 cational agency shall establish a statewide system of inten-
19 sive and sustained support and improvement for local edu-
20 cational agencies and schools receiving funds under this
21 part, in order to increase the opportunity for all students
22 in those agencies and schools to meet the State's content
23 standards and student performance standards.

24 “(b) PRIORITIES.—In carrying out this section, a
25 State educational agency shall—

1 “(1) first, provide support and assistance to
2 local educational agencies subject to corrective action
3 under section 1116 and assists schools, in accord-
4 ance with section 1116(c)(6), for which a local edu-
5 cational agency has failed to carry out its respon-
6 sibilities under section 1116(c)(4) and (5);

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

10 “(3) third, provide support and assistance to
11 other local educational agencies and schools partici-
12 pating under this part that need that support and
13 assistance in order to achieve the purpose of this
14 part.

15 “(c) APPROACHES.—In order to achieve the purpose
16 described in subsection (a), each such system shall provide
17 technical assistance and support through such approaches
18 as—

19 “(1) school support teams, composed of individ-
20 uals who are knowledgeable about scientifically
21 based research and practice on teaching and learn-
22 ing, particularly about strategies for improving edu-
23 cational results for low-achieving children; and

24 “(2) the designation and use of “Distinguished
25 Educators”, chosen from schools served under this

1 part that have been especially successful in improv-
2 ing academic achievement.

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

4 “(1) shall use funds reserved under section
5 1003(a)(1) but not used under section 1003(a)(2) to
6 carry out this section; and

7 “(2) may use State administrative funds re-
8 served under section 1701(c) for such purpose.”.

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 “activi-
15 ties”.

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 life of the
24 schools served under this part; and

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)—

5 (A) in subparagraph (A), by striking “not
6 less than” and inserting “not more than”; and

7 (B) by adding at the end the following new
8 subparagraph:

9 “(C) Not less than 0.9 percent of the funds re-
10 served under [subparagraph (A)] shall be distrib-
11 uted to schools served under this part.”.

12 (b) PARENTAL INVOLVEMENT.—Paragraph (4) of
13 section 1118(c) (20 U.S.C. 6319(c)(4)) is amended—

14 (1) in subparagraph (B), by striking “perform-
15 ance profiles required under section 1116(a)(3)” and
16 inserting “report cards required by section ____”;

17 (2) by redesignating subparagraphs (D) and
18 (E) as subparagraphs (F) and (G), respectively;

19 (3) by inserting after subparagraph (C) the fol-
20 lowing new subparagraphs:

21 “(D) notice of the schools’ designation as
22 a school in school improvement under section
23 1116(c), if applicable, and a clear explanation
24 of what such designation means;

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

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

9 (c) BUILDING CAPACITY FOR INVOLVEMENT.—Sub-
10 section (e) of section 1118 (20 U.S.C 6319(e)) is
11 amended—

12 (1) in paragraph (1), by striking “the National
13 Education Goals,”;

14 (2) by striking paragraph (6) and inserting the
15 following:

16 “(6) shall conduct other activities, as appro-
17 priate and feasible, such as parent resource centers
18 and opportunities for parents to learn how to be-
19 come full partners in the education of their chil-
20 dren;”; and

21 (3)(A) in paragraph (14), by striking “and”
22 after the semicolon;

23 (B) in paragraph (15), by striking the period
24 and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(16) shall expand the use of electronic commu-
2 nications among teachers, students, and parents,
3 such as the use of websites and e-mail communica-
4 tions.”.

5 (d) ACCESSIBILITY.—Subsection (f) of section 1118
6 (20 U.S.C. 6319(f)) is amended by striking “school pro-
7 files” and inserting “school report cards”.

8 **SEC. ____ QUALIFICATION FOR TEACHERS AND TEACHERS’**
9 **AIDES.**

10 Section 1119 (20 U.S.C. 6320) is amended to read
11 as follows:

12 **SEC. 1119. QUALIFICATIONS FOR TEACHERS AND TEACH-**
13 **ERS’ AIDES.**

14 (a) TEACHERS.—Each local educational agency shall
15 ensure that, all teachers hired on or after the effective
16 date of enactment of this Act and in programs supported
17 with funds under this part shall be fully qualified as de-
18 fined in section ____ of Title 14 of the Elementary and
19 Secondary Education Act as amended by this Act.

20 (b) NEW TEACHERS AIDES.—(1) Each local edu-
21 cational agency shall ensure that all teachers’ aides hired
22 on or after the date of enactment of this Act and working
23 in programs supported with funds under this part shall—

1 (A) if when in a State or locally approved para-
2 professional-to-teacher career ladder, shall have com-
3 pleted 2 years of college, or, in all other cases;

4 (B) have received an associate or baccalaureate
5 degree in an education-related field; and

6 (C) for situations meeting either subparagraphs

7 (A) or (B) above—

8 (i) shall demonstrate, through a formal as-
9 sessment of reading, writing, math and science,
10 at least a high school level of competency; and

11 (ii) be under the direct immediate super-
12 vision of a teacher, and in the immediate pres-
13 ence of a fully qualified classroom teacher,
14 when providing instructional services to stu-
15 dents, such as one-on -one tutoring or other
16 similar activities.

17 (2) NEW TEACHERS AIDES MAY PERFORM.—

18 (A) one-on-one tutoring for eligible students.

19 Any such tutoring must be at times that are in addi-
20 tion to the time a student would otherwise receive
21 instruction from a teacher;

22 (B) assisting with classroom management, such
23 as organizing instructional and other materials;

24 (C) providing assistance in a computer labora-
25 tory;

- 1 (D) improving parental involvement;
- 2 (E) providing support in a library or media cen-
- 3 ter; and
- 4 (F) acting as a translator.

5 (3) _____.—The duties of teacher aides shall not
6 include the provision of [instruction directly to students.]

7 (c) EXISTING TEACHERS AIDES.—(1) Each local
8 educational agency shall ensure that teachers' aides hired
9 prior to the date of enactment of this Act and working
10 in programs supported with funds under this part shall—

11 (A) have completed at least 2 years of college
12 by 2003;

13 (B) have received an associate of baccalaureate
14 degree in an education related field by 2004; and

15 (be under the direct supervisions of a teacher
16 when providing instructional services to students,
17 such as one-on-one tutoring or other similar activi-
18 ties.

19 (2) Existing teachers aides may perform the activities
20 listed in section 1119(b)(2).

21 (d) _____.—Effective upon the date of enactment
22 of [this legislation] no LEA may hire, with funds under
23 this part, additional paraprofessionals, except to fill a va-
24 cancy with a paraprofessional that meets the requirements
25 of this section.

1 (e)(1) At a minimum, in verifying its compliance,
2 each LEA shall require that, annually, the principal of
3 each school operating programs under 1114, or 1115, at-
4 test in writing as to whether such school is in compliance
5 with the requirements of this section.

6 (2) Copies of these documents shall be on file at each
7 school operating a program under section 1114 or 1115
8 and at the LEA central office, and be available to any
9 member of the general public upon request.

10 **SEC. ____ PROFESSIONAL DEVELOPMENT.**

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

13 **"SEC. 1119A. PROFESSIONAL DEVELOPMENT.**

14 "(a) PURPOSE.—The purpose of this section is to as-
15 sist each local educational agency receiving assistance
16 under this part in increasing the academic achievement
17 of eligible children (as defined in section 1115(b)(1)(B))
18 through improved teacher quality.

19 **"(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—**

20 **"(1) REQUIRED ACTIVITIES.—**Professional de-
21 velopment activities under this section shall—

22 **"(A)** support professional development ac-
23 tivities that give teachers, principals, and ad-
24 ministrators the knowledge and skills to provide
25 students with the opportunity to meet chal-

1 lenging State or local content standards and
2 student performance standards;

3 “(B) support the recruiting, hiring, and
4 training of fully qualified teachers, including
5 teachers fully qualified through State and local
6 alternative routes;

7 “(C) advance teacher understanding of ef-
8 fective instructional strategies for improving
9 student achievement, at a minimum, in reading
10 and mathematics;

11 “(D) be directly related to the curriculum
12 and content areas in which the teacher provides
13 instruction;

14 “(E) be designed to enhance the ability of
15 a teacher to understand and use the State’s
16 standards for the subject area in which the
17 teacher provides instruction;

18 “(F) be tied to scientifically based research
19 demonstrating the effectiveness of such profes-
20 sional development activities or programs in in-
21 creasing student achievement or substantially
22 increasing the knowledge and teaching skills of
23 teachers;

24 “(G) be of sufficient intensity and duration
25 (not to include 1-day or short-term workshops

1 and conferences) to have a positive and lasting
2 impact on the teacher's performance in the
3 classroom, except that this paragraph shall not
4 apply to an activity if such activity is 1 compo-
5 nent of a long-term comprehensive professional
6 development plan established by the teacher
7 and the teacher's supervisor based upon an as-
8 sessment of their needs, their students' need,
9 and the needs of the local educational agency;

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

13 “(I) to the extent appropriate, provide
14 training for teachers in the use of technology so
15 that technology and its applications are effec-
16 tively used in the classroom to improve teaching
17 and learning in the curriculum and academic
18 content areas in which the teachers provide in-
19 struction; and

20 “(J) as a whole, be regularly evaluated for
21 their impact on increased teacher effectiveness
22 and improved student achievement, with the
23 findings of such evaluations used to improve the
24 quality of professional development.

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

3 “(A) instruction in the use of data and as-
4 sessments to inform and instruct classroom
5 practice;

6 “(B) instruction in ways that teachers,
7 principals, pupil services personnel, and school
8 administrators may work more effectively with
9 parents;

10 “(C) the forming of partnerships with in-
11 stitutions of higher education to establish
12 school-based teacher training programs that
13 provide prospective teachers and novice teachers
14 with an opportunity to work under the guidance
15 of experienced teachers and college faculty;

16 “(D) instruction in the use of technology
17 as a tool to improve instruction;

18 “(E) the creation of career ladder pro-
19 grams for teachers’ aides (assisting teachers
20 under this part) to obtain the education nec-
21 essary for such teachers’ aides to become li-
22 censed and certified teachers;

23 “(F) instruction in ways to teach special
24 needs children;

1 “(G) joint professional development activi-
2 ties involving programs under this part, Head
3 Start, Even Start, or State-run preschool pro-
4 gram personnel; and

5 “(H) instruction in experiential-based
6 teaching methods such as service learning.

7 **【What does this mean?】**

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

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

14 “(2) all school staff in targeted assistance
15 schools may participate in professional development
16 activities if such participation will result in better
17 addressing the needs of students served under this
18 part.

19 “(d) PARENTAL PARTICIPATION.—Parents may par-
20 ticipate in professional development activities under this
21 part if the school determines that parental participation
22 is appropriate.

23 “(e) CONSORTIA.—In carrying out such professional
24 development programs, local educational agencies may
25 provide services through consortia arrangements with

1 other local educational agencies, educational service agen-
2 cies or other local consortia, institutions of higher edu-
3 cation, or other public or private institutions or organiza-
4 tions.

5 “(f) COMBINATIONS OF FUNDS.—Funds provided
6 under this part that are used for professional development
7 purposes may be combined with funds provided under title
8 II of this Act and other sources.”.

9 “(g) DEFINITION.—The term ‘fully qualified’ has the
10 same meaning given such term in section 1119(d).”.

11 **SEC. ____ . PARTICIPATION OF CHILDREN ENROLLED IN**
12 **PRIVATE SCHOOLS.**

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

16 “(a) GENERAL REQUIREMENT.—

17 “(1) IN GENERAL.—To the extent consistent
18 with the number of eligible children identified under
19 section 1115(b) in a local educational agency who
20 are enrolled in private elementary and secondary
21 schools, a local educational agency shall, after timely
22 and meaningful consultation with appropriate pri-
23 vate school officials, provide such children, on an eq-
24 uitable basis, special educational services or other
25 benefits under this part (such as dual enrollment,

1 educational radio and television, computer equip-
2 ment and materials, other technology, and mobile
3 educational services and equipment) that address
4 their needs, and shall ensure that teachers and fami-
5 lies of these students participate, on an equitable
6 basis, in services and activities developed pursuant
7 to sections 1118 and 1119.

8 “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—
9 Such educational services or other benefits, including
10 materials and equipment, shall be secular, neutral,
11 and nonideological.

12 “(3) EQUITY.—Educational services and other
13 benefits for such private school children shall be eq-
14 uitable in comparison to services and other benefits
15 for public school children participating under this
16 part, and shall be provided in a timely manner.

17 “(4) EXPENDITURES.—Expenditures for edu-
18 cational services and other benefits to eligible private
19 school children shall be equal to the proportion of
20 funds allocated to participating school attendance
21 areas based on the number of children from low-in-
22 come families who attend private schools, which the
23 local educational agency may determine each year or
24 every 2 years. The Secretary shall develop a sim-

1 plified survey instrument suitable for identifying pri-
2 vate school children from low-income families.

3 “(5) PROVISION OF SERVICES.—(A) The local
4 educational agency shall provide services under this
5 section directly or through contracts with public and
6 private agencies, organizations, and institutions.

7 “(B) In the case of services provided through a
8 third-party contract, the decision of which contractor
9 to use shall be made jointly by the local educational
10 agency and the private school officials.

1 “(6) ALLOCATION FOR EQUITABLE SERVICE TO
2 PRIVATE SCHOOL STUDENTS.—

3 “(A) CALCULATION.—A local educational
4 agency shall calculate the number of private
5 school children, ages 5 through 17, who are
6 low-income by—

7 “(i) using the same measure of low-in-
8 come used to count public school children;

9 “(ii) using the results of a survey
10 that, to the extent possible, protects the
11 identity of families of private school stu-
12 dents with such survey results extrapolated
13 if complete actual data are not available;
14 or

15 “(iii) applying the low-income percent-
16 age of each participating public school at-
17 tendance area, determined pursuant to
18 [section 1113()()], to the number of
19 private school children who reside in that
20 attendance area.

21 “(B) COMPLAINT PROCESS.—Any dispute
22 regarding low-income data on private school
23 students shall be subject to the complaint proc-
24 ess authorized in section 14505.

1 “(C) RELIABILITY OF INFORMATION.—A
2 Department of Education-authorized survey in-
3 strument shall be considered reliable. If the
4 State educational agency or the Secretary de-
5 termines the local educational agency data is
6 not accurate or reliable, the State educational
7 agency or Secretary may require the local edu-
8 cational agency to use the low-income measure
9 described in [section 1113()()] or any other
10 source that provides accurate and reliable infor-
11 mation.]”.

12 (b) CONSULTATION.—Subsection (b) of section 1120
13 (20 U.S.C. 6321(b)) is amended to read as follows:

14 “(b) CONSULTATION.—

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

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

22 “(B) what services will be offered;

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

1 “(D) how the services will be assessed and
2 how the results of that assessment will be used
3 to improve those services;

4 “(E) the size and scope of the equitable
5 services to be provided to the eligible private
6 school children, and the amount of funds gen-
7 erated by low-income private school children in
8 each participating attendance area;

9 “(F) the method or sources of data that
10 are used under subsection (a)(4) to determine
11 the number of children from low-income fami-
12 lies in participating school attendance areas
13 who attend private schools; and

14 “(G) how and when the agency will make
15 decisions about the delivery of services to such
16 children.

17 “(2) TIMING.—Such consultation shall include
18 meetings of agency and private school officials and
19 shall occur before the local educational agency
20 makes any decision that affects the opportunities of
21 eligible private school children to participate in pro-
22 grams under this part. Such meetings shall continue
23 throughout implementation and assessment of serv-
24 ices provided under this section.

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

5 “(4) DOCUMENTATION.—Each local educational
6 agency shall provide to the State educational agency,
7 and maintain in its records, a written affirmation
8 signed by officials of each participating private
9 school that the consultation required by this section
10 has occurred.”.

11 (d) STANDARDS FOR BYPASS.—Subsection (d) of sec-
12 tion 1120 (20 U.S.C. 6321(d)) is amended by inserting
13 “to meet the educational needs of such children” after
14 “substantially failed”.

15 **SEC. ____ COORDINATION REQUIREMENT.**

16 Section 1120B is amended—

17 (1) in subsection (b), by striking “feasible and
18 appropriate to the circumstances, including the ex-
19 tent”; and by striking “and local Head Start agen-
20 cies”

21 (2) in subsection (c), by striking “the Head
22 Start Act Amendments of 1994” and inserting “the
23 [Co] Human Services Reauthorization Act of
24 1998”.

1 **SEC. ____.** **GRANTS FOR OUTLYING AREAS.**

2 **[(a) ASSISTANCE TO OUTLYING AREAS.—**Subsection
3 (b) of section 1121 (20 U.S.C. 6331(b)) is amended to
4 read as follows:

5 **“[(b) ASSISTANCE TO THE OUTLYING AREAS.—**
6 From amounts made available under subsection (a) in
7 each fiscal year the Secretary shall make grants to local
8 educational agencies in the outlying areas. - earlier change
9 not included in Wayne's material - do you want this or
10 only the change per Wayne?】”.

11 **(a) ASSISTANCE TO OUTLYING AREAS.—[**Section
12 1121(b)(2)(A) is amended to read as follows:

13 **“(2) COMPETITIVE GRANTS.—(A)** For each fis-
14 cal year through 2001, the Secretary shall reserve
15 \$5,000,000 from the amounts made available under
16 subsection (a) to award grants on a competitive
17 basis, to local educational agencies in the Federated
18 States of Micronesia, the Republic of the Marshall
19 Islands, and the Republic of Palau. The Secretary
20 shall award such grants according to the rec-
21 ommendations of the Pacific Region Educational
22 Laboratory which shall conduct a competition for
23 such grants.”.

PLEASE NOTE SECTIONS 1122 THROUGH
1126 HAVE NOT BEEN REVIEWED BY ROSE-
MARY - APPEARS TO NEED SOME WORK】

【(b) GRANT AMOUNTS.—Section 1122 is amended
to read as follows:

1 **“SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRA-**
2 **TION GRANTS, AND TARGETED GRANTS.**

3 “(a) IN GENERAL.—For fiscal years 2000 through
4 2004, an amount of the appropriations for this part equal
5 to the appropriation for fiscal year 1999, plus 42.5 per-
6 cent of any increase in appropriations under section
7 1002(a) over the amount for fiscal year 1999, shall be al-
8 located in accordance with section 1124, and an amount
9 equal to the appropriation for fiscal year 1999, plus 7.5
10 percent of any increase in appropriations under section
11 1002(a) over the amount for fiscal year 1999, shall be al-
12 located in accordance with section 1124A. The remaining
13 50.0 percent of any increase in appropriations under sec-
14 tion 1002(a) over the amount for fiscal year 1999, shall
15 be allocated in accordance with section 1125.

16 “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-
17 PROPRIATIONS.—

18 “(1) IN GENERAL.—If the sums available under
19 this part for any fiscal year are insufficient to pay
20 the full amounts that all local educational agencies

1 in States are eligible to receive under sections 1124,
2 1124A, and 1125 for such year, the Secretary shall
3 ratably reduce the allocations to such local edu-
4 cational agencies, subject to subsections (c) and (d)
5 of this section.

6 “(2) ADDITIONAL FUNDS.—If additional funds
7 become available for making payments under sec-
8 tions 1124, 1124A, and 1125 for such fiscal year,
9 allocations that were reduced under paragraph (1)
10 shall be increased on the same basis as they were re-
11 duced.

12 “(c) HOLD-HARMLESS AMOUNTS.—For each fiscal
13 year, the amount made available to each local educational
14 agency under each of sections 1124 and 1125 shall be at
15 least 95 percent of the previous year’s amount if the num-
16 ber of children counted for grants under section 1124 is
17 at least 30 percent of the total number of children aged
18 5 to 17 years, inclusive, in the local educational agency,
19 90 percent of the previous year amount if this percentage
20 is between 15 percent and 30 percent, and 85 percent if
21 this percentage is below 15 percent. In addition, the
22 amount made available to each local educational agency
23 under section 1124A shall be at least 895 percent of the
24 previous year’s amount. If sufficient funds are appro-
25 priated, the hold harmless amounts described in the pre-

1 ceding sentences shall be paid to all local educational
2 agencies which received grants under sections 1124,
3 1124A, or 1125 for the preceding fiscal year, regardless
4 of whether the local educational agency currently meets
5 the minimum eligibility criteria provided in sections
6 1124(b), 1124A(a)(1)(A), or 1125(a), respectively, except
7 that a local educational agency which does not meet such
8 minimum eligibility criteria for 5 consecutive years shall
9 no longer be eligible to receive a hold harmless amount.
10 In any fiscal year for which the Secretary calculates
11 grants on the basis of population data for counties, the
12 Secretary shall apply the hold-harmless percentages in the
13 preceding sentences to counties, and if the Secretary's al-
14 location for a county is not sufficient to meet the hold-
15 harmless requirements of this paragraph for every local
16 educational agency within that county, then the State edu-
17 cational agency shall reallocate funds proportionately from
18 all other local educational agencies in the State that are
19 receiving funds in excess of the hold-harmless amounts
20 specified in this paragraph.

21 “(d) RATABLE REDUCTIONS.—

22 “(1) IN GENERAL.—If the sums made available
23 under this part for any fiscal year are insufficient to
24 pay the full amounts that all States are eligible to
25 receive under subsection (c) for such year, the Sec-

1 retary shall ratably reduce such amounts for such
2 year.

3 “(2) ADDITIONAL FUNDS.—If additional funds
4 become available for making payments under sub-
5 section (c) for such fiscal year, amounts that were
6 reduced under paragraph (1) shall be increased on
7 the same basis as such amounts reduced.

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

12 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
13 **CIES.**

14 “(a) AMOUNT OF GRANTS.—

15 “(1) GRANTS FOR LOCAL EDUCATIONAL AGEN-
16 CIES AND PUERTO RICO.—Except as provided in
17 paragraph (4) and in section 1126, the grant that
18 a local educational agency is eligible to receive under
19 this section for a fiscal year is the amount deter-
20 mined by multiplying—

21 “(A) the number of children counted under
22 subsection (c); and

23 “(B) 40 percent of the average per-pupil
24 expenditure in the State, except that the
25 amount determined under this subparagraph

1 shall not be less than 32 percent, and not more
2 than 48 percent, of the average per-pupil ex-
3 penditure in the United States.

4 “(2) CALCULATION OF GRANTS.—

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

14 “(i) the 2 Secretaries shall publicly
15 disclose the reasons for their determination
16 in detail; and

17 “(ii) paragraph (3) shall apply.

18 “(B) ALLOCATIONS TO LARGE AND SMALL
19 LOCAL EDUCATIONAL AGENCIES.—(i) For any
20 fiscal year to which this paragraph applies, the
21 Secretary shall calculate grants under this sec-
22 tion for each local educational agency.

23 “(ii) The amount of a grant under this
24 section for each large local educational agency

1 shall be the amount determined under clause
2 (i).

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

5 “(I) distribute grants under this sec-
6 tion in amounts determined by the Sec-
7 retary under clause (i); or

8 “(II) use an alternative method ap-
9 proved by the Secretary to distribute the
10 portion of the State’s total grants under
11 this section that is based on those small
12 agencies.

13 “(iv) An alternative method under clause
14 (iii)(II) shall be based on population data that
15 the State educational agency determines best
16 reflect the current distribution of children in
17 poor families among the State’s small local edu-
18 cational agencies that meet the eligibility cri-
19 teria of subsection (b).

20 “(v) If a small local educational agency is
21 dissatisfied with the determination of its grant
22 by the State educational agency under clause
23 (iii)(II), it may appeal that determination to the
24 Secretary, who shall respond within 45 days of
25 receiving it.

1 “(vi) As used in this subparagraph—

2 “(I) the term ‘large local educational
3 agency’ means a local educational agency
4 serving an area with a total population of
5 20,000 or more; and

6 “(II) the term ‘small local edu-
7 cational agency’ means a local educational
8 agency serving an area with a total popu-
9 lation of less than 20,000.

10 “(3) ALLOCATIONS TO COUNTIES.—(A) For any
11 fiscal year to which this paragraph applies, the Sec-
12 retary shall calculate grants under this section on
13 the basis of the number of children counted under
14 section 1124(c) for counties, and State educational
15 agencies shall suballocate county amounts to local
16 educational agencies, in accordance with regulations
17 of the Secretary.

18 “(B) In any State in which a large number of
19 local educational agencies overlap county boundaries,
20 or for which the State believes it has data that
21 would better target funds than allocating them by
22 county, the State educational agency may apply to
23 the Secretary for authority to make the allocations
24 under this part for a particular fiscal year directly

1 to local educational agencies without regard to coun-
2 ties.

3 “(C) If the Secretary approves its application
4 under subparagraph (B), the State educational
5 agency shall provide the Secretary an assurance that
6 those allocations will be made—

7 “(i) using precisely the same factors for
8 determining a grant as are used under this
9 part; or

10 “(ii) using data that the State educational
11 agency submits to the Secretary for approval
12 that more accurately target poverty.

13 “(D) The State educational agency shall pro-
14 vide the Secretary an assurance that a procedure is
15 (or will be) established through which local edu-
16 cational agencies that are dissatisfied with its deter-
17 minations under subparagraph (B) may appeal di-
18 rectly to the Secretary for a final determination.

19 “(3) PUERTO RICO.—For each fiscal year, the
20 Secretary shall determine the percentage which the
21 average per pupil expenditure in the Commonwealth
22 of Puerto Rico is of the lowest average per pupil ex-
23 penditure of any of the 50 States. The grant which
24 the Commonwealth of Puerto Rico shall be eligible
25 to receive under this section for a fiscal year shall

1 be the amount arrived at by multiplying the number
2 of children counted under subsection (c) for the
3 Commonwealth of Puerto Rico by the product of—

4 “(A) the percentage determined under the
5 preceding sentence; and

6 “(B) 32 percent of the average per pupil
7 expenditure in the United States.

8 “(4) DEFINITION.—For purposes of this sub-
9 section, the term “State” does not include Guam,
10 American Samoa, the Virgin Islands, the Northern
11 Mariana Islands, and Palau.

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

17 “(1) 10 or more; and

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

20 “(c) CHILDREN TO BE COUNTED.—

21 “(1) CATEGORIES OF CHILDREN.—The number
22 of children to be counted for purposes of this section
23 is the aggregate of—

24 “(A) the number of children aged 5 to 17,
25 inclusive, in the school district of the local edu-

1 cational agency from families below the poverty
2 level as determined under paragraph (2); and

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

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

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

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

1 Census in compiling the most recent decennial cen-
2 sus, in such form as those criteria have been up-
3 dated by increases in the Consumer Price Index for
4 all urban consumers, published by the Bureau of
5 Labor Statistics.

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

24 “(5) ESTIMATE.—When requested by the Sec-
25 retary, the Secretary of Commerce shall make a spe-

1 cial updated estimate of the number of children of
2 such ages who are from families below the poverty
3 level (as determined under subparagraph (A) of this
4 paragraph) in each school district, and the Secretary
5 is authorized to pay (either in advance or by way of
6 reimbursement) the Secretary of Commerce the cost
7 of making this special estimate. The Secretary of
8 Commerce shall give consideration to any request of
9 the chief executive of a State for the collection of ad-
10 ditional census information. For purposes of this
11 section, the Secretary shall consider all children who
12 are in correctional institutions to be living in institu-
13 tions for delinquent children.

14 “(d) STATE MINIMUM.—Notwithstanding section
15 1122, the aggregate amount allotted for all local
16 educational agencies within a State may not be less than
17 the lesser of—

18 “(1) 0.25 percent of total grants under this sec-
19 tion; or

20 “(2) the average of—

21 “(A) one-quarter of 1 percent of the total
22 amount available for such fiscal year under this
23 section; and

24 “(B) the number of children in such State
25 counted under subsection (c) in the fiscal year

1 multiplied by 150 percent of the national aver-
2 age per pupil payment made with funds avail-
3 able under this section for that year.

4 **"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-**
5 **CATIONAL AGENCIES.**

6 "(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

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

17 "(i) 6,500; or

18 "(ii) 15 percent of the total number of
19 children aged 5 through 17 in the agency.

20 "(B) Notwithstanding section 1122, no State
21 described in subparagraph (A) shall receive less than
22 the lesser of—

23 "(i) 0.25 percent of total grants; or

24 "(ii) the average of—

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

4 “(II) the greater of—

5 “(aa) \$340,000; or

6 “(bb) the number of children in
7 such State counted for purposes of
8 this section in that fiscal year multi-
9 plied by 150 percent of the national
10 average per pupil payment made with
11 funds available under this section for
12 that year.

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

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

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

1 “(3) AMOUNT.—The amount of the additional
2 grant for which an eligible local educational agency
3 or county is eligible under this section for any fiscal
4 year shall be an amount which bears the same ratio
5 to the amount available to carry out this section for
6 that fiscal year as the product determined under
7 paragraph (2) for such local educational agency for
8 that fiscal year bears to the sum of such products
9 for all local educational agencies in the United
10 States for that fiscal year.

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

14 “(B) for any fiscal year for which the Secretary
15 allocates funds under this section on the basis of
16 counties, a State may reserve not more than 2 per-
17 cent of its allocation under this section for any fiscal
18 year to make grants to local educational agencies
19 that meet the criteria of paragraph (1)(A)(i) or (ii)
20 but that are in ineligible counties.

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

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

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

11 **“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL**
12 **AGENCIES.**

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

1 cies in the State in proportion to the distribution of other
2 funds under this section.

3 “(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES,
4 THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

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

9 “(A) the weighted child count determined
10 under subsection (c); and

11 “(B) the amount in the paragraph
12 1124(a)(1).

13 “(2) PUERTO RICO.—For each fiscal year, the
14 amount of the grant for which the Commonwealth of
15 Puerto Rico is eligible under this section shall be
16 equal to the number of children counted under sub-
17 section (c) for Puerto Rico, multiplied by the
18 amount determined in subparagraph 1124(a)(3).

19 “(c) WEIGHTED CHILD COUNT.—

20 “(1) WEIGHTS FOR ALLOCATIONS TO COUN-
21 TIES.—

22 “(A) IN GENERAL.—For each fiscal year
23 for which the Secretary uses county population
24 data to calculate grants, the weighted child
25 count used to determine a county’s allocation

1 under this section is the larger of the two
2 amounts determined under clause (i) or (ii), as
3 follows:

4 " (i) BY PERCENTAGE OF CHIL-
5 DREN.—This amount is determined by
6 adding—

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

13 " (II) the number of such children
14 constituting more than 12.20 percent,
15 but not more than 17.70 percent, of
16 such population, multiplied by 1.75;

17 " (III) the number of such chil-
18 dren constituting more than 17.70
19 percent, but not more than 22.80 per-
20 cent, of such population, multiplied by
21 2.5;

22 " (IV) the number of such chil-
23 dren constituting more than 22.80
24 percent, but not more than 29.70 per-

1 cent, of such population, multiplied by
2 3.25; and

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

6 “(ii) BY NUMBER OF CHILDREN.—

7 This amount is determined by adding—

8 “(I) the number of children de-
9 termined under section 1124(c) con-
10 stituting up to 1,917, inclusive, of the
11 county’s total population aged 5 to
12 17, inclusive, multiplied by 1.0;

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

16 “(III) the number of such chil-
17 dren between 5,939 and 20,199, inclu-
18 sive, in such population, multiplied by
19 2.0;

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

1 “(V) the number of such children
2 in excess of 77,999 in such popu-
3 lation, multiplied by 3.0.

4 “(B) PUERTO RICO.—Notwithstanding
5 subparagraph (A), the weighting factor for
6 Puerto Rico under this paragraph shall not be
7 greater than the total number of children
8 counted under subsection 1124(c) multiplied by
9 1.72.

10 “(2) WEIGHTS FOR ALLOCATIONS TO LOCAL
11 EDUCATIONAL AGENCIES.—

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

19 “(i) BY PERCENTAGE OF CHIL-
20 DREN.—This amount is determined by
21 adding—

22 “(I) the number of children de-
23 termined under section 1124(c) for
24 that local educational agency consti-
25 tuting up to 14.265 percent, inclusive,

1 of the agency's total population aged
2 5 to 17, inclusive, multiplied by 1.0;

3 "(II) the number of such children
4 constituting more than 14.265 per-
5 cent, but not more than 21.553 per-
6 cent, of such population, multiplied by
7 1.75;

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

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

18 "(V) the number of such children
19 constituting more than 36.538 percent
20 of such population, multiplied by 4.0.

21 "(ii) BY NUMBER OF CHILDREN.—

22 This amount is determined by adding—

23 "(I) the number of children de-
24 termined under section 1124(c) con-
25 stituting up to 575, inclusive, of the

1 agency's total population aged 5 to
2 17, inclusive, multiplied by 1.0;

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

6 "(III) the number of such chil-
7 dren between 1,871 and 6,910, inclu-
8 sive, in such population, multiplied by
9 2.0;

10 "(IV) the number of such chil-
11 dren between 6,911 and 42,000, inclu-
12 sive, in such population, multiplied by
13 2.5; and

14 "(V) the number of such children
15 in excess of 42,000 in such popu-
16 lation, multiplied by 3.0.

17 "(B) PUERTO RICO.—Notwithstanding
18 subparagraph (A), the weighting factor for
19 Puerto Rico under this paragraph shall not be
20 greater than the total number of children
21 counted under section 1124(c) multiplied by
22 1.72.

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

1 “(e) STATE MINIMUM.—Notwithstanding any other
2 provision of this section or section 1122, from the total
3 amount available for any fiscal year to carry out this sec-
4 tion, each State shall be allotted at least the lesser of—

5 “(1) 0.25 percent of total appropriations; or

6 “(2) the average of—

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

9 “(B) 150 percent of the national average
10 grant under this section per child described in
11 section 1124(c), without application of a
12 weighting factor, multiplied by the State’s total
13 number of children described in section
14 1124(c), without application of a weighting fac-
15 tor.

16 **“SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.**

17 “(a) GRANTS.—The Secretary is authorized to make
18 grants to States from the sums appropriated pursuant to
19 subsection (e) to carry out the purposes of this part.

20 “(b) DISTRIBUTION BASED UPON FISCAL EFFORT
21 AND EQUITY.—

22 “(1) IN GENERAL.—Funds appropriated pursu-
23 ant to subsection (e) shall be allotted to each State
24 based upon the number of children aged 5 to 17, in-
25 clusive, of such State multiplied by the product of—

1 “(A) such State’s effort factor described in
2 paragraph (2); multiplied by

3 “(B) 1.30 minus such State’s equity factor
4 described in paragraph (3),

5 except that for each fiscal year no State shall receive
6 less than one-quarter of 1 percent of the total
7 amount appropriated pursuant to subsection (e) for
8 such fiscal year.

9 “(2) EFFORT FACTOR.—(A) Except as provided
10 in subparagraph (B), the effort factor for a State
11 shall be determined in accordance with the suc-
12 ceeding sentence, except that such factor shall not
13 be less than .95 nor greater than 1.05. The effort
14 factor determined under this sentence shall be a
15 fraction the numerator of which is the product of
16 the 3-year average per-pupil expenditure in the State
17 multiplied by the 3-year average per capita income
18 in the United States and the denominator of which
19 is the product of the 3-year average per capita in-
20 come in such State multiplied by the 3-year average
21 per-pupil expenditure in the United States.

22 “(B) The effort factor for the Commonwealth
23 of Puerto Rico shall be equal to the lowest effort
24 factor calculated under subparagraph (A) for any
25 State.

1 “(3) EQUITY FACTOR.—(A)(i) Except as pro-
2 vided in subparagraph (B), the Secretary shall de-
3 termine the equity factor under this section for each
4 State in accordance with clause (ii).

5 “(ii)(I) For each State, the Secretary shall com-
6 pute a weighted coefficient of variation for the per-
7 pupil expenditures of local educational agencies in
8 accordance with subclauses (II), (III), (IV), and (V).

9 “(II) In computing coefficients of variation, the
10 Secretary shall weigh the variation between per-pupil
11 expenditures in each local educational agency and
12 the average per-pupil expenditures in the State ac-
13 cording to the number of pupils in the local edu-
14 cational agency.

15 “(III) In determining the number of pupils
16 under this paragraph in each local educational agen-
17 cy and each State, the Secretary shall multiply the
18 number of children from low-income families by 1.4
19 under this paragraph.

20 “(IV) In computing coefficients of variation, the
21 Secretary shall include only those local educational
22 agencies with an enrollment of more than 200 stu-
23 dents.

24 “(V) The Secretary shall compute separate co-
25 efficients of variation for elementary, secondary, and

1 unified local educational agencies and shall combine
2 such coefficients into a single weighted average coef-
3 ficient for the State by multiplying each coefficient
4 by the total enrollments of the local educational
5 agencies in each group, adding such products, and
6 dividing such sum by the total enrollments of the
7 local educational agencies in the State.

8 “(B) The equity factor for a State that meets
9 the disparity standard described in section 222.63 of
10 title 34, Code of Federal Regulations (as such sec-
11 tion was in effect on the day preceding the date of
12 enactment of this Act) or a State with only one local
13 educational agency shall be not greater than .10.

14 “(C) The Secretary may revise each State’s eq-
15 uity factor as necessary based on the advice of inde-
16 pendent education finance scholars to reflect other
17 need-based costs of local educational agencies in ad-
18 dition to low-income student enrollment, such as dif-
19 fering geographic costs, costs associated with stu-
20 dents with disabilities, children with limited-English
21 proficiency or other meaningful educational needs,
22 which deserve additional support. In addition and
23 also with the advice of independent education fi-
24 nance scholars, the Secretary may revise each
25 State’s equity factor to incorporate other valid and

1 accepted methods to achieve adequacy of educational
2 opportunity that may not be reflected in a coefficient
3 of variation method.

4 “(c) USE OF FUNDS.—All funds awarded to each
5 State under this section shall be allocated to local edu-
6 cational agencies and schools on a basis consistent with
7 the distribution of other funds to such agencies and
8 schools under sections 1124, 1124A, and 1125 to carry
9 out activities under this part.

10 “(d) MAINTENANCE OF EFFORT.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), a State is entitled to receive its full allot-
13 ment of funds under this part for any fiscal year if
14 the Secretary finds that either the combined fiscal
15 effort per student or the aggregate expenditures
16 within the State with respect to the provision of free
17 public education for the fiscal year preceding the fis-
18 cal year for which the determination is made was
19 not less than 90 percent of such combined fiscal ef-
20 fort or aggregate expenditures for the second fiscal
21 year preceding the fiscal year for which the deter-
22 mination is made.

23 “(2) REDUCTION OF FUNDS.—The Secretary
24 shall reduce the amount of the funds awarded to any
25 State under this section in any fiscal year in the

1 exact proportion to which the State fails to meet the
2 requirements of paragraph (1) by falling below 90
3 percent of both the fiscal effort per student and ag-
4 gregate expenditures (using the measure most favor-
5 able to the State), and no such lesser amount shall
6 be used for computing the effort required under
7 paragraph (1) for subsequent years.

8 “(3) WAIVERS.—The Secretary may waive, for
9 1 fiscal year only, the requirements of this sub-
10 section if the Secretary determines that such a waiv-
11 er would be equitable due to exceptional or uncon-
12 trollable circumstances such as a natural disaster or
13 a precipitous and unforeseen decline in the financial
14 resources of the State.

15 “(e) AUTHORIZATION OF APPROPRIATIONS.—For the
16 purpose of making grants under this section, there are au-
17 thorized to be appropriated \$200,000,000 for fiscal year
18 1996 and such sums as may be necessary for each of the
19 3 succeeding fiscal years.

20 **“SEC. 1128. SPECIAL ALLOCATION PROCEDURES.**

21 “(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

22 “(1) IN GENERAL.—If a State educational
23 agency determines that a local educational agency in
24 the State is unable or unwilling to provide for the
25 special educational needs of children who are living

1 in institutions for neglected children as described in
2 subparagraph 1124(c)(1)(C), the State educational
3 agency shall, if such agency assumes responsibility
4 for the special educational needs of such children,
5 receive the portion of such local educational agency's
6 allocation under sections 1124, 1124A, and 1125
7 that is attributable to such children.

8 “(2) SPECIAL RULE.—If the State educational
9 agency does not assume such responsibility, any
10 other State or local public agency that does assume
11 such responsibility shall receive that portion of the
12 local educational agency's allocation.

13 “(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL
14 AGENCIES.—The State educational agency may allocate
15 the amounts of grants under sections 1124, 1124A, and
16 1125 among the affected local educational agencies—

17 “(1) if two or more local educational agencies
18 serve, in whole or in part, the same geographical
19 area;

20 “(2) if a local educational agency provides free
21 public education for children who reside in the
22 school district of another local educational agency;
23 or

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

4 “(c) REALLOCATION.—If a State educational agency
5 determines that the amount of a grant a local educational
6 agency would receive under sections 1124, 1124A, and
7 1125 is more than such local agency will use, the State
8 educational agency shall make the excess amount available
9 to other local educational agencies in the State that need
10 additional funds in accordance with criteria established by
11 the State educational agency.

12 **SEC. ____ . SCHOOL REPORT CARDS.**

13 (a) IN GENERAL.—[If a State publishes State report
14 cards on education, the State shall include in such report
15 cards information regarding the State’s programs with re-
16 spect to _____. In the event the State provides no such
17 report card, the State shall publicly report the information
18 described in sections (?) through other means.]

19 (1) A State that receives assistance under this
20 Act shall prepare and disseminate annual report on
21 title I schools and shall have in effect a policy that
22 requires the development and wide dissemination of
23 annual report cards title I schools regarding the sta-
24 tus of education and educational progress in its local

1 educational agencies and schools. The State shall en-
2 sure implementation of this policy at all levels.

3 (2) Annual report cards under this section
4 shall—

5 (A) be concise;

6 (B) be disseminated in a ____, format and
7 manner that parents can understand, which to
8 the extent practicable, shall be in the language
9 the parents can understand; and

10 (C) **【redundant】**

11 (b) CONTENT OF ANNUAL STATE REPORTS.—

12 (1) The State shall, at a minimum, include in
13 the annual State reports information for the State
14 as a whole, and each local educational agency
15 regarding—

16 (A) student performance on statewide as-
17 sessments for the current and preceding years
18 in at least reading (or language arts) and math-
19 ematics, including—

20 (i) a comparison of the proportions of
21 students who performed at the “below
22 basic”, “basic”, “proficient”, and “ad-
23 vanced” levels in each subject area, for
24 each grade level at which assessments are
25 required under title I, with proportions in

1 each of the same 4 categories at the same
2 grade levels in the previous school year;
3 and

4 (ii) a statement of the percentage of
5 students not tested and a listing of cat-
6 egories of the reasons why they were not
7 tested;

8 (B) retention in grade, completion of ad-
9 vanced placement courses, and 4-year gradua-
10 tion rates;

11 (C) average class size; [by grade level?]

12 (D) where such information is otherwise
13 collected, school safety, including the incidence
14 of school violence and drug and alcohol abuse,
15 and school discipline, including the incidence of
16 student suspensions and expulsions; and

17 (E) the professional qualifications of teach-
18 ers [as a whole], including the percentage of
19 teachers training with emergency or provisional
20 credentials, and the percentage of class sections
21 not taught by teachers fully qualified.

22 (2) Student data in each report shall contain
23 disaggregated results for the following categories:

24 (A) Gender.

25 (B) Racial and ethnic group.

1 (C) Migrant status.

2 (D) Students with disabilities, as compared
3 to students who are not disabled.

4 (E) Economically disadvantaged students,
5 as compared to students who are not economi-
6 cally disadvantaged.

7 (F) Students with limited English pro-
8 ficiency, as compared to students who are pro-
9 ficient in English.

10 (3) A State may include in its report any other
11 information it determines appropriate to reflect
12 school quality an school achievement.

13 (c) Content of local educational agencies and school
14 report cards—

15 (1) The State shall ensure that each local edu-
16 cational agency and each school in the State collects
17 appropriate data and includes in its annual report
18 card, at a minimum—

19 (A) the information described in sub-
20 sections (b)(1) and (b)(2)—

21 (i) in the case of a local educational
22 agency—

23 (I) the number and percentage of
24 schools identified for school improve-

1 ment, including schools identified
2 under section 1116(c) of this Act;

3 (II) information that shows how
4 students in its schools perform on the
5 statewide assessment compared to
6 students in the State as whole;

7 (ii) in the case of the school—

8 (I) whether it has been identified
9 for school improvement; and

10 (II) information that shows how
11 its students performed on the state-
12 wide assessment compared to students
13 in the local educational agency and
14 the State as a whole.

15 (2) A local educational agency and a school
16 may include in their annual report cards any other
17 appropriate information whether or not included in
18 the annual State report.

19 (d) DISSEMINATION AND ACCESSIBILITY OF RE-
20 PORTS AND REPORT CARDS.—

21 (1) State annual reports under subsection (b)
22 shall be posted on the Internet, disseminated to all
23 schools and local educational agencies in the State,
24 and made broadly available to the public through
25 means including, but not limited to posting on the

1 Internet, distribution to the medial, and distribution
2 through public agencies such as social service agen-
3 cies and public libraries.

4 (2) Local educational agency report cards under
5 subsection (c) shall be disseminated to all schools in
6 the school district to all parents of students attend-
7 ing these schools and made broadly available to the
8 public through means including, but not limited to
9 posting on the Internet, distribution to the media,
10 and distribution through public agencies such as so-
11 cial service agencies and public libraries.

12 (3) School reports cards under subsection (c)
13 shall be disseminated to all parents of students at-
14 tending that school and shall be made broadly avail-
15 able to the public, through such means as posting on
16 the Internet.

17 (c) PARENTS RIGHT-TO-KNOW.—

18 (1) A local educational agency [school] that re-
19 ceives funds under this title shall provide, upon re-
20 quest, in an understandable and uniform format, to
21 any parent of a student attending any school receiv-
22 ing funds under this subpart, information regarding
23 the professional qualifications of the student's class-
24 room teachers, including, at a minimum, the fol-
25 lowing:

1 (A) Whether the teacher has met State
2 qualification and licensing criteria for the grade
3 levels and subject areas in which the teacher
4 provides instruction.

5 (B) Whether the teacher is teaching under
6 emergency or other provisional status through
7 which State qualification or licensing criteria
8 have been waived.

9 (C) The baccalaureate degree major of the
10 teacher and any other graduate certification or
11 degree held by the teacher, and the field of dis-
12 cipline of the certification or degree.

13 (2) In addition to the information which par-
14 ents may request under paragraph (1), and the in-
15 formation provided in subsection (c) of this section,
16 the school shall provide to each individual parent or
17 guardian—

18 (A) information on the level of perform-
19 ance of the individual student [for whom they
20 are the parent or guardian] in each of the
21 State assessments [as required under this
22 title]; and

23 (B) timely notice that the student [for
24 whom they are the parent or guardian] has
25 been assigned or has been taught for 2 [con-

1 secutive? total of...] weeks or more by a sub-
2 stitute teacher or by a teacher not fully quali-
3 fied.

4 (f) PLAN CONTENT.—A State shall include in its
5 Plan under section 1111(b) an assurance that it has in
6 effect a policy that meets the requirements of this section.

7 (g) PRIVACY.—Information collected under this sec-
8 tion shall be collected and disseminated in a manner that
9 protects the privacy of individuals.

10 [PLEASE NOTE: SECTION 1119 (QUALIFICA-
11 TIONS FOR TEACHERS) HAS NOT BEEN RE-
12 VIEWED AND COMPREHENSIVE SCHOOL RE-
13 FORM HAS NOT BEEN INCLUDED (NOT DRAFT-
14 ED YET) IN THIS DRAFT.]

Ramirez, Heidi

From: Ramirez, Heidi
Sent: Saturday, September 18, 1999 9:02 PM
To: Smith, Mike; Johnson, Judith; Corwin, Thomas; Cook, Sandra; Riddle, Paul; Liu, Goodwin; O'Leary, Ann; Wilhelm, Susan; Veta, Jean; Rogers, Diane
Subject: Title I draft notes (up to p.60)

Here's as far as I got reviewing the draft for tomorrow's meeting. I should have more to say in the morning, but so far, here are the differences I've found. I hope its helpful.

Heidi

Title I
 Appropriations

- provides specific amounts rather than "such sums" *within the same*
- does not include REA
- Requires state to reserve 1/2% to turn around low-performing schools (p.6, line 7); the percent does not increase over time

State Plan

- Adds Head Start to the list of programs required to be coordinated w/ in development of plan (p.7, line 18)
- Expands standards requirement to include kindergarten (p.8, line 10, p. 18, line 8)
- Adds a fourth level of proficiency standards (advanced, proficient, basic, and below basic)
- Requires that, in the case of state failure to adopt content and performance standards, administrative funds be withheld (p.10, line 5; p.22, line 19; p.26, line 16)
- Keeps notion of AYP requirements
 - adds that it include support for students to achieve (p.11, line1)
 - requires comparison of performance across groups (p.11, line 18)
 - compares performance of the same grade from year to year
 - allows use of other indicators (but not to exclude school from
 - includes specific yearly goals for each group, w/ timelines (p.13,
 - for state to meet AYP, 90% of its schools must meet AYP, corrective action)
line 1)
- must be assessed -at least 90% of each group of students
 - requires publication of state definitions of AYP
- Adds caveat for states where standards are not "allowed" by law (p.16)

Assessments -almost exactly our language

- seems to add a fourth required testing interval (p.18)
- keeps current language assessment language (identifying languages for which there is no assessment) (p.21)
- states that do not meet 2000-2001 assessment requirements may apply for a waiver

Does not require annual assessment of English language proficiency

LEA plans

- no state peer review of local plans

On eligible schools and district allocation

- in ranking schools, creates a priority for K-6 schools (p.38, line 7; p.42, line 19)
- low income measures(?)
- allocations (?) (p.39)
- seems to include changes in private school allocations (p.40)

Schoolwides--language is largely ours

- eligibility=40% poverty (p.44, line 9) *wavy px.*
- does not require specific description of supports for those having difficulty mastering the standards (?)
- no peer review of schoolwide plan

Choice programs

- deleted reference to providing individual student assessment info (p.59)
- one-time, competitive supplemental assistance grants (p.60)

Ramirez, Heidi

LEAs and school improvement

- does not include proposed changes to local review, including assessment language or designation of distinguished schools (maintains current language)(p.61)
- school improvement status determined by 2 years of failure to make AYP, or identified before new law
- requires notification of parents when school is identified (p.62, line 19) that includes:
 - an explanation, improvement strategies, opportunities for parental involvement
 - clear explanation of parents right to transfer their child to another public school (p.63, line 13)
- School choice option w/ in district, unless all schools in the LEA are identified as in need of improvement, then districts should work w/ other LEAs, transportation costs covered by the LEA (p.63, line 17)

School plans

- no peer review
- most of ED's language
- allows for conditional LEA approval (p.65, line 13)
- provides some more specific language on LEA TA to schools (p.66)

Corrective Action

- ED proposal describes 3 year process, this is 2 year (p.67, line 13), and no 1 year refrain from taking action except in the case of natural disaster or dramatic hift in funds (p.69, line 16)
- includes withholding of funds as one of state options (p.68, line 11) and decreasing of school based decision making
- corrective actions include requiring personnel to reapply
- schools identified can no longer employ teacher's aides (p. 69, line 10)
- no special rule, as proposed by ED, for removal from school improvement

State review and LEA improvement (p.70)

- no distinguished schools
- parent notification of LEA in need of improvement (p.73, line 4)
- revised plan must include specific gains for each sub-population (p.74, line 3)
- no peer review
- requires explanation of why first plan failed

Corrective action for low-performing LEA

- after 2 years (p.75, line 23)
- corrective actions include requiring personnel to reapply
- may remove school from LEA jurisdiction (p.77, line 1); also includes ED proposal fro transfer of receivership/trustees
- LEA would no longer allowed to hire teacher aides?
- again, no special rule

Changes to parental involvement (p. 80, line 9)

Teachers and teacher aides

- all teachers hired (after enactment) w/ Title I funds, must be qualified (p.83)
- TAs must 1) be in a career ladder and have at least 2 years of college; or 2) have a BA or associates AND meet specfic guidelines for use (p.84, line 6)
- current TAs must have 2years of college by 2003, BA by 2004
-
-

file: ESE7 -Shute

MEMORANDUM



To: Interested Parties

From: Nancy Zirkin, Director of Public Policy and Government Relations

Date: May 4, 2000

Subject: COZs Amendment to S 2

For your information, attached is the sign-on letter that was sent today to the Senate in support of the Reed Child Opportunity Zones (COZs) Amendment to the Educational Opportunities Act (S 2).

If you have any questions, please contact me at 202/785-7720.

From Nancy
Zirkin re: letter
sent to Senate
in support of
Reed Child Opportunity
Zones

May 4, 2000

Dear Senator:

The undersigned organizations, representing parents, educators, early childhood professionals, health professionals, pupil services personnel, and education advocates urge you to support the Reed Child Opportunity Zones (COZs) Amendment to the Educational Opportunities Act (S 2). The Reed Amendment would ensure the coordination of services in order to remove barriers to learning. According to a report of the Northeast and Islands Regional Educational Laboratory, school-linked services "help to increase student achievement, save money, and reduce overlapping services, reach those children and families most in need, make schools more welcoming to families, increase community support for the school, and help at-risk families develop the capacity to manage their own lives successfully."

Unfortunately, too many children today are struggling with a variety of problems that make their ability to meet challenging academic standards much more difficult. Inadequate access to health care, lack of family and child mental health services, poor nutrition, abuse, and other social ills undercut these children's ability to succeed in the classroom and in their daily lives. The coordination of schools with the range of supportive services that children and families need is particularly important in low-income urban and rural areas. Families that need and would otherwise be eligible to receive services simply cannot access them without coordination at or through the schools.

The Reed Amendment draws on successful efforts already underway in some areas. Kentucky's Family Resource and Youth Service Centers, Minnesota's Family Service program, and Rhode Island's Child Opportunity Zone Family Center Initiative need to be replicated more widely. The current barriers to these important services are pervasive in every state. We believe that these proposed grants are critical to helping schools and school districts partner with communities and parents to make possible the school-linked or school-based coordination of the necessary services for strengthening our nation's children.

Once again, we urge you to support the Reed Child Opportunity Zones (COZs) Amendment to S 2. If you have any questions or need additional information, please contact Lisa Levine at the American Association of University Women at 202/785-7730 or Adele Robinson at the National Association for the Education of Young Children at 202/232-8777.

Sincerely,

American Association of University Women
American Academy of Child and Adolescent Psychiatry
American Academy of Pediatrics
American Association of School Administrators
American College of Nurse-Midwives
American Counseling Association
American Federation of Teachers

American Music Therapy Association
American Psychiatric Association
American Psychological Association
Association of Educational Service Agencies
Association for Women and Science
Association of Teacher Educators
Center for the Child Care Workforce
Center for Women's Policy Studies
Children's Defense Fund
Council for Exceptional Children
Federally Employed Women, Inc.
General Federation of Women's Clubs
Myra Sadker Advocates
National Alliance for Partnerships in Equity
National Association for the Education of Young Children
National Association of Elementary School Principals
National Association of Pupil Services Administrators
National Association of School Psychologists
National Association of Social Workers
National Association of State Directors of Special Education
National Coalition for Sex Equity in Education
National Council of Administrative Women in Education
National Council of La Raza
National Education Association
National Education Knowledge Industry Association
National PTA
National Rural Education Association
National Therapeutic Recreation Society
National Women's Conference
National Women's History Project
School Social Work Association of America
Wider Opportunities for Women
Women & Philanthropy
Women's Business Development Center

file ESEA-group

MEMORANDUM



AMERICAN
ASSOCIATION OF
UNIVERSITY
WOMEN

To: Interested Parties
From: Nancy Zirkin, Director of Public Policy and Government Relations
Date: May 1, 2000
Subject: AAUW letter on gender equity amendments to S 2

For your information, attached is the American Association of University Women (AAUW) letter sent to the Senate on Friday, April 28, regarding educational equity amendments to the Educational Opportunities Act (S 2).

If you have any questions, please contact me at 202/785-7720.

*To Ann O'Leary
Heather Howard
Jimmie Shirley*



SUPPORT EDUCATIONAL EQUITY FOR GIRLS IN THE EDUCATIONAL OPPORTUNITIES ACT (S 2)

April 28, 2000

Dear Senator:

On behalf of the 150,000 members of the American Association of University Women (AAUW), I urge you to support the following amendments to the Educational Opportunities Act (S 2) that promote educational equity for girls and help them succeed in school:

The Kennedy/Snowe Amendment on Gender Equity in Education allows schools to take gender into consideration in the areas of education technology, school safety, teacher training, and dropout prevention. It is important to maintain and update the critical gender equity provisions that were adopted in the 1994 law in order to ensure that girls and boys will be better equipped for the 21st century. While some girls are doing better in schools, neither girls nor boys are succeeding in disadvantaged schools. Attention must be paid to both girls' and boys' learning needs.

The Reed Amendment on Child Opportunity Zone (COZs) Family Centers establishes a grant program to encourage school-based or community-based coordinated services. Many schoolchildren today are struggling with a host of social problems—including poverty, poor nutrition, drug abuse, family violence, and inadequate health care—that prevent them from achieving their full academic potential. Nationwide, 13.5 million or 19 percent of young children live at or below the poverty level and more than half of the people who get food stamps are children.

The Bingaman Amendment on Preparing Tomorrow's Teachers to Use Technology (PT3) authorizes the only currently funded federal program that provides grants for pre-service technology-based teacher professional development. Girls face an alarming gender gap in technology. Although experts predict that in 2010, 65 percent of all jobs will require technology skills, a very small percentage of girls currently take computer science courses. Girls consistently rate themselves lower than boys on computer ability and only 17 percent of Advanced Placement test takers in computer science are girls.

Once again, I urge you to support these critical amendments to the Educational Opportunities Act (S 2) so the adults of tomorrow will be prepared to compete in the ever-changing global economy of the 21st century. If you have any questions, please call Nancy Zirkin, Director of Government Relations, at 202/785-7720, or Lisa Levine, Government Relations Manager, at 202/785-7730.

Sincerely,



Sandy Bernard
President