

106TH CONGRESS
2ND SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. LIEBERMAN (for himself, Mr. BAYH, Ms. LANDRIEU, Mrs. LINCOLN, Mr. KOHL, introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Public Education Rein-
5 vestment, Reinvention, and Responsibility Act (Three
6 R's)".

7 **SEC. 2. REFERENCES.**

8 Except as otherwise expressly provided, whenever in
9 this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
2 sion, the reference shall be considered to be made to a
3 section or other provision of the Elementary and Sec-
4 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

5 **SEC. 3. DECLARATION OF PRIORITIES.**

6 Congress declares that our national educational prior-
7 ities are to—

8 (1) introduce real accountability by making
9 public elementary school and secondary school edu-
10 cation funding performance-based rather than a
11 guaranteed source of revenue for States and local
12 educational agencies;

13 (2) require State educational agencies and local
14 educational agencies to establish high student per-
15 formance objectives, and to provide the State edu-
16 cational agencies and local educational agencies with
17 flexibility in using Federal resources to ensure that
18 the performance objectives are met;

19 (3) concentrate Federal funding around a small
20 number of central education goals, including com-
21 pensatory education for disadvantaged children and
22 youth, teacher quality and professional development,
23 programs for limited English proficient students,
24 public school choice programs, ~~and~~ innovative edu-
25 cational programs; ^{student safety and educational technology}

1 (4) concentrate Federal education funding on
2 impoverished areas where elementary schools and
3 secondary schools are most likely to be in distress;

4 (5) sanction State educational agencies and
5 local educational agencies that consistently fail to
6 meet established benchmarks; and

7 (6) reward State educational agencies, local
8 educational agencies, and elementary schools and
9 secondary schools that demonstrate high perform-
10 ance.

11 **TITLE I—STUDENT** 12 **PERFORMANCE**

13 **SEC. 101. HEADING.**

14 The heading for title I (20 U.S.C. 6301 et seq.) is
15 amended to read as follows:

16 **“TITLE I—STUDENT** 17 **PERFORMANCE”.**

18 **SEC. 102. FINDINGS, POLICY, AND PURPOSE.**

19 Section 1001 (20 U.S.C. 6301) is amended to read
20 as follows:

21 **“SEC. 1001. FINDINGS, POLICY AND PURPOSE.**

22 **“(a) FINDINGS.—**Congress makes the following find-
23 ings:

1 “(1) Despite more than 3 decades of Federal
2 assistance, a sizable achievement gap remains be-
3 tween low-income and middle-class students.

4 “(2) The 1994 reauthorization of the Elemen-
5 tary and Secondary Education Act of 1965 was an
6 important step in focusing our Nation’s priorities on
7 closing the achievement gap between poor and afflu-
8 ent students in the United States. The Federal Gov-
9 ernment must continue to build on these improve-
10 ments made in 1994 by holding States and local
11 educational agencies accountable for student achieve-
12 ment.

13 “(3) States can help close this achievement gap
14 by developing challenging curriculum content and
15 student performance standards so that all elemen-
16 tary school and secondary school students perform
17 at an advanced level. States should implement vig-
18 orous and comprehensive student performance as-
19 sessments, such as the National Assessment of Edu-
20 cational Progress (NAEP) so as to measure fully the
21 progress of our Nation’s students.

22 “(4) In order to ensure that no child is left be-
23 hind in the new economy, the Federal Government
24 must better target Federal resources on those chil-

1 dren who are most at-risk for falling behind aca-
2 demically.

3 “(5)(A) Title I funds have been targeted on
4 high-poverty areas, but not to the degree they should
5 be as demonstrated by the following:

6 “(B) Although 95 percent of schools with pov-
7 erty levels of 75 percent to 100 percent receive title
8 I funding, 20 percent of schools with poverty levels
9 of 50 to 74 percent do not receive any title I fund-
10 ing.

11 “(C) Only 64 percent of schools with poverty
12 levels in the 35 percent to 49 percent range receive
13 title I funding.

14 “(6) Title I funding should be significantly in-
15 creased and more effectively targeted to ensure that
16 all low-income students have an opportunity to excel
17 academically.

18 “(7) The Federal Government should provide
19 greater decisionmaking authority and flexibility to
20 schools and teachers in exchange for greater respon-
21 sibility for student performance. Federal, State, and
22 local efforts should be focused on raising the aca-
23 demic achievement of all students. Our Nation’s
24 children deserve nothing less than holding account-

1 able those responsible for shaping our childrens' fu-
2 ture and our country's future.

3 “(b) POLICY.—Congress declares that it is the policy
4 of the United States to ensure that all students receive
5 a high-quality education by holding States, local edu-
6 cational agencies, and elementary schools and secondary
7 schools accountable for increased student academic per-
8 formance results, and by facilitating improved classroom
9 instruction.

10 “(c) PURPOSES.—The purposes of this title are as
11 follows:

12 “(1) To eliminate the existing 2-tiered edu-
13 cational system, which set lower academic expecta-
14 tions for impoverished students than for affluent
15 students.

16 “(2) To require all States to have challenging
17 content and student performance standards and as-
18 sessment measures in place.

19 “(3) To require all States to ensure adequate
20 yearly progress for all students by establishing an-
21 nual, numerical performance objectives.

22 “(4) To ensure that all title I students receive
23 educational instruction from a fully qualified teach-
24 er.

1 “(5) To support State and local educational
2 agencies in identifying, assisting, and correcting low-
3 performing schools.

4 “(6) To increase Federal funding for part A
5 programs for disadvantaged students in return for
6 increased academic performance of all students.

7 “(7) To target Federal funding to local edu-
8 cational agencies serving the highest percentages of
9 low-income students.”.

10 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 1002 (20 U.S.C. 6302) is amended to read
12 as follows:

13 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
15 the purpose of carrying out part A, other than section
16 1120(e), there are authorized to be appropriated
17 \$12,000,000,000 for fiscal year 2001 and such sums as
18 may be necessary for each of the 4 succeeding fiscal years.

19 “(b) EVEN START.—For the purpose of carrying out
20 part B, there are authorized to be appropriated such sums
21 as may be necessary for fiscal year 2001 and each of the
22 4 succeeding fiscal years.

23 “(c) EDUCATION OF MIGRATORY CHILDREN.—For
24 the purpose of carrying out part C, there are authorized

1 to be appropriated such sums as may be necessary for fis-
2 cal year 2001 and each of the 4 succeeding fiscal years.

3 “(d) PREVENTION AND INTERVENTION PROGRAMS
4 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT
5 RISK OF DROPPING OUT.—For the purpose of carrying
6 out part D, there are authorized to be appropriated such
7 sums as may be necessary for fiscal year 2001 and each
8 of the 4 succeeding fiscal years.

9 “(e) CAPITAL EXPENSES.—For the purpose of car-
10 rying out section 1120(e), there are authorized to be ap-
11 propriated \$15,000,000 for fiscal year 2000, \$15,000,000
12 for fiscal year 2001, and \$5,000,000 for fiscal year 2002.

13 “(f) FEDERAL ACTIVITIES.—For the purpose of car-
14 rying out sections 1501 and 1502, there are authorized
15 to be appropriated such sums as may be necessary for fis-
16 cal year 2001 and each of the 4 succeeding fiscal years.”.

17 **SEC. 104. RESERVATION FOR SCHOOL IMPROVEMENT.**

18 Section 1003 (20 U.S.C. 6303) is amended to read
19 as follows:

20 **“SEC. 1003. RESERVATION FOR SCHOOL IMPROVEMENT.**

21 **“(a) STATE RESERVATIONS.—**

22 **“(1) IN GENERAL.—**Each State educational
23 agency shall reserve 2.5 percent of the amount the
24 State educational agency receives under part A for
25 fiscal years 2001 and 2002, and 3.5 percent of that

1 amount for fiscal years 2003 through 2005, to carry
2 out paragraph (2) and to carry out the State edu-
3 cational agency's responsibilities under sections 1116
4 and 1117, including the State educational agency's
5 statewide system of technical assistance and support
6 for local educational agencies.

7 “(2) USES.—Of the amount reserved under
8 paragraph (1) for any fiscal year, the State edu-
9 cational agency shall make available at least 80 per-
10 cent of such amount directly to local educational
11 agencies.

12 **PART A—IMPROVING BASIC PROGRAMS**

13 **OPERATED BY LOCAL EDUCATIONAL AGENCIES**

14 **SEC. 105. STATE PLANS.**

15 Section 1111 (20 U.S.C. 6311) is amended to read
16 as follows:

17 **“SEC. 1111. STATE PLANS.**

18 **“(a) PLANS REQUIRED.—**

19 **“(1) IN GENERAL.—**Any State educational
20 agency desiring a grant under this part shall submit
21 to the Secretary a plan, developed in consultation
22 with local educational agencies, teachers, pupil serv-
23 ices personnel, administrators (including administra-
24 tors of programs described in other parts of this
25 title), local school boards, other staff, and parents,

1 that satisfies the requirements of this section and
2 that is coordinated with other programs under this
3 Act, the Individuals with Disabilities Education Act,
4 the Carl D. Perkins Vocational and Technical Edu-
5 cation Act of 1998, and the Head Start Act.

6 “(2) CONSOLIDATED PLAN.—A State plan sub-
7 mitted under paragraph (1) may be submitted as
8 part of a consolidated plan under section 8302.

9 “(b) STANDARDS, ASSESSMENTS, AND ACCOUNT-
10 ABILITY.—

11 “(1) CHALLENGING STANDARDS.—

12 “(A) IN GENERAL.—Each State plan shall
13 demonstrate that the State has adopted chal-
14 lenging content standards and challenging stu-
15 dent performance standards that will be used
16 by the State, and the local educational agencies,
17 and elementary schools and secondary schools,
18 within the State to carry out this part.

19 “(B) UNIFORMITY.—The standards re-
20 quired by subparagraph (A) shall be the same
21 standards that the State applies to all elemen-
22 tary schools and secondary schools within the
23 State and all children attending such schools.

24 “(C) SUBJECTS.—The State shall have
25 such standards for elementary school and sec-

ondary school children served under this part in subjects determined by the State, but including at least mathematics, science, and English language arts, and which shall include the same knowledge, skills, and levels of performance expected of all children.

7 “(D) STANDARDS.—Standards under this
8 paragraph shall include—

9 “(i) challenging content standards in
10 academic subjects that—

11 “(I) specify what children are ex-
12 pected to know and be able to do;

13 “(II) contain coherent and rig-
14 orous content; and

15 “(III) encourage the teaching of
16 advanced skills; and

17 “(ii) challenging student performance
18 standards that—

19 “(I) are aligned with the State’s
20 content standards;

21 “(II) describe 2 levels of high
22 performance, proficient and advanced
23 levels of performance, that determine
24 how well children are mastering the

1 material in the State content stand-
2 ards; and

3 “(III) describe a third level of
4 performance, a basic level of perform-
5 ance, to provide complete information
6 about the progress of the lower per-
7 forming children toward achieving to
8 the proficient and advanced levels of
9 performance.

10 “(E) ADDITIONAL SUBJECTS.—For the
11 subjects in which students will be served under
12 this part, but for which a State is not required
13 under subparagraphs (A), (B), and (C) to de-
14 velop, and has not otherwise developed, chal-
15 lenging content and student performance stand-
16 ards, the State plan shall describe a strategy
17 for ensuring that such students are taught the
18 same knowledge and skills and held to the same
19 expectations as are all children.

20 “(F) SPECIAL RULE.—In the case of a
21 State that allows local educational agencies to
22 adopt more rigorous standards than those set
23 by the State, local educational agencies shall be
24 allowed to implement such standards.

25 “(2) ADEQUATE YEARLY PROGRESS.—

1 “(A) IN GENERAL.—Each State plan shall
2 demonstrate, based on assessments described
3 under paragraph (4), what constitutes adequate
4 yearly progress of—

5 “(i) any school served under this part
6 toward enabling all children to meet the
7 State’s challenging student performance
8 standards;

9 “(ii) any local educational agency that
10 receives funds under this part toward ena-
11 bling all children in schools served by the
12 local educational agency and receiving as-
13 sistance under this part to meet the
14 State’s challenging student performance
15 standards; and

16 “(iii) the State in enabling all children
17 in schools receiving assistance under this
18 part to meet the State’s challenging stu-
19 dent performance standards.

20 “(B) DEFINITION.—Adequate yearly
21 progress shall be defined by the State in a man-
22 ner that—

23 “(i) applies the same high standards
24 of academic performance to all students in
25 the State;

1 “(ii) takes into account the progress
2 of all students in the State and in each
3 local educational agency and school served
4 under section 1114 or 1115;

5 “(iii) uses the State challenging con-
6 tent and challenging student performance
7 standards and assessments described in
8 paragraphs (1) and (4);

9 “(iv) compares separately, within each
10 State, local educational agency, and school,
11 the performance and progress of students,
12 by each major ethnic and racial group, by ^{gender}
13 English proficiency status, and by eco-
14 nomically disadvantaged students as com-
15 pared to students who are not economically
16 disadvantaged (except that such
17 disaggregation shall not be required in a
18 case in which the number of students in a
19 category is insufficient to yield statistically
20 reliable information or the results would
21 reveal individually identifiable information
22 about an individual student);

23 “(v) compares the proportions of stu-
24 dents at the ~~below basic~~ basic, proficient,
25 and advanced levels of performance with

1 the proportions of students at each of the
2 4 performance levels in the same grade in
3 the previous school year;

4 “(vi) endeavors to include other aca-
5 demic measures such as promotion, attend-
6 ance, drop-out rates, completion of college
7 preparatory courses, college admission
8 tests taken, and secondary school comple-
9 tion, except that failure to meet another
10 academic measure, other than student per-
11 formance on State assessments aligned
12 with State standards, shall not provide the
13 sole basis for designating a district or
14 school as in need of improvement;

15 “(vii) includes annual numerical ob-
16 jectives for improving the performance of
17 all groups described in clause (iv) and nar-
18 rowing gaps in performance between these
19 groups in, at least, the areas of mathe-
20 matics and English language arts; and

21 “(viii) includes a timeline for ensuring
22 that each group of students described in
23 clause (iv) meets or exceeds the State’s
24 proficient level of performance on each
25 State assessment used for the purposes of

1 this section and section 1116 not later
2 than 10 years after the date of enactment
3 of the Public Education Reinvestment, Re-
4 invention, and Responsibility Act.

5 “(C) ACCOUNTABILITY.—Each State plan
6 shall demonstrate that the State has developed
7 and is implementing a statewide accountability
8 system that has been or will be effective in en-
9 suring that all local educational agencies, ele-
10 mentary schools, and secondary schools are
11 making adequate yearly progress as defined in
12 section 1111(b)(2)(B). Each State account-
13 ability system shall—

14 “(i) be based on the standards and as-
15 sessments adopted under paragraphs (1)
16 and (4) and take into account the perform-
17 ance of all students required by law to be
18 included in such assessments;

19 “(ii) be the same accountability sys-
20 tem the State uses for all schools or all
21 local educational agencies, if the State has
22 an accountability system for all schools or
23 all local educational agencies;

24 “(iii) provide for the identification of
25 schools or local educational agencies receiv-

1 ing funds under this part that for 2 con-
2 secutive years have exceeded such schools'
3 or agencies' adequate yearly progress goals
4 so that information about the practices
5 and strategies of such schools or agencies
6 can be disseminated to other schools in the
7 local educational agency and in the State
8 and such schools can be considered for re-
9 wards provided under title VII of this Act;

10 “(iv) provide for the identification of
11 schools and local educational agencies in
12 need of improvement, as required by sec-
13 tion 1116, and for the provision of tech-
14 nical assistance, professional development,
15 and other capacity-building as needed, in-
16 cluding those measures specified in sec-
17 tions 1116(d)(9) and 1117, to ensure that
18 schools and local educational agencies so
19 identified have the resources, skills, and
20 knowledge needed to carry out their obliga-
21 tions under sections 1114 and 1115 and to
22 meet the requirements for annual improve-
23 ment described in paragraph (2); and

24 “(v) provide for the identification of
25 schools and local educational agencies for

1 corrective action or actions as required by
2 section 1116, and for the implementation
3 of corrective actions against school and
4 school districts when such actions are re-
5 quired under such section.

6 “(D) ANNUAL IMPROVEMENT FOR
7 STATES.—For a State to make adequate yearly
8 progress under subparagraph (A)(iii), not less
9 than 90 percent of the local educational agen-
10 cies within the State shall meet the State’s cri-
11 teria for adequate yearly progress.

12 “(E) ANNUAL IMPROVEMENT FOR LOCAL
13 EDUCATIONAL AGENCIES.—For a local edu-
14 cational agency to make adequate yearly
15 progress under subparagraph (A)(ii), ^{not less than 90 percent} ~~all~~ of the
16 schools served by the local educational agency
17 shall meet the State’s criteria for adequate
18 yearly progress.

19 “(F) ANNUAL IMPROVEMENT FOR
20 SCHOOLS.—For an elementary school or a sec-
21 ondary school to make adequate yearly progress
22 under subparagraph (A)(i), not less than 90
23 percent of each group of students described in
24 subparagraph (B)(iv) who are enrolled in such
25 school shall take the assessments described in

1 paragraph (4)(D) and in section 612(a)(17)(A)
2 of the Individuals with Disabilities Education
3 Act.

4 “(G) PUBLIC NOTICE AND COMMENT.—

5 “(i) IN GENERAL.—Each State shall
6 submit information in the State plan dem-
7 onstrating that in developing such plan—

8 “(I) the State diligently sought
9 public comment from a range of insti-
10 tutions and individuals in the State
11 with an interest in improved student
12 achievement; and

13 “(II) the State made and will
14 continue to make a substantial effort
15 to ensure that information regarding
16 content standards, performance stand-
17 ards, assessments, and the State ac-
18 countability system is widely known
19 and understood by the public, parents,
20 teachers, and school administrators
21 throughout the State.

22 “(ii) EFFORTS.—The efforts described
23 in clause (i), at a minimum, shall include
24 annual publication of such information and
25 explanatory text to the public through such

1 means as the Internet, the media, and pub-
2 lic agencies. Non-English language shall be
3 used to communicate with parents where
4 appropriate.

5 “(H) REVIEW.—The Secretary shall review
6 information from each State on the adequate
7 yearly progress of schools and local educational
8 agencies within the State required under sub-
9 paragraphs (A) and (B) for the purpose of de-
10 termining State and local compliance with sec-
11 tion 1116.

12 “(3) STATE AUTHORITY.—If a State edu-
13 cational agency provides evidence that is satisfactory
14 to the Secretary that neither the State educational
15 agency nor any other State government official,
16 agency, or entity has sufficient authority under
17 State law to adopt curriculum content and student
18 performance standards, and assessments aligned
19 with such standards, that will be applicable to all
20 students enrolled in the State’s public schools, then
21 the State educational agency may meet the require-
22 ments of this subsection by—

23 “(A) adopting curriculum content and stu-
24 dent performance standards and assessments
25 that meet the requirements of this subsection,

1 on a statewide basis, and limiting the applica-
2 bility of such standards and assessments to stu-
3 dents served under this part; or

4 “(B) adopting and implementing policies
5 that ensure that each local educational agency
6 within a State receiving a grant under this part
7 will adopt curriculum content and student per-
8 formance standards and assessments—

9 “(i) that are aligned with the stand-
10 ards described in subparagraph (A); and

11 “(ii) that meet the criteria in this sub-
12 section and any regulations regarding such
13 standards and assessments that the Sec-
14 retary may publish and that are applicable
15 to all students served by each such local
16 educational agency.

17 “(4) ASSESSMENTS.—Each State plan shall
18 demonstrate that the State has implemented a set of
19 high quality, yearly student assessments that in-
20 clude, at a minimum, assessments in mathematics,
21 science, and English language arts, that will be
22 used, starting not later than the 2000–2001 school
23 year as the primary means of determining the yearly
24 performance of each local educational agency and
25 school served by the State under this title in ena-

1 bling all children to meet the State's challenging
2 content and student performance standards. Such
3 assessments shall—

4 “(A) be the same assessments used to
5 measure the performance of all children, if the
6 State measures the performance of all children;

7 “(B) be aligned with the State's chal-
8 lenging content and student performance stand-
9 ards, and provide coherent information about
10 student attainment of such standards;

11 “(C) be used only for purposes for which
12 such assessments are valid and reliable, and be
13 consistent with relevant, nationally recognized
14 professional and technical standards for such
15 assessments;

16 “(D) measure the performance of students
17 against the challenging State content and stu-
18 dent performance standards, and be adminis-
19 tered not less than once during—

20 “(i) grades 3 through 5;

21 “(ii) grades 6 through 9; and

22 “(iii) grades 10 through 12;

23 “(E) include multiple, up-to-date measures
24 of student performance, including measures

1 that assess higher order thinking skills and un-
2 derstanding;

3 “(F) provide for—

4 “(i) the participation in such assess-
5 ments of all students;

6 “(ii) the reasonable adaptations and
7 accommodations for students with disabil-
8 ities as defined in 602(3) of the Individ-
9 uals with Disabilities Education Act nec-
10 essary to measure the achievement of such
11 students relative to State content and stu-
12 dent performance standards;

13 “(iii) in the case of a student with
14 limited English proficiency, the assessment
15 of such student in the student’s native lan-
16 guage if such a native language assessment
17 is more likely than an English language
18 assessment to yield accurate and reliable
19 information on what that student knows
20 and is able to do; and

21 “(iv) notwithstanding clause (iii), the
22 assessment (using tests written in English)
23 of English language arts of any student
24 who has attended school in the United
25 States (not including the Commonwealth of

1 Puerto Rico) for 3 or more consecutive
2 school years, except if the local educational
3 agency determines, on a case-by-case indi-
4 vidual basis, that assessments in another
5 language and form would likely yield more
6 accurate and reliable information on what
7 such students know and can do, the local
8 educational agency may assess such stu-
9 dents in the appropriate language other
10 than English for 1 additional consecutive
11 year beyond the third consecutive year;
12 and

13 “(G) include students who have attended
14 schools in a local educational agency for a full
15 academic year but have not attended a single
16 school for a full academic year, except that the
17 performance of students who have attended
18 more than 1 school in the local educational
19 agency in any academic year shall be used only
20 in determining the progress of the local edu-
21 cational agency;

22 “(H) provide individual student reports to
23 be submitted to parents, including assessment
24 scores or other information on the attainment
25 of student performance standards; and

1 “(I) enable results to be disaggregated
2 within each State, local educational agency, and
3 school by gender, by each major racial and eth-
4 nic group, by English proficiency status, by mi-
5 grant status, by students with disabilities as
6 compared to nondisabled students, and by eco-
7 nomically disadvantaged students as compared
8 to students who are not economically disadvan-
9 taged.

10 “(5) RIGOROUS CRITERIA.—States are encour-
11 aged to use rigorous criteria assessment measures.

12 “(6) FIRST GRADE LITERACY ASSESSMENT.—In
13 addition to those assessments described in para-
14 graph (4), each State receiving funds under this
15 part shall describe in its State plan what reasonable
16 steps it is taking to assist and encourage local edu-
17 cational agencies—

18 “(A) to measure literacy skills of first
19 graders in schools receiving funds under this
20 part by providing assessments of first graders
21 that are—

22 “(i) developmentally appropriate;

23 “(ii) aligned with State content and
24 student performance standards; and

25 “(iii) scientifically research-based; and

1 “(B) to assist and encourage local edu-
2 cational agencies receiving funds under this
3 part in identifying and taking developmentally
4 appropriate and effective interventions in any
5 school served under this part in which a sub-
6 stantial number of first graders have not dem-
7 onstrated grade-level literacy proficiency by the
8 end of the school year.

9 “(7) LANGUAGE ASSESSMENTS.—Each State
10 plan shall identify the languages other than English
11 and Spanish that are present in the participating
12 student populations in the State, and indicate the
13 languages for which yearly student assessments are
14 not available and are needed. The State may request
15 assistance from the Secretary if linguistically acces-
16 sible assessment measures are needed. Upon request,
17 the Secretary shall assist with the identification of
18 appropriate assessment measures in the needed lan-
19 guages, but shall not mandate a specific assessment
20 or mode of instruction.

21 “(8) ASSESSMENT DEVELOPMENT.—A State
22 shall develop and implement the State assessments,
23 including, at a minimum, mathematics and English
24 language arts, by the 2000–2001 school year.

1 “(9) REQUIREMENT.—Each State plan shall
2 describe—

3 “(A) how the State educational agency will
4 assist each local educational agency and school
5 affected by the State plan to develop the capac-
6 ity to comply with each of the requirements of
7 sections 1114(b), 1115(c), and 1116 that are
8 applicable to such agency or school;

9 “(B) how the State educational agency
10 will—

11 “(i) hold each local educational agency
12 affected by the State plan accountable for
13 improved student performance, including a
14 procedure for—

15 “(I) identifying local educational
16 agencies and schools in need of im-
17 provement; and

18 “(II) assisting local educational
19 agencies and schools identified under
20 subclause (I) to address achievement
21 problems, including ^{thorough} ~~through~~ descrip-
22 tions of the amounts and types of pro-
23 fessional development to be provided
24 instructional staff, the amount of any
25 financial assistance to be provided by

1 the State under section 1003, and the
2 amount of any funds to be provided
3 by other sources and the activities to
4 be provided by those sources; and

5 “(ii) implementing corrective action if
6 assistance is not effective;

7 “(C) how the State educational agency is
8 providing low-performing students additional
9 academic instruction, such as before- and after-
10 school programs and summer academic pro-
11 grams;

12 “(D) such other factors the State considers
13 appropriate to provide students an opportunity
14 to achieve the knowledge and skills described in
15 the State’s challenging content standards;

16 “(E) the specific steps the State edu-
17 cational agency will take or the specific strate-
18 gies the State educational agency will use to en-
19 sure that—

20 “(i) all teachers in both schoolwide
21 programs and targeted assistance pro-
22 grams are fully qualified not later than
23 December 31, 2005; and

24 “(ii) low-income students and minor-
25 ity students are not taught at higher rates

1 than other students by unexperienced,
2 uncertified, or out-of-field teachers; and

3 “(F) the measures the State educational
4 agency will use to evaluate and publicly report
5 the State’s progress in improving the quality of
6 instruction in the schools served by the State
7 educational agency and local educational agen-
8 cies receiving funding under this Act.

9 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
10 AND LEARNING.—Each State plan shall contain assur-
11 ances that—

12 “(1) the State educational agency will work
13 with other agencies, including educational service
14 agencies or other local consortia and institutions to
15 provide technical assistance to local educational
16 agencies and elementary schools and secondary
17 schools to carry out the State educational agency’s
18 responsibilities under this part, including technical
19 assistance in providing professional development
20 under section 1119(A) and technical assistance
21 under section 1117; and

22 “(2)(A) where educational service agencies
23 exist, the State educational agency will consider pro-
24 viding professional development and technical assist-
25 ance through such agencies; and

1 “(B) where educational service agencies do not
2 exist, the State educational agency will consider pro-
3 viding professional development and technical assist-
4 ance through other cooperative agreements, such as
5 through a consortium of local educational agencies;

6 “(3) the State educational agency will use the
7 disaggregated results of the student assessments re-
8 quired under subsection (b)(4), and other measures
9 or indicators available to the State, to review annu-
10 ally the progress of each local educational agency
11 and school served under this part to determine
12 whether each such agency and school is making the
13 annual progress necessary to ensure that all stu-
14 dents will meet the proficient level of performance
15 on the assessments described in subsection (b)(4)
16 within 10 years of the date of enactment of the Pub-
17 lic Education Reinvestment, Reinvention, and Re-
18 sponsibility Act;

19 “(4) the State educational agency will provide
20 the least restrictive and burdensome regulations for
21 local educational agencies and individual elementary
22 schools and secondary schools participating in a pro-
23 gram assisted under this part;

24 “(5) the State educational agency will regularly
25 inform the Secretary and the public in the State of

1 how Federal laws, if any, hinder the ability of States
2 to hold local educational agencies and schools ac-
3 countable for student academic performance;

4 “(6) the State educational agency will encour-
5 age elementary schools and secondary schools to
6 consolidate funds from other Federal, State, and
7 local sources for schoolwide reform in schoolwide
8 programs under section 1114;

9 “(7) the State educational agency will modify or
10 eliminate State fiscal and accounting barriers so
11 that elementary schools and secondary schools can
12 easily consolidate funds from other Federal, State,
13 and local sources for schoolwide programs under sec-
14 tion 1114;

15 “(8) the State educational agency has involved
16 the committee of practitioners established under sec-
17 tion 1703(b) (as redesignated by section 161(2)) in
18 developing and monitoring the implementation of the
19 State plan; and

20 “(9) the State educational agency will inform
21 local educational agencies of the local educational
22 agency’s authority to obtain waivers under title VIII
23 and, if the State is an Ed-Flex Partnership State,
24 waivers under the Education Flexibility Partnership
25 Act of 1999.

1 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

2 The Secretary shall—

3 “(1) establish a peer review process to assist in
4 the review of State plans;

5 “(2) only approve a State plan meeting each of
6 the requirements of this section;

7 “(3) if the Secretary determines that the State
8 plan does not meet each of the requirements of sub-
9 section (a), (b), or (c), immediately notify the State
10 of such determination and the reasons for such de-
11 termination;

12 “(4) not disapprove a State plan before—

13 “(A) notifying the State educational agency
14 in writing of the specific deficiencies of the
15 State plan;

16 “(B) offering the State an opportunity to
17 revise the State plan;

18 “(C) providing technical assistance in
19 order to assist the State to meet the require-
20 ments under subsections (a), (b), and (c); and

21 “(D) providing a hearing;

22 “(5) have the authority to disapprove a State
23 plan for not meeting the requirements of this sec-
24 tion, but shall not have the authority to require a
25 State, as a condition of approval of the State plan,

1 to include in, or delete from, such plan 1 or more
2 specific elements of the challenging State content
3 standards or to use specific assessment instruments
4 or items; and

5 “(6) require a State to submit a revised State
6 plan that meets the requirements of this section to
7 the Secretary for approval not later than 1 year
8 after the date of enactment of the Public Education
9 Reinvestment, Reinvention, and Responsibility Act.

10 “(e) DURATION OF THE PLAN.—

11 “(1) IN GENERAL.—Each State plan shall—

12 “(A) remain in effect for the duration of
13 the State’s participation under this part; and

14 “(B) be periodically reviewed and revised
15 by the State, as necessary, to reflect changes in
16 the State’s strategies and programs under this
17 part.

18 “(2) ADDITIONAL INFORMATION.—If the State
19 makes significant changes in its State plan, such as
20 the adoption of new challenging State content stand-
21 ards and State student performance standards, new
22 assessments, or a new definition of adequate yearly
23 progress, the State shall submit such information to
24 the Secretary.

1 “(f) LIMITATION ON CONDITIONS.—Nothing in this
2 part shall be construed to authorize an officer or employee
3 of the Federal Government to mandate, direct, or control
4 a State’s, local educational agency’s, or elementary
5 school’s or secondary school’s specific challenging content
6 or student performance standards, assessments, curricula,
7 or program of instruction, as a condition of eligibility to
8 receive funds under this part.

9 “(g) PENALTIES.—

10 “(1) IN GENERAL.—If a State fails to meet the
11 statutory deadlines for demonstrating that the State
12 has in place challenging content standards and stu-
13 dent performance standards, assessments, a system
14 for measuring and monitoring adequate yearly
15 progress, and a statewide system for holding schools
16 and local educational agencies accountable for mak-
17 ing adequate yearly progress with each group of stu-
18 dents specified in subsection (b)(2)(B)(iv), the State
19 shall be ineligible to receive any administrative funds
20 under section 1703(c) that exceed the amount re-
21 ceived by the State for such purposes in the previous
22 year.

23 “(2) ADDITIONAL FUNDS.—Based on the extent
24 to which challenging content standards and student
25 performance standards, assessments, systems for

1 measuring and monitoring adequate yearly progress,
 2 and a statewide system for holding schools and local
 3 educational agencies accountable for making ade-
 4 quate yearly progress with each group of students
 5 specified in subsection (b)(2)(B)(iv), are not in
 6 place, the Secretary shall withhold additional admin-
 7 istrative funds in such amount as the Secretary de-
 8 termines appropriate, except that for each additional
 9 year that the State fails to comply with such re-
 10 quirements, the Secretary shall withhold not less
 11 than $\frac{1}{5}$ of the amount the State receives for admin-
 12 istrative expenses under section 1703(c).

13 “(3) WAIVER.—Notwithstanding part D of title
 14 VIII, the Education Flexibility Partnership Act of
 15 1999, or any other provision of law, a waiver of this
 16 section shall not be granted, except that a State may
 17 request a 1-time, 1-year waiver to meet the require-
 18 ments of this section.” *not including subsection (h)* ✓

19 **SEC. 106. LOCAL EDUCATIONAL AGENCY PLANS.**

20 (a) SUBGRANTS.—Section 1112(a)(1) (20 U.S.C.
 21 6312(a)(1)) is amended by striking “the Goals 2000: Edu-
 22 cate America Act” and all that follows and inserting “the
 23 Individuals with Disabilities Education Act, the Carl D.
 24 Perkins Vocational and Technical Education Act of 1998,
 25 the Head Start Act, and other Acts, as appropriate.”

*under this title relating to science standards or assessments
 until the beginning of the 2005-2006 school year.*

*“(h) SPECIAL
 RULE ON SCIENCE
 STANDARDS AND
 ASSESSMENTS.—
 Notwithstanding
 subsection (b) and
 Part D of Title IV,
 no State shall be
 required to meet
 the requirements*

1 (b) PLAN PROVISIONS.—Section 1112(b) (20 U.S.C.
2 6312(b)) is amended—

3 (1) by striking “Each” and inserting “In order
4 to help low-achieving children achieve high stand-
5 ards, each”;

6 (2) in paragraph (1)—

7 (A) by striking “part” each place it ap-
8 pears and inserting “title”; and

9 (B) in subparagraph (B), by inserting
10 “low-achieving” before “children”;

11 (3) in paragraph (4)—

12 (A) in subparagraph (A)—

13 (i) by striking “program,” and insert-
14 ing “programs and”; and

15 (ii) by striking “, and school-to-work
16 transition programs”; and

17 (B) in subparagraph (B), by striking
18 “under part C” and all that follows through
19 “dropping out” and inserting “under part C,
20 neglected or delinquent youth,”;

21 (4) in paragraph (7), by striking “eligible”;

22 (5) in paragraph (9), by striking the period and
23 inserting a semicolon; and

24 (6) by adding at the end the following new
25 paragraphs:

1 “(10) a description of the actions the local edu-
2 cational agency will take to assist the low-per-
3 forming schools served by the local educational agen-
4 cy, including schools identified under section 1116
5 as in need of improvement; and

6 “(11) a description of how the local educational
7 agency will promote the use of alternative instruc-
8 tional methods, and extended learning time, such as
9 an extended school year, before- and after-school
10 programs, and summer programs.”.

11 (c) ASSURANCES.—Section 1112(c) (20 U.S.C.
12 6312(c)) is amended to read as follows:

13 “(c) ASSURANCES.—

14 “(1) IN GENERAL.—Each local educational
15 agency plan shall provide assurances that the local
16 educational agency will—

17 “(A) specify the steps the local educational
18 agency will take to ensure that all teachers in
19 both schoolwide programs and targeted assist-
20 ance are fully qualified not later than December
21 31, 2005 and the strategies the local edu-
22 cational agency will use to ensure that low-in-
23 come students and minority students are not
24 taught at higher rates than other children by
25 inexperienced, uncertified, or out-of-field teach-

1 ers, and the measures the agency will use to
2 evaluate and publicly report progress in improv-
3 ing the quality of instruction in schools served
4 by the local educational agency and receiving
5 funding under this Act;

6 “(B) reserve not less than 10 percent of
7 the funds the agency receives under this part
8 for high quality professional development, as
9 defined in section 1119, for professional in-
10 struction staff;

11 “(C) provide eligible schools and parents
12 with information regarding schoolwide project
13 authority and the ability of such schools to con-
14 solidate funds from Federal, State, and local
15 sources;

16 “(D) provide technical assistance and sup-
17 port to schoolwide programs;

18 “(E) work in consultation with schools as
19 the schools develop a school plan pursuant to
20 section 1114(b)(2), and assist schools in imple-
21 menting such plans or undertaking activities
22 pursuant to section 1115(c), so that each school
23 can make adequate yearly progress toward
24 meeting the challenging State student perform-
25 ance standards;

1 “(F) use the disaggregated results of the
2 student assessments required under section
3 1111(b)(4), and other measures or indicators
4 available to the agency, to review annually the
5 progress of each school served by the agency
6 and receiving funds under this title to deter-
7 mine whether or not all schools are making the
8 annual progress necessary to ensure that all
9 students will meet the proficient level of per-
10 formance on the assessments described in sec-
11 tion 1111(b)(4) within 10 years of the date of
12 enactment of the Public Education Reinvest-
13 ment, Reinvention, and Responsibility Act;

14 “(G) set and hold schools served by the
15 local educational agency accountable for meet-
16 ing annual numerical goals for improving the
17 performance of all groups of students based on
18 the performance standards set by the State
19 under section 1111(b)(1)(D)(ii);

20 “(H) fulfill the local educational agency’s
21 school improvement responsibilities under sec-
22 tion 1116, including taking corrective actions
23 under section 1116(c)(9);

24 “(I) provide the State educational agency
25 with—

1 “(i) an annual, up-to-date, and accu-
2 rate list of all schools served by the local
3 educational agency that are eligible for
4 school improvement and corrective action;

5 “(ii) the reasons why each school de-
6 scribed in clause (i) was identified for
7 school improvement or corrective action;
8 and

9 “(iii) the specific plans for improving
10 student performance in each of the schools
11 described in clause (i), including the spe-
12 cific numerical achievement goals for the
13 succeeding 2 school years, for each group
14 of students specified in section
15 1111(b)(2)(B)(iv) enrolled in each such
16 school;

17 “(J) provide services to eligible children at-
18 tending private elementary schools and sec-
19 ondary schools in accordance with section 1120,
20 and provide timely and meaningful consultation
21 with private school officials regarding such serv-
22 ices;

23 “(K) take into account the experience of
24 model programs for the educationally disadvan-
25 taged and the findings of relevant scientifically

✓ 1 based research when developing technical assist-
2 ance plans for, and delivering technical assist-
3 ance to schools served by the local educational
4 agency that are receiving funds under this part
5 and are in school improvement or corrective ac-
6 tion;

7 “(L) in the case of a local educational
8 agency that chooses to use funds under this
9 part to provide early childhood development
10 services to low-income children below the age of
11 compulsory school attendance, ensure that such
12 services comply with the performance standards
13 established under section 641A(a) of the Head
14 Start Act;

15 “(M) comply with the requirements of sec-
16 tion 1119 regarding the qualifications of teach-
17 ers and paraprofessionals;

18 “(N) inform eligible schools served by the
19 local educational agency of the agency’s author-
20 ity to obtain waivers on such school’s behalf
21 under title VIII, and if the State is an Ed-Flex
22 Partnership State, under the Education Flexi-
23 bility Partnership Act of 1999; and

24 “(O) coordinate and collaborate, to the ex-
25 tent feasible and necessary as determined by

1 the local educational agency, with other agen-
2 cies providing services to children, youth, and
3 their families.

4 “(2) MODEL PROGRAMS; SCIENTIFICALLY
5 BASED RESEARCH.—In carrying out paragraph
6 (1)(K)—

7 “(A) the Secretary shall consult with the
8 Secretary of Health and Human Services on the
9 implementation of such subparagraph, and shall
10 establish procedures (taking into consideration
11 existing State and local laws and local teacher
12 contracts) to assist local educational agencies to
13 comply with such subparagraph;

14 “(B) the Secretary shall disseminate to
15 local educational agencies the Head Start per-
16 formance standards under section 641A(a) of
17 the Head Start Act upon such standard’s publi-
18 cation; and

19 “(C) local educational agencies affected by
20 such subparagraph shall plan for the implemen-
21 tation of such subparagraph (taking into con-
22 sideration existing State and local laws, and
23 local teacher contracts), including pursuing the
24 availability of other Federal, State, and local

1 funding sources to assist in compliance with
2 such subparagraph.

3 “(3) INAPPLICABILITY.—The provisions of this
4 subsection shall not apply to preschool programs
5 using the Even Start model or to Even Start pro-
6 grams.”.

7 (d) PLAN DEVELOPMENT AND DURATION.—Section
8 1112(d) (20 U.S.C. 6312(d)) is amended to read as fol-
9 lows:

10 “(d) PLAN DEVELOPMENT AND DURATION.—

11 “(1) CONSULTATION.—Each local educational
12 agency plan shall be developed in consultation with
13 teachers, principals, local school boards, administra-
14 tors (including administrators of programs described
15 in other parts of this title), other appropriate school
16 personnel, and parents of children in elementary
17 schools and secondary schools served under this
18 part.

19 “(2) DURATION.—Each plan described in para-
20 graph (1) shall remain in effect for the duration of
21 the local educational agency’s participation under
22 this part.

23 “(3) REVIEW.—Each local educational agency
24 shall periodically review, and as necessary, revise its
25 plan.”.

1 (e) STATE APPROVAL.—Section 1112(e) (20 U.S.C.
2 6312(e)) is amended to read as follows:

3 “(e) PEER REVIEW AND STATE APPROVAL.—

4 “(1) IN GENERAL.—Each local educational
5 agency plan shall be filed according to a schedule es-
6 tablished by the State educational agency.

7 “(2) APPROVAL.—The State educational agency
8 shall establish a peer review process to assist in the
9 review of local educational agency plans. The State
10 educational agency shall approve a local educational
11 agency plan only if the State educational agency de-
12 termines that the local educational agency plan—

13 “(A) will enable elementary schools and
14 secondary schools served by the local edu-
15 cational agency and under this part to help all
16 groups of students specified in section
17 1111(b)(1) meet or exceed the proficient level
18 of performance on the assessments required
19 under section 1111(b)(4) within 10 years of the
20 date of enactment of the Public Education Re-
21 investment, Reinvention, and Responsibility
22 Act; and

23 “(B) meets each of the requirements of
24 this section.

1 “(3) STATE REVIEW.—Each State educational
2 agency shall at least annually review each local agen-
3 cy plan approved under this subsection against the
4 results of the disaggregated assessments required
5 under section 1111(b)(4) for each local educational
6 agency to ensure that the progress of all students in
7 schools served by each local educational agency
8 under this part is adequate to ensure that all stu-
9 dents in the State will meet or exceed the proficient
10 standard level of performance on assessments within
11 10 years of the date of enactment of the Public Edu-
12 cation Reinvestment, Reinvention, and Responsibility
13 Act.

14 “(4) PUBLIC REVIEW.—Each State educational
15 agency will make publicly available each local edu-
16 cational agency plan.”.

17 (f) PARENTAL NOTIFICATION AND CONSENT FOR
18 ENGLISH LANGUAGE INSTRUCTION.—Section 1112 (20
19 U.S.C. 6312) is amended by adding at the end the fol-
20 lowing:

21 “(g) PARENTAL NOTIFICATION AND CONSENT FOR
22 ENGLISH LANGUAGE INSTRUCTION.—

23 “(1) NOTIFICATION.—If a local educational
24 agency uses funds under this part to provide English
25 language instruction to limited English proficient

1 students, the local educational agency shall inform a
2 parent or the parents of a child participating in an
3 English language assistance educational program as-
4 sisted under this part of—

5 “(A) the reasons for the identification of
6 the child as being in need of English language
7 instruction;

8 “(B) the child’s level of English pro-
9 ficiency, how such level was assessed, and the
10 status of the child’s academic achievement;

11 “(C) how the English language assistance
12 educational program will specifically help the
13 child learn English and meet age-appropriate
14 standards for grade promotion and graduation;

15 “(D) the specific exit requirements of the
16 English language assistance educational pro-
17 gram;

18 “(E) the expected rate of graduation from
19 the English language assistance educational
20 program into mainstream classes; and

21 “(F) the expected rate of graduation from
22 secondary school if funds under this part are
23 used for children in secondary schools.

24 “(2) CONSENT; PARENTAL RIGHTS.—

“(A) IN GENERAL.—A parent or the parents of a child participating in an English language assistance educational program under this part shall—

part shall have the option of
“(i) selecting among methods of instruction, if more than one method is offered in the program; and

“(ii) have the right to have their child immediately removed from the program upon their request.

“(B) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language assistance educational program under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

“(i) timely information about English language assistance educational programs for limited English proficient children assisted under this part; and

“(ii) if a parent of a participating child so desires, notice of opportunities for regular meetings of parents of limited

1 English proficient children participating in
2 English language assistance educational
3 programs under this part for the purpose
4 of formulating and responding to rec-
5 ommendations from such parents.

6 “(3) BASIS FOR ADMISSION OR EXCLUSION.—

7 No student shall be admitted to or excluded from
8 any federally assisted education program solely on
9 the basis of a surname or language minority sta-
10 tus.”.

11 **SEC. 107. SCHOOLWIDE PROGRAMS.**

12 (a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

13 Section 1114(a) (20 U.S.C. 6314(a)) is amended—

14 (1) in paragraph (1), by striking “school de-
15 scribed in subparagraph (A)” and all that follows
16 through “such families.” the second place it appears
17 and inserting “school that serves an eligible school
18 attendance area in which—

19 “(A) not less than 40 percent of the chil-
20 dren are from low-income families; or

21 “(B) not less than 40 percent of the chil-
22 dren enrolled in the school are from such fami-
23 lies.”; and

24 (2) in paragraph (2)—

1 (A) in subparagraph (A), by striking “sub-
2 sections (c)(1) and (e) of”; and

3 (B) in subparagraph (B), by striking “sub-
4 sections (c)(1) and (e) of”.

5 (b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

6 Section 1114(b) (20 U.S.C. 6314(b)) is amended—

7 (1) in paragraph (1)—

8 (A) in subparagraph (A), by striking “sec-
9 tion 1111(b)(1)” and inserting “section
10 1111(b)”;

11 (B) in subparagraph (B)—

12 (i) in clause (i), by striking “section
13 1111(b)(1)(D)” and inserting “1111(b)”;

14 (ii) in clause (iii)(II), by inserting
15 “and” after the semicolon;

16 (iii) in clause (iv)(II), by striking “;
17 and” and inserting a period; and

18 (iv) by striking clause (vii); and

19 (C) in subparagraph (G), by striking “sec-
20 tion 1112(b)(1)” and inserting “section 1112”;
21 and

22 (2) in paragraph (2)—

23 (A) in subparagraph (A)—

24 (i) by striking “Improving America’s
25 Schools Act of 1994” and inserting “Pub-

1 lic Education Reinvestment, Reinvention,
2 and Responsibility Act”;

3 (ii) by striking “subsections (c)(1)
4 and (e) of”; and

5 (iii) in clause (iv), by striking “section
6 1111(b)(3)” and inserting “section
7 1111(b)(4)”;

8 (B) in subparagraph (B), by striking
9 “paragraphs (1) and (3) of section 1111(b)”
10 and inserting “paragraphs (1) and (4) of sec-
11 tion 1111(b)”;

12 (C) in subparagraph (C)(i)—

13 (i) in subclause (I), by striking “sub-
14 sections (c) and (e) of”; and

15 (ii) in subclause (II), by striking “Im-
16 proving America’s Schools Act of 1994”
17 and inserting “Public Education Reinvest-
18 ment, Reinvention, and Responsibility
19 Act”.

20 **SEC. 108. SCHOOL CHOICE.**

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

23 **“SEC. 1115A. SCHOOL CHOICE.**

24 “(a) CHOICE PROGRAMS.—A local educational agen-
25 cy may use funds under this part, in combination with

1 State, local, and private funds, to develop and implement
2 public school choice programs, for children eligible for as-
3 sistance under this part, that permit parents to select the
4 public school that their child will attend and are consistent
5 with State and local law, policy, and practice related to
6 public school choice and local pupil transfer.

7 “(b) CHOICE PLAN.—A local educational agency that
8 chooses to implement a public school choice program
9 under this section shall first develop a plan that—

10 “(1) contains an assurance that all eligible stu-
11 dents across grade levels served under this part will
12 have equal access to the program;

13 “(2) contains an assurance that the program
14 does not include elementary schools or secondary
15 schools that follow a racially discriminatory policy;

16 “(3) describes how elementary schools or sec-
17 ondary schools will use resources under this part,
18 and from other sources, to implement the plan;

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

24 “(5) contains an assurance that parents of eli-
25 gible students served by the local educational agency

1 will be given prompt notice of the existence of the
2 public school choice program, the program's avail-
3 ability to such parents, and a clear explanation of
4 how the program will operate;

5 "(6) contains an assurance that the public
6 school choice program—

7 "(A) shall include charter schools and any
8 other public elementary school and secondary
9 school; and

10 "(B) shall not include as a 'receiving
11 school' an elementary school or a secondary
12 school that—

13 "(i) is or has been identified as a
14 school in, or eligible for, school improve-
15 ment; ^{or corrective action}

16 [^]"(ii) has been in school improvement
17 or corrective action within the last 2 con-
18 secutive academic years; or

19 "(iii) is at risk of being eligible for
20 school improvement within the next school
21 year;

22 "(7) contains an assurance that transportation
23 services or the costs of transportation to and from
24 the public school choice program—

1 “(A) may be provided by the local edu-
2 cational agency with funds under this part and
3 from other sources; and

4 “(B) shall not be provided from funds
5 made available under this part to the local edu-
6 cational agency that exceed 10 percent of such
7 funds; and

8 “(8) contains an assurance that such local edu-
9 cational agency will comply with the other require-
10 ments of this part.”.

11 **SEC. 109. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY**
12 **AND SCHOOL IMPROVEMENT.**

13 (a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C.
14 6317(a)) is amended—

15 (1) in paragraph (2), by striking
16 “1111(b)(2)(A)(i)” and inserting “1111(b)(2)(B)”;
17 (2) in paragraph (3)—

18 (A) by striking “individual school perform-
19 ance profiles” and inserting “school report
20 cards”;

21 (B) by striking “1111(b)(3)(I)” and in-
22 serting “1111(b)(4)(I)”;

23 (C) by striking “and” after the semicolon;
24 (3) in paragraph (4), by striking the period and
25 inserting “; and”; and

1 (4) by adding at the end the following:

2 “(5) review the effectiveness of the actions and
3 activities the schools are carrying out under this
4 part with respect to parental involvement assisted
5 under this Act.”.

6 (b) SCHOOL IMPROVEMENT.—Section 1116(c) (20
7 U.S.C. 6317(c)) is amended to read as follows:

8 “(c) SCHOOL IMPROVEMENT.—

9 “(1) IN GENERAL.—A local educational agency
10 shall identify for school improvement any elementary
11 school or secondary school served under this part
12 that—

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

16 “(B) was in, or was eligible for, school im-
17 provement status under this section on the day
18 preceding the date of the enactment of the Pub-
19 lic Education Reinvestment, Reinvention, and
20 Responsibility Act.

21 “(2) TRANSITION.—The 2-year period described
22 in paragraph (1)(A) shall include any continuous pe-
23 riod of time immediately preceding the date of the
24 enactment of the Public Education Reinvestment,
25 Reinvention, and Responsibility Act during which an

1 elementary school or a secondary school did not
2 make adequate yearly progress as defined in the
3 State's plan, as such plan was in effect on the day
4 preceding the date of enactment of the Public Edu-
5 cation Reinvestment, Reinvention and Responsibility
6 Act.

7 “(3) TARGETED ASSISTANCE SCHOOLS.—To de-
8 termine if an elementary school or a secondary
9 school that is conducting a targeted assistance pro-
10 gram under section 1115 should be identified as in
11 need of improvement under this subsection, a local
12 educational agency may choose to review the
13 progress of only those students in such school who
14 are served, or are eligible for services, under this
15 part.

16 “(4) OPPORTUNITY TO REVIEW AND PRESENT
17 EVIDENCE.—(A) Before identifying an elementary
18 school or a secondary school for school improvement
19 under paragraph (1), the local educational agency
20 shall provide the school with an opportunity to re-
21 view the school level data, including assessment
22 data, on which the proposed identification is based.

23 “(B) If the principal of a school proposed for
24 identification as in need of school improvement be-
25 lieves that the proposed identification is in error for

1 statistical or other substantive reasons, the principal
2 may provide supporting evidence to the local edu-
3 cational agency, which the agency shall consider be-
4 fore making a final determination.

5 “(5) TIME LIMITS.—Not later than 30 days
6 after a local educational agency makes its initial de-
7 termination that a school served by the agency and
8 receiving assistance under this part is eligible for
9 school improvement, the local educational agency
10 shall make public a final determination on the status
11 of the school.

12 “(6) NOTIFICATION TO PARENTS.—A local edu-
13 cational agency shall, in an easily understandable
14 format, and in the 3 languages, other than English,
15 spoken by the greatest number of individuals in the
16 area served by the local educational agency, provide
17 in writing to parents of each student in an elemen-
18 tary school or a secondary school identified for
19 school improvement—

20 “(A) an explanation of what the school im-
21 provement identification means, and how the
22 school identified for improvement compares in
23 terms of academic performance to other elemen-
24 tary schools or secondary schools served by the

1 local educational agency and the State edu-
2 cational agency;

3 “(B) the reasons for such identification;

4 “(C) the data on which such identification
5 was based;

6 “(D) an explanation of what the school
7 identified for improvement is doing to address
8 the problem of low achievement;

9 “(E) an explanation of what the local edu-
10 cational agency or State educational agency is
11 doing to help the school address its achievement
12 problems, including the amounts and types of
13 professional development being provided to the
14 instructional staff in such school, the amount of
15 any financial assistance being provided by the
16 State educational agency under section 1003,
17 and the activities that are being provided with
18 such financial assistance;

19 “(F) an explanation of how parents de-
20 scribed in this paragraph can become involved
21 in addressing the academic issues that caused
22 the school to be identified as in need of im-
23 provement; and

24 “(G) an explanation of the right of par-
25 ents, pursuant to paragraph (7), to transfer

KEEP (G)
mm

✓

1 their child to a higher performing public school,
2 including a ~~public charter~~ ^{higher performing} school or magnet
3 school, that is not in school improvement, and
4 how such transfer shall operate.

Insert
"(7)"
see attached

5 ⁸“(7) SCHOOL PLAN.—(A) Each school identified
6 under paragraph (1) for school improvement shall,
7 after being so identified, develop or revise a school
8 plan, in consultation with parents, school staff, the
9 local educational agency serving the school, the local
10 school board, and other outside experts, for approval
11 by such local educational agency. The school plan
12 shall—

13 “(i) incorporate scientifically based re-
14 search strategies that strengthen the core aca-
15 demic programs in the school and address the
16 specific academic issues that caused the school
17 to be identified for school improvement;

18 “(ii) adopt policies and practices in the
19 school’s core academic program that have the
20 greatest likelihood of ensuring that all groups
21 of students specified in section
22 1111(b)(2)(B)(iv) enrolled in the school will
23 meet or exceed the State’s proficient level of
24 performance on the assessment required in sec-
25 tion 1111(b)(4) within 10 years of the date of

1 enactment of the Public Education Reinvest-
2 ment, Reinvention, and Responsibility Act;

3 “(iii) assure that the school will reserve
4 not less than 10 percent of the funds made
5 available to it under this part for each fiscal
6 year that the school is in school improvement
7 for the purpose of providing the school’s teach-
8 ers and principal high quality professional de-
9 velopment that—

10 “(I) directly addresses the academic
11 achievement problem that caused the
12 school to be identified for school improve-
13 ment; and

14 “(II) meets the requirements for pro-
15 fessional development activities under sec-
16 tion 1119;

17 “(iv) specify how the funds described in
18 clause (iii) will be used to remove the school
19 from school improvement status;

20 “(v) establish specific annual, numerical
21 progress goals for each group of students speci-
22 fied in section 1111(b)(2)(B)(iv) enrolled in the
23 school that will ensure that all such groups of
24 students meet or exceed the State’s proficient
25 standard level of performance within 10 years

1 of the date of enactment of the Public Edu-
2 cation Reinvestment, Reinvention, and Respon-
3 sibility Act;

4 “(vi) identify how the school will provide
5 written notification to parents of each child en-
6 rolled in such school, in a format and, to the
7 extent practicable, in a language such parents
8 can understand; and

9 “(vii) specify the responsibilities of the
10 school, the local educational agency, and the
11 State educational agency serving such school
12 under the plan.

13 “(B) The local educational agency described in
14 subparagraph (A)(vi) may condition approval of a
15 school plan on inclusion of 1 or more of the correc-
16 tive actions specified in paragraph ¹⁰~~(B)~~(C).

17 “(C) A school shall implement the school plan
18 or revised plan expeditiously, but not later than the
19 beginning of the school year following the school
20 year in which the school was identified for improve-
21 ment.

22 “(D) The local educational agency described in
23 subparagraph (A)(vi) shall establish a peer review
24 process to assist with review of a school improve-
25 ment plan prepared by the school served by the local

1 educational agency, promptly review the school plan,
2 work with the school as necessary, and approve the
3 school plan if the school plan meets the require-
4 ments of this paragraph.

✓ 5 ⁹~~(8)~~ TECHNICAL ASSISTANCE.—(A) For each
6 school identified for school improvement under para-
7 graph (1), the local educational agency serving the
8 school shall provide technical assistance as the
9 school develops and implements its school plan.

10 “(B) Such technical assistance—

11 “(i) shall include assistance in analyzing
12 data from the assessments required under sec-
13 tion 1111(b)(4), and other samples of student
14 work, to identify and address instructional
15 problems and solutions;

16 “(ii) shall include assistance in identifying
17 and implementing scientifically based instruc-
18 tional strategies and methods that have proven
19 effective in addressing the specific instructional
20 issues that caused the school to be identified for
21 school improvement;

22 “(iii) shall include assistance in analyzing
23 and revising the school’s budget such that the
24 school resources are more effectively focused on
25 those activities most likely to increase student

1 achievement and to remove the school from
2 school improvement status;

3 “(iv) may be provided directly by the local
4 educational agency, through mechanisms au-
5 thorized under section 1117, or with the local
6 educational agency’s approval, by the State edu-
7 cational agency, an institution of higher edu-
8 cation in full compliance with all the reporting
9 provisions of title II of the Higher Education
10 Act of 1965, a private not-for-profit organiza-
11 tion or for-profit organization, an educational
12 service agency, the recipient of a Federal con-
13 tract or cooperative agreement as described
14 under section 7005, or other entity with experi-
15 ence in helping schools improve achievement.

16 “(C) Technical assistance provided under this
17 section by a local educational agency or an entity
18 authorized by such agency shall be based upon sci-
19 entificallly based research.

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

✓ 1 “(A) After providing technical assistance
2 under paragraph ⁹(8) and subject to subpara-
3 graph (F), the local educational agency—

4 “(i) may take corrective action at any
5 time with respect to a school served by the
6 local educational agency that has been
7 identified under paragraph (1);

8 “(ii) shall take corrective action with
9 respect to any school served by the local
10 educational agency that fails to make ade-
11 quate yearly progress, as defined by the
12 State under section 1111(b)(2)(B), after
13 the end of the second year following the
14 school year in which the school was identi-
15 fied under paragraph (1); and

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

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

22 “(i) substantially and directly re-
23 sponds to—

24 “(I) the consistent academic fail-
25 ure of a school that caused the local

1 educational agency to take such ac-
2 tion; and

3 “(II) any underlying staffing,
4 curricula, or other problem in the
5 school; and

6 “(ii) is designed to increase substan-
7 tially the likelihood that students enrolled
8 in the school subject to corrective action
9 will perform at the proficient and advanced
10 performance levels.

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

15 “(i) Withhold funds from the school.

16 “(ii) Make alternative governance ar-
17 rangements, including reopening the school
18 as a public charter school.

19 “(iii) Reconstitute the school by re-
20 quiring each relevant person employed at
21 the school to reapply for future employ-
22 ment at the same school or for a position
23 in the local educational agency.

24 “(iv)(I) Authorize students to transfer
25 to other higher performing public schools

1 served by the local educational agency, in-
2 cluding public charter and magnet schools,
3 and ^(I) provide such students transportation
4 services, or the costs of transportation, to
5 such schools (except that such funds used
6 to provide transportation services or costs
7 shall not exceed 10 percent of the amount
8 authorized under section 1122(a)(2)).

9 ^(II) Take not less than 1 additional
10 action described under this subparagraph.

11 “(v) Institute and fully implement a
12 new curriculum, including appropriate pro-
13 fessional development for all relevant staff,
14 that is based upon scientifically based re-
15 search and offers substantial promise of
16 improving educational achievement for low-
17 performing students.

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

1 resources of the local educational agency or
2 school.

3 “(E) The local educational agency shall
4 publish and disseminate to the public and to
5 the parents of each student enrolled in a school
6 subject to corrective action, in a format and, to
7 the extent practicable, in a language that the
8 parents can understand, information regarding
9 any corrective action the local educational agen-
10 cy takes under this paragraph through such
11 means as the Internet, the media, and public
12 agencies.

13 “(F)(i) Before taking corrective action
14 with respect to any school under this para-
15 graph, a local educational agency shall provide
16 the school an opportunity to review the school
17 level data, including assessment data, on which
18 the proposed determination is made.

19 “(ii) If the school believes that the pro-
20 posed determination is in error for statistical or
21 other substantive reasons, the school principal
22 may provide supporting evidence to the local
23 educational agency, which shall consider such
24 evidence before making a final determination.

1 “(G) TIME LIMITS.—Not later than 30
2 days after the local educational agency makes
3 its initial determination that a school served by
4 the local educational agency and receiving as-
5 sistance under this part is eligible for corrective
6 action, the local educational agency shall make
7 a final and public determination on the status
8 of the school.

✓
9 ¹¹
 “(10) STATE EDUCATIONAL AGENCY RESPON-
10 SIBILITIES.—If a State educational agency deter-
11 mines that a local educational agency failed to carry
12 out its responsibilities under this section, or deter-
13 mines that, after 1 year of implementation of the
14 corrective action, such action has not resulted in suf-
15 ficient progress in increased student performance,
16 the State educational agency shall take such action
17 as the agency finds necessary, including designating
18 a course of corrective action described in paragraph
19 ¹⁸
 (9)(C), consistent with this section, to improve the
20 affected schools and to ensure that the local edu-
21 cational agency carries out the local educational
22 agency’s responsibilities under this section.

✓
23 “(11) SPECIAL RULES.—Schools that, for at
24 least 2 of the 3 years following identification under
25 paragraph. (1), make adequate yearly progress to-

1 ward meeting the State's proficient and advanced
2 levels of performance shall no longer be identified
3 for school improvement.”.

4 (c) STATE REVIEW AND LOCAL EDUCATIONAL AGEN-
5 CY IMPROVEMENT.—Section 1116(d) (20 U.S.C. 6317(d))
6 is amended to read as follows:

7 “(d) STATE REVIEW AND LOCAL EDUCATIONAL
8 AGENCY IMPROVEMENT.—

9 “(1) IN GENERAL.—A State educational agency
10 shall annually review the progress of each local edu-
11 cational agency within the State receiving funds
12 under this part to determine whether schools served
13 by such agencies and receiving assistance under this
14 part are making adequate yearly progress, as de-
15 fined in section 1111(b)(2), toward meeting the
16 State's student performance standards and to deter-
17 mine whether each local educational agency is car-
18 rying out its responsibilities under sections 1116 and
19 1117.

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

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

4 “(B) had been identified for, or was eligi-
5 ble for, improvement under this section as this
6 section was in effect on the day preceding the
7 date of enactment of the Public Education Re-
8 investment, Reinvention, and Responsibility
9 Act.

10 “(3) TRANSITION.—The 2-year period described
11 in paragraph (2)(A) shall include any continuous pe-
12 riod of time immediately preceding the date of the
13 enactment of the Public Education Reinvestment,
14 Reinvention, and Responsibility Act during which a
15 local educational agency did not make adequate
16 yearly progress as defined in the State’s plan, as
17 such plan was in effect on the day preceding the
18 date of the enactment of the Public Education Rein-
19 vestment, Reinvention, and Responsibility Act.

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

1 “(5) OPPORTUNITY TO REVIEW AND PRESENT
2 EVIDENCE.—(A) Before identifying a local edu-
3 cational agency for improvement under paragraph
4 (2), a State educational agency shall provide the
5 local educational agency with an opportunity to re-
6 view the local educational agency data, including as-
7 sessment data, on which the proposed identification
8 is based.

9 “(B) If the local educational agency believes
10 that the proposed identification is in error for statis-
11 tical or other substantive reasons, the local edu-
12 cational agency may provide supporting evidence to
13 the State educational agency, which the State edu-
14 cational agency shall consider before making a final
15 determination.

16 “(6) TIME LIMITS.—Not later than 45 days
17 after the State educational agency makes its initial
18 determination that a local educational agency within
19 the State and receiving assistance under this part is
20 eligible for improvement, the State educational agen-
21 cy shall make public a final determination on the
22 status of the local educational agency.

23 “(7) NOTIFICATION TO PARENTS.—The State
24 educational agency shall promptly notify parents of
25 each student enrolled in a school served by a local

1 educational agency identified for improvement, in a
2 format, and to the extent practicable, in a language
3 the parents can understand, of the reasons for such
4 agency's identification and how parents can partici-
5 pate in upgrading the quality of the local edu-
6 cational agency.

7 “(8) LOCAL EDUCATIONAL AGENCY REVI-
8 SIONS.—

9 “(A) IN GENERAL.—Each local educational
10 agency identified under paragraph (2) shall,
11 after being so identified, develop or revise a
12 local educational agency plan, in consultation
13 with the local school board, parents, teachers,
14 school staff, and others, for approval by the
15 State educational agency. Such plan shall—

16 “(i) incorporate scientifically based re-
17 search strategies that strengthen the core
18 academic program in the local educational
19 agency;

20 “(ii) identify specific annual numerical
21 academic achievement objectives in at least
22 the areas of mathematics and English lan-
23 guage arts that the local educational agen-
24 cy will meet, with such objectives being cal-
25 culated in a manner such that their

1 achievement will ensure that each group of
2 students enrolled in each school served by
3 the local educational agency will meet or
4 exceed the proficient standard level of per-
5 formance in assessments required under
6 section 1111(b)(4) within 10 years of the
7 date of enactment of the Public Education
8 Reinvestment, Reinvention, and Responsi-
9 bility Act; and

10 “(iii) assure that the local educational
11 agency will—

12 “(I) reserve not less than 10 per-
13 cent of the funds made available to
14 the local educational agency under
15 this part for each fiscal year that the
16 agency is in improvement for the pur-
17 pose of providing high quality profes-
18 sional development to teachers and
19 principals at schools served by the
20 agency and receiving funds under this
21 part that directly address the aca-
22 demic achievement problem that
23 caused the local educational agency to
24 be identified for improvement and
25 shall be in keeping with the definition

1 of professional development provided
2 in section 1119; and

3 “(II) the improvement plan shall
4 specify how these funds will be used
5 to remove the local educational agency
6 from improvement status;

7 “(iv) identify how the local edu-
8 cational agency will provide written notifi-
9 cation to parents described in paragraph
10 (7) in a format, and to the extent prac-
11 ticable in a language, that the parents can
12 understand, pursuant to paragraph (7);

13 “(v) specify the responsibilities of the
14 State educational agency and the local edu-
15 cational agency under the plan; and

16 “(vi) include a review of the local edu-
17 cational agency budget to ensure that re-
18 sources are focused on those activities that
19 are most likely to improve student achieve-
20 ment and to remove the agency from im-
21 provement status.

22 “(B) PEER REVIEW.—The State edu-
23 cational agency shall establish a peer review
24 process to assist with the review of the local
25 educational agency improvement plan, promptly

1 review the plan, work with the local educational
2 agency as necessary, and approve the plan if
3 the plan meets the requirements of this para-
4 graph.

5 “(C) DEADLINE FOR IMPLEMENTATION.—
6 The local educational agency shall implement
7 the local educational agency plan or revised
8 plan expeditiously, but not later than the begin-
9 ning of the school year following the school year
10 in which the agency was identified for improve-
11 ment.

12 “(D) RESOURCES REALLOCATION.—If the
13 local educational agency budget fails to allocate
14 resources, consistent with, subparagraph
15 (A)(iv), the State educational agency may direct
16 the local educational agency to reallocate re-
17 sources to more effective activities.

18 “(9) STATE EDUCATIONAL AGENCY RESPONSI-
19 BILITY.—For each local educational agency identi-
20 fied under paragraph (2), the State educational
21 agency shall provide technical or other assistance, if
22 requested, as authorized under section 1117, to bet-
23 ter enable the local educational agency—

24 “(A) to develop and implement the local
25 educational agency plan or revised plan as ap-

1 proved by the State educational agency con-
2 sistent with the requirements of this section;
3 and

4 “(B) to work with schools served by the
5 local educational agency that are identified for
6 improvement.

7 “(10) TECHNICAL ASSISTANCE.—Technical as-
8 sistance provided by the State educational agency—

9 “(A) shall include assistance in analyzing
10 data from the assessments required under sec-
11 tion 1111(b)(4) to identify and address instruc-
12 tional problems and solutions;

13 “(B) shall include assistance in identifying
14 and implementing scientifically based instruc-
15 tional strategies and methods that have proven
16 effective in addressing the specific instructional
17 issues that caused the local educational agency
18 to be identified for improvement;

19 “(C) shall include assistance in analyzing
20 and revising the local educational agency’s
21 budget such that the agency’s resources are
22 more effectively focused on those activities most
23 likely to increase student achievement and to
24 remove the agency from improvement status;
25 and .

1 “(D) may be provided by—

2 “(i) the State educational agency; or

3 “(ii) with the local educational agen-
4 cy’s approval, by an institution of higher
5 education (in full compliance with all the
6 reporting provisions of title II of the High-
7 er Education Act of 1965), a private not-
8 for-profit or for-profit organization, an
9 educational service agency, the recipient of
10 a Federal contract or cooperative agree-
11 ment as described under section 7005, or
12 any other entity with experience in helping
13 schools improve achievement.

14 “(11) RESOURCES REALLOCATION.—The State
15 educational agency may, as a condition of providing
16 the local educational agency with technical assist-
17 ance and financial support in developing and car-
18 rying out an improvement plan, require that the
19 local educational agency reallocate resources away
20 from ineffective or inefficient activities to activities
21 that, through scientific research, have proven to
22 have the greatest impact on increasing student
23 achievement and closing the achievement gap be-
24 tween groups of students.

“(12) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each State educational agency shall implement a system of corrective action in accordance with the following:

6 “(A) After providing technical assistance
7 under paragraph (10), and subject to subpara-
8 graph (D), the State educational agency—

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

15 “(ii) shall 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 law, that—

21 “(i) substantially and directly re-
22 sponds to—

23 “(I) the consistent academic fail-
24 ure of schools served by a local edu-
25 cational agency that caused the State

1 educational agency to take such action
2 with respect to the local educational
3 agency; and

4 “(II) any underlying staffing,
5 curricular, or other problem in the
6 schools served by the local educational
7 agency; and

8 “(ii) is designed to meet the goal of
9 having all students served under this part
10 perform at the proficient and advanced
11 performance levels.

12 “(C) In the case of a local educational
13 agency described in subparagraph (A)(ii), the
14 State educational agency shall take not less
15 than 1 of the following corrective actions:

16 “(i) Withhold funds from the local
17 educational agency.

18 “(ii) Reconstitute the relevant local
19 educational agency personnel.

20 “(iii) Remove particular schools from
21 the area served by the local educational
22 agency, and establish alternative arrange-
23 ments for public governance and super-
24 vision of such schools.

1 “(iv) Appoint, through the State edu-
2 cational agency, a receiver or trustee to ad-
3 minister the affairs of the local educational
4 agency in place of the local educational
5 agency’s superintendent and school board.

6 “(v) Abolish or restructure the local
7 educational agency.

8 “(vi)(I) Authorize students to transfer
9 from a school operated by the local edu-
10 cational agency to a higher performing
11 public school operated by another local
12 educational agency, or to a public charter
13 school.

14 “(II) Provide students described in
15 subclause (I) transportation services, or
16 the costs of transportation, not to exceed
17 10 percent of the funds allocated to a local
18 educational agency under this part, to such
19 higher performing schools or public charter
20 schools; ^{and} “(III) Tax not less than 1 additional action

21 “(D) Prior to implementing any corrective ^{described}
22 action, the State educational agency shall pro- ^{under this}
23 vide notice and a opportunity for a hearing to ^{paragraph.}
24 the affected local educational agency, if State
25 law provides for such notice and opportunity.

1 “(E) Not later than 45 days after the
2 State educational agency makes its initial deter-
3 mination that a local educational agency in the
4 State and receiving assistance under this part is
5 eligible for improvement, the State educational
6 agency shall make public a final determination
7 on the status of the local educational agency.

8 “(F) The State educational agency shall
9 publish and disseminate to parents described in
10 paragraph (7) and the public information re-
11 garding any corrective action the State edu-
12 cational agency takes under this paragraph
13 through such means as the Internet, the media,
14 and public agencies.

15 “(G) The State educational agency may
16 delay, for a period not to exceed 1 year, imple-
17 mentation of corrective action if the local edu-
18 cational agency’s failure to make adequate year-
19 ly progress was justified due to exceptional or
20 uncontrollable circumstances, such as a natural
21 disaster or a precipitous and unforeseen decline
22 in the financial resources of the local edu-
23 cational agency or schools served by the local
24 educational agency.”.

1 **SEC. 110. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
2 **IMPROVEMENT.**

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

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

7 “(a) **SYSTEM FOR SUPPORT.**—Using funds allocated
8 under section 1003(a)(1), each State educational agency
9 shall establish a statewide system of intensive and sus-
10 tained support and improvement for local educational
11 agencies, elementary schools, and secondary schools re-
12 ceiving funds under this part, in order to ensure that all
13 groups of students specified in section 1111 and attending
14 such schools meet or exceed the proficient standard level
15 performance on the assessments required by section
16 1111(b)(4) within 10 years of the date of enactment of
17 the Public Education Reinvestment, Reinvention, and Re-
18 sponsibility Act.

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

21 “(1) first, provide support and assistance to
22 local educational agencies ^{and schools} identified as in need of
23 improvement under section 1116;

24 “(2) second, provide support and assistance to
25 local educational agencies subject to corrective action
26 under section 1116, and assist elementary schools

✓ 1 and secondary schools, in accordance with section
2 1116(c)(¹¹~~10~~), for which a local educational agency
3 has failed to carry out its responsibilities under sec-
✓ 4 tion 1116(c)(⁹~~8~~) and (¹⁰~~9~~); and

5 “(3) third, provide support and assistance to
6 local educational agencies and schools ~~identified as~~
7 ~~in need of improvement, or~~ that are at risk of being
8 so identified within the next academic year, partici-
9 pating under this part.

10 “(c) APPROACHES.—In order to achieve the purpose
11 described in subsection (a), each statewide system shall
12 provide technical assistance and support through ap-
13 proaches such as—

14 “(1) school support teams, composed of individ-
15 uals who are knowledgeable about scientifically
16 based research, teaching and learning practices, and
17 particularly about strategies for improving edu-
18 cational results for low-achieving children; and

19 “(2) designating and using Distinguished Edu-
20 cators, who are chosen from schools served under
21 this part that have been especially successful in im-
22 proving academic achievement.

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

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

4 “(2) may use State administrative funds au-
5 thorized under section 1703(c) to carry out this sec-
6 tion.

7 “(e) ALTERNATIVES.—The State educational agency
8 may—

9 “(1) devise additional approaches to providing
10 the technical assistance and support described in
11 subsection (c), such as providing assistance through
12 institutions of higher education, educational service
13 agencies, or other local consortia; and

14 “(2) seek approval from the Secretary to use
15 funds under section 1003(a)(2) for such approaches
16 as part of the State plan.”.

17 **SEC. 111. PARENTAL INVOLVEMENT CHANGES.**

18 (a) LOCAL EDUCATIONAL AGENCY POLICY.—Section
19 1118(a) (20 U.S.C. 6319(a)) is amended—

20 (1) in paragraph (1), by striking “programs,
21 activities, and procedures” and inserting “activities
22 and procedures”;

23 (2) in paragraph (2), by striking subparagraphs
24 (E) and (F) and inserting the following:

1 “(E) conduct, with the involvement of par-
2 ents, an annual evaluation of the content and
3 effectiveness of the parental involvement policy
4 in improving the academic quality of the schools
5 served under this part;

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

8 “(G) promote consumer friendly environ-
9 ments within the local educational agency and
10 schools served under this part.”;

11 (3) in paragraph (3), by adding at the end the
12 following new subparagraph:

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

16 (b) NOTICE.—Section 1118(b)(1) (20 U.S.C.
17 6319(b)(1)) is amended by inserting after the first sen-
18 tence “Parents shall be notified of the policy in a format,
19 and to the extent practicable in a language, that the par-
20 ents can understand.”.

21 (c) PARENTAL INVOLVEMENT.—Section 1118(c)(4)
22 (20 U.S.C. 6319(c)(4)) is amended—

23 (1) in subparagraph (B), by striking “school
24 performance profiles required under section

1 1116(a)(3)” and inserting “school reports described
2 under section 4401”;

3 (2) by redesignating subparagraphs (D) and
4 (E) as subparagraphs (F) and (G), respectively;

5 (3) by inserting after subparagraph (C) the fol-
6 lowing:

7 “(D) notice of the school’s designation as
8 a school in need of improvement under section
9 1116(b), if applicable, and a clear explanation
10 of what such designation means;

11 “(E) notice of corrective action taken
12 against the school under section 1116(c)(9) and
13 1116(d)(12), if applicable, and a clear expla-
14 nation of what such action means;”; and

15 (4) in subparagraph (G) (as redesignated by
16 paragraph (2)), by striking “subparagraph (D)” and
17 inserting “subparagraph (F)”.

18 (d) BUILDING CAPACITY FOR INVOLVEMENT.—Sec-
19 tion 1118(e) (20 U.S.C 6319(e)) is amended—

20 (1) in paragraph (1), by striking “National
21 Educational Goals.”;

22 (2) by redesignating paragraphs (14) and (15)
23 as paragraphs (16) and (17), respectively;

24 (3) by inserting after paragraph (13) the fol-
25 lowing:

1 “(14) may establish a district wide parent advi-
2 sory council to advise on all matters related to pa-
3 rental involvement in programs supported under this
4 part;”; and

5 (4) by redesignating paragraph (5) as para-
6 graph (15) and transferring such paragraph to fol-
7 low paragraph 14 (as redesignated by paragraph
8 (3));

9 (5) by inserting after paragraph (4) the fol-
10 lowing:

11 “(5) shall expand the use of electronic commu-
12 nications among teachers, students, and parents,
13 such as through the use of websites and e-mail com-
14 munications;”;

15 (6) in paragraph (8), by inserting “, to the ex-
16 tent practicable, in a language and format the par-
17 ent can understand” before the semicolon; and

18 (7) in paragraph (15) (as redesignated by para-
19 graph (4)), by striking “shall” and inserting “may”.

20 (e) ACCESSIBILITY.—Section 1118(f) (20 U.S.C.
21 6319(f)) is amended by striking “, including” and all that
22 follows through the period and inserting “and of parents
23 of migratory children, including providing information and
24 school reports required under section 1111 and described

1 in section 4401 in a language and form such parents un-
2 derstand.”.

3 **SEC. 112. QUALIFICATIONS FOR TEACHERS AND PARA-**
4 **PROFESSIONALS.**

5 Title I of the Act (20 U.S.C. 6301 et seq.) is
6 amended—

7 (1) by redesignating section 1119 (20 U.S.C.
8 6320) as section 1119A; and

9 (2) by inserting after section 1118 the fol-
10 lowing:

11 **“SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARA-**
12 **PROFESSIONALS.**

13 **“(a) IN GENERAL.—**

14 **“(1) PLAN.—**Each State educational agency re-
15 ceiving assistance under this part shall develop and
16 submit to the Secretary a plan to ensure that all
17 teachers teaching within the State are fully quali-
18 fied, as defined in section 2001(1), not later than
19 December 31, 2005. Such plan shall include an as-
20 surance that the State educational agency will re-
21 quire each local educational agency and school re-
22 ceiving funds under this part publicly to report the
23 annual progress with respect to the local educational
24 agency’s and school’s performance in increasing the

1 percentage of classes in core academic areas taught
2 by fully qualified teachers.

3 “(2) SPECIAL RULE.—Notwithstanding any
4 other provision of law, the provisions of this section
5 governing teacher qualifications shall not supersede
6 State laws governing public charter schools.

7 “(b) NEW PARAPROFESSIONALS.—Each local edu-
8 cational agency receiving assistance under this part shall
9 ensure that each paraprofessional hired ^{after Dec 31, 2002} ~~more than 1 year~~
10 ~~after the date of enactment of the Public Education Rein-~~
11 ~~vestment, Reinvention, and Responsibility Act,~~ and work-
12 ing in a program assisted under this part—

13 “(1) has completed at least the ^{equivalent} ~~requisite~~ num-
14 ber of courses at an institution of higher education
15 in the area of elementary education or in the related
16 subject area in which the paraprofessional is work-
17 ing for a minor degree at such institution; and

18 “(2) has obtained an associate’s (or higher) de-

19 gree, or ^{certification (as established in subsection (h))}
20 “(c) EXISTING PARAPROFESSIONALS.—Each local

21 educational agency receiving assistance under this part
22 shall ensure that each paraprofessional working in a pro-
23 gram assisted under this part shall, not later than 3 years
24 after the date of enactment of the Public Education Rein-

“(3) has met a rigorous standard of quality that demonstrates, through formal state certification, through (i) knowledge of, and the ability to assist in tutoring in reading, writing, and math; or (ii) knowledge of, and the ability to assist in tutoring in reading readiness, writing readiness, and math readiness, as appropriate.”

~~(1) QUALIFICATIONS.~~

vestment, Reinvention, and Responsibility Act, satisfy the requirements of subsection (b).

“(d) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c) shall not apply to a paraprofessional—

“(1) who is proficient in English and a language other than English, and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

“(2) whose duties consist solely of conducting parental involvement activities consistent with section 1118 or other school readiness activities that are noninstructional.

“(e) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that each paraprofessional working in a program assisted under this part, regardless of the paraprofessional’s hiring date, possesses a secondary school diploma or its recognized equivalent.

“(f) DUTIES OF PARAPROFESSIONALS.—

“(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program

ensure that paraprofessionals demonstrate ^{basic skills} competency in English language arts, mathematics, and literacy.

“(2) STATE ACTION.
Notwithstanding subsection (c),
Each State educational agency may require an existing paraprofessional to pass appropriate portions of the state assessment administered as the licensing exam for teachers and establish appropriate rates for passage of such portions used.
(b) The State shall provide an assurance that such portions of the state assessment administered and the established passing rates will ensure that paraprofessionals demonstrate basic skills competency in English language arts, mathematics, and literacy.

1 assisted under this part is not assigned a duty in-
2 consistent with this subsection.

3 “(2) AUTHORIZED RESPONSIBILITIES.—A para-
4 professional described in paragraph (1) may be
5 assigned—

6 “(A) to provide 1-on-1 tutoring for eligible
7 students under this part, if the tutoring is
8 scheduled at a time when the student would not
9 otherwise receive instruction from a teacher;

10 “(B) to assist with classroom management,
11 such as organizing instructional and other ma-
12 terials;

13 “(C) to provide assistance in a computer
14 laboratory;

15 “(D) to conduct parental involvement ac-
16 tivities; *or school readiness activities that are noninstructional*

17 “(E) to provide support in a library or
18 media center;

19 “(F) to act as a translator; or

20 “(G) to provide assistance with extra cur-
21 ricular activities which are noninstructional.

22 “(3) LIMITATIONS.—A paraprofessional de-
23 scribed in paragraph (1) *“(A) shall not perform the*
24 *duties of a certified teacher or a substitute.*
instructional service normally provided by a certified
25 *teacher or a substitute to a student.*

✓
*“(B) shall not perform any duty assigned under paragraph (2)
unless under the direct supervision of a fully qualified teacher.*

1 “(g) USES OF FUNDS.—

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

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

10 “(A) IN GENERAL.—Beginning on the date
11 of enactment of the Public Education Reinvest-
12 ment, Reinvention, and Responsibility Act, a
13 local educational agency may not use funds re-
14 ceived under this part to fund any paraprofes-
15 sional hired after such date unless—

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

19 “(ii) the local educational agency can
20 demonstrate that a significant influx of
21 population has substantially increased stu-
22 dent enrollment, or ^{demonstrate an} increased ^{need} for
23 translators, ^{or assistance with parent involvement activities.}
24

25 “(B) EXCEPTION.—Subparagraph (A)
shall not apply ~~for 1 fiscal year~~ to a local edu-

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*“(h) STATE CERTIFICATION.—
Each state educational
agency receiving assistance
under this part
shall ensure that it has
the criteria for
the certification
of paraprofessionals
by Dec 31,
2002; and
“(2) ensure that
paraprofessionals hired
before Dec 31, 2002
are in high quality
development activities
that ensure that
the paraprofessional
has the ability
to assist in reading,
writing, and math;
assist in tutoring
in reading readiness,
writing readiness,
and math readiness, as appropriate.”*

educational agency that can demonstrate to the
State that all ^{core classes} ~~teachers~~ within the area served by
the local educational agency are fully qualified. ^{taught by} ~~teachers~~

“(i) VERIFICATION OF COMPLIANCE.—

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

“(2) AVAILABILITY OF INFORMATION.—Copies of the annual certification described in paragraph (1)—

“(A) shall be maintained at each elementary school and secondary school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and

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

SEC. 113. PROFESSIONAL DEVELOPMENT.

Section 1119A (as redesignated by section 112(a)) is amended—

(1) by amending subsection (a) to read as follows:

as appropriate.

1 “(a) PURPOSE.—The purpose of this section is to as-
2 sist each local educational agency receiving assistance
3 under this part in increasing the academic achievement
4 of eligible children (as identified under section
5 1115(b)(1)(B)) (in this section referred to as eligible chil-
6 dren) through improved teacher quality.”;

7 (2) in subsection (b)—

8 (A) by amending paragraph (1) to read as
9 follows:

10 “(1) REQUIRED ACTIVITIES.—Each local edu-
11 cational agency receiving assistance under this part
12 shall provide professional development activities
13 under this section that shall—

14 “(A) give teachers, principals, and admin-
15 istrators the knowledge and skills to provide eli-
16 gible children with the opportunity to meet
17 challenging State or local content standards
18 and student performance standards;

19 “(B) support the recruiting, hiring, and
20 training of fully qualified teachers, including
21 teachers fully qualified through State and local
22 alternative routes;

23 “(C) advance teacher understanding of ef-
24 fective instructional strategies, based on sci-
25 entificallly based research, for improving eligible

1 children achievement, at a minimum, in mathe-
2 matics, science, and English language arts;

3 “(D) be directly related to the curricula
4 and content areas in which the teacher provides
5 instruction;

6 “(E) be designed to enhance the ability of
7 a teacher to understand and use the State’s
8 standards for the subject area in which the
9 teacher provides instruction;

10 “(F) be tied to scientifically based research
11 that demonstrates the effectiveness of such pro-
12 fessional development activities or programs in
13 increasing eligible children achievement or sub-
14 stantially increasing the knowledge and teach-
15 ing skills of teachers;

16 “(G) be of sufficient intensity and duration
17 (not to include 1-day or short-term workshops
18 and conferences) to have a positive and lasting
19 impact on the teacher’s performance in the
20 classroom, except that this subparagraph shall
21 not apply to an activity if such activity is one
22 component of a long-term comprehensive pro-
23 fessional development plan established by the
24 teacher and the teacher’s supervisor based upon
25 an assessment of their needs, their eligible chil-

1 dren's needs, and the needs of the local edu-
2 cational agency;

3 “(H) be developed with extensive participa-
4 tion of teachers, principals, parents, administra-
5 tors of schools, and local school boards of
6 schools to be served under this part;

7 “(I) to the extent appropriate, provide
8 training for teachers in the use of technology so
9 that technology and its applications are effec-
10 tively used in the classroom to improve teaching
11 and learning in the curricula and academic con-
12 tent areas in which the teachers provide in-
13 struction;

14 “(J) as a whole, be regularly evaluated for
15 such activities' impact on increased teacher ef-
16 fectiveness and improved student achievement,
17 with the findings of such evaluations used to
18 improve the quality of professional development;
19 and

20 “(K) include strategies for identifying and
21 eliminating gender and racial bias in instruc-
22 tional materials, methods, and practices.”;

23 (B) in paragraph (2)—

1 (i) in subparagraph (A), by inserting
2 “and data to inform and instruct class-
3 room practice” before the semicolon;

4 (ii) by striking subparagraphs (D)
5 and (G);

6 (iii) by redesignating subparagraphs
7 (E), (F), (H), and (I), as subparagraphs
8 (D), (E), (F) and (G), respectively; and

9 (iv) by inserting after subparagraph
10 (G) (as redesignated by clause (iii)) the
11 following new subparagraph:

12 “(H) instruction in the ways that teachers,
13 principals, and guidance counselors can work
14 with parents and students from groups, such as
15 females and minorities, that are underrep-
16 resented in careers in mathematics, science, en-
17 gineering, and technology, to encourage and
18 maintain the interest of such students in those
19 careers.”;

20 (3) by striking subsections (f) through (i); and

21 (4) by adding after subsection (e) the following:

22 “(f) CONSOLIDATION OF FUNDS.—Funds provided
23 under this part that are used for professional development
24 purposes may be consolidated with funds provided under
25 title II of this Act and other sources.

1 “(g) DEFINITION.—The term ‘fully qualified’ has the
2 same meaning given such term in section 2001(1).

3 “(h) SPECIAL RULE.—

4 “(1) IN GENERAL.—No State educational agen-
5 cy shall require a local educational agency or ele-
6 mentary school or secondary school to expend a spe-
7 cific amount of funds for professional development
8 activities under this part.

9 “(2) EXCEPTION.—Paragraph (1) shall not
10 apply with respect to requirements under section
11 1116(d)(9).”.

12 **SEC. 114. FISCAL REQUIREMENTS.**

13 Section 1120A(a) (20 U.S.C. 6322(a)) is amended by
14 striking “section 14501” and inserting “section 8501”.

15 **SEC. 115. COORDINATION REQUIREMENTS.**

16 Section 1120 (20 U.S.C. 6323) is amended—

17 (1) in subsection (a), by striking “to the extent
18 feasible” and all that follows through the period and
19 inserting “in coordination with local Head Start
20 agencies, and if feasible, other early childhood devel-
21 opment programs.”;

22 (2) in subsection (b)—

23 (A) in paragraph (3) by striking “and”
24 after the semicolon;

1 (B) in paragraph (4) by striking the period
2 and inserting “; and”; and

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

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

7 **SEC. 116. GRANTS FOR THE OUTLYING AREAS AND THE**
8 **SECRETARY OF THE INTERIOR.**

9 Section 1121 (20 U.S.C. 6331) is amended to read
10 as follows:

11 **“SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE**
12 **SECRETARY OF THE INTERIOR.**

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

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

19 “(2) the Secretary of the Interior in the amount
20 necessary to make payments pursuant to subsection
21 (d).

22 “(b) ASSISTANCE TO OUTLYING AREAS.—

23 “(1) GRANTS AUTHORIZED.—From the amount
24 made available for a fiscal year under subsection (a),
25 the Secretary shall award grants to the outlying

1 areas and freely associated States to carry out the
2 purposes of this part.

3 “(2) COMPETITIVE GRANTS.—For each of fiscal
4 years 2000 and 2001, the Secretary shall ensure
5 that grants are awarded under this subsection on a
6 competitive basis in accordance with paragraph (3).

7 “(3) REQUIREMENTS AND LIMITATION FOR
8 COMPETITIVE GRANTS.—

9 “(A) RECOMMENDATIONS.—The Secretary
10 shall award grants under this subsection on the
11 basis of the recommendations of the Pacific Re-
12 gion Educational Laboratory in Honolulu, Ha-
13 waii.

14 “(B) TERMINATION OF ELIGIBILITY.—
15 Notwithstanding any other provision of law, the
16 freely associated States shall not be eligible to
17 receive funds under this part after September
18 30, 2001.

19 “(C) ADMINISTRATIVE COSTS.—The Sec-
20 retary may provide that not more than 5 per-
21 cent of the amount reserved for grants under
22 this subsection will be used to pay the adminis-
23 trative costs of the Pacific Region Educational
24 Laboratory for services provided under subpara-
25 graph (A).

1 “(4) SPECIAL RULE.—The provisions of Public
2 Law 95–134 (91 Stat. 1159) that permit the con-
3 solidation of grants by the outlying areas shall not
4 apply to funds provided to the freely associated
5 States under this subsection.

6 “(5) FUNDING.—The amount reserved by the
7 Secretary to award grants under this subsection
8 shall not exceed the amount reserved under this sec-
9 tion (as this section existed on the day prior to the
10 date of enactment of the Public Education Reinvest-
11 ment, Reinvention, and Responsibility Act) for the
12 freely associated States for fiscal year 1999.

13 “(6) DEFINITIONS.—In this subsection and
14 subsection (a):

15 “(A) FREELY ASSOCIATED STATES.—The
16 term ‘freely associated States’ means the Re-
17 public of the Marshall Islands, the Federated
18 States of Micronesia, and the Republic of
19 Palau.

20 “(B) OUTLYING AREA.—The term ‘out-
21 lying area’ means the United States Virgin Is-
22 lands, Guam, American Samoa, and the Com-
23 monwealth of the Northern Mariana Islands.

24 “(c) ALLOTMENT TO THE SECRETARY OF THE INTE-
25 RIOR.—

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

7 “(A) Indian children on reservations served
8 by elementary and secondary schools for Indian
9 children operated or supported by the Depart-
10 ment of the Interior; and

11 “(B) out-of-State Indian children in ele-
12 mentary and secondary schools in local edu-
13 cational agencies under special contracts with
14 the Department of the Interior.

15 “(2) PAYMENTS.—From the amount allotted
16 for payments to the Secretary of the Interior under
17 subsection (a)(2), the Secretary of the Interior shall
18 make payments to local educational agencies, upon
19 such terms as the Secretary determines will best
20 carry out the purposes of this part, with respect to
21 out-of-State Indian children described in paragraph
22 (1). The amount of such payment may not exceed,
23 for each such child, the greater of—

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

4 “(B) 48 percent of such expenditure in the
5 United States.”.

6 **SEC. 117. AMOUNTS FOR GRANTS.**

7 Section 1122 (20 U.S.C. 6332) is amended to read
8 as follows:

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

11 “(a) **ALLOCATION FORMULA.—**

12 “(1) **ALLOCATION TO STATES.—**Of the amount
13 appropriated to carry out this part for each of fiscal
14 years 2001 through 2005 (each such year, as appro-
15 priate, shall be referred to in this subsection as the
16 ‘current fiscal year’), the amount to be allocated to
17 States for a fiscal year based on population data for
18 local educational agencies in such States, shall be
19 equal to the sum of—

20 “(A) an amount equal to the sum of—

21 “(i) the amount made available to
22 carry out section 1124 (as such section ex-
23 isted on the day prior to the date of enact-
24 ment of the Public Education Reinvest-

1 ment, Reinvention, and Responsibility Act)
2 for fiscal year 1999; and

3 “(ii) 21.25 percent of the amount, if
4 any, by which the amount appropriated
5 under section 1002(a) for the current fis-
6 cal year exceeds the amount appropriated
7 under such section (as such section existed
8 on the day prior to the date of enactment
9 of the Public Education Reinvestment, Re-
10 invention, and Responsibility Act) for fiscal
11 year 1999, to be allocated in accordance
12 with section 1124;

13 “(B) an amount equal to the sum of—

14 “(i) the amount made available to
15 carry out section 1124A (as such section
16 existed on the day prior to the date of en-
17 actment of the Public Education Reinvest-
18 ment, Reinvention, and Responsibility Act)
19 for fiscal year 1999; and

20 “(ii) 3.75 percent of the amount, if
21 any, by which the amount appropriated
22 under section 1002(a) for the current fis-
23 cal year exceeds the amount appropriated
24 under such section (as such section existed
25 on the day prior to the date of enactment

1 of the Public Education Reinvestment, Re-
2 invention, and Responsibility Act) for fiscal
3 year 1999, to be allocated in accordance
4 with section 1124A; and

5 “(C) an amount equal to 75 percent of the
6 amount, if any, by which the amount appro-
7 priated under section 1002(a) for the current
8 fiscal year exceeds the amount appropriated
9 under such section (as such section existed on
10 the day prior to the date of enactment of the
11 Public Education Reinvestment, Reinvention,
12 and Responsibility Act) for fiscal year 1999, to
13 be allocated in accordance with section 1125.

14 “(2) ALLOCATION TO LOCAL EDUCATIONAL
15 AGENCIES.—Of the total amounts allocated to a
16 State under this part for each of fiscal years 2001
17 and 2002, 96.5 percent shall be allocated by the
18 State educational agency to local educational agen-
19 cies, and for each of fiscal years 2003 through 2005,
20 95.5 percent shall be allocated to local educational
21 agencies, of which—

22 “(A) 75 percent shall be allocated in ac-
23 cordance with section 1125;

24 “(B) 21.25 percent shall be allocated in ac-
25 cordance with section 1124; and

1 “(C) 3.75 percent shall be allocated in ac-
2 cordance with section 1124A.

3 “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-
4 PROPRIATIONS.—

5 “(1) IN GENERAL.—If the sums available under
6 this part for any fiscal year are insufficient to pay
7 the full amounts that all States and local edu-
8 cational agencies are eligible to receive under sec-
9 tions 1124, 1124A, and 1125 for such fiscal year,
10 the Secretary shall ratably reduce the allocations to
11 such States and local educational agencies, subject
12 to subsections (c) and (d).

13 “(2) ADDITIONAL FUNDS.—If additional funds
14 become available for making payments under sec-
15 tions 1124, 1124A, and 1125 for such fiscal year,
16 allocations that were reduced under paragraph (1)
17 shall be increased on the same basis as they were re-
18 duced.

19 “(c) HOLD-HARMLESS AMOUNTS.—

20 “(1) GRANTS TO STATES.—The total amount
21 allocated to each State under this part in each fiscal
22 year shall not be less than the amount allocated to
23 each State in the preceding fiscal year.

24 “(2) GRANTS TO LOCAL EDUCATIONAL AGEN-
25 CIES.—The total amount allocated to each local edu-

1 cational agency under this part in each fiscal year
2 shall not be less than an amount equal to 85 percent
3 of the amount allocated to each local educational
4 agency in the preceding fiscal year.

5 “(d) Ratable Reductions.—

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

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

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

21 SEC. 118. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-
22 CIES:

23 Section 1124 (20 U.S.C. 6333) is amended to read
24 as follows:

1 **"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
2 **CIES.**

3 **"(a) AMOUNT OF GRANTS.—**

4 **"(1) GRANTS FOR LOCAL EDUCATIONAL AGEN-**
5 **CIES AND PUERTO RICO.—**Except as provided in
6 paragraph (3) and in section 1126, the amount of
7 a grant that a local educational agency is eligible to
8 receive under this section for a fiscal year shall be
9 determined by multiplying—

10 **"(A) the number of children counted under**
11 subsection (c); and

12 **"(B) 40 percent of the average per-pupil**
13 expenditure in the State involved, except that
14 the amount determined under this subpara-
15 graph shall not be less than 32 percent or more
16 than 48 percent, of the average per-pupil ex-
17 penditure in the United States.

18 **"(2) CALCULATION OF GRANTS.—**

19 **"(A) ALLOCATIONS TO LOCAL EDU-**
20 **CATIONAL AGENCIES.—**The Secretary shall cal-
21 culate the amount of grants under this section
22 on the basis of the number of children counted
23 under subsection (c) for local educational agen-
24 cies. For purposes of this subparagraph, the
25 Secretary and the Secretary of Commerce shall

1 publicly disclose the reasoning for their deter-
2 minations under subsection (c) in detail.

3 “(B) ALLOCATIONS TO LARGE AND SMALL
4 LOCAL EDUCATIONAL AGENCIES.—

5 “(i) APPLICATION OF PROVISION.—

6 The Secretary shall determine the amount
7 of grant awards under this section for each
8 large or small local educational agency.

9 “(ii) LARGE AGENCIES.—The amount
10 of a grant awarded under this section for
11 each large local educational agency shall be
12 the amount determined by the Secretary
13 under clause (i).

14 “(iii) SMALL AGENCIES.—With re-
15 spect to the amount of a grant awarded
16 under this section to a small local edu-
17 cational agency, the State educational
18 agency may—

19 “(I) provide such grant in an
20 amount determined by the Secretary
21 under clause (i); or

22 “(II) use an alternative method
23 approved by the Secretary to dis-
24 tribute the portion of the State’s total
25 grants under this section that is based

1 on the number of small local edu-
2 cational agencies.

3 “(iv) ALTERNATIVE METHOD.—An al-
4 ternative method approved under clause
5 (iii)(II) shall be based on population data
6 that the State educational agency deter-
7 mines best reflects the current distribution
8 of children in poor families among the
9 State’s small local educational agencies
10 that meet the eligibility criteria of sub-
11 section (b).

12 “(v) APPEALS.—A small local edu-
13 cational agency that is dissatisfied with the
14 determination of its grant amount by the
15 State educational agency under clause
16 (iii)(II), may appeal that determination to
17 the Secretary, who shall respond not later
18 than 45 days after receipt of such appeal.

19 “(vi) DEFINITION.—In this subpara-
20 graph:

21 “(I) LARGE LOCAL EDUCATIONAL
22 AGENCY.—The term ‘large local edu-
23 cational agency’ means a local edu-
24 cational agency serving an area with a
25 total population of 20,000 or more.

“(II) SMALL LOCAL EDUCATIONAL AGENCY.—The term ‘small local educational agency’ means a local educational agency serving an area with a total population of less than 20,000.

7 “(3) PUERTO RICO.—

8 “(A) IN GENERAL.—For each fiscal year,
9 the amount of the grant that the Common-
10 wealth of Puerto Rico shall be eligible to receive
11 under this section shall be determined by multi-
12 plying the number of children counted under
13 subsection (c) for the Commonwealth of Puerto
14 Rico by the product of—

15 “(i) the percentage which the average
16 per pupil expenditure in the Common-
17 wealth of Puerto Rico is of the lowest aver-
18 age per pupil expenditure of any of the 50
19 States; and:

20 “(ii) 32 percent of the average per
21 pupil expenditure in the United States.

22 “(B) MINIMUM PERCENTAGE.—The per-
23 centage in subparagraph (A)(i) shall not be less
24 than—

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

1 “(ii) for fiscal year 2001, 77.5 per-
2 cent;

3 “(iii) for fiscal year 2002, 80.0 per-
4 cent;

5 “(iv) for fiscal year 2003, 82.5 per-
6 cent; and

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

9 “(C) LIMITATION.—If the application of
10 subparagraph (B) would result in any of the 50
11 States or the District of Columbia receiving less
12 under this part than the State or District re-
13 ceived under this part for the preceding fiscal
14 year, the percentage shall be the greater of the
15 percentage described in subparagraph (A)(i) or
16 the percentage used for the preceding fiscal
17 year.

18 “(4) DEFINITION.—In this subsection, the term
19 ‘State’ does not include Guam, American Samoa, the
20 Virgin Islands, and the Northern Mariana Islands.

21 “(b) MINIMUM NUMBER OF CHILDREN TO QUAL-
22 IFY.—A local educational agency shall be eligible for a
23 basic grant under this section for any fiscal year only if—

1 “(1) there are 10 or more children counted
2 under subsection (c) with respect to that agency;
3 and

4 “(2) such children make up more than 2 per-
5 cent of the total school-age population in the agen-
6 cy’s jurisdiction.

7 “(c) CHILDREN TO BE COUNTED.—

8 “(1) CATEGORIES OF CHILDREN.—The number
9 of children to be counted for purposes of this section
10 is the aggregate of—

11 “(A) the number of children ages 5 to 17,
12 inclusive, in the school district of the local edu-
13 cational agency involved from families below the
14 poverty level as determined under paragraph
15 (2); and

16 “(B) the number of children (determined
17 under paragraph (4) for either the preceding
18 year as described in that paragraph, or for the
19 second preceding year, as the Secretary finds
20 appropriate) ages 5 to 17, inclusive, in the
21 school district of the local educational agency
22 involved in institutions for neglected and delin-
23 quent children (other than such institutions op-
24 erated by the United States), but not counted
25 pursuant to subpart 1 of part D for the pur-

1 poses of a grant to a State agency, or being
2 supported in foster homes with public funds.

3 “(2) DETERMINATION OF NUMBER OF CHIL-
4 DREN.—

5 “(A) NUMBER OF CHILDREN BELOW THE
6 POVERTY LEVEL.—For purposes of this sub-
7 section, the Secretary shall determine the num-
8 ber of children ages 5 to 17, inclusive, from
9 families below the poverty level on the basis of
10 the most recent satisfactory data, described in
11 paragraph (3), that is available from the De-
12 partment of Commerce.

13 “(B) SPECIAL RULES.—

14 “(i) DISTRICT OF COLUMBIA AND
15 PUERTO RICO.—The District of Columbia
16 and the Commonwealth of Puerto Rico
17 shall be treated as individual local edu-
18 cational agencies for purposes of this para-
19 graph.

20 “(ii) MULTIPLE COUNTIES.—If a local
21 educational agency contains 2 or more
22 counties in their entirety, then each county
23 will be treated as if such county were a
24 separate local educational agency for pur-
25 poses of calculating grants under this part.

1 The total of grants for such counties shall
2 be allocated to such local educational agen-
3 cy and the local educational agency shall
4 distribute to schools in each county within
5 such agency a share of the local edu-
6 cational agency's total grant in an amount
7 that is not less than the county's share of
8 the population counts used to calculate the
9 local educational agency's grant.

10 “(3) POPULATION UPDATES.—

11 “(A) IN GENERAL.—In fiscal year 2001,
12 and every 2 years thereafter, the Secretary shall
13 use updated data on the number of children,
14 ages 5 to 17, inclusive, from families below the
15 poverty level for local educational agencies or
16 counties, as published by the Department of
17 Commerce, unless the Secretary and the Sec-
18 retary of Commerce determine that the use of
19 the updated population data would be inappro-
20 priate or unreliable.

21 “(B) CRITERIA OF POVERTY.—In deter-
22 mining the families which are below the poverty
23 level, the Secretary shall utilize the criteria of
24 poverty used by the Bureau of the Census in
25 compiling the most recent decennial census, in

such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

“(C) INAPPROPRIATE OR UNRELIABLE DATA.—If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in subparagraph (A) are inappropriate or unreliable, the Secretaries shall publicly disclose the reasons for such determination.

“(D) CASELOAD DATA.—The Secretary shall determine the number of children described in subparagraph (A) and the number of children ages 5 to 17, inclusive, living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the year preceding the fiscal year for which the determination is being made (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October)

“(4) OTHER CHILDREN TO BE COUNTED.—

“(A) IN GENERAL.—
For the purposes of this section, the Secretary shall—
“(i) determine the number of children ages 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving in annual income in excess of the current criteria of poverty for payments under a State program funded under part A of title IV of the Social Security Act; and →

"(ii) in making a
 determination under
 clause (i), utilize
 the criteria of
 poverty used by the
 Bureau of the Census
 in compiling the
 most recent decennial
 census for a family
 of 4 in such form
 as those criteria have
 been updated by
 increases in the
 Consumer Price Index
 for all urban consumers,
 published by the
 Bureau of Labor statistics.

or, to the extent that such data are not avail-
 able to the Secretary before January of the cal-
 endar year in which the Secretary's determina-
 tion is made, then on the basis of the most re-
 cent reliable data available to the Secretary at
 the time of such determination. For the purpose
 of this section, the Secretary shall consider all
 children who are in correctional institutions to
 be living in institutions for delinquent children.

"(E) COLLECTION AND TRANSMISSION OF
 DATA.—The Secretary of Health and Human
 Services shall collect and transmit the informa-
 tion required by this subparagraph to the Sec-
 retary not later than January 1 of each year.

"(F) ESTIMATE.—When requested by the Sec-
 retary, the Secretary of Commerce shall make a spe-
 cial updated estimate of the number of children of
 such ages who are from families below the poverty
 level in each school district, and the Secretary may
 pay (either in advance or by way of reimbursement)
 the Secretary of Commerce the cost of making this
 special estimate. The Secretary of Commerce shall
 give consideration to any request of the chief execu-
 tive of a State for the collection of additional census
 information.

1 “(d) STATE MINIMUM.—Notwithstanding section
2 1122, the aggregate amount allotted for all local edu-
3 cational agencies within a State may not be less than the
4 lesser of—

5 “(1) 0.25 percent of total amount of grants
6 awarded under this section; or

7 “(2) the average of—

8 “(A) one-quarter of 1 percent of the total
9 amount available for such fiscal year under this
10 section; and

11 “(B) the number of children in such State
12 counted under subsection (c) in the fiscal year
13 multiplied by 150 percent of the national aver-
14 age per pupil payment made with funds avail-
15 able under this section for that year.”.

16 **SEC. 119. CONCENTRATION GRANTS.**

17 Section 1124A (20 U.S.C. 6334.) is amended to read
18 as follows:

19 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-
20 CATIONAL AGENCIES.**

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

22 “(1) ELIGIBILITY.—

23 “(A) IN GENERAL.—Except as otherwise
24 provided in this paragraph, each local edu-
25 cational agency in a State other than Guam,

1 American Samoa, the Virgin Islands, and the
2 Commonwealth of the Northern Mariana Is-
3 lands, that is eligible for a grant under section
4 1124 for any fiscal year shall be eligible for an
5 additional grant under this section for that fis-
6 cal year if the number of children counted
7 under section 1124(c) with respect to the agen-
8 cy exceeds—

9 “(i) 6,500; or

10 “(ii) 15 percent of the total number of
11 children ages 5 through 17, inclusive, in
12 the agency.

13 “(B) MINIMUM AMOUNT.—Notwith-
14 standing section 1122, no State described in
15 subparagraph (A) shall receive an amount
16 under this section that is less than the lesser
17 of—

18 “(i) 0.25 percent of the total amount
19 of grants awarded under this section; or

20 “(ii) the average of—

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

25 “(II) the greater of—

1 “(aa) \$340,000; or
2 “(bb) the number of children in
3 such State counted for purposes
4 of this section in that fiscal year
5 multiplied by 150 percent of the
6 national average per pupil pay-
7 ment made with funds available
8 under this section for that year.

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

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

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

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

1 amount available to carry out this section for that
2 fiscal year as the product determined under para-
3 graph (2) for such local educational agency for that
4 fiscal year bears to the sum of such product for all
5 local educational agencies in the United States for
6 that fiscal year.

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

10 “(b) STATES RECEIVING MINIMUM GRANTS.—With
11 respect to a State that receives a grant for the minimum
12 amount under subsection (a)(1)(B), the State educational
13 agency shall allocate such amount among the local edu-
14 cational agencies in each State either—

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

17 “(2) based on their respective concentrations
18 and numbers of children counted under section
19 1124(c), except that only those local educational
20 agencies with concentrations or numbers of children
21 counted under section 1124(c) that exceed the state-
22 wide average percentage of such children or the
23 statewide average number of such children shall re-
24 ceive any funds on the basis of this paragraph.”.