

# **TITLE VII—GIFTED AND TALENTED CHILDREN**

## **SEC. 701. AMENDMENT TO ESEA RELATING TO GIFTED AND TALENTED CHILDREN.**

Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.) is amended to read as follows:

### **“PART B—GIFTED AND TALENTED CHILDREN**

#### **“SEC. 10201. SHORT TITLE.**

“This part may be cited as the ‘Jacob K. Javits Gifted and Talented Students Education Act of 1999’.

#### **“SEC. 10202. FINDINGS.**

“The Congress finds the following:

“(1) While the families or communities of some gifted students can provide private programs with appropriately trained staff to supplement public educational offerings, most high-ability students, especially those from inner cities, rural communities, or low-income families, must rely on the services and personnel provided by public schools. Therefore, gifted education programs, provided by qualified professionals in the public schools, are needed to provide equal educational opportunities.

“(2) Due to the wide dispersal of students who are gifted and talented and the national interest in

1 a well-educated populace, the Federal Government  
2 can most effectively and appropriately conduct sci-  
3 entifically based research and development to pro-  
4 vide an infrastructure and to ensure that there is a  
5 national capacity to educate students who are gifted  
6 and talented to meet the needs of the 21st century.

7 “(3) State and local educational agencies often  
8 lack the specialized resources and trained personnel  
9 to consistently plan and implement effective pro-  
10 grams for the identification of gifted and talented  
11 students and for the provision of educational services  
12 and programs appropriate for their needs.

13 “(4) Because gifted and talented students gen-  
14 erally are more advanced academically, are able to  
15 learn more quickly, and study in more depth and  
16 complexity than others their age, their educational  
17 needs require opportunities and experiences that are  
18 different from those generally available in regular  
19 education programs.

20 “(5) Typical elementary school students who  
21 are academically gifted and talented already have  
22 mastered 35 to 50 percent of the school year’s con-  
23 tent in several subject areas before the year begins.  
24 Without an advanced and challenging curriculum,

1       they often lose their motivation and develop poor  
2       study habits that are difficult to break.

3               “(6) Elementary and secondary teachers have  
4       students in their classrooms with a wide variety of  
5       traits, characteristics, and needs. Most teachers re-  
6       ceive some training to meet the needs of these stu-  
7       dents, such as students with limited English pro-  
8       ficiency, students with disabilities, and students  
9       from diverse cultural and racial backgrounds. How-  
10      ever, most teachers do not receive training on meet-  
11      ing the needs of students who are gifted and tal-  
12      ented.

13   **“SEC. 10203. CONDITIONS ON EFFECTIVENESS OF SUB-**  
14               **PARTS 1 AND 2.**

15       “(a) SUBPART 1.—Subpart 1 shall be in effect only  
16      for a fiscal year for which subpart 2 is not in effect.

17       “(b) SUBPART 2.—

18               “(1) IN GENERAL.—Subpart 2 shall be in effect  
19      only for any fiscal year for which the amount appro-  
20      priated to carry out this part equals or exceeds  
21      \$50,000,000.

22               “(2) CONTINUATION OF AWARDS.—Notwith-  
23      standing any other provision of this part, a State re-  
24      ceiving a grant under subpart 2—

1           “(A) shall give special consideration to a  
2           request for the continuation of an award within  
3           the State, made by any public or private agen-  
4           cy, institution, or organization that was award-  
5           ed a grant or contract under subpart 1 for a  
6           fiscal year for which such subpart was in effect;  
7           and

8           “(B) may use funds received under such  
9           grant for the purpose of permitting the agency,  
10          institution, or organization to continue to re-  
11          ceive funds in accordance with the terms of  
12          such award until the date on which the award  
13          period terminates under such terms.

14           **“Subpart 1—Discretionary Grant Program**

15          **“SEC. 10211. PURPOSE.**

16          “The purpose of this subpart is to initiate a coordi-  
17          nated program of scientifically based research, demonstra-  
18          tion projects, innovative strategies, and similar activities  
19          designed to build a nationwide capability in elementary  
20          and secondary schools to meet the special educational  
21          needs of gifted and talented students.

22          **“SEC. 10212. GRANTS TO MEET EDUCATIONAL NEEDS OF**  
23                 **GIFTED AND TALENTED STUDENTS.**

24          “(a) ESTABLISHMENT OF PROGRAM.—

1           “(1) IN GENERAL.—Subject to section 10203,  
2           from the sums available to carry out this subpart in  
3           any fiscal year, the Secretary (after consultation  
4           with experts in the field of the education of gifted  
5           and talented students) shall make grants to, or enter  
6           into contracts with, State educational agencies, local  
7           educational agencies, institutions of higher edu-  
8           cation, other public agencies, and other private agen-  
9           cies and organizations (including Indian tribes and  
10          Indian organizations (as such terms are defined in  
11          section 4 of the Indian Self-Determination and Edu-  
12          cation Assistance Act (25 U.S.C. 450b)) and Native  
13          Hawaiian organizations) to assist such agencies, in-  
14          stitutions, and organizations in carrying out pro-  
15          grams or projects authorized by this subpart that  
16          are designed to meet the educational needs of gifted  
17          and talented students, including the training of per-  
18          sonnel in the education of gifted and talented stu-  
19          dents and in the use, where appropriate, of gifted  
20          and talented services, materials, and methods for all  
21          students.

22          “(2) APPLICATION.—Each entity desiring as-  
23          sistance under this subpart shall submit an applica-  
24          tion to the Secretary at such time, in such manner,  
25          and containing such information as the Secretary

1       may reasonably require. Each such application shall  
2       describe how—

3               “(A) the proposed gifted and talented serv-  
4       ices, materials, and methods can be adapted, if  
5       appropriate, for use by all students; and

6               “(B) the proposed programs can be evalu-  
7       ated.

8       “(b) USES OF FUNDS.—Programs and projects as-  
9       sisted under this subpart may include the following:

10              “(1) Carrying out—

11               “(A) scientifically based research on meth-  
12       ods and techniques for identifying and teaching  
13       gifted and talented students, and for using gift-  
14       ed and talented programs and methods to serve  
15       all students; and

16               “(B) program evaluations, surveys, and the  
17       collection, analysis, and development of infor-  
18       mation needed to accomplish the purpose of this  
19       subpart.

20              “(2) Professional development (including fellow-  
21       ships) for personnel (including leadership personnel)  
22       involved in the education of gifted and talented stu-  
23       dents.

24              “(3) Establishment and operation of model  
25       projects and exemplary programs for serving gifted

1 and talented students, including innovative methods  
2 for identifying and educating students who may not  
3 be served by traditional gifted and talented pro-  
4 grams, including summer programs, mentoring pro-  
5 grams, service learning programs, and cooperative  
6 programs involving business, industry, and edu-  
7 cation.

8 “(4) Implementing innovative strategies, such  
9 as cooperative learning, peer tutoring and service  
10 learning.

11 “(5) Programs of technical assistance and in-  
12 formation dissemination, including assistance and  
13 information with respect to how gifted and talented  
14 programs and methods, where appropriate, may be  
15 adapted for use by all students.

16 “(c) COORDINATION.—Scientifically based research  
17 activities supported under this subpart—

18 “(1) shall be carried out in consultation with  
19 the Office of Educational Research and Improve-  
20 ment to ensure that such activities are coordinated  
21 with and enhance the research and development ac-  
22 tivities supported by such Office; and

23 “(2) may include collaborative scientifically  
24 based research activities which are jointly funded  
25 and carried out with such Office.

1 **"SEC. 10213. PROGRAM PRIORITIES.**

2       “(a) GENERAL PRIORITY.—In the administration of  
3 this subpart, the Secretary shall give highest priority to  
4 programs and projects designed to develop new informa-  
5 tion that—

6               “(1) improves the capability of schools to plan,  
7 conduct, and improve programs to identify and serve  
8 gifted and talented students; and

9               “(2) assists schools in the identification of, and  
10 provision of services to, gifted and talented students  
11 who may not be identified and served through tradi-  
12 tional assessment methods (including economically  
13 disadvantaged individuals, individuals of limited  
14 English proficiency, and individuals with disabili-  
15 ties).

16       “(b) SERVICE PRIORITY.—In approving applications  
17 for assistance under section 10212(a)(2), the Secretary  
18 shall ensure that in each fiscal year at least  $\frac{1}{2}$  of the ap-  
19 plications approved under such section address the priority  
20 described in subsection (a)(2).

21       “(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES  
22 FOR AUTHORIZED ACTIVITIES.—

23               “(1) IN GENERAL.—For fiscal year 2001 and  
24 succeeding fiscal years, the Secretary shall ensure  
25 that a percentage of the excess amount described in  
26 paragraph (2) is used to increase (in proportion to



1 any increases in such excess amounts) the number  
2 and size of the grants under this subpart to State  
3 educational agencies to begin implementing activities  
4 described in section 10222(b) through competitive  
5 subgrants to local educational agencies.

6 “(2) EXCESS AMOUNT.—For purposes of para-  
7 graph (1), the excess amount described in this para-  
8 graph is, for fiscal year 2001 and succeeding fiscal  
9 years, the amount (if any) by which the funds ap-  
10 propriated to carry out this subpart for the year ex-  
11 ceed such funds for fiscal year 2000.

12 **“SEC. 10214. GENERAL PROVISIONS FOR SUBPART.**

13 “(a) REVIEW, DISSEMINATION, AND EVALUATION.—  
14 The Secretary—

15 “(1) shall use a peer review process in review-  
16 ing applications under this subpart;

17 “(2) shall ensure that information on the activi-  
18 ties and results of programs and projects funded  
19 under this subpart is disseminated to appropriate  
20 State and local educational agencies and other ap-  
21 propriate organizations, including nonprofit private  
22 organizations; and

23 “(3) shall evaluate the effectiveness of pro-  
24 grams under this subpart in accordance with section  
25 14701, both in terms of the impact on students tra-

1       ditionally served in separate gifted and talented pro-  
2       grams and on other students, and submit the results  
3       of such evaluation to the Congress not later than 2  
4       years after the date of the enactment of the Student  
5       Results Act of 1999.

6       “(b) PROGRAM OPERATIONS.—The Secretary shall  
7       ensure that the programs under this subpart are adminis-  
8       tered within the Department by a person who has recog-  
9       nized professional qualifications and experience in the field  
10      of the education of gifted and talented students and who—

11      “(1) shall administer and coordinate the programs  
12      authorized under this subpart;

13      “(2) shall serve as a focal point of national  
14      leadership and information on the educational needs  
15      of gifted and talented students and the availability  
16      of educational services and programs designed to  
17      meet such needs; and

18      “(3) shall assist the Assistant Secretary of the  
19      Office of Educational Research and Improvement in  
20      identifying research priorities which reflect the needs  
21      of gifted and talented students.

22               **“Subpart 2—Formula Grant Program**

23      **“SEC. 10221. PURPOSE.**

24      “The purpose of this subpart is to provide grants to  
25      States to support programs, teacher preparation, and

1 other services designed to meet the needs of the Nation's  
2 gifted and talented students in elementary and secondary  
3 schools.

4 **"SEC. 10222. ESTABLISHMENT OF PROGRAM; USE OF**  
5 **FUNDS.**

6 "(a) IN GENERAL.—In the case of each State that  
7 in accordance with section 10224 submits to the Secretary  
8 an application for a fiscal year, subject to section 10203,  
9 the Secretary shall make a grant for the year to the State  
10 for the uses specified in subsection (b). The grant shall  
11 consist of the allotment determined for the State under  
12 section 10223.

13 "(b) AUTHORIZED ACTIVITIES.—Each State receiv-  
14 ing a grant under this subpart shall use the funds pro-  
15 vided under the grant to assist local educational agencies  
16 to develop or expand gifted and talented education pro-  
17 grams through one or more of the following activities:

18 "(1) Development and implementation of pro-  
19 grams to address State and local needs for in-service  
20 training programs for general educators, specialists  
21 in gifted and talented education, administrators, or  
22 other personnel at the elementary and secondary lev-  
23 els.

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1           “(2) Making materials and services available  
2           through State regional educational service centers,  
3           institutions of higher education, or other entities.

4           “(3) Supporting innovative approaches and cur-  
5           ricula used by local educational agencies (or con-  
6           sortia of such agencies) or schools or (consortia of  
7           schools).

8           “(4) Providing funds for challenging, high-level  
9           course work, disseminated through new and emerg-  
10          ing technologies (including distance learning), for in-  
11          dividual students or groups of students in schools  
12          and local educational agencies that do not have the  
13          resources otherwise to provide such course work.

14          “(c) COMPETITIVE PROCESS.—A State receiving a  
15          grant under this subpart shall distribute at least 95 per-  
16          cent of the amount of the grant to local educational agen-  
17          cies through a competitive process that results in an equi-  
18          table distribution by geographic area within the State.

19          “(d) LIMITATIONS ON USE OF FUNDS.—

20               “(1) COURSE WORK PROVIDED THROUGH  
21               EMERGING TECHNOLOGIES.—Activities under sub-  
22               section (b)(4) may include development of cur-  
23               riculum packages, compensation of distance-learning  
24               educators, or other relevant activities, but funds pro-

1 vided under this subpart may not be used for the  
2 purchase or upgrading of technological hardware.

3 “(2) ADMINISTRATIVE COSTS.—A State receiv-  
4 ing a grant under this subpart may use not more  
5 than 5 percent of the amount of the grant for State  
6 administrative costs.

7 **“SEC. 10223. ALLOTMENTS TO STATES.**

8 “(a) RESERVATION OF FUNDS.—From the amount  
9 made available to carry out this subpart for any fiscal  
10 year, the Secretary shall reserve  $\frac{1}{2}$  of 1 percent for the  
11 Secretary of the Interior for programs under this subpart  
12 for teachers, other staff, and administrators in schools op-  
13 erated or funded by the Bureau of Indian Affairs.

14 “(b) STATE ALLOTMENTS.—

15 “(1) IN GENERAL.—Except as provided in para-  
16 graph (2), the Secretary shall allot the total amount  
17 made available to carry out this subpart for any fis-  
18 cal year and not reserved under subsection (a) to the  
19 50 States, the District of Columbia, and the Com-  
20 monwealth of Puerto Rico on the basis of their rel-  
21 ative populations of individuals aged 5 through 17,  
22 as determined by the Secretary on the basis of the  
23 most recent satisfactory data.

24 “(2) MINIMUM GRANT AMOUNT.—No State re-  
25 ceiving an allotment under paragraph (1) may re-

1       ceive less than  $\frac{1}{4}$  of 1 percent of the total amount  
2       allotted under such paragraph.

3       “(c) REALLOTMENT.—If any State does not apply for  
4       an allotment under this section for any fiscal year, the  
5       Secretary shall realLOT such amount to the remaining  
6       States in accordance with this section.

7       **“SEC. 10224. APPLICATION.**

8       “(a) IN GENERAL.—To be eligible to receive a grant  
9       under this subpart, a State shall submit an application  
10      to the Secretary at such time, in such manner, and con-  
11      taining such information as the Secretary may reasonably  
12      require.

13      “(b) CONTENTS.—Each application under this sec-  
14      tion shall include assurances that—

15           “(1) funds received under this subpart will be  
16           used to support gifted and talented students in pub-  
17           lic schools and public charter schools, including stu-  
18           dents from all economic, ethnic, and racial back-  
19           grounds, students of limited English proficiency, stu-  
20           dents with disabilities, and highly gifted students;

21           “(2) not less than 95 percent of the amount of  
22           the funds provided under the grant shall be used for  
23           the purpose of making, in accordance with this sub-  
24           part and on a competitive basis, subgrants to local  
25           educational agencies;

1           “(3) funds received under this subpart shall be  
2       used only to supplement, but not supplant, the  
3       amount of State and local funds expended for spe-  
4       cialized education and related services provided for  
5       the education of gifted and talented students; and

6           “(4) the State shall develop procedures to  
7       evaluate program effectiveness.

8           “(c) APPROVAL.—To the extent funds are made  
9       available for this subpart, the Secretary shall approve an  
10      application of a State if such application meets the re-  
11      quirements of this section.

12   **“SEC. 10225. ANNUAL REPORTING.**

13           “Beginning 1 year after the date of the enactment  
14      of the Student Results Act of 1999, a State receiving a  
15      grant under this subpart shall submit an annual report  
16      to the Secretary that describes the number of students  
17      served and the activities supported with funds provided  
18      under this subpart. The report shall include a description  
19      of the measures taken to comply with paragraphs (1) and  
20      (4) of section 10224(b). To the extent practicable and oth-  
21      erwise authorized by law, this report shall be submitted  
22      as part of any consolidated State performance report for  
23      State formula grant programs under this Act.

1 **“Subpart 3—National Center for Research and Devel-**  
2 **opment in the Education of Gifted and Talented**  
3 **Children and Youth**

4 **“SEC. 10231. CENTER FOR RESEARCH AND DEVELOPMENT.**

5 “(a) IN GENERAL.—The Secretary (after consulta-  
6 tion with experts in the field of the education of gifted  
7 and talented students) shall establish a National Center  
8 for Research and Development in the Education of Gifted  
9 and Talented Children and Youth through grants to or  
10 contracts with one or more institutions of higher education  
11 or State educational agencies, or a combination or consor-  
12 tium of such institutions and agencies and other public  
13 or private agencies and organizations, for the purpose of  
14 carrying out activities described in section 10212(b)(1).

15 “(b) DIRECTOR.—Such National Center shall have a  
16 Director. The Secretary may authorize the Director to  
17 carry out such functions of the National Center as may  
18 be agreed upon through arrangements with institutions of  
19 higher education, State or local educational agencies, or  
20 other public or private agencies and organizations.

21 “(c) COORDINATION.—Scientifically based research  
22 activities supported under this subpart—

23 “(1) shall be carried out in consultation with  
24 the Office of Educational Research and Improve-  
25 ment to ensure that such activities are coordinated



1 with and enhance the research and development ac-  
2 tivities supported by such Office; and

3 “(2) may include collaborative scientifically  
4 based research activities which are jointly funded  
5 and carried out with such Office.

6 **“Subpart 4—General Provisions**

7 **“SEC. 10241. CONSTRUCTION.**

8 “Nothing in this part shall be construed to prohibit  
9 a recipient of funds under this part from serving gifted  
10 and talented students simultaneously with students with  
11 similar educational needs, in the same educational settings  
12 where appropriate.

13 **“SEC. 10242. PARTICIPATION OF PRIVATE SCHOOL CHIL-**  
14 **DREN AND TEACHERS.**

15 “In making grants and entering into contracts under  
16 this part, the Secretary shall ensure, where appropriate,  
17 that provision is made for the equitable participation of  
18 students and teachers in private nonprofit elementary and  
19 secondary schools, including the participation of teachers  
20 and other personnel in professional development programs  
21 serving such children.

22 **“SEC. 10243. DEFINITIONS**

23 “For purposes of this part:

24 “(1) The term ‘scientifically based research’—

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1           “(A) means the application of rigorous,  
2           systematic, and objective procedures to obtain  
3           valid knowledge relevant to the education of  
4           gifted and talented children; and

5           “(B) shall include research that—

6                 “(i) employs systematic, empirical  
7                 methods that draw on observation or ex-  
8                 periment;

9                 “(ii) involves rigorous data analyses  
10                that are adequate to test the stated  
11                hypotheses and justify the general conclu-  
12                sions drawn;

13               “(iii) relies on measurements or obser-  
14                vational methods that provide valid data  
15                across evaluators and observers and across  
16                multiple measurements and observations;  
17                and

18               “(iv) has been accepted by a peer-re-  
19                viewed journal or approved by a panel of  
20                independent experts through a comparably  
21                rigorous, objective, and scientific review.

22           “(2) STATE.—The term ‘State’ means each of  
23           the 50 States, the District of Columbia, and the  
24           Commonwealth of Puerto Rico.

1 **"SEC. 10244. AUTHORIZATION OF APPROPRIATIONS.**

2       “(a) SUBPART 1 OR 2.—Subject to section 10203,  
3 there are authorized to be appropriated \$10,000,000 to  
4 carry out subpart 1 or 2 for fiscal year 2000 and such  
5 sums as may be necessary for each of fiscal years 2001  
6 through 2004.

7       “(c) SUBPART 3.—There are authorized to be appro-  
8 priated to carry out subpart 3 \$1,950,000 for each of fis-  
9 cal years 2000 through 2004.”.

1     **TITLE VIII—RURAL EDUCATION**  
2                     **ASSISTANCE**

3     **SECTION 801. RURAL EDUCATION.**

4         Part J of title X of the Elementary and Secondary  
5     Education Act of 1965 (20 U.S.C. 8271 et seq.) is amend-  
6     ed to read as follows:

7             **PART J—RURAL EDUCATION INITIATIVE**

8     **SEC. 10951. SHORT TITLE.**

9         This part may be cited as the “Rural Education Ini-  
10     tiative Act of 1999”.

11    **SEC. 10952. FINDINGS.**

12         Congress finds the following:

13             (1) The National Center for Educational Statis-  
14     tics reports that 46 percent of our Nation’s public  
15     schools serve rural areas.

16             (2) While there are rural education initiatives  
17     identified at the State and local level, no Federal  
18     education policy focuses on the specific and unique  
19     needs of rural school districts and schools.

20             (3) Small school districts often cannot use Fed-  
21     eral grant funds distributed by formula because the  
22     formula allocation does not provide enough revenue  
23     to carry out the program the grant is intended to  
24     fund.

1 (4) Rural schools often cannot compete for Fed-  
2 eral funding distributed by competitive grants be-  
3 cause the schools lack the personnel needed to pre-  
4 pare grant applications and the resources to hire  
5 specialists in the writing of Federal grant proposals.

6 (5) A critical problem for rural school districts  
7 involves the hiring and retention of qualified admin-  
8 istrators and certified teachers (especially in science  
9 and mathematics). As a result, teachers in rural  
10 schools are almost twice as likely to provide instruc-  
11 tion in 3 or more subject area than teachers in  
12 urban schools. Rural schools also face other tough  
13 challenges, such as shrinking local tax bases, high  
14 transportation costs, aging buildings, limited course  
15 offerings, and limited resources.

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16 **Subpart 1—Small and Rural School Program**

17 **SEC. 10961. FORMULA GRANT PROGRAM AUTHORIZED.**

18 (a) ALTERNATIVE USES—

19 (1) IN GENERAL.—Notwithstanding any other  
20 provision of law, an eligible local educational agency  
21 may use the applicable funding, that the agency is  
22 eligible to receive from the State educational agency  
23 for a fiscal year, to support local or statewide edu-  
24 cation reform efforts intended to improve the aca-  
25 demic achievement of elementary school and second-

1       ary school students and the quality of instruction  
2       provided for the students.

3       (2) NOTIFICATION.—An eligible local edu-  
4       cational agency shall notify the State educational  
5       agency of the local educational agency's intention to  
6       use the applicable funding in accordance with para-  
7       graph (1) not later than a date that is established  
8       by the State educational agency for the notification.

9       (b) ELIGIBILITY.—A local educational agency shall  
10      be eligible to use the applicable funding in accordance with  
11      subsection (a) if—

12       (1)(A) the total number of students in average  
13      daily attendance at all of the schools served by the  
14      local educational agency is less than 600; and

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15       (B) all of the schools served by the local edu-  
16      cational agency are located in a community with a  
17      Rural-Urban Continuum Code of 6, 7, 8, or 9 as  
18      determined by the Secretary of Agriculture; or

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19       (2) the Secretary grants the local educational  
20      agency's request to waive the criteria described in  
21      paragraph (1).

22       (c) APPLICABLE FUNDING.—In this section, the term  
23      “applicable funding” means funds provided under each of  
24      the following provisions of law:

1 (1) Section 307 of the Department of Edu-  
2 cation Appropriations Act, 1999:

3 (2) Titles II, IV, and VI.

4 (d) DISBURSAL.—Each State educational agency that  
5 receives applicable funding for a fiscal year shall disburse  
6 the applicable funding to local educational agencies for al-  
7 ternative uses under this section for the fiscal year at the  
8 same time that the State educational agency disburses the  
9 applicable funding to local educational agencies that do  
10 not intend to use the applicable funding for such alter-  
11 native uses for the fiscal year.

12 (e) SUPPLEMENT NOT SUPPLANT.—Funds made  
13 available under this section shall be used to supplement  
14 and not supplant any other Federal, State or local edu-  
15 cation funds.

*non-supplant*

16 (f) SPECIAL RULE.—References in Federal law to  
17 funds for the provisions of law set forth in subsection (c)  
18 may be considered to be references to funds for this sec-  
19 tion.

20 **SEC. 10962. PROGRAM AUTHORIZED.**

21 (a) IN GENERAL.—The Secretary is authorized to  
22 award grants to eligible local educational agencies to en-  
23 able the local educational agencies to support local or  
24 statewide education reform efforts intended to improve the  
25 academic achievement of elementary school and secondary

1 school students and the quality of instruction provided for  
2 the students.

3 (b) ELIGIBILITY.—A local educational agency shall  
4 be eligible to receive a grant under this section if—

5 (1)(A) the total number of students in average  
6 daily attendance at all of the schools served by the  
7 local educational agency is less than 600; and

8 (B) all of the schools served by the local edu-  
9 cational agency are located in a community with a  
10 Rural-Urban Continuum Code of 6, 7, 8, or 9, as  
11 determined by the Secretary of Agriculture; or

12 (2) the Secretary grants the local educational  
13 agency's request to waive the criteria described in  
14 paragraph (1). **【Any qualifications for a waiver-**  
15 **guidelines for the Secretary?】**

16 (c) ALLOCATION.—

17 (1) IN GENERAL.—Except as provided in para-  
18 graph (4), the Secretary shall award a grant to an  
19 eligible local educational agency for a fiscal year in  
20 an amount equal to the initial amount determined  
21 under paragraph (2) for the fiscal year minus the  
22 total amount received under the provisions of law  
23 described under section 10961(c) for the fiscal year.

24 (2) DETERMINATION OF THE INITIAL  
25 AMOUNT.—Except as provided in paragraph (3), the



1 initial amount referred to in paragraph (1) is equal  
2 to \$100 multiplied by the total number of students  
3 in average daily attendance in such eligible agency.

$100 \times ADM$   
No more than  
\$60K

4 (3) MINIMUM AMOUNT.—Notwithstanding sub-  
5 section (2), the initial amount referred to in sub-  
6 section (1) shall not to be less than \$20,000.

7 (4) RATABLE ADJUSTMENT.—

8 (A) IN GENERAL.—If the amount made  
9 available for this subpart for any fiscal year is  
10 not sufficient to pay in full the amounts that  
11 local educational agencies are eligible to receive  
12 under paragraph (1) for such year, the Sec-  
13 retary shall ratably reduce such amounts for  
14 such year.

15 (B) ADDITIONAL AMOUNTS.—If additional  
16 funds become available for making payments  
17 under paragraph (1) for such fiscal year, pay-  
18 ments that were reduced under subparagraph  
19 (A) shall be increased on the same basis as  
20 such payments were reduced.

21 (5) CENSUS DETERMINATION.—

22 (A) IN GENERAL.—Each local educational  
23 agency desiring a grant under this section shall  
24 conduct a census not later than December 1 of  
25 each year to determine the number of kinder-

1           garten through grade 12 students in average  
2           daily attendance at the schools served by the  
3           local educational agency.

4           (B) SUBMISSION.—Each local educational  
5           agency shall submit the number described in  
6           subparagraph (A) to the Secretary not later  
7           than March 1 of each year.

8           (6) PENALTY.—If the Secretary determines  
9           that a local educational agency has knowingly sub-  
10          mitted false information under paragraph (5) for the  
11          purpose of gaining additional funds under this sec-  
12          tion, then the local educational agency shall be fined  
13          an amount equal to twice the difference between the  
14          amount the local educational agency received under  
15          this section, and the correct amount the local edu-  
16          cational agency would have received under this sec-  
17          tion if the agency had submitted accurate informa-  
18          tion under paragraph (5).

19          (d) DISBURSAL.—The Secretary shall disburse the  
20          funds awarded to a local educational agency under this  
21          section for a fiscal year not later than July 1 of that year.

22          (e) SPECIAL RULE.—A local educational agency that  
23          receives a grant under this subpart for a fiscal year shall  
24          be ineligible to receive funds for such fiscal year under  
25          subpart 2.

1 (f) SUPPLEMENT NOT SUPPLANT.—Funds made  
2 available under this section shall be used to supplement  
3 and not supplant any other Federal, State or local edu-  
4 cation funds.

5 **SEC. 10963. ACCOUNTABILITY.**

6 (a) ACADEMIC ACHIEVEMENT.—

7 (1) IN GENERAL.—Each local educational agen-  
8 cy that uses or receives funds under section 10961  
9 or 10962 for a fiscal year shall—

10 (A) administer a test, that is used State-  
11 wide, to assess the academic achievement of  
12 students in the schools served by the local edu-  
13 cational agency; or

14 (B) in the case of a local educational agen-  
15 cy for which there is no Statewide test de-  
16 scribed in subparagraph (A), administer a test,  
17 that is selected by the local educational agency,  
18 to assess the academic achievement of students  
19 in the schools served by the local educational  
20 agency.

21 (2) SPECIAL RULE.—Each local educational  
22 agency that uses or receives funds under section  
23 10961 or 10962 shall use the same test described in  
24 paragraph (1) for each year of participation in the  
25 program under such section.

1 (b) STATE EDUCATIONAL AGENCY DETERMINATION  
2 REGARDING CONTINUING PARTICIPATION.—Each State  
3 educational agency that receives funding under the provi-  
4 sions of law described in section 10961(c) shall—

5 (1) after the 5th year that a local educational  
6 agency participates in a program under section  
7 10961 or 10962 and on the basis of the results of  
8 the tests described in subsection (a), determine  
9 whether the students served by the local educational  
10 agency participating in the program performed bet-  
11 ter on the tests after the 5th year of the participa-  
12 tion compared to the results on the tests after the  
13 1st year of the participation;

14 (2) only permit those local educational agencies  
15 that so participated and performed better on the  
16 tests to continue to so participate for an additional  
17 period of 5 years; and

18 (3) prohibit those local educational agencies  
19 that so participated and did not perform better on  
20 the tests from such participation for a period of 5  
21 years from the date of the determination.’.

22 **Subpart 2—Low-Income And Rural School Program**

23 **SEC. 10971. PROGRAM AUTHORIZED.**

24 (a) RESERVATIONS.—From amounts appropriated  
25 under section 10982 for this subpart for a fiscal year, the

*back door  
to  
Super 2 Flex  
with rural  
schools*

1 Secretary shall reserve  $\frac{1}{2}$  of 1 percent to make awards  
2 to elementary or secondary schools operated or supported  
3 by the Bureau of Indian Affairs to carry out the purpose  
4 of this subpart.

5 (b) GRANTS TO STATES.—

6 (1) IN GENERAL.—From amounts appropriated  
7 under section 10982 for this subpart that are not re-  
8 served under subsection (a), the Secretary shall  
9 award grants for a fiscal year to State educational  
10 agencies that have applications approved under sec-  
11 tion 10973 to enable the State educational agencies  
12 to award subgrants to eligible local educational  
13 agencies for local authorized activities described in  
14 subsection (c)(2).

15 (2) ALLOCATION.—From amounts appropriated  
16 for this subpart, the Secretary shall allocate to each  
17 State educational agency for a fiscal year an amount  
18 that bears the same ratio to the amount of funds ap-  
19 propriated under section 10982 for this subpart that  
20 are not reserved under subsection (a) as the number  
21 of students served by eligible local educational agen-  
22 cies in the State bears to the number of all students  
23 served by eligible local educational agencies in all  
24 States for that fiscal year.

1 (3) DIRECT AWARDS TO SPECIALLY QUALIFIED  
2 AGENCIES.—

3 (A) NONPARTICIPATING STATE.—If a  
4 State educational agency elects not to partici-  
5 pate in the program under this subpart or does  
6 not have an application approved under section  
7 10973 a specially qualified agency in such State  
8 desiring a grant under this subpart shall apply  
9 directly to the Secretary to receive an award  
10 under this subpart.

11 (B) DIRECT AWARDS TO SPECIALLY  
12 QUALIFIED AGENCIES.—The Secretary may  
13 award, on a competitive basis, the amount the  
14 State educational agency is eligible to receive  
15 under paragraph (2) directly to specially quali-  
16 fied agencies in the State.

17 (c) LOCAL AWARDS.—

18 (1) ELIGIBILITY.—A local educational agency  
19 shall be eligible to receive funds under this subpart  
20 if—

21 (A) 20 percent or more of the students  
22 served by the agency are from families with in-  
23 comes below the poverty line; and

24 (B) all of the schools served by the agency  
25 are located in a community with a Rural-Urban

1 Continuum Code of 6, 7, 8, or 9, as determined  
2 by the Secretary of Agriculture.

3 (2) USES OF FUNDS.—Grant funds awarded to  
4 local educational agencies or made available to  
5 schools under this subpart shall be used for—

6 (1) educational technology, including software  
7 and hardware;

8 (2) professional development;

9 (3) technical assistance;

10 (4) teacher recruitment and retention;

11 (5) parental involvement activities; or

12 (6) academic enrichment programs.

13 **SEC. 10972. STATE DISTRIBUTION OF FUNDS.**

14 (a) AWARD BASIS.—A State educational agency shall  
15 award grants to eligible local educational agencies—

16 (1) on a competitive basis; or

17 (2) according to a formula based on the number  
18 of students served by the eligible local educational  
19 agencies or schools (as appropriate) in the State, as  
20 determined by the State.

21 (b) ADMINISTRATIVE COSTS.—A State educational  
22 agency receiving a grant under this subpart may not use  
23 more than 5 percent of the amount of the grant for State  
24 administrative costs.

1 (c) SPECIAL RULE.—A local educational agency that  
2 receives a grant under this subpart for a fiscal year shall  
3 be ineligible to receive funds for the fiscal year under sub-  
4 part 1.

5 **SEC. 10973. APPLICATIONS.**

6 Each State educational agency and specially qualified  
7 agency desiring to receive a grant under this subpart shall  
8 submit an application to the Secretary at such time, in  
9 such manner, and accompanied by such information as the  
10 Secretary may require. Such application shall include spe-  
11 cific measurable goals and objectives to be achieved which  
12 may include specific educational goals and objectives relat-  
13 ing to increased student academic achievement, decreased  
14 student drop-out rates, or such other factors that the  
15 State educational agency or specially qualified agency may  
16 choose to measure.

17 **SEC. 10974. REPORTS.**

18 (a) STATE REPORTS.—Each State educational agen-  
19 cy that receives a grant under this subpart shall provide  
20 an annual report to the Secretary. The report shall  
21 describe—

22 (1) the method the State educational agency  
23 used to award grants to eligible local educational  
24 agencies and to provide assistance to schools under  
25 this subpart;



1           (2) how local educational agencies and schools  
2       used funds provided under this subpart; and

3           (3) the degree to which progress has been made  
4       toward meeting the goals and objectives described in  
5       the application submitted under section 10973.

6       (b) SPECIALLY QUALIFIED AGENCY REPORT.—Each  
7       specially qualified agency that receives a grant under this  
8       subpart shall provide an annual report to the Secretary.  
9       Such report shall describe—

10           (1) how such agency uses funds provided under  
11       this subpart; and

12           (2) the degree to which progress has been made  
13       toward meeting the goals and objectives described in  
14       the application submitted under section  
15       10971(b)(4)(A).

16       (c) REPORT TO CONGRESS.—The Secretary shall pre-  
17       pare and submit to the Committee on Education and the  
18       Workforce for the House of Representatives and the Com-  
19       mittee on Health, Education, Labor, and Pensions for the  
20       Senate an annual report. The report shall describe—

21           (1) the methods the State educational agency  
22       used to award grants to eligible local educational  
23       agencies and to provide assistance to schools under  
24       this subpart;

- 1 (2) how eligible local educational agencies and  
2 schools used funds provided under this subpart; and  
3 (3) progress made in meeting specific measur-  
4 able educational goals and objectives.

5 **Subpart 3—General Provisions**

6 **SEC. 10981. DEFINITIONS.—[JUST FOR SUBPART 2?]**

7 For the purposes of this part—

8 (1) The term “poverty line” means the poverty  
9 line (as defined by the Office of Management and  
10 Budget, and revised annually in accordance with sec-  
11 tion 673(2) of the Community Services Block Grant  
12 Act (42 U.S.C. 9902(2))) applicable to a family of  
13 the size involved.

14 (2) The term “specially qualified agency”  
15 means an eligible local educational agency, located in  
16 a State that does not participate in a program under  
17 this subpart in a fiscal year, that may apply directly  
18 to the Secretary for a grant in such year in accord-  
19 ance with section 10971(b)(4).

20 **SEC. 10982. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to carry out  
22 this part \$125,000,000 for fiscal year 2000 and such sums  
23 as may be necessary for each of 4 succeeding fiscal years  
24 to be distributed equally between subparts 1 and 2.

# **ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965**

## **TITLE I – PART B: EVEN START**

### **SHOWING CHANGES PROPOSED BY PRESIDENT CLINTON'S EDUCATIONAL EXCELLENCE FOR ALL CHILDREN ACT OF 1999**

**MAY 21, 1999**

## PART B—EVEN START FAMILY LITERACY PROGRAMS

Showing changes proposed by the  
Educational Excellence for All Children Act of 1999

### SEC. 1201. [20 U.S.C. 6361] STATEMENT OF PURPOSE.

It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as "Even Start". The program shall—

(1) be implemented through cooperative projects that build on existing community resources to create a new range of services;

(2) promote achievement of the National Education Goals;

(and) (3) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student performance standards.

high-quality

and

(4) be based on the best available research on language development, reading instruction, and prevention of reading difficulties.

### SEC. 1202. [20 U.S.C. 6362] PROGRAM AUTHORIZED.

~~(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—~~

(1) IN GENERAL.—For each fiscal year, the Secretary shall reserve 5 percent of the amount appropriated under section 1002(b) for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

(A) children of migratory workers;

(B) the outlying areas; and

(C) Indian tribes and tribal organizations.

(2) SPECIAL RULE.—If the amount of funds made available under this subsection exceeds \$4,600,000, the Secretary shall award a grant, on a competitive basis, of sufficient size and for a period of sufficient duration to demonstrate the effectiveness of a family literacy program in a prison that houses women and their preschool age children and that has the capability of developing a program of high-quality.

(a) RESERVATION OF FUNDS. For each fiscal year, the Secretary shall reserve 5 percent of the amount appropriated under section 1002(b) for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and that support national demonstration and model projects for isolated and especially hard-to-reach populations, which shall include projects for—

(1) children of migratory workers;

(2) the outlying areas, for which the Secretary shall reserve one-half of one percent of the funds appropriated under section 1002(b);

(3) Indian tribes and tribal organizations; and

(4) such other populations as the Secretary may from time to time determine, such as families that are homeless, that have children with severe disabilities, or that include incarcerated mothers of young children.

~~(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than three percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) of subsection (a) for the fiscal year 1994, whichever is greater, for purposes of—~~

(1) carrying out the evaluation required by section 1209; and

(2) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

(b) RESERVATION FOR FEDERAL ACTIVITIES. From amounts appropriated under section 1002(b) for any fiscal year, the Secretary may reserve not more than one percent to provide, directly or through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

**(c) ~~RESERVATION FOR GRANTS.~~**

~~(1) GRANTS AUTHORIZED.—From funds reserved under section 2260(b)(3), the Secretary shall award grants, on a competitive basis, to States to enable such States to plan and implement statewide family literacy initiatives to coordinate and, where appropriate, integrate existing Federal, State, and local literacy resources consistent with the purposes of this part. Such coordination and integration shall include funds available under the Adult Education and Family Literacy Act, the Head Start Act, this part, part A of this title, and part A of title IV of the Social Security Act.~~

**RESERVATION FOR STATEWIDE FAMILY LITERACY INITIATIVES.**

From funds appropriated under section 1002(b) for any fiscal year, the Secretary may

**(2) CONSORTIA.—**

**(A) ESTABLISHMENT.**—To receive a grant under this subsection, a State shall establish a consortium of State-level programs under the following laws:

(i) This title (other than part D).

(ii) The Head Start Act.

(iii) The Adult Education and Family Literacy Act.

(iv) All other State-funded preschool programs and programs providing literacy services to adults.

**(B) PLAN.**—To receive a grant under this subsection, the consortium established by a State shall create a plan to use a portion of the State's resources, derived from the programs referred to in subparagraph (A), to strengthen and expand family literacy services in such State.

**(C) COORDINATION WITH ~~PART C OF TITLE III~~**—The consortium shall coordinate its activities with the activities of the reading and literacy partnership for the State established under section ~~2253(d)~~ if the State educational agency receives a grant under ~~section 2253~~.

**PART E.**

section 1503(d),

section 1503.

**(3) READING INSTRUCTION.**—Statewide family literacy initiatives implemented under this subsection shall base reading instruction on scientifically based reading research (as such term is defined in ~~section 2252~~).

section 1502).

**(4) TECHNICAL ASSISTANCE.**—The Secretary shall provide, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to States receiving a grant under this subsection.

**(5) MATCHING REQUIREMENT.**—The Secretary shall not make a grant to a State under this subsection unless the State agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.

## (d) STATE ALLOCATION.—

(1) IN GENERAL.—From amounts appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c), the Secretary shall make grants to States from allocations under paragraph (2).

(2) ALLOCATIONS.—Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated under part A to that State bears to the total amount allocated under that ~~section~~ <sup>part</sup> to all the States.

✓ (3) MINIMUM.—No State shall receive a grant under paragraph (1) in any fiscal year in an amount which is less than ~~\$250,000, or~~ one-half of 1 percent of the amount appropriated under section 1002(b) and not reserved under subsections (a),

✓ (b), and (c) for such year ~~whichever is greater~~.

(e) DEFINITIONS.—For the purpose of this part—

(1) the term "eligible entity" means a partnership composed of both—

(A) a local educational agency; and

(B) a nonprofit community-based organization, a public agency other than a local educational agency, an institution of higher education, or a public or private nonprofit organization other than a local educational agency, of demonstrated quality;

✓ (2) the term "eligible organization" means any public or private ~~nonprofit~~ organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

(3) the term "family literacy services" means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

(A) Interactive literacy activities between parents and their children.

(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

(C) Parent literacy training that leads to economic self-sufficiency.

(D) An age-appropriate education to prepare children for success in school and life experiences;

(4) the terms "Indian tribe" and "tribal organization" have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act; and

(5) the term "State" includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1203. [20 U.S.C. 6363] STATE PROGRAMS.

- (b) ← (a) STATE LEVEL ACTIVITIES.—Each State that receives a grant under section 1202(d)(1) may use not more than 5 percent of the grant funds for the costs of—
- (1) administration;
  - (2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b); and
  - (3) carrying out section 1210.
- subsection (c)

(c) ← (b) SUBGRANTS FOR LOCAL PROGRAMS.—

(1) IN GENERAL.—Each State shall use the grant funds received under section 1202(d)(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.

(2) MINIMUM.—No State shall award a subgrant under paragraph (1) in an amount less than \$75,000, except that a State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than \$75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in amounts of \$75,000 or greater, less than \$75,000 is available to the State to award such subgrants.

subsection (b)

SEC. 1204. [20 U.S.C. 6364] USES OF FUNDS.

(a) IN GENERAL.—In carrying out an Even Start program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing intensive family-centered education programs that involve parents and children, from birth through age seven, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

(b) FEDERAL SHARE LIMITATION.—

(1) IN GENERAL.—(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—

- (i) 90 percent of the total cost of the program in the first year that such program receives assistance under this part or its predecessor authority;
- (ii) 80 percent in the second such year;
- (iii) 70 percent in the third such year;
- (iv) 60 percent in the fourth such year; and
- (v) 50 percent in any subsequent such year.

(B) The remaining cost of a program assisted under this part may be provided in cash or in kind, fairly evaluated and may be obtained from any source, including other Federal funds under this Act.

(2) WAIVER.—The State educational agency may waive, in whole or in part, the cost-sharing requirement described in paragraph (1) for an eligible entity if such entity—

(A) demonstrates that such entity otherwise would not be able to participate in the program assisted under this part; and

(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.

(a) STATE PLAN.—(1) CONTENTS. Each State that desires to receive a grant under this part shall submit a plan to the Secretary containing such budgetary and other information as the Secretary may require, and which shall—

“(A) include the State’s indicators of program quality, developed under section 1210 or, if the State has not completed work on those indicators, describe its progress in developing them;

“(B) describe how the State is using, or will use, those indicators to monitor, evaluate, and improve projects it assists under this part, and to decide whether to continue assisting those projects;

“(C) describe how the State will help each project under this part ensure the full implementation of the program elements described in section 1205, including how it will encourage local projects to use technology, such as distance learning, to improve program access and the intensity of services, especially for isolated populations;

“(D) describe how the State will conduct the competition for subgrants, including the application of the criteria described in section 1208; and

“(E) describe how the State will coordinate resources, especially among State agencies, to improve family literacy services in the State.

“(2) DURATION. Each State plan shall—

“(A) be submitted for the first year for which this part is in effect following the enactment of the Educational Excellence for All Children Act of 1999;

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

“(C) be periodically reviewed and revised by the State, as necessary.

family literacy services

and in section 1208(c)(2),

(3) **PROHIBITION.**—Federal funds provided under this part may not be used for the indirect costs of a program assisted under this part, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 1202(a)(1)(C) demonstrates to the Secretary's satisfaction that such recipient otherwise would not be able to participate in the program assisted under this part.

**SEC. 1205. [20 U.S.C. 6365] PROGRAM ELEMENTS**

Each program assisted under this part shall—

(1) include the identification and recruitment of families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators;

(2) include screening and preparation of parents, including teenage parents and children to enable such parents to participate fully in the activities and services provided under this part, including testing, referral to necessary counseling, other developmental and support services, and related services;

(3) be designed to accommodate the participants' work schedule and other responsibilities, including the provision of support services, when such services are unavailable from other sources, necessary for participation in the activities assisted under this part, such as—

(A) scheduling and locating of services to allow joint participation by parents and children;

(B) child care for the period that parents are involved in the program provided under this part; and

(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

(4) include high-quality, intensive instructional programs that promote adult literacy and empower parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

(5) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

(6) provide and monitor integrated instructional services to participating parents and children through home-based programs;

(7) operate on a year-round basis, including the provision of some program services, instructional or enrichment, during the summer months;

(8) be coordinated with—

(A) programs assisted under other parts of this title and this Act;

(B) any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and

**PROGRAM ELEMENTS**

SEC. 1205. Each program assisted under this part shall—

"(1) identify and recruit families most in need of services provided under this part, as indicated by the eligible parent or parents' low income and low level of adult literacy or English language proficiency, and other need-related factors;

"(2) screen and prepare parents (including teenage parents) and children to enable them to participate fully in the activities and services provided under this part, including testing; referral to necessary counseling, and other developmental, support, and related services;

"(3) be designed to accommodate participating families' work schedules and other responsibilities, including scheduling and locating services to allow joint participation by parents and children, and providing support services necessary for participation in the activities assisted under this part if those services are unavailable from other sources, such as—

"(A) child care for the period that the parents are involved in the programs assisted under this part;

"(B) transportation to enable parents and their children to participate in those programs; and

"(C) career counseling and job-placement services;

"(4) provide high-quality, intensive family literacy services (as defined in section 1202(e)(3)), using instructional approaches that the best available research on reading indicates will be most effective in building adult literacy and children's language development and reading ability;

"(5) with respect to the qualifications of staff whose salaries are supported with funds under this part, ensure that—

"(A)(i) a majority of instruction is provided by teachers who have obtained at least a bachelor's degree, and who are certified in the field in which they are teaching, or who are enrolled in a program leading to such certification within two years;

"(ii) within four years of the effective date of the amendments to this section made by the Educational Excellence for All Children Act of 1999, all instruction is provided by teachers who have at least a bachelor's degree; and

"(iii) as of that effective date, all new teachers who are hired to provide instruction have at least a bachelor's degree, and are certified in the field in which they are going to teach, or are enrolled in a program leading to such certification within two years;

"(B) not later than July 1, 2002, paraprofessionals who provide instructional support services, such as one-on-one tutoring and follow-up educational activities in home visits and with individuals and small groups, have completed at least two years of college and are under the direct supervision of a teacher described in subparagraph (A); and

"(C) paraprofessionals who provide non-instructional services, such as family recruitment, acting as a translator, community-liaison work, and media-center or library support, possess at least a secondary school diploma or its equivalent;

"(6) provide special training for staff, including child-care staff, to develop the skills, and obtain



~~(C) the Head Start program, volunteer literacy programs, and other relevant programs;~~

~~(9) ensure that the programs will serve those families most in need of the activities and services provided by this part; and~~  
~~(10) provide for an independent evaluation of the program.~~

#### SEC. 1206. [20 U.S.C. 6366] ELIGIBLE PARTICIPANTS.

(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

(1) a parent or parents—

(A) who are eligible for participation in adult education and literacy activities under the Adult Education and Family Literacy Act; or

(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

(2) the child or children, from birth through age seven, of any individual described in paragraph (1).

(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—

(1) IN GENERAL.—Family members of eligible participants described in subsection (a) may participate in activities and services provided under this part, when appropriate to serve the purpose of this part.

(2) SPECIAL RULE.—Any family participating in a program assisted under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for such participation, which—

(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

#### SEC. 1207. [20 U.S.C. 6367] APPLICATIONS.

(a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

(b) REQUIRED DOCUMENTATION.—Each application shall include documentation, satisfactory to the State educational agency, that the eligible entity has the qualified personnel needed—

(1) to develop, administer, and implement an Even Start program under this part; and

(2) to provide access to the special training necessary to prepare staff for the program, which may be offered by an eligible organization.

certification in, instructional areas needed to carry out the purpose of this part;

\* (7) provide and monitor integrated instructional services to participating parents and children through center-based and home-based programs;

\* (8) serve those families most in need of the activities and services provided under this part, including individuals with special needs, such as individuals with disabilities, individuals with limited English proficiency, and homeless individuals;

\* (9) use methods that ensure that participating families successfully complete the program, including—

\* (A) operating a year-round program, including continuing to provide some instructional services for participants during the summer months;

\* (B) providing developmentally appropriate educational services for at least a three-year age range of children;

\* (C) encouraging participating families to regularly attend and remain in the program for a sufficient time to meet their program goals; and

\* (D) promoting the continuity of family literacy services across critical points in the lives of children and their parents so that those individuals can retain and improve their educational outcomes;

\* (10) be coordinated with—

\* (A) programs assisted under other parts of this title and this Act;

\* (B) any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities Education Act, and the Workforce Investment Act of 1998; and

\* (C) Head Start programs, Child Care Development Block Grant programs, volunteer literacy programs, and other relevant programs; and

\* (11) provide for an independent evaluation of the program, consistent with section 1207(c)(1)(E), to be used for program improvement.

, or who are attending secondary school;

**(c) PLAN.—**

**(1) IN GENERAL.**—Such application shall also include a plan of operation for the program which shall include—

~~(A) a description of the program goals;~~

(B) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1205;

(C) a description of the population to be served and an estimate of the number of participants to be served;

(D) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or other eligible organizations in carrying out the program for which assistance is sought;

~~(E) a statement of the methods that will be used~~

(i) to ensure that the programs will serve families most in need of the activities and services provided by this part;

(ii) to provide services under this part to individuals with special needs, such as individuals with limited English proficiency and individuals with disabilities; and

(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose; and

(F) a description of how the plan is integrated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with section 14306.

**(2) DURATION OF THE PLAN.**—Each plan submitted under paragraph (1)(A) shall—

(A) remain in effect for the duration of the eligible entity's participation under this part; and

(B) be periodically reviewed and revised by the eligible entity as necessary.

~~(d) CONSOLIDATED APPLICATION.~~ The plan described in subsection (c)(1)(F) may be submitted as part of a consolidated application under section 14302.

and continuous improvement.

(A) a description of the program goals, including outcomes for children and families that are consistent with the program indicators established or adopted by the State under section 1210, and of the strategies the applicant will use to reach those goals;

each of

and

(E) provisions for rigorous and objective evaluation of progress toward the goals described in subparagraph (A), and the continuing use of evaluation data for program improvement.

## SEC. 1208. [20 U.S.C. §368] AWARD OF SUBGRANTS.

## (a) SELECTION PROCESS.—

(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with paragraph (3) that will approve applications that—

(A) are most likely to be successful in—

(i) meeting the purpose of this part; and

(ii) effectively implementing the program elements required under section 1205;

(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators, including a high percentage of children to be served by the program who reside in a school attendance area eligible for participation in programs under part A;

~~(C) provide services for at least a three-year age range, which may begin at birth;~~

(C) ← (D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

(D) ← (E) include cost-effective budgets, given the scope of the application;

(E) ← (F) demonstrate the applicant's ability to provide the ~~Federal share required by section 1204(b);~~

(F) ← (G) are representative of urban and rural regions of the State; and

(G) ← (H) show the greatest promise for providing models that may be adopted by other ~~local educational agencies~~

non-Federal

family literacy projects.

(2) PRIORITY FOR SUBGRANTS.—The State educational agency shall give priority for subgrants under this subsection to applications that—

(A) target services primarily to families described in paragraph (1)(B); or

(B) are located in areas designated as empowerment zones or enterprise communities.

(3) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and ~~one or more of the following individuals;~~

an individual with expertise in family literacy programs, and may include other individuals, such as one or more of the following:

(A) A representative of a parent-child education organization.

(B) A representative of a community-based literacy organization.

(C) A member of a local board of education.

(D) A representative of business and industry with a commitment to education.

(E) An individual who has been involved in the implementation of programs under this title in the State.

(b) DURATION.—

(1) IN GENERAL.—Subgrants under this part may be awarded for a period not to exceed four years.

(2) STARTUP PERIOD.—The State educational agency may provide subgrant funds to an eligible recipient, at such recipient's request, for a three- to six-month startup period during the first year of the four-year grant period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part for the second, third, or fourth year, the State educational agency shall evaluate the program based on the indicators of program quality developed by the State under section 1210. Such evaluation shall take place after the conclusion of the startup period, if any.

(4) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds if such agency finds that the eligible entity has not sufficiently improved the performance of the program, as evaluated based on the indicators of program quality developed by the State under section 1210, after—

(A) providing technical assistance to the eligible entity; and

(B) affording the eligible entity notice and an opportunity for a hearing.

(5) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this part may reapply under this part for additional subgrants. An eligible recipient may receive funds under this part for a period not to exceed eight years.

(B) The Federal share of any subgrant renewed under subparagraph (A) shall not exceed 50 percent in any fiscal year.

(c) EXEMPLARY PROJECTS.—(1) Notwithstanding subsection (b)(5)(A), each State may use funds under this part in any fiscal year to continue providing assistance, for up to two additional years, for not more than two projects that have been highly successful in achieving the goals described in their plans under section 1207(c)(1)(A) and that have substantial potential to serve as models for other projects throughout the Nation and as mentor sites for other family-literacy programs in the State.

“(2) The Federal share of any subgrant under paragraph (1) shall not exceed 40 percent for the first year and 30 percent for the second year.

~~SEC. 1209. [20 U.S.C. 6309] EVALUATION.~~

~~From funds reserved under section 1202(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this part—~~

~~(1) to determine the performance and effectiveness of programs assisted under this part;~~

~~(2) to identify effective Even Start programs assisted under this part that can be duplicated and used in providing technical assistance to Federal, State, and local programs; and~~

~~(3) to provide States and eligible entities receiving a subgrant under this part, directly or through a grant or contract with an organization with experience in the development and operation of successful family literacy services, technical assistance to ensure local evaluations undertaken under section 1205(10) provide accurate information on the effectiveness of programs assisted under this part.~~

\*EVALUATION

\*SEC. 1209. The Secretary shall provide for an independent evaluation of programs assisted under this part, to—

“(1) determine their performance and effectiveness; and

“(2) identify effective programs that can be duplicated and used in providing technical assistance to Federal, State, and local programs.

**SEC. 1210. INDICATORS OF PROGRAM QUALITY.**

~~Each~~ State receiving funds under this part shall develop, based on the best available research and evaluation data, indicators of program quality for programs assisted under this part. Such indicators shall be used to monitor, evaluate, and improve such programs within the State. Such indicators shall include the following:

By September 30, 2000, each

I-B-10

(1) With respect to eligible participants in a program who are adults—

(A) achievement in the areas of reading, writing, English language acquisition, problem solving, and numeracy;

(B) receipt of a high school diploma or a general equivalency diploma;

(C) entry into a postsecondary school, job retraining program, or employment or career advancement, including the military; and

(D) such other indicators as the State may develop.

(2) With respect to eligible participants in a program who are children—

(A) improvement in ability to read on grade level or reading readiness;

(B) school attendance;

(C) grade retention and promotion; and

(D) such other indicators as the State may develop.

(3) With respect to a program's implementation of high-quality, intensive family literacy services, specific levels of intensity of those services and duration of individuals' participation that are necessary to result in the outcomes described under paragraphs (1) and (2), which the State shall periodically review and revise as needed to achieve those outcomes.

**SEC. 1211. RESEARCH.**

~~(a) IN GENERAL.—The Secretary shall carry out, through grant or contract, research into the components of successful family literacy services, to use—~~

~~(1) to improve the quality of existing programs assisted under this part or other family literacy programs carried out under this Act or the Adult Education and Family Literacy Act; and~~

~~(2) to develop models for new programs to be carried out under this Act or the Adult Education and Family Literacy Act.~~

~~(b) DISSEMINATION.—The National Institute for Literacy shall disseminate, pursuant to section 2258, the results of the research described in subsection (a) to States and recipients of subgrants under this part.~~

1211

**SEC. 1212 [20 U.S.C. 6370] CONSTRUCTION.**

Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.

1210-  
1212

**ELEMENTARY AND SECONDARY  
EDUCATION ACT OF 1965**

**TITLE I – PART C  
MIGRANT EDUCATION**

**SHOWING CHANGES PROPOSED BY  
PRESIDENT CLINTON'S  
EDUCATIONAL EXCELLENCE FOR ALL  
CHILDREN ACT OF 1999**

**MAY 21, 1999**

ESCA, TITLE I  
PART C-MIGRANT ED

Elementary and Secondary Education Act of 1965

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

PART C—EDUCATION OF MIGRATORY CHILDREN

- Sec. 1301. Program purpose.  
Sec. 1302. Program authorized.  
Sec. 1304. State applications; services.  
Sec. 1305. Secretarial approval; peer review.  
Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.  
Sec. 1307. Bypass.  
Sec. 1308. Coordination of migrant education activities.  
Sec. 1309. Definitions.

1-C-1

SEC. 1301. [20 U.S.C. 6391] PROGRAM PURPOSE.

It is the purpose of this part to assist States to—

(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;

(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;

(3) ensure that migratory children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and

(5) ensure that migratory children benefit from State and local systemic reforms.

SEC. 1302. [20 U.S.C. 6392] PROGRAM AUTHORIZED.

In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

SEC. 1303. [20 U.S.C. 6393] STATE ALLOCATIONS.

~~(a) STATE ALLOCATIONS.—Each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for each fiscal year, an amount equal to—~~

~~(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by~~

~~(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average expenditure per pupil in the United States.~~

Showing changes proposed by the  
Educational Excellence for All Children Act of 1999

(a) STATE ALLOCATIONS.—(1) IN GENERAL. Except as provided in paragraph (2) and subsection (b), each State is entitled to receive under this part, for each fiscal year, an amount equal to—

“(A) the sum of—

“(i) the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and

“(ii) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State; multiplied by

“(B) 40 percent of the average per-pupil expenditure in the State, but not less than 32 percent or more than 48 percent of the average per-pupil expenditure in the United States.

“(2) MINIMUM AND MAXIMUM ALLOCATIONS. No State's allocation under paragraph (1) for any fiscal year shall be more than 120 percent, or less than 80 percent, of its allocation for the previous year, except that no State's allocation shall be less than \$200,000.

1301-  
1302(a)

I-C-2

~~(b) ALLOCATION TO PUERTO RICO.—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—~~

~~(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by~~

~~(2) the product of—~~

~~(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and~~

~~(B) 32 percent of the average per-pupil expenditure in the United States.~~

~~(c) RATABLE REDUCTIONS; REALLOCATIONS.—~~

~~(1) IN GENERAL.—(A) If, after the Secretary reserves funds under section 1308(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.~~

~~(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.~~

~~(2) SPECIAL RULE.—(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount required under section 1304.~~

~~(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.~~

~~(d) CONSORTIUM ARRANGEMENTS.—~~

~~(1) IN GENERAL.—In the case of a State that receives a grant of \$1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.~~

~~(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.~~

~~(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—~~

~~(A) reduce administrative costs or program function costs for State programs; and~~

~~(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.~~

(b) ALLOCATIONS TO PUERTO RICO. Subject to subsection (a)(2), The grant that the Commonwealth of Puerto Rico is eligible to receive under this section for a fiscal year is the amount determined for Puerto Rico under subsection (a)(1), multiplied by the following:

- \* (1) For fiscal year 2001, 77.6 percent.
- \* (2) For fiscal year 2002, 83.2 percent.
- \* (3) For fiscal year 2003, 88.8 percent.
- \* (4) For fiscal year 2004, 94.4 percent.
- \* (5) For fiscal years starting with fiscal year 2005, 100 percent.

1303(b) -  
(d)



I-C-3

(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children;

(2) develop and implement a procedure for more accurately reflecting cost factors for different types of summer and intersession program designs;

(3) adjust the full-time equivalent number of migratory children who reside in each State to take into account—

(A) the special needs of those children participating in special programs provided under this part that operate during the summer and intersession periods; and

(B) the additional costs of operating such programs;

and

(4) conduct an analysis of the options for adjusting the formula so as to better direct services to the child whose education has been interrupted.

#### SEC. 1304. [20 U.S.C. 6394] STATE APPLICATIONS; SERVICES.

(a) APPLICATION REQUIRED.—Any State desiring to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) PROGRAM INFORMATION.—Each such application shall include—

(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the special educational needs of migratory children, including preschool migratory children, are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1306;

(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;

(3) a description of how the State will use funds received under this part to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;

(4) a description of the State's priorities for the use of funds received under this part, and how such priorities relate to the State's assessment of needs for services in the State;

(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the requirements of paragraph (1); and

(6) such budgetary and other information as the Secretary may require.

through—

"(A) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

"(B) joint planning among such local, State, and Federal programs, and bilingual education programs under part A of title VII;

"(C) the integration of services available under this part with services provided by those other programs; and

"(D) measurable program goals and outcomes;

(5) a description of how the State will encourage the participation of migratory children in State assessments required under section 1111(b)(2);

the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from other Federal, State, and local programs;

1303(e) -  
1304(b)

I-C-4

(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

(1) funds received under this part will be used only—

(A) for programs and projects, including the acquisition of equipment, in accordance with section ~~1306(b)(1)~~ → 1306(a); and

(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

(2) such programs and projects will be carried out in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, section 1120, and subsections (b) and (c) of section 1120A, and ~~part F~~ → part G;

✓ (3) in the planning and operation of programs and projects at both the State and local operating agency level, there is ~~appropriate~~ consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out ~~to the extent feasible~~ in a manner consistent with section 1118;

✓ (4) in planning and carrying out such programs and projects, there has been, and will be, adequate provision for addressing the unmet education needs of preschool migratory children;

(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A;

(6) to the extent feasible, such programs and projects will provide for—

(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

(B) professional development programs, including mentoring, for teachers and other program personnel;

(C) family literacy programs, including such programs that use models developed under Even Start;

(D) the integration of information technology into educational and related programs; and

(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and

(7) the State will assist the Secretary in determining the number of migratory children under section ~~1303(e)~~ → 1303(a)(1)(A), such procedures as the Secretary may require.

(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards, and whose education has been interrupted during the regular school year.

1304(c)-(d)

I-C-5

(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs; and

(3) secondary school students who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

**SEC. 1305. [20 U.S.C. 6395] SECRETARIAL APPROVAL; PEER REVIEW.**

(a) SECRETARIAL APPROVAL.—The Secretary shall approve each State application that meets the requirements of this part.

(b) PEER REVIEW.—The Secretary may review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

**SEC. 1306. [20 U.S.C. 6396] COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.**

(a) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

(A) is integrated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with section 14306;

(B) may be submitted as a part of consolidated application under section 14302;

(C) provides that migratory children will have an opportunity to meet the same challenging State content standards and challenging State student performance standards, set out in such plans, that all children are expected to meet;

(D) specifies measurable program goals and outcomes;

(E) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

(F) is the product of joint planning among such local, State, and Federal programs, including programs under part A, early childhood programs, and bilingual education programs under part A of title VII; and

(G) provides for the integration of services available under this part with services provided by such other programs.

**\*AUTHORIZED ACTIVITIES**

\*SEC. 1306. (a) IN GENERAL.—(1) (A) Each State educational agency, through its operating agencies, shall have the flexibility to determine the activities to be provided with funds made available under this part; except that

“(B) such funds shall first be used to meet the identified needs of migratory children that result from their migratory lifestyle, and permit these children to participate effectively in school.

“(2) Funds provided under this part shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A of this title may receive those services through funds provided under that part, or with funds under this part that remain after the agency addresses the needs described in paragraph (1) (B).

“(b) CONSTRUCTION. Nothing in this part shall be construed to prohibit a local operating agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

“(c) SPECIAL RULE. Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in subsection (a) (1).

1304(c) -  
1306(a)(1)

I-C-6

(2) DURATION OF THE PLAN.—Each such comprehensive State plan shall—

(A) remain in effect for the duration of the State's participation under this part; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, except that—

(A) before funds under this part are used to provide services described in subparagraph (B), such funds shall be used to meet the identified needs of migratory children that—

(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

(ii) are not addressed by services provided under other programs, including programs under part A; and

(B) all migratory children who are eligible to receive services under part A shall receive such services with funds provided under this part or under part A.

(2) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local operating agency from serving migrant students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

(3) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in paragraph (1)(A).

SEC. 1307. [20 U.S.C. 6397] BYPASS.

The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or private nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

(1) the State is unable or unwilling to conduct educational programs for migratory children;

(2) such arrangements would result in more efficient and economic administration of such programs; or

(3) such arrangements would add substantially to the welfare or educational attainment of such children.

1306(a)(2)-

1307

I-C-7

SEC. 1308. [20 U.S.C. 6398] COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

(a) IMPROVEMENT OF COORDINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private ~~(nonprofit)~~ entities to improve the interstate and intrastate coordination among such agencies' educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

(2) DURATION.—Grants under this ~~subpart~~ may be awarded for not more than five years.

~~(b) ASSISTANCE AND REPORTING.~~

(1) STUDENT RECORDS.—(A) The Secretary shall solicit information on how student records are transferred from one school to another and shall solicit recommendations on whether new procedures and technologies for record transfer should be employed to better meet the needs of the migrant population.

(B) The Secretary shall also seek recommendations on the most effective means for determining the number of students or full-time equivalent students in each State for the purpose of allocating funds under this part.

(2) REPORT TO CONGRESS.—(A) Not later than April 30, 1995, the Secretary shall report to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives the Secretary's findings and recommendations, and shall include in this report, recommendations for interim measures that may be taken to ensure continuity of services in this program.

(B) The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of students or full-time equivalent students in each State if such interim measures are required.

(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve not more than ~~\$6,000,000~~ of the amount appropriated to carry out this part for such year.

~~(d) INCENTIVE GRANTS.~~

(1) IN GENERAL.—From the amounts made available to carry out this section, the Secretary shall reserve not more than \$1,500,000 to award, on a competitive basis, grants in the amount of not more than \$250,000 to State educational agencies with consortium agreements under section 1303(d).

(2) LIMITATION.—Not less than 10 of such grants shall be awarded to States which receive allocations of less than \$1,000,000 if such States have approved agreements.

subsection

\* (b) ASSISTANCE. The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of migratory children in each State.

\$10,000,000

\* (d) INCENTIVE GRANTS. From the amounts made available to carry out this section for any fiscal year, the Secretary may reserve not more than \$3,000,000 to award grants of not more than \$250,000 to State educational agencies that propose consortium arrangements with another State or other appropriate entity that the Secretary determines, pursuant to criteria the Secretary shall establish, would improve the delivery of services to migratory children whose education is interrupted.

1308

## SEC. 1309. [20 U.S.C. 6399] DEFINITIONS.

As used in this part:

(1) LOCAL OPERATING AGENCY.—The term “local operating agency” means—

(A) a local educational agency to which a State educational agency makes a subgrant under this part;

(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

(2) MIGRATORY CHILD.—The term “migratory child” means a child who is, or whose ~~parent, spouse, or guardian~~ is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such ~~parent, spouse, or guardian~~ in order to obtain, temporary or seasonal employment in agricultural or fishing work—

parent or spouse

(A) has moved from one school district to another;

(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.

**ELEMENTARY AND SECONDARY  
EDUCATION ACT OF 1965**

**TITLE I – PART D**

**NEGLECTED OR DELINQUENT**

**SHOWING CHANGES PROPOSED BY  
PRESIDENT CLINTON'S  
EDUCATIONAL EXCELLENCE FOR ALL  
CHILDREN ACT OF 1999**

**MAY 21, 1999**

~~PART D - PREVENTION AND INTERVENTION  
PROGRAMS FOR CHILDREN AND YOUTH  
WHO ARE NEGLECTED, DELINQUENT, OR AT  
RISK OF DROPPING OUT~~

SEC. 1401. [20 U.S.C. 6421] FINDINGS; PURPOSE; PROGRAM AUTHORIZED.

~~(a) FINDINGS.—Congress finds the following:~~

~~(1) A large percentage of youth in the juvenile justice system have poor academic achievement, are a year or more behind grade level, and have dropped out of school.~~

~~(2) There is a strong correlation between academic failure and involvement in delinquent activities.~~

~~(3) Preventing students from dropping out of local schools and addressing the educational needs of delinquent youth can help reduce the dropout rate and involvement in delinquent activities at the same time.~~

~~(4) Many schools and correctional facilities fail to communicate regarding a youth's academic needs and students often return to their home school ill-prepared to meet current curriculum requirements.~~

~~(5) Schools are often reluctant to deal with youth returning from facilities and receive no funds to deal with the unique educational and other needs of such youth.~~

~~(6) A continuing need exists for activities and programs to reduce the incidence of youth dropping out of school.~~

~~(7) Federal dropout prevention programs have demonstrated effectiveness in keeping children and youth in school.~~

~~(8) Pregnant and parenting teens are a high at-risk group for dropping out of school and should be targeted by dropout prevention programs.~~

~~(9) Such youth need a strong dropout prevention program which provides such youth with high level skills and which provides supports to youth returning from correctional facilities in order to keep such youth in school.~~

✓ (b) PURPOSE.—It is the purpose of this part—

(1) to improve educational services to children in ~~local and~~ State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State will be expected to meet;

(2) to provide such children and youth the services needed to make a successful transition from institutionalization to further schooling or employment; and

~~(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.~~

PART D - STATE AGENCY PROGRAMS FOR CHILDREN AND YOUTH  
WHO ARE NEGLECTED OR DELINQUENT

\*(a) FINDINGS. Congress finds the following:

\*(1) A large percentage of youth in the juvenile justice system have poor academic achievement, are a year or more behind grade level, and have dropped out of school.

\*(2) Many schools and correctional facilities fail to communicate regarding a youth's academic needs, and students often return to their home school ill-prepared to meet current curriculum requirements.

\*(3) Schools are often reluctant to deal with youth returning from facilities and often receive no funds to deal with the unique educational and other needs of those youth.

\*(4) There is a need for federal assistance to support State efforts to educate students in State institutions for neglected and delinquent children and youth to challenging academic standards.

\*(3) to provide youth returning from institutions with a support system to ensure their continued education.



I-8-2

- ✓ (c) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies ~~(and local educational agencies)~~ to establish or improve programs of education for neglected or delinquent children and youth ~~at risk of dropping out of school before graduation.~~

SEC. 1402. [20 U.S.C. 6422] PAYMENTS FOR PROGRAMS UNDER THIS PART.

- ✓ ~~(a) AGENCY SUBGRANTS.~~ Based on the allocation amount computed under section 1412, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies.

~~(b) LOCAL SUBGRANTS.~~ Each State shall retain, for purposes of subpart 2, funds generated throughout the State under part A based on youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

(c) USE OF REMAINING FUNDS.—Each State shall use any funds ~~remaining after allocations are made under subsection (a).~~

### Subpart 1—State Agency Programs

SEC. 1411. [20 U.S.C. 6431] ELIGIBILITY.

A State agency is eligible for assistance under this subpart if such State agency is responsible for providing free public education for children—

- (1) in institutions for neglected or delinquent children;
- (2) attending community day programs for neglected or delinquent children; or
- (3) in adult correctional institutions.

SEC. 1412. [20 U.S.C. 6432] ALLOCATION OF FUNDS.

(a) SUBGRANTS TO STATE AGENCIES.—

(1) IN GENERAL.—~~Each State agency described in section 1411 (other than an agency in the Commonwealth of Puerto Rico)~~ is eligible to receive a subgrant under this part, for each fiscal year, an amount equal to the product of—

Except as provided in subsection (b), each State agency described in section 1411

in

(A) the number of neglected or delinquent children and youth described in section 1411 who—

(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

(ii) are enrolled for at least 20 hours per week—

(I) in education programs in institutions for neglected or delinquent children; or

(II) in community day programs for neglected or delinquent children; and

(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

1401(c) -  
1412(a)(1)

I-8-3

(2) SPECIAL RULE.—The number of neglected or delinquent children and youth determined under paragraph (1) shall—

(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children on a specific date set by the Secretary; and

(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

~~(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO. For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—~~

~~(1) the number of children and youth counted under subsection (a)(1) for the Commonwealth of Puerto Rico; multiplied by~~

~~(2) the product of—~~

~~(A) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and~~

~~(B) 32 percent of the average per-pupil expenditure in the United States.~~

(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

#### SEC. 1413. [20 U.S.C. 6433] STATE REALLOCATION OF FUNDS.

If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this part for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

#### SEC. 1414. [20 U.S.C. 6434] STATE PLAN AND STATE AGENCY APPLICATIONS.

##### (a) STATE PLAN.—

(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this part shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent youth and, where applicable, youth at risk of dropping out of school which is integrated with other programs under this Act, the Goals 2000: Educate America Act, or other Acts, as appropriate, consistent with section

~~14306~~

(2) CONTENTS.—Each such State plan shall—

(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

→ (b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO. The amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part for a fiscal year is the amount determined for that agency under subsection (a), multiplied by the following:

\* (1) For fiscal year 2001, 77.6 percent.

\* (2) For fiscal year 2002, 83.2 percent.

\* (3) For fiscal year 2003, 88.8 percent.

\* (4) For fiscal year 2004, 94.4 percent.

\* (5) For fiscal years starting with fiscal year 2005, 100 percent.

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1442(a)(2)  
1444(a)(2)(A)

I-8-4

(B) provide that, to the extent feasible, such children will have the same opportunities to learn ~~(as such children would have if such children)~~ were in the schools of local educational agencies in the State; and

and will be held to the same challenging standards, as they would if they

(C) contain assurances that the State educational agency will—

(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

(ii) carry out the evaluation requirements of section ~~1416~~ → 1431;

(iii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and

(iv) provide such other information as the Secretary may reasonably require.

(3) DURATION OF THE PLAN.—Each such State plan shall—

(A) remain in effect for the duration of the State's participation under this part; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

(b) SECRETARIAL APPROVAL; PEER REVIEW.—

(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this part.

(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served;

(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

(4) describes how the program will meet the goals and objectives of the State plan under this subpart;

(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1416 are of high quality;

✓ (6) describes how the agency will carry out the evaluation requirements of section ~~1416~~ → 1431 and how the results of the most recent evaluation are used to plan and improve the program;

(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 14501 of this title;

1414(a)(2)(B)  
(c)(7)

I-D-5

(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under the Job Training Partnership Act, vocational education programs, State and local dropout prevention programs, and special education programs;

(9) describes how appropriate professional development will be provided to teachers and other staff;

(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

(11) describes how the agency will endeavor to coordinate with businesses for training and mentoring for participating youth;

(12) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

(13) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

(14) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if such youth—

(A) is identified as in need of special education services while the youth is in the facility; and

(B) intends to return to the local school;

(15) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or the recognized equivalent if the youth does not intend to return to school;

(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

(17) describes any additional services provided to youth, such as career counseling, and assistance in securing student loans and grants; and

(18) provides assurances that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.

1414(c)(8) -  
(18)

SEC. 1415. [20 U.S.C. 6435] USE OF FUNDS.

(a) IN GENERAL.—

(1) USES.—A State agency shall use funds received under this subpart only for programs and projects that—

(A) are consistent with the State plan under section 1414(a); and

(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, further education, or employment.

(2) PROGRAMS AND PROJECTS.—Such programs and projects—

(A) may include the acquisition of equipment;

(B) shall be designed to support educational services that—

(i) except for institution-wide projects under section 1416, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

(iii) afford such children an opportunity to learn to such challenging State standards;

(C) shall be carried out in a manner consistent with section 1120A and part F of this title; and

(D) may include the costs of meeting the evaluation requirements of section ~~64701~~.

1431.

(b) SUPPLEMENT, NOT SUPPLANT.—A program under this subpart that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A without regard to the subject areas in which instruction is given during those hours.

SEC. 1416. [20 U.S.C. 6436] INSTITUTION-WIDE PROJECTS.

A State agency that provides free public education for children and youth in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a two-year period;

I-8-6

1415 -  
1416(2)

I-8-7

(3) describes the steps the State agency has taken, or will take, to provide all children under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that the students will complete secondary school, attain secondary diploma or its recognized equivalent, or find employment after leaving the institution;

(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

(5) specifically describes how such funds will be used;

(6) describes the measures and procedures that will be used to assess student progress;

(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

**SEC. 1417. [20 U.S.C. 6437] THREE-YEAR PROGRAMS OR PROJECTS.**

If a State agency operates a program or project under this subpart in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period of not more than three years.

**SEC. 1418. [20 U.S.C. 6438] TRANSITION SERVICES.**

(a) **TRANSITION SERVICES.**—Each State agency shall reserve not more than 10 percent of the amount such agency receives under this subpart for any fiscal year to support projects that facilitate the transition of children from State-operated institutions to local educational agencies.

(b) **CONDUCT OF PROJECTS.**—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

(c) **LIMITATION.**—Any funds reserved under subsection (a) shall be used only to provide transitional educational services, which may include pupil services and mentoring, to neglected and delinquent children in schools other than State-operated institutions.

(d) **CONSTRUCTION.**—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

1416(3)-  
1418

## Subpart 2—Local Agency Programs

I-8-8

\* \* \*

→ [would be repealed]

## Subpart ~~3~~ General Provisions

### SEC. 1431. [20 U.S.C. 6471] PROGRAM EVALUATIONS.

(a) SCOPE OF EVALUATION.—Each State agency ~~for local educational agency~~ that conducts a program under subpart 1 ~~for 2~~ shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every three years to determine the program's impact on the ability of participants to—

- (1) maintain and improve educational achievement;
- (2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;
- (3) make the transition to a regular program or other education program operated by a local educational agency; and
- (4) complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the institution.

~~(b) EVALUATION MEASURES. In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.~~

(c) EVALUATION RESULTS.—Each State agency ~~(and local educational agency)~~ shall—

- (1) submit evaluation results to the State educational agency; and
- (2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

### SEC. 1432. [20 U.S.C. 6472] DEFINITIONS.

For the purpose of this part:

(1) The term "adult correctional institution" means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

~~(2) The term "at-risk youth" means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for the age of the youth, have limited English proficiency, are gang members, have dropped out of school in the past, or have high absenteeism rates at school.~~

→ (b) EVALUATION MEASURES. In conducting each evaluation under subsection (a), a State agency shall use multiple measures of student progress that, while consistent with section 1414(a)(2)(B), are appropriate for the students and are feasible for the agency to achieve (considering such factors as the duration of students' participation in the program).

1431 -  
1432 (1)

I-D-9

- (2) ← (3) The term "community day program" means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children.
- (3) ← (4) The term "institution for delinquent children and youth" means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.
- (4) ← (5) The term "institution for neglected children" means a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians.

1432(2)-  
(4)



**ELEMENTARY AND SECONDARY  
EDUCATION ACT OF 1965  
TITLE I – PART E (CURRENT TITLE II-C)  
READING EXCELLENCE**

**SHOWING CHANGES PROPOSED BY  
PRESIDENT CLINTON'S  
EDUCATIONAL EXCELLENCE FOR ALL  
CHILDREN ACT OF 1999**

**MAY 21, 1999**

←  
I  
“PART C—READING AND LITERACY GRANTS

Showing changes proposed by the  
Educational Excellence for All Children Act of 1999

1501 ← “SEC. 2251 PURPOSES.

*The purposes of this part are as follows:*

*“(1) To provide children with the readiness skills they need to learn to read once they enter school.*

*“(2) To teach every child to read in the child’s early childhood years—*

*“(A) as soon as the child is ready to read; or*

*“(B) as soon as possible once the child enters school, but not later than 3d grade.*

*“(3) To improve the reading skills of students, and the instructional practices for current teachers (and, as appropriate, other instructional staff) who teach reading, through the use of findings from scientifically based reading research, including findings relating to phonemic awareness, systematic phonics, fluency, and reading comprehension.*

*“(4) To expand the number of high-quality family literacy programs.*

*“(5) To provide early literacy intervention to children who are experiencing reading difficulties in order to reduce the number of children who are incorrectly identified as a child with a disability and inappropriately referred to special education.*

1502 ← “SEC. 2252 DEFINITIONS.

*“For purposes of this part:*

*“(1) ELIGIBLE PROFESSIONAL DEVELOPMENT PROVIDER.—The term ‘eligible professional development provider’ means a provider of professional development in reading instruction to teachers that is based on scientifically based reading research.*

*“(2) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:*

*“(A) Interactive literacy activities between parents and their children.*

*“(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.*

*“(C) Parent literacy training that leads to economic self-sufficiency.*

*“(D) An age-appropriate education to prepare children for success in school and life experiences.*

1501 / 2251 -  
1502 / 2252 (2)

"(3) INSTRUCTIONAL STAFF.—The term 'instructional staff'—

"(A) means individuals who have responsibility for teaching children to read; and

"(B) includes principals, teachers, supervisors of instruction, librarians, library school media specialists, teachers of academic subjects other than reading, and other individuals who have responsibility for assisting children to learn to read.

"(4) READING.—The term 'reading' means a complex system of deriving meaning from print that requires all of the following:

"(A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

"(B) The ability to decode unfamiliar words.

"(C) The ability to read fluently.

"(D) Sufficient background information and vocabulary to foster reading comprehension.

"(E) The development of appropriate active strategies to construct meaning from print.

"(F) The development and maintenance of a motivation to read.

"(5) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research'—

"(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

"(B) shall include research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

1503

"SEC. 2253. READING AND LITERACY GRANTS TO STATE EDUCATIONAL AGENCIES.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—Subject to the provisions of this part, the Secretary shall award grants to State educational agencies to carry out the reading and literacy activities authorized under this section and ~~(sections 2254 through 2256)~~

"(2) LIMITATIONS.—

~~"(A) SINGLE GRANT PER STATE. A State educational agency may not receive more than one grant under paragraph (1).~~

sections 1504 through 1506.

(A) NUMBER OF GRANTS. After receiving a grant under this subpart, a State educational agency may apply for a subsequent grant, but the period of any subsequent grant may not begin before the end of the period of the prior grant.

1502/2252(3) -  
1503/2252(4X2XA)

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"(B) 3-YEAR TERM.—A State educational agency that receives a grant under paragraph (1) may expend the funds provided under the grant only during the 3-year period beginning on the date on which the grant is made.

"(b) APPLICATION.—

"(1) IN GENERAL.—A State educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time ~~(and in such form)~~ as the Secretary may require. The application shall contain the information described in paragraph (2).

, in such form, and containing such information

also

"(2) CONTENTS.—An application under this subsection shall contain the following:

"(A) An assurance that the Governor of the State, in consultation with the State educational agency, has established a reading and literacy partnership described in subsection (d), and a description of how such partnership—

"(i) assisted in the development of the State plan;

"(ii) will be involved in advising on the selection of subgrantees under sections ~~2255 and 2256~~; and

sections 1505 and 1506

"(iii) will assist in the oversight and evaluation of such subgrantees.

"(B) A description of the following:

"(i) How the State educational agency will ensure that professional development activities related to reading instruction and provided under this part are—

"(I) coordinated with other State and local level funds and used effectively to improve instructional practices for reading; and

"(II) based on scientifically based reading research.

"(ii) How the activities assisted under this part will address the needs of teachers and other instructional staff, and will effectively teach students to read, in schools receiving assistance under ~~Section 2255 and 2256~~.

"(iii) The extent to which the activities will prepare teachers in all the major components of reading instruction (including phonemic awareness, systematic phonics, fluency, and reading comprehension).

"(iv) How the State educational agency will use technology to enhance reading and literacy professional development activities for teachers, as appropriate.

"(v) How parents can participate in literacy-related activities assisted under this part to enhance their children's reading.

"(vi) How subgrants made by the State educational agency under ~~sections 2255 and 2256~~ will meet the requirements of this part, including how the State educational agency will ensure that subgrantees will use practices based on scientifically based reading research.

"(vii) How the State educational agency will, to the extent practicable, make grants to subgrantees in both rural and urban areas.

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2253(a)(2)(B) -  
(b)(2)(B)(vii)

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"(viii) The process that the State used to establish the reading and literacy partnership described in subsection (d).

"(C) An assurance that each local educational agency to which the State educational agency makes a subgrant—

"(i) will provide professional development for the classroom teacher and other appropriate instructional staff on the teaching of reading based on scientifically based reading research;

"(ii) will provide family literacy services based on programs such as the Even Start family literacy model authorized under part B of title I, to enable parents to be their child's first and most important teacher;

"(iii) will carry out programs to assist those kindergarten students who are not ready for the transition to first grade, particularly students experiencing difficulty with reading skills; and

"(iv) will use supervised individuals (including tutors), who have been appropriately trained using scientifically based reading research, to provide additional support, before school, after school, on weekends, during noninstructional periods of the school day, or during the summer, for children preparing to enter kindergarten and students in kindergarten through grade 3 who are experiencing difficulty reading.

"(D) An assurance that instruction in reading will be provided to children with reading difficulties who—

"(i) are at risk of being referred to special education based on these difficulties; or

"(ii) have been evaluated under section 614 of the Individuals with Disabilities Education Act but, in accordance with section 614(b)(5) of such Act, have not been identified as being a child with a disability (as defined in section 602 of the such Act).

"(E) A description of how the State educational agency—

"(i) will build on, and promote coordination among, literacy programs in the State (including federally funded programs such as the Adult Education and Family Literacy Act and the Individuals with Disabilities Education Act), in order to increase the effectiveness of the programs in improving reading for adults and children and to avoid duplication of the efforts of the programs;

"(ii) will promote reading and library programs that provide access to engaging reading material;

"(iii) will make local educational agencies described in ~~sections 2255(a)(1) and 2256(a)(1)~~ aware of the availability of subgrants under ~~sections 2255 and 2256~~; and

"(iv) will assess and evaluate, on a regular basis, local educational agency activities assisted under this part, with respect to whether they have been effective in achieving the purposes of this part.

(ix) The process and criteria that the State educational agency will use to review and approve applications for local reading improvement subgrants under section 1505 and for tutorial assistance subgrants under section 1506, including a peer-review process that includes individuals described in section 1503(c)(2)(B) and, in the case of tutorial assistance subgrants under section 1506, includes experts on tutorial assistance.

sections 1505(a)(1) and 1506(a)(1)

sections 1505 and 1506

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(E)

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"(F) A description of the evaluation instrument the State educational agency will use for purposes of the assessments and evaluations under subparagraph (E)(iv).

"(c) APPROVAL OF APPLICATIONS.—

"(1) IN GENERAL.—The Secretary shall approve an application of a State educational agency under this section only—

"(A) if such application meets the requirement of this section; and

"(B) after taking into account the extent to which the application furthers the purposes of this part and the overall quality of the application.

"(2) PEER REVIEW.—

"(A) IN GENERAL.—The Secretary, in consultation with the National Institute for Literacy, shall convene a panel to evaluate applications under this section. At a minimum, the panel shall include—

"(i) representatives of the National Institute for Literacy, the National Research Council of the National Academy of Sciences, and the National Institute of Child Health and Human Development;

"(ii) 3 individuals selected by the Secretary;

"(iii) 3 individuals selected by the National Institute for Literacy;

"(iv) 3 individuals selected by the National Research Council of the National Academy of Sciences; and

"(v) 3 individuals selected by the National Institute of Child Health and Human Development.

"(B) EXPERTS.—The panel shall include experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this section, and experts who provide professional development to teachers of reading to children and adults, and experts who provide professional development to other instructional staff, based on scientifically based reading research.

~~"(C) PRIORITY.—The panel shall recommend grant applications from State educational agencies under this section to the Secretary for funding or for disapproval. In making such recommendations, the panel shall give priority to applications from State educational agencies whose States have modified, are modifying, or provide an assurance that not later than 18 months after receiving a grant under this section the State educational agencies will increase the training and the methods of teaching reading required for certification as an elementary school teacher to reflect scientifically based reading research, except that nothing in this Act shall be construed to establish a national system of teacher certification.~~

"(D) MINIMUM GRANT AMOUNTS.—

"(i) STATES.—Each State educational agency selected to receive a grant under this section shall receive an amount for the grant period that is not less than \$500,000.

(C) PRIORITY.—(i) The panel shall recommend grant applications from State educational agencies under this section to the Secretary for funding or disapproval.

"(ii) In making its recommendations, the panel shall give priority to applications from State educational agencies in States that have modified or are modifying, or that provide persuasive evidence that not later than 18 months after receiving a grant under this section the State will modify, its requirements for certification of elementary school teachers to require prospective teachers to be effectively trained in methods of reading instruction that reflect scientifically based reading research.

"(iii) Nothing in this part shall be read to establish a national system of teacher certification.

1503/ 2253(5)(2)(A)-  
(C)(2)(D)(i)

"(ii) OUTLYING AREAS.—The Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands selected to receive a grant under this section shall receive an amount for the grant period that is not less than \$100,000.

"(E) LIMITATION.—The Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not be eligible to receive a grant under this part.

"(d) READING AND LITERACY PARTNERSHIPS.—

"(1) REQUIRED PARTICIPANTS.—In order for a State educational agency to receive a grant under this section, the Governor of the State, in consultation with the State educational agency, shall establish a reading and literacy partnership consisting of at least the following participants:

"(A) The Governor of the State.

"(B) The chief State school officer.

"(C) The chairman and the ranking member of each committee of the State legislature that is responsible for education policy.

"(D) A representative, selected jointly by the Governor and the chief State school officer, of at least one local educational agency that is eligible to receive a subgrant under ~~section 2255~~

→ section 1505.

"(E) A representative, selected jointly by the Governor and the chief State school officer, of a community-based organization working with children to improve their reading skills, particularly a community-based organization using tutors and scientifically based reading research.

"(F) State directors of appropriate Federal or State programs with a strong reading component.

"(G) A parent of a public or private school student or a parent who educates their child or children in their home, selected jointly by the Governor and the chief State school officer.

"(H) A teacher who successfully teaches reading and an instructional staff member, selected jointly by the Governor and the chief State school officer.

"(I) A family literacy service provider selected jointly by the Governor and the chief state school officer.

"(2) OPTIONAL PARTICIPANTS.—A reading and literacy partnership may include additional participants, who shall be selected jointly by the Governor and the chief State school officer, and who may include a representative of—

"(A) an institution of higher education operating a program of teacher preparation based on scientifically based reading research in the State;

"(B) a local educational agency;

"(C) a private nonprofit or for-profit eligible professional development provider providing instruction based on scientifically based reading research;

"(D) an adult education provider;

"(E) a volunteer organization that is involved in reading programs; or

"(F) a school library or a public library that offers reading or literacy programs for children or families.

October 21, 1998,

"(3) ~~PREEXISTING PARTNERSHIP.~~—If, before ~~(the date of the enactment of the Reading Excellence Act)~~ a State established a consortium, partnership, or any other similar body, that includes the Governor and the chief State school officer and has, as a central part of its mission, the promotion of literacy for children in their early childhood years through the 3d grade and family literacy services, but that does not satisfy the requirements of paragraph (1), the State may elect to treat that consortium, partnership, or body as the reading and literacy partnership for the State notwithstanding such paragraph, and it shall be considered a reading and literacy partnership for purposes of the other provisions of this part.

~~SEC. 2254. USE OF AMOUNTS BY STATE EDUCATIONAL AGENCIES.~~

~~"A State educational agency that receives a grant under section 2253—~~

~~"(1) shall use not more than 5 percent of the funds made available under the grant for the administrative costs of carrying out this part (excluding section 2256), of which not more than 2 percent may be used to carry out section 2259; and~~

~~"(2) shall use not more than 15 percent of the funds made available under the grant to solicit applications for, award, and oversee the performance of, not less than one subgrant pursuant to section 2256.~~

~~SEC. 2255. LOCAL READING IMPROVEMENT SUBGRANTS.~~

~~"(a) IN GENERAL.—~~

~~"(1) SUBGRANTS.—A State educational agency that receives a grant under ~~(section 2253)~~ shall make subgrants, on a competitive basis, to local educational agencies that either—~~

~~"(A) have at least one school that is identified for school improvement under section 1116(c) in the geographic area served by the agency;~~

~~"(B) have the largest, or second largest, number of children who are counted under section 1124(c), in comparison to all other local educational agencies in the State; or~~

~~"(C) have the highest, or second highest, school-age child poverty rate, in comparison to all other local educational agencies in the State.~~

~~For purposes of ~~(subparagraph (C))~~ the term 'school-age child poverty rate' means the number of children counted under section 1124(c) who are living within the geographic boundaries of the local educational agency, expressed as a percentage of the total number of children aged 5-17 years living within the geographic boundaries of the local educational agency.~~

~~"(2) SUBGRANT AMOUNT.—A subgrant under this section shall consist of an amount sufficient to enable the subgrant recipient to operate a program for a 2-year period and may not be revoked or terminated on the grounds that a school ceases, during the grant period, to meet the requirements of subparagraph (A), (B), or (C) of paragraph (1).~~

1504

USE OF AMOUNTS BY STATE EDUCATIONAL AGENCIES

\*SEC. 2257. A State educational agency that receives a grant under section 1503—

\* (1) may use not more than five percent of the grant funds for the administrative costs of carrying out this part, including the use of not more than two percent of the grant funds to carry out section 1509; and

\* (2) shall award not more than 15 percent of the grant funds through at least one subgrant under section 1506.

section 1503

serve children in grades one through three and that

serving children in grades one through three

serving children in grades one through three.

paragraph (1) (C),

1505

(2) DEFINITION.

(3)

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1505/2255(a)



"(b) APPLICATIONS.—A local educational agency that desires to receive a subgrant under this section shall submit an application to

the State educational agency at such time, in such manner, and including such information as the agency may require. The application—

"(1) shall describe how the local educational agency will work with schools selected by the agency to receive assistance under subsection (d)(1)—

"(A) to select one or more programs of reading instruction, developed using scientifically based reading research, to improve reading instruction by all academic teachers for all children in each of the schools selected by the agency under such subsection and, where appropriate, for their parents; and

"(B) to enter into an agreement with a person or entity responsible for the development of each program selected under subparagraph (A), or a person with experience or expertise about the program and its implementation, under which the person or entity agrees to work with the local educational agency and the schools in connection with such implementation and improvement efforts;

"(2) shall include an assurance that the local educational agency—

"(A) will carry out professional development for the classroom teacher and other instructional staff on the teaching of reading based on scientifically based reading research;

"(B) will provide family literacy services based on programs such as the Even Start family literacy model authorized under part B of title I, to enable parents to be their child's first and most important teacher;

"(C) will carry out programs to assist those kindergarten students who are not ready for the transition to first grade, particularly students experiencing difficulty with reading skills; and

"(D) will use supervised individuals (including tutors), who have been appropriately trained using scientifically based reading research, to provide additional support, before school, after school, on weekends, during noninstructional periods of the school day, or during the summer, for children preparing to enter kindergarten and students in kindergarten through grade 3 who are experiencing difficulty reading;

"(3) shall describe how the applicant will ensure that funds available under this part, and funds available for reading instruction for kindergarten through grade 6 from other appropriate sources, are effectively coordinated, and, where appropriate, integrated with funds under this Act in order to improve existing activities in the areas of reading instruction, professional development, program improvement, parental involvement, technical assistance, and other activities that can help meet the purposes of this part;

"(4) shall describe, if appropriate, how parents, tutors, and early childhood education providers will be assisted by, and participate in, literacy-related activities receiving financial assistance under this part to enhance children's reading fluency;

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(4)

"(5) shall describe how the local educational agency—

"(A) provides instruction in reading to children with reading difficulties who—

"(i) are at risk of being referred to special education based on these difficulties; or

"(ii) have been evaluated under section 614 of the Individuals with Disabilities Education Act but, in accordance with section 614(b)(5) of such Act, have not been identified as being a child with a disability (as defined in section 602 of the such Act); and

"(B) will promote reading and library programs that provide access to engaging reading material; and

"(6) shall include an assurance that the local educational agency will make available, upon request and in an understandable and uniform format, to any parent of a student attending any school selected to receive assistance under subsection (d)(1) in the geographic area served by the local educational agency, information regarding the professional qualifications of the student's classroom teacher to provide instruction in reading.

"(c) **SPECIAL RULE.**—To the extent feasible, a local educational agency that desires to receive a grant under this section shall form a partnership with one or more community-based organizations of demonstrated effectiveness in early childhood literacy, and reading readiness, reading instruction, and reading achievement for both adults and children, such as a Head Start program, family literacy program, public library, or adult education program, to carry out the functions described in paragraphs (1) through (6) of subsection (b). In evaluating subgrant applications under this section, a State educational agency shall consider whether the applicant has satisfied the requirement in the preceding sentence. If not, the applicant must provide information on why it would not have been feasible for the applicant to have done so.

"(d) **USE OF FUNDS.**—

"(1) **IN GENERAL.**—Subject to ~~paragraph (2)~~ a local educational agency that receives a subgrant under this section shall use amounts from the subgrant to carry out activities to advance reform of reading instruction in any school that ~~(A) is described in subsection (a)(1)(A), (B) has the largest, or second largest, number of children who are counted under section 1124(c), in comparison to all other schools in the local educational agency, or (C) has the highest, or second highest, school-age child poverty rate (as defined in the second sentence of subsection (a)(1))~~ in comparison to all other schools in the local educational agency. ~~Such activities shall~~ include the following: → paragraph (3),

~~(A) is described in subsection (a)(1)(A), (B) has the largest, or second largest, number of children who are counted under section 1124(c), in comparison to all other schools in the local educational agency, or (C) has the highest, or second highest, school-age child poverty rate (as defined in the second sentence of subsection (a)(1))~~ → serves children in third grade or below and

~~Such activities shall~~ → subsection (a)(2),

~~Such activities shall~~ → ¶ (2) **AUTHORIZED ACTIVITIES.** The activities referred to in paragraph (1)

"(A) Securing technical and other assistance from—

"(i) a program of reading instruction based on scientifically based reading research;

"(ii) a person or entity with experience or expertise about such program and its implementation, who has agreed to work with the recipient in connection with its implementation; or

"(iii) a program providing family literacy services.

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(dY18A)

"(B) Providing professional development activities to teachers and other instructional staff (including training of tutors), using scientifically based reading research and purchasing of curricular and other supporting materials.

"(C) Promoting reading and library programs that provide access to engaging reading material.

"(D) Providing, on a voluntary basis, training to parents of children enrolled in a school selected to receive assistance under subsection (d)(1) on how to help their children with school work, particularly in the development of reading skills. Such training may be provided directly by the subgrant recipient, or through a grant or contract with another person. Such training shall be consistent with reading reforms taking place in the school setting. No parent shall be required to participate in such training.

"(E) Carrying out family literacy services based on programs such as the Even Start family literacy model authorized under part B of title I, to enable parents to be their child's first and most important teacher.

"(F) Providing instruction for parents of children enrolled in a school selected to receive assistance under subsection (d)(1), and others who volunteer to be reading tutors for such children, in the instructional practices based on scientifically based reading research used by the applicant.

"(G) Programs to assist those kindergarten students enrolled in a school selected to receive assistance under subsection (d)(1) who are not ready for the transition to first grade, particularly students experiencing difficulty with reading skills.

"(H) Providing additional support for children preparing to enter kindergarten and students in kindergarten through grade 3 who are enrolled in a school selected to receive assistance under subsection (d)(1), who are experiencing difficulty reading, before school, after school, on weekends, during noninstructional periods of the school day, or during the summer, using supervised individuals (including tutors), who have been appropriately trained using scientifically based reading research.

"(I) Providing instruction in reading to children with reading difficulties who—

"(i) are at risk of being referred to special education based on these difficulties; or

"(ii) have been evaluated under section 614 of the Individuals with Disabilities Education Act but, in accordance with section 614(b)(5) of such Act, have not been identified as being a child with a disability (as defined in section 602 of the such Act).

"(J) Providing coordination of reading, library, and literacy programs within the local educational agency to avoid duplication and increase the effectiveness of reading, library, and literacy activities.

(3) ← "(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A recipient of a subgrant under this section may use not more than 5 percent of the subgrant funds for administrative costs.

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"(e) TRAINING NONRECIPIENTS.—A recipient of a subgrant under this section may train, on a fee-for-service basis, personnel from schools, or local educational agencies, that are not a beneficiary of, or receiving, such a subgrant, in the instructional practices based on scientifically based reading research used by the recipient. Such a nonrecipient school or agency may use funds received under ~~title I of this Act~~ and other appropriate Federal funds used for reading instruction, to pay for such training, to the extent consistent with the law under which such funds were received.

other parts of this title,

**SEC. 2256. TUTORIAL ASSISTANCE SUBGRANTS.**

1506

**"(a) IN GENERAL.—**

**"(1) SUBGRANTS.**—Except as provided in paragraph (4), a State educational agency that receives a grant under ~~section 2253~~ shall make at least one subgrant on a competitive basis to

section 1503

local educational agencies that serve children in grades one through three and that --

~~"(A) local educational agencies that have at least one school in the geographic area served by the agency that—~~

~~"(i) is located in an area designated as an empowerment zone under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986; or~~

~~"(ii) is located in an area designated as an enterprise community under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986;~~

(A)

~~"(B) local educational agencies that have at least one school that is identified for school improvement under section 1116(c) in the geographic area served by the agency;~~

(B)

~~"(C) local educational agencies with the largest, or second largest, number of children who are counted under section 1124(c), in comparison to all other local educational agencies in the State; or~~

have

that serve children in grades one through three

(C)

~~"(D) local educational agencies with the highest, or second highest, school-age child poverty rate, in comparison to all other local educational agencies in the State.~~

have

that serve children in grades one through three.

For purposes of ~~subparagraph (D)~~, the term 'school-age child poverty rate' means the number of children counted under section 1124(c) who are living within the geographic boundaries of the local educational agency, expressed as a percentage of the total number of children aged 5-17 years living within the geographic boundaries of the local educational agency.

paragraph (1) (C),

(3)

**"(2) NOTIFICATION.—**

**"(A) TO LOCAL EDUCATIONAL AGENCIES.**—A State educational agency shall provide notice to all local educational agencies within the State regarding the availability of the subgrants under this section.

**"(B) TO PROVIDERS AND PARENTS.**—Not later than 30 days after the date on which the State educational agency provides notice under subparagraph (A), each local educational agency described in paragraph (1) ~~shall, as a condition on the agency's receipt of funds made available under title I of this Act, provide~~ public notice to potential providers of tutorial assistance operating in the jurisdiction of the agency, and parents residing in such jurisdiction, regarding the availability of the subgrants under this section.

shall provide

(2) DEFINITION.

1506/2255(e) -  
1506/2256(a)(2)

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- (4) ←“(3) APPLICATION.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and including such information as the agency may require. The application shall include an assurance that the local educational agency will use the subgrant funds to carry out the duties described in subsection (b) for children enrolled in any school selected by the agency ~~that (A) is described in paragraph (1)(A), (B) is described in paragraph (1)(B), (C) has the largest, or second largest, number of children who are counted under section 1124(c), in comparison to all other schools in the local educational agency, or (D) has the highest, or second highest, school-age child poverty rate (as defined in the second sentence of paragraph (1)), in comparison to all other schools in the local educational agency.~~

that—

- “(A) is described in paragraph (1) (A);
- “(B) has the largest, or second largest, number of children who are counted under section 1124(c), in comparison to all other schools in the local educational agency; or
- “(C) has the highest, or second highest, school-age child-poverty rate (as defined in paragraph (2)), in comparison to all other schools in the local educational agency.

- (5) ←“(4) EXCEPTION.—If no local educational agency within the State submits an application to receive a subgrant under this section within the 6-month period beginning on the date on which the State educational agency provided notice to the local educational agencies regarding the availability of the subgrants, the State educational agency may use funds otherwise reserved under ~~(2254(2))~~ for the purpose of providing local reading improvement subgrants under ~~section 2255~~, if the State educational agency certifies to the Secretary that the requirements of ~~paragraph (2)~~ have been met and each local educational agency in the State described in subparagraph (B) of such paragraph has demonstrated to the State educational agency that no provider of tutorial assistance described in such subparagraph requested the local educational agency to submit under ~~paragraph (3)~~ an application for a tutorial assistance subgrant.

section 1504 (2)

section 1505

paragraph (3)

paragraph (4)

(b) USE OF FUNDS.—

“(1) IN GENERAL.—A local educational agency that receives a subgrant under this section shall carry out, using the funds provided under the subgrant, each of the duties described in paragraph (2).

“(2) DUTIES.—The duties described in this paragraph are the provision of tutorial assistance in reading, before school, after school, on weekends, or during the summer, to children who have difficulty reading, using instructional practices based on scientifically based reading research, through the following:

who are in, or have just completed, a pre-kindergarten program, kindergarten, or grades 1, 2, or 3 and

“(A) The creation and implementation of objective criteria to determine in a uniform manner the eligibility of tutorial assistance providers and tutorial assistance programs desiring to provide tutorial assistance under the subgrant. Such criteria shall include the following:

“(i) A record of effectiveness with respect to reading readiness, reading instruction for children in kindergarten through 3d grade, and early childhood literacy, as appropriate.

“(ii) Location in a geographic area convenient to the school or schools attended by the children who will be receiving tutorial assistance.

“(iii) The ability to provide tutoring in reading to children who have difficulty reading, using instruc-

1506/ 2256(a)(3)-  
(6)(2)(A)

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tional practices based on scientifically based reading research and consistent with the reading instructional methods and content used by the school the child attends.

"(B) The provision, to parents of a child eligible to receive tutorial assistance pursuant to this section, of multiple choices among tutorial assistance providers and tutorial assistance programs determined to be eligible under the criteria described in subparagraph (A). Such choices shall include a school-based program and at least one tutorial assistance program operated by a provider pursuant to a contract with the local educational agency.

"(C) The development of procedures—

"(i) for the provision of information to parents of an eligible child regarding such parents' choices for tutorial assistance for the child;

"(ii) for considering children for tutorial assistance who are identified under subparagraph (D) and for whom no parent has selected a tutorial assistance provider or tutorial assistance program that give such parents additional opportunities to select a tutorial assistance provider or tutorial assistance program referred to in subparagraph (B); and

"(iii) that permit a local educational agency to recommend a tutorial assistance provider or tutorial assistance program in a case where a parent asks for assistance in the making of such selection.

"(D) The development of a selection process for providing tutorial assistance in accordance with this paragraph that limits the provision of assistance to children identified, by the school the child attends, as having difficulty reading, including difficulty mastering phonemic awareness, systematic phonics, fluency, and reading comprehension.

"(E) The development of procedures for selecting children to receive tutorial assistance, to be used in cases where insufficient funds are available to provide assistance with respect to all children identified by a school under subparagraph (D), that—

"(i) give priority to children who are determined, through State or local reading assessments, to be most in need of tutorial assistance; and

"(ii) give priority, in cases where children are determined, through State or local reading assessments, to be equally in need of tutorial assistance, based on a random selection principle.

"(F) The development of a methodology by which payments are made directly to tutorial assistance providers who are identified and selected pursuant to this section and selected for funding. Such methodology shall include the making of a contract, consistent with State and local law, between the provider and the local educational agency. Such contract shall satisfy the following requirements:

1506/ 2256(b)(2)(B)-  
(F)

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"(i) It shall contain specific goals and timetables with respect to the performance of the tutorial assistance provider.

"(ii) It shall require the tutorial assistance provider to report to the local educational agency on the provider's performance in meeting such goals and timetables.

"(iii) It shall specify the measurement techniques that will be used to evaluate the performance of the provider.

"(iv) It shall require the provider to meet all applicable Federal, State, and local health, safety, and civil rights laws.

"(v) It shall ensure that the tutorial assistance provided under the contract is consistent with reading instruction and content used by the local educational agency.

"(vi) It shall contain an agreement by the provider that information regarding the identity of any child eligible for, or enrolled in the program, will not be publicly disclosed without the permission of a parent of the child.

"(vii) It shall include the terms of an agreement between the provider and the local educational agency with respect to the provider's purchase and maintenance of adequate general liability insurance.

"(viii) It shall contain provisions with respect to the making of payments to the provider by the local educational agency.

"(G) The development of procedures under which the local educational agency carrying out this paragraph—

"(i) will ensure oversight of the quality and effectiveness of the tutorial assistance provided by each tutorial assistance provider that is selected for funding;

"(ii) will provide for the termination of contracts with ineffective and unsuccessful tutorial assistance providers (as determined by the local educational agency based upon the performance of the provider with respect to the goals and timetables contained in the contract between the agency and the provider under subparagraph (F));

"(iii) will provide to each parent of a child identified under subparagraph (D) who requests such information for the purpose of selecting a tutorial assistance provider for the child, in a comprehensible format, information with respect to the quality and effectiveness of the tutorial assistance referred to in clause (i);

"(iv) will ensure that each school identifying a child under subparagraph (D) will provide upon request, to a parent of the child, assistance in selecting, from among the tutorial assistance providers who are identified pursuant to subparagraph (B) the provider who is best able to meet the needs of the child;

1506/ 2256(b)(2)(F)(i)-  
(G)(iii)

"(v) will ensure that parents of a child receiving tutorial assistance pursuant to this section are informed of their child's progress in the tutorial program; and

"(vi) will ensure that it does not disclose the name of any child who may be eligible for tutorial assistance pursuant to this section, the name of any parent of such a child, or any other personally identifiable information about such a parent or child, to any tutorial assistance provider (excluding the agency itself), without the prior written consent of such parent.

1507  
"SEC. 2257 NATIONAL EVALUATION.

~~From funds reserved under section 2260(b)(1), the Secretary,~~ through grants or contracts, shall conduct a national assessment of the programs under this part. In developing the criteria for the assessment, the Secretary shall receive recommendations from the peer review panel convened under ~~section 2263(c)(2).~~

The

section 1503(c)(2).

1508  
"SEC. 2258 INFORMATION DISSEMINATION.

"(a) IN GENERAL.—From funds reserved under ~~section 2260(b)(2)~~, the National Institute for Literacy shall disseminate information on scientifically based reading research and information on subgrantee projects under ~~section 2255 or 2263~~ that have proven effective. At a minimum, the institute shall disseminate such information to all recipients of Federal financial assistance under titles I and VII of this Act, the Head Start Act, the Individuals with Disabilities Education Act, and the Adult Education and Family Literacy Act.

section 1002(e),

section 1505 or 1506

"(b) COORDINATION.—In carrying out this section, the National Institute for Literacy—

The Institute may use not more than five percent of the amount reserved under section 1002(e) for the costs of administering this section.

"(1) shall use, to the extent practicable, information networks developed and maintained through other public and private persons, including the Secretary, the National Center for Family Literacy, and the Readline Program;

"(2) shall work in conjunction with any panel convened by the National Institute of Child Health and Human Development and the Secretary and any panel convened by the Office of Educational Research and Improvement to assess the current status of research-based knowledge on reading development, including the effectiveness of various approaches to teaching children to read, with respect to determining the criteria by which the National Institute for Literacy judges scientifically based reading research and the design of strategies to disseminate such information; and

"(3) may assist any State educational agency selected to receive a grant under ~~section 2253~~, and that requests such assistance—

"(A) in determining whether applications submitted under ~~section 2253~~ meet the requirements of this title relating to scientifically based reading research; and

"(B) in the development of subgrant application forms.

"(c) SECRETARY'S AUTHORITY. From amounts appropriated for any fiscal year under section 1002(e), the Secretary may reserve not more than one percent to provide, directly or through grants or contracts, technical assistance, program improvement, and replication activities."

section 1503

1506/2256(b)(2)(G)(v) -  
1508/2258



**SEC. 2259. STATE EVALUATIONS; PERFORMANCE REPORTS.**

**"(a) STATE EVALUATIONS.—**

"(1) **IN GENERAL.**—Each State educational agency that receives a grant under ~~section 2253~~ shall evaluate the success of the agency's subgrantees in meeting the purposes of this part. At a minimum, the evaluation shall measure the extent to which students who are the intended beneficiaries of the subgrants made by the agency have improved their reading skills.

section 1503

"(2) **CONTRACT.**—A State educational agency shall carry out the evaluation under this subsection by entering into a contract with an entity that conducts scientifically based reading research, under which contract the entity will perform the evaluation.

"(3) **SUBMISSION.**—A State educational agency shall submit the findings from the evaluation under this subsection to the Secretary. The Secretary shall submit a summary of the findings from the evaluations under this subsection and the national assessment conducted under ~~section 2257~~ to the appropriate committees of the Congress, including the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

section 1507

"(b) **PERFORMANCE REPORTS.**—A State educational agency that receives a grant under ~~section 2253~~ shall submit performance reports to the Secretary pursuant to a schedule to be determined by the Secretary, but not more frequently than annually. Such reports shall include—

section 1503

"(1) with respect to subgrants under ~~section 2253~~, the program or programs of reading instruction, based on scientifically based reading research, selected by subgrantees;

section 1505,

"(2) the results of use of the evaluation referred to in ~~section 2253(b)(2)(E)(iv)~~ and

section 1503(b)(2)(E)(iv);

"(3) a description of the subgrantees receiving funds under this part.

**~~SEC. 2260. AUTHORIZATIONS OF APPROPRIATIONS, RESERVATIONS FROM APPROPRIATIONS; SUNSET.~~**

**~~"(a) AUTHORIZATIONS.—~~**

~~"(1) FY 1999.—There are authorized to be appropriated to carry out this part and section 1202(c) \$260,000,000 for fiscal year 1999.~~

~~"(2) FY 2000.—There are authorized to be appropriated to carry out this part and section 1202(c) \$260,000,000 for fiscal year 2000.~~

~~"(b) RESERVATIONS.—From each of the amounts appropriated under subsection (a) for a fiscal year, the Secretary—~~

~~"(1) shall reserve 1.5 percent to carry out section 2257(a);~~

~~"(2) shall reserve \$5,000,000 to carry out section 2258; and~~

~~"(3) shall reserve \$10,000,000 to carry out section 1202(c).~~

~~"(c) SUNSET.—Notwithstanding section 422(a) of the General Education Provisions Act, this part is not subject to extension under such section."~~

[Section 1002(e) would authorize "such sums" for the REA from 2001-2005.]

1509/2259-  
2260