

**ELEMENTARY AND SECONDARY
EDUCATION ACT OF 1965**

**TITLE III—TECHNOLOGY FOR
EDUCATION**

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

TITLE III – TECHNOLOGY FOR EDUCATION

- Sec. 3001. Short title.
- Sec. 3002. Findings.
- Sec. 3003. Statement of purpose.
- Sec. 3004. Supplement, not supplant.

PART A – FEDERAL LEADERSHIP AND NATIONAL ACTIVITIES

- Sec. 3101. National evaluation of education technology.
- Sec. 3102. National long-range technology plan.
- Sec. 3103. Federal leadership.
- Sec. 3104. Authorization of appropriations.

PART B – SPECIAL PROJECTS

SUBPART 1 – NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS

- Sec. 3211. Purpose; program authority.
- Sec. 3212. Eligibility.
- Sec. 3213. Uses of funds.
- Sec. 3214. Evaluation.
- Sec. 3215. Authorization of appropriations.

SUBPART 2 – READY-TO-LEARN DIGITAL TELEVISION

- Sec. 3221. Ready-to-learn.
- Sec. 3222. Educational programming.
- Sec. 3223. Duties of Secretary.
- Sec. 3224. Applications.
- Sec. 3225. Reports and evaluation.
- Sec. 3226. Administrative costs.
- Sec. 3227. Definition.
- Sec. 3228. Authorization of appropriations.

SUBPART 3 – TELECOMMUNICATIONS PROGRAM FOR PROFESSIONAL DEVELOPMENT IN THE CORE CONTENT AREAS

- Sec. 3231. Purpose; program authority.
- Sec. 3232. Application required.
- Sec. 3233. Authorization of appropriations.

SUBPART 4 – COMMUNITY TECHNOLOGY CENTERS

- Sec. 3241. Purpose; program authority.
- Sec. 3242. Eligibility and application requirements.
- Sec. 3243. Uses of funds.
- Sec. 3244. Authorization of appropriations.

PART C – PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

- Sec. 3301. Purpose; program authority.
- Sec. 3302. Eligibility.
- Sec. 3303. Uses of funds.
- Sec. 3304. Authorization of appropriations.

PART D – REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES

SUBPART 1 – TECHNOLOGY LITERACY CHALLENGE FUND

- Sec. 3411. Purpose.
- Sec. 3412. Allotment and reallocation.
- Sec. 3413. Technology literacy challenge fund.
- Sec. 3414. State application.
- Sec. 3415. Local uses of funds.
- Sec. 3416. Local applications.
- Sec. 3417. Definitions.
- Sec. 3418. Authorization of appropriations.

SUBPART 2 – REGIONAL TECHNOLOGY IN EDUCATION CONSORTIA

- Sec. 3421. Regional technical support and professional development.
- Sec. 3422. Authorization of appropriations.

TITLE III—TECHNOLOGY FOR EDUCATION

SEC. 610. [20 U.S.C. 6801] SHORT TITLE.

This title may be cited as the "Technology for Education Act of 1994".

PART A—TECHNOLOGY FOR EDUCATION OF ALL STUDENTS

SEC. 611. [20 U.S.C. 6811] FINDINGS.

The Congress finds that—

~~(1) technology can produce far greater opportunities for all students to learn to high standards, promote efficiency and effectiveness in education, and help propel our Nation's school systems into very immediate and dramatic reform, without which our Nation will not meet the National Education Goals by the target year 2000;~~

(4) ~~(2) the use of technology as a tool in the teaching and learning process is essential to the development and maintenance of a technologically literate citizenry and an internationally competitive workforce;~~

~~(3) the acquisition and use of technology in education throughout the United States has been inhibited by—~~

~~(A) the absence of Federal leadership;~~

~~(B) the inability of many State and local educational agencies to invest in and support needed technologies;~~

~~(C) the limited exposure of students and teachers to the power of technology as a cost-effective tool to improve student learning and achievement;~~

~~(D) the lack of appropriate electrical and telephone connections in the classroom; and~~

~~(E) the limited availability of appropriate technology-enhanced curriculum, instruction, professional development, and administrative support resources and services in the educational marketplace;~~

(9) ~~(4) policies at the Federal, State, and local levels concerning technology in education must address disparities in the availability of technology to different groups of students, give priority to serving students in greatest need, and recognize that educational telecommunications and technology can address educational equalization concerns and school restructuring needs by providing universal access to high-quality teaching and programs, particularly in urban and rural areas;~~

"(1) technology can—

"(A) support education improvement efforts by expanding available resources and reshaping instruction, teaching, and learning environments; and

"(B) when used effectively and aligned with challenging State academic content and performance standards, support teacher capacity to create classrooms where students develop higher-order thinking and information technology skills;

"(2) the cost of processing, storing, and transmitting information continues to plummet, making new advances in computer and telecommunications technology more available to schools;

"(3) by providing students with a rapidly expanding educational resource base, and a unique means of developing content knowledge, improvements in software and other technology applications (such as high-quality video, voice recognition, modeling and simulation, and intelligent tutoring and virtual reality tools), have increased student opportunities for meaningful exploration and discovery;

"(5) the Federal Government—

"(A) has played an integral role in expanding and improving access to technology as an important tool for teaching and learning; and

"(B) can continue to serve as a catalyst in bringing effective uses for education technology to the classroom by providing support for—

"(i) access to technology;

"(ii) the development of educational software and web-based learning resources; and

"(iii) sustained and intensive, high-quality professional development that is aligned with challenging State academic content and performance standards;

400

p. 1-A

3001-
3002(9)

(6) poor children are less likely than their wealthier peers to have access to a computer at home, and to attend a school in which teachers use technology to develop technical and higher-order thinking skills;

(7) public schools have made significant progress toward meeting the goal of connecting every school to the Internet, with the percentage of schools that are connected to the Internet increasing from 35 percent in 1994 to 89 percent in 1998 and nearly doubling between 1997 and 1998, but a gap continues to exist between wealthy and poor schools in the extent to which classrooms are connected to the Internet and the manner in which technology is used to support instruction;

(8) the E-Rate and other Federal education technology initiatives are significantly increasing the number of classrooms connected to the Internet and providing affordable access to advanced telecommunications;

[return to p. 1]

~~(5) the increasing use of new technologies and telecommunications systems in business has increased the gap between schooling and work-force preparation, and underscores the need for technology policies at the Federal, State, tribal, and local levels that address preparation for school-to-work transitions;~~

(10) a 1996 Department of Commerce study found that, by the year 2000, 60 percent of all jobs will require computer-related skills, and other studies show that women and some minorities are underrepresented in the information technology workforce;

(15) ~~(6) technology can enhance the ongoing professional development of teachers and administrators by providing constant access to updated research in teaching and learning by means of telecommunications, and, through exposure to technology advancements, keep teachers and administrators excited and knowledgeable about unfolding opportunities for the classroom;~~

(11) because girls of all ethnicities consistently rate themselves significantly lower than boys on computer ability, and are less likely to experiment with technology and enroll in advanced computer science courses, the Federal Government should encourage States, local educational agencies, and teachers to consider the needs of girls and women to obtain technical proficiency, so that they can compete in an increasingly technological society;

~~(7) planned and creative uses of technology, combined with teachers adequately trained in the use of technology, can reshape our Nation's traditional method of providing education and empower teachers to create an environment in which students are challenged through rigorous, rich classroom instruction provided at a pace suited to each student's learning style, and in which students have increased opportunities to develop higher order thinking and technical skills;~~

(12) the Federal Government should support efforts to ensure the accessibility of all educational technology, not just assistive technology, to students with disabilities through strategies such as universal design;

(16) ~~(8) schools need new ways of financing the acquisition and maintenance of educational technology;~~

(13) although 25 States have some requirement for computer education for teacher licensure, only two States require teacher candidates to show that they can use technology, and only three States require participation in technology training, as a prerequisite for license renewal;

~~(9) the needs for educational technology differ from State to State;~~

(14) according to a 1998 National Center for Education Statistics survey, only 20 percent of full-time K-12 teachers feel fully prepared to integrate technology into classroom instruction;

(17) ~~(10) technology can provide students, parents, teachers, other education professionals, communities, and industry with increased opportunities for partnerships and with increased access to information, instruction, and educational services in schools and other settings, including homes, libraries, pre-school and child-care facilities, adult and family education programs, and postsecondary institutions;~~

acquisition, maintenance, and ongoing support

~~(11) the Department, consistent with the overall national technology policy established by the President, must assume a vital leadership and coordinating role in developing the national vision and strategy to infuse advanced technology throughout all educational programs;~~

(18) ~~(12) Federal support can ease the burden at the State and local levels by enabling the acquisition of advanced technology and initiating the development of teacher training and support as well as new educational products;~~

and

~~(13) leadership at the Federal level should consider guidelines to ensure that educational technology is accessible to all users with maximum interoperability nationwide;~~

(19) ~~(14) the rapidly changing nature of technology requires coordination and flexibility in Federal leadership; and~~

~~(15) technology has the potential to assist and support the improvement of teaching and learning in schools and other settings;~~

(19) (14) the rapidly changing nature of technology, among other factors, requires the Department to maintain a leadership role in developing a national vision and strategies for bringing effective technology applications and practices to all classrooms and all educational programs through such activities as-

(A) developing and carrying out a strategy for an ongoing evaluation of existing and anticipated future uses of educational technology to better inform the Federal role in supporting the use of educational technology, stimulate reform and innovation in teaching and learning with technology, and further the development of advanced technology;

(B) evaluating and assessing technology programs;

(C) disseminating information;

(D) coordinating with public and private partnerships; and

(E) convening expert panels to identify effective uses of educational technology;

[should be a period] ← 3002(10)-(19)

SEC. 3112. (20 U.S.C. 6312) STATEMENT OF PURPOSE.

The purpose of this part is to support a comprehensive system for the acquisition and use by elementary and secondary schools in the United States of technology and technology-enhanced curricula, instruction, and administrative support resources and services to improve the delivery of educational services. Such system shall include—

(1) national leadership with respect to the need for, and the provision of, appropriate technology-enhanced curriculum, instruction, and administrative programs to improve learning in the United States, and to promote equal access for all students to educational opportunities in order to achieve the National Education Goals by the year 2000;

(2) funding mechanisms which will support the development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure, including activities undertaken by State and local educational agencies to promote and provide equipment, training for teachers and school library and media personnel, and technical support;

(3) support for technical assistance, professional development, information and resource dissemination, in order to help States, local educational agencies, teachers, school library and media personnel, and administrators successfully integrate technology into kindergarten through 12th grade classrooms and library media centers;

(4) support for the development of educational and instructional programming in core subject areas, which shall address the National Education Goals;

(5) strengthening and building upon, but not duplicating, existing telecommunications infrastructures dedicated to educational purposes;

(6) development and evaluation of new and emerging educational technologies, telecommunications networks, and state-of-the-art educational technology products that promote the use of advanced technologies in the classroom and school library media center;

(7) assessment data regarding state-of-the-art uses of technologies in United States education upon which commercial and noncommercial telecommunications entities, and governments can rely for decisionmaking about the need for, and provision of, appropriate technologies for education in the United States;

(8) ensuring that uses of educational technology are consistent with the overall national technology policy established by the President, and ensuring that Federal technology-related policies and programs will facilitate the use of technology in education;

(9) ensuring that activities supported under this part will form the basis for sound State and local decisions about investing in, sustaining, and expanding uses of technology in education;

STATEMENT OF PURPOSE

SEC. 3112. To help all students to develop technical and higher-order thinking skills and to achieve to

challenging State academic content and performance standards, as well as America's Education Goals, it is the purpose of this title to—

"(1) help provide all classrooms with access to educational technology through support for the acquisition of advanced multimedia computers, Internet connections, and other technologies;

"(2) help ensure access to, and effective use of, educational technology in all classrooms through the provision of sustained and intensive, high-quality professional development that improves teachers' capability to integrate educational technology effectively into their classrooms by actively engaging students and teachers in the use of technology;

"(3) help improve the capability of teachers to design and construct new learning experiences using technology, and actively engage students in that design and construction;

"(4) support efforts by State educational agencies and local educational agencies to create learning environments designed to prepare students to achieve to challenging State academic content and performance standards through the use of research-based teaching practices and advanced technologies;

"(5) support technical assistance to State educational agencies, local educational agencies, and communities to help them use technology-based resources and information systems to support school reform and meet the needs of students and teachers;

"(6) support the development of applications that make use of such technologies as advanced telecommunications, hand-held devices, web-based learning resources, distance learning networks, and modeling and simulation software;

"(7) support Federal partnerships with business and industry to realize more rapidly the potential of digital communications to expand the scope of, and opportunities for, learning;

"(8) support evaluation and research on the effective use of technology in preparing all students to achieve to challenging State academic content and performance standards, and the impact of technology on teaching and learning;

"(9) provide national leadership to stimulate and coordinate public and private efforts, at the national, State, and local levels, that support the development and integration of advanced technologies and applications to improve school planning and classroom instruction;

"(10) support the development, or redesign, of teacher preparation programs to enable prospective teachers to integrate the use of technology in teaching and learning;

"(11) increase the capacity of State and local educational agencies to improve student achievement, particularly that of students in high-poverty, low-performing schools;

(10) establishing working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution;

(11) ensuring that, as technological advances are made, the educational uses of these advances are considered and their applications are developed; and

(12) encouragement of collaborative relationships among the State agency for higher education, the State library administrative agency, the State telecommunications agency, and the State educational agency, in the area of technology support to strengthen the system of education.

~~SEC. 3113. [20 U.S.C. 8813] DEFINITIONS.~~ *and Family Literacy*

For purposes of this title—

(1) the term "adult education" has the same meaning given such term by section 3112 of the Adult Education Act;

(2) the term "all students" means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited English proficiency, students who have dropped out of school, and academically talented students;

(3) the term "information infrastructure" means a network of communication systems designed to exchange information among all citizens and residents of the United States;

(4) the term "instructional programming" means the full range of audio and video data, text, graphics, or additional state-of-the-art communications, including multimedia based resources distributed through interactive, command and control, or passive methods for the purpose of education and instruction;

(5) the terms "interoperable" and "interoperability" mean the ability to exchange easily data with, and connect to, other hardware and software in order to provide the greatest accessibility for all students and other users;

(6) the term "Office" means the Office of Educational Technology;

(7) the term "public telecommunications entity" has the same meaning given to such term by section 397(12) of the Communications Act of 1934;

(8) the term "regional educational laboratory" means a regional educational laboratory supported under section 941(h) of the Educational, Research, Development, Dissemination, and Improvement Act of 1994;

(9) the term "State educational agency" includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part;

(10) the term "State library administrative agency" has the same meaning given to such term in section 3 of the Library Services and Construction Act; and

(11) the term "technology" means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable television, satellite, copper and fiber optic transmission, computer hardware and software, video and audio laser and CD ROM discs, and video and audio tapes.

(12) promote the formation of partnerships and consortia to stimulate the development of, and new uses for, technology in teaching and learning;

(13) support the creation or expansion of community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

(14) help to ensure that technology is accessible to, and usable by, all students, particularly students with disabilities or limited English proficiency.

3004

*SUPPLEMENT, NOT SUPPLANT

*SEC. 6113. A recipient of funds awarded under this title shall use such funds only to supplement the amount of funds or resources that would, in the absence of such Federal funds, be made available from non-Federal sources for the purposes of the programs authorized under this title, and not to supplant such non-Federal funds or resources.

3003(12) -

3004

5

~~SEC. 3114. [20 U.S.C. 6814] AUTHORIZATION OF APPROPRIATIONS;
FUNDING RULE.~~

~~(a) AUTHORIZATION OF APPROPRIATIONS.—~~

~~(1) SUBPARTS 1, 2, AND 3.—There are authorized to be appropriated \$200,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years to carry out subparts 1, 2, and 3, of which—~~

~~(A)(i) \$3,000,000 shall be available to carry out subpart 1 (National Programs for Technology in Education) for any such year for which the amount appropriated under this subsection is less than \$75,000,000; and~~

~~(ii) \$5,000,000 shall be available to carry out subpart 1 for any such year for which the amount appropriated under this subsection is equal to or greater than \$75,000,000;~~

~~(B) \$10,000,000 shall be available to carry out subpart 3 (Regional Technical Support and Professional Development) for each such year; and~~

~~(C) the remainder shall be available to carry out subpart 2 (State and Local Programs for School Technology Resources) for each such year.~~

~~(2) SUBPART 4.—For the purpose of carrying out subpart 4, there are authorized to be appropriated \$50,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.~~

~~(b) FUNDING RULE.—~~

~~(1) APPROPRIATIONS OF LESS THAN \$75,000,000.—For any fiscal year for which the amount appropriated under subsection (a)(1) is less than \$75,000,000, from the remainder of funds made available under subsection (a)(1)(C) the Secretary shall award grants for the National Challenge Grants in accordance with section 3136.~~

~~(2) APPROPRIATIONS EQUAL TO OR GREATER THAN \$75,000,000.—For any fiscal year for which the amount appropriated under subsection (a)(1) is equal to or greater than \$75,000,000, from the remainder of funds made available under subsection (a)(1)(C) the Secretary shall award grants to State educational agencies from allotments under section 3131, except that the Secretary may reserve, from such remainder, such funds as the Secretary determines necessary to meet outstanding obligations for such fiscal year to continue the National Challenge Grants for Technology awarded under section 3136.~~

~~SEC. 3115. [20 U.S.C. 6815] LIMITATION ON COSTS.~~

~~Not more than 5 percent of the funds under this part that are made available to a recipient of funds under this part for any fiscal year may be used by such recipient for administrative costs or technical assistance.~~

[current 3114-
3115]

Subpart 1—National Programs for Technology in Education

*PART A - FEDERAL LEADERSHIP AND NATIONAL ACTIVITIES

SEC. 3121. [20 U.S.C. 6831] NATIONAL LONG-RANGE TECHNOLOGY PLAN.

~~(a) IN GENERAL.—The Secretary shall develop and publish not later than 12 months after the date of the enactment of the Improving America's Schools Act of 1994, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this part.~~

→ see p. 6-A
 "(a) IN GENERAL. Not later than one year after the date of enactment of the Educational Excellence for All Children Act of 1999, the Secretary shall update the national long-range educational technology plan and broadly disseminate the updated plan.

(b) **PLAN REQUIREMENTS.**—The Secretary shall—

(1) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the applications of technology to education, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Act, and providers of technology services and products;

(2) transmit such plan to the President and to the appropriate committees of the Congress; and

(3) publish such plan in a form that is readily accessible to the public.

(c) **CONTENTS OF THE PLAN.**—~~The national long-range plan shall describe the Secretary's activities to promote the purposes of this title, including—~~

updated

(1) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve State content standards and State student performance standards, especially through programs administered by the Department;

(2) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Institute for Literacy, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

(A) to promote the use of technology in education, training, and lifelong learning, including plans for the educational uses of a national information infrastructure; and

(B) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;

(3) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;

(4) how the Secretary will promote—

3101-
3102(c)(4)

3121(a)-
(c)(4)

*NATIONAL EVALUATION OF EDUCATION TECHNOLOGY

*SEC. 3101 (a) NATIONAL EVALUATION.-(1) IN GENERAL.

In order to better inform the Federal role in supporting the use of educational technology, in stimulating reform and innovation in teaching and learning with technology, and in advancing the development of more advanced and new types and applications of such technology, the Secretary shall-

"(A) develop, within 12 months of the date of enactment of the Educational Excellence for All Children Act of 1999, a strategy for an ongoing evaluation of existing and anticipated future uses of educational technology; and

"(B) carry out such an evaluation.

"(2) ACTIVITIES AUTHORIZED. From the funds reserved under subsection (b), the Secretary may-

"(A) conduct long-term controlled studies on the effectiveness of the uses of educational technology;

"(B) convene panels of experts to-

"(i) identify uses of educational technology that hold the greatest promise for improving teaching and learning;

"(ii) assist the Secretary with the review and assessment of the progress and effectiveness of projects that are funded under this title; and

"(iii) identify barriers to the commercial development of effective, high-quality, cost-competitive educational technology and software;

"(C) conduct evaluations and applied research studies that examine-

"(i) how students learn using educational technology, whether singly or in groups, and across age groups, student populations (including students with special needs, such as students with limited English proficiency and students with disabilities) and settings; and

"(ii) the characteristics of classrooms and other educational settings that use educational technology effectively;

"(D) collaborate with other Federal agencies that support research on, and evaluation of, the use of network technology in educational settings; and

"(E) carry out such other activities as the Secretary determines appropriate.

"(b) AVAILABILITY OF TITLE III FUNDS FOR EVALUATION.

Notwithstanding any other provision of this title, the Secretary may use up to 4 percent of the funds appropriated to carry out this title for any fiscal year to carry out the activities described in subsection (a) for that fiscal year.

[return to p. 6]

(A) higher achievement of all students through the integration of technology into the curriculum;

(B) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;

(C) the use of technology to assist in the implementation of State systemic reform strategies;

(D) the application of technological advances to use in education;

(E) increased access to high quality adult and family education services through the use of technology for instruction and professional development; and

(F) increased opportunities for the professional development of teachers in the use of new technologies;

(5) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;

(6) how the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the effective use of technology in education;

(9) (7) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to ~~section 3123~~ to promote the purposes of this part; ~~and~~

(10) (8) the Secretary's long-range measurable goals and objectives relating to the purposes of this part;

SEC. ~~3123~~ [20 U.S.C. 6832] FEDERAL LEADERSHIP.

(a) PROGRAM AUTHORIZED.—In order to provide Federal leadership in promoting the use of technology in education, the Secretary, in consultation with the National Science Foundation, the Department of Commerce, the ~~United States National Commission on Libraries and Information Sciences~~ and other appropriate Federal agencies, may carry out activities designed to achieve the purposes of this part directly or by awarding grants or contracts competitively and pursuant to a peer review process to, or entering into contracts with, State educational agencies, local educational agencies, institutions of higher education, or other public and private nonprofit or for-profit agencies and organizations.

(b) ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State ~~in accordance with the purpose and requirements of section 317 of the Goals 2000: Educate America Act~~

(2) OTHER FEDERAL AGENCIES.—For the purpose of carrying out coordinated or joint activities consistent with the purposes of this part, the Secretary may accept funds from, and transfer funds to, other Federal agencies.

(c) USES OF FUNDS.—The Secretary shall use funds made available to carry out this section for activities designed to carry out the purpose of this part, such as—

"(7) how the Secretary will promote the full integration of technology into learning, including the creation of new instructional opportunities through access to challenging courses and information that would otherwise not have been available, and independent learning opportunities for students through technology;

"(8) how the Secretary will encourage the creation of opportunities for teachers to develop, through the use of technology, their own networks and resources for sustained and intensive, high-quality professional development;

section 3101

"(11) how the Secretary will encourage the commercial development of effective, high-quality, cost-competitive educational technology and software.

White House Office of Science and Technology Policy,

3102(c)(4)(A) - 3121(c)(4)(A) -
3102(c) 3122(c)

(1) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the uses of technology for education, including professional development;

(2) providing development grants to technical assistance providers, to enable such providers to improve substantially the services such providers offer to educators on the educational uses of technology, including professional development;

(3) consulting with representatives of industry, elementary and secondary education, higher education, adult and family education, and appropriate experts in technology and educational applications of technology in carrying out activities under this subpart;

~~(4) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;~~

(5) research on, and the development of, applications for education of the most advanced and newly emerging technologies which research shall be coordinated, when appropriate, with the Office of Educational Research and Improvement, and other Federal agencies;

(6) the development, demonstration, and evaluation of the educational aspects of high performance computing and communications technologies and of the national information infrastructure, in providing professional development for teachers, school librarians, and other educators; enriching academic curricula for elementary and secondary schools; facilitating communications among schools, local educational agencies, libraries, parents, and local communities and in other such areas as the Secretary deems appropriate;

(7) the development, demonstration, and evaluation of applications of ~~existing technology~~ in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;

(8) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve ~~the National Education Goals~~; State content standards and State student performance standards;

(9) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;

(10) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;

(11) research on, and the evaluation of, the effectiveness and benefits of technology in education;

(12) a biennial assessment of, and report to the public regarding, the uses of technology in elementary and secondary education throughout the United States upon which private businesses and Federal, State, tribal, and local governments may rely for decisionmaking about the need for, and provision of, appropriate technologies in schools, which assessment and

→ (4) the development of a national repository of information on the effective uses of educational technology, including its use for sustained and intensive, high-quality professional development, and the dissemination of that information nationwide;

→ technology and innovative tools

→ [change to 'America's Education Goals']

3103(c)(1)-3122(c)(1)-
(12) (12)

report shall use, to the extent possible, existing information and resources;

(13) conferences on, and dissemination of information regarding, the uses of technology in education;

(14) the development of model strategies to promote gender equity concerning access to, and the use of, technology in the classroom;

(15) encouraging collaboration between the Department and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and

(16) such other activities as the Secretary determines will meet the purposes of this subpart.

(d) NON-FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this section to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.

(2) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this section after the first year such recipient receives funds under such grant or contract.

(3) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this section.

~~SEC. 3123. [20 U.S.C. 6833] STUDY, EVALUATION AND REPORT OF FUNDING ALTERNATIVES.~~

~~The Secretary, through the Office of Educational Technology, shall conduct a study to evaluate, and report to the Congress on, the feasibility of several alternative models for providing sustained and adequate funding for schools throughout the United States so that such schools are able to acquire and maintain technology-enhanced curriculum, instruction, and administrative support resources and services. Such report shall be submitted to the Congress not later than one year after the date of enactment of the Improving America's Schools Act of 1994.~~

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3104. For purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

3102(c)(13)-
3104

*PART B - SPECIAL PROJECTS

*SUBPART 1 -- NEXT-GENERATION TECHNOLOGY INNOVATION AWARDS

*PURPOSE; PROGRAM AUTHORITY

*SEC. 3211. (a) PURPOSE. It is the purpose of this subpart to-

"(1) expand the knowledge base about the use of the next generation of advanced computers and telecommunications in delivering new applications for teaching and learning;

"(2) address questions of national significance about the next generation of technology and its use to improve teaching and learning; and

"(3) develop, for wide-scale adoption by State educational agencies and local educational agencies, models of innovative and effective applications of technology to teaching and learning, such as high quality video, voice recognition devices, modeling and simulation software (particularly web-based software and intelligent tutoring), hand-held devices, and virtual reality and wireless technologies, that are aligned with challenging State academic content and student performance standards.

"(b) PROGRAM AUTHORITY.-(1) IN GENERAL. The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to carry out the purposes of this subpart.

"(2) PERIOD OF AWARD. The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than five years.

*ELIGIBILITY

*SEC. 3212. (a) ELIGIBLE APPLICANTS. In order to receive an award under this subpart, an applicant shall, subject to subsection (c)(1), be a consortium that includes-

"(1) at least one State educational agency or local educational agency; and

"(2) at least one institution of higher education, for-profit business, museum, library, or other public or private entity with a particular expertise that would assist in carrying out the purposes of this subpart.

"(b) APPLICATION REQUIREMENTS. In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include-

"(1) a description of the proposed project, and how it would carry out the purposes of this subpart; and

"(2) a detailed plan for the independent evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) PRIORITIES. In making awards under this subpart, the Secretary may establish one or more priorities consistent with the objectives of this subpart, including:

"(1) A priority for applicants, the members of which are one or more of the particular types described in subsection (a)(2).

3211 -
3212(c)(1)

(11)
*(2) A priority for projects that develop innovative models of effective use of educational technology, including the development of distance learning networks, software, (including software deliverable through the Internet), and online-learning resources.

*(3) A priority for projects serving more than one State and involving large-scale innovations in the use of technology in education.

*(4) A priority for projects that develop innovative models that serve traditionally underserved populations, including low-income students, students with disabilities, and students with limited English proficiency.

*(5) A priority for projects in which applicants provide substantial financial and other resources to achieve the goals of the project.

*(6) A priority for projects that develop innovative models for using electronic networks to provide challenging courses, such as Advanced Placement courses.

*USES OF FUNDS

*SEC. 3213. A recipient shall use funds awarded under this subpart to-

*(1) develop new applications of educational technologies and telecommunications to support school reform efforts, such as wireless and web-based telecommunications, hand-held devices, web-based learning resources, distributed learning environments (including distance learning networks), and the development of educational software and other applications; and

*(2) carry out other activities consistent with the purposes of this subpart, such as-

*(A) developing innovative models for improving teachers' ability to integrate technology effectively into course curriculum, through sustained and intensive, high-quality professional development;

*(B) developing high-quality, standards-based, digital content, including multimedia software, digital video, and web-based resources, such as-

*(i) new technological formats to facilitate deeper subject matter understanding in particularly challenging learning environments in areas such as physics, foreign language, or Advanced Placement courses;

*(ii) computer modeling, visualization, and simulation tools;

*(iii) new methods for assessing student performance;

*(iv) web-based and other distance learning curricula and related materials, such as interoperable software components;

*(v) learning-focused digital libraries, information retrieval systems, and other designs for supporting broad re-use of learning content; and

*(vi) software that supports the development, modification, and maintenance of educational materials;

*(C) using telecommunications, and other technologies, to make programs accessible to students with special needs (such as low-income students, students with disabilities, students in remote areas, and students with limited English proficiency) through such activities as using technology to support mentoring;

3212(c)(2) -
3213(c)(C)

"(D) providing classroom and extracurricular opportunities for female students to explore the different uses of technology;

"(E) promoting school-family partnerships, which may include services for adults and families, particularly parent education programs that provide parents with training, information, and support on how to help their children achieve to high academic standards;

"(F) acquiring connectivity linkages, resources, distance learning networks, and services, including hardware and software, as needed to accomplish the goals of the project; and

"(G) collaborating with other Department of Education and Federal information technology research and development programs.

*EVALUATION

*SEC. 3214. The Secretary is authorized to-

"(1) develop tools and provide resources for recipients of funds under this subpart to evaluate their activities;

"(2) provide technical assistance to assist recipients of funds under this subpart in evaluating their projects;

"(3) conduct independent evaluations of the activities assisted under this subpart; and

"(4) disseminate findings and methodologies from evaluations of activities assisted under this subpart, or other information obtained from such projects that would promote the design, replication, or implementation of effective models for evaluating the impact of educational technology on teaching and learning.

*AUTHORIZATION OF APPROPRIATIONS

*SEC. 3215. For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

Subpart 2

3221

DIGITAL

[PART C] READY-TO-LEARN TELEVISION

SEC. ~~3201~~ [20 U.S.C. 6921] READY-TO-LEARN.

(a) **IN GENERAL.**—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in ~~section 3202(b)~~ to develop, produce, and distribute educational and instructional video programming for pre-school and elementary school children and their parents in order to facilitate the achievement of ~~(the National)~~ Education Goals.

section 3222(b)

America's

(b) **AVAILABILITY.**—In making such grants, contracts, or cooperative agreements, the Secretary shall ensure that recipients make programming widely available with support materials as appropriate to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

SEC. ~~3202~~ [20 U.S.C. 6922] EDUCATIONAL PROGRAMMING.

3222

(a) **AWARDS.**—The Secretary shall award grants, contracts, or cooperative agreements to eligible entities to—

(1) facilitate the development directly or through contracts with producers of children and family educational television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

(2) enable such entities to contract with entities (such as public telecommunications entities ~~and those funded under the Star Schools Act~~) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

(b) **ELIGIBLE ENTITIES.**—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

(1) a nonprofit entity (including a public telecommunications entity) able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

(c) **CULTURAL EXPERIENCES.**—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

3221 -
3222

SEC. 3303. [20 U.S.C. 6923] DUTIES OF SECRETARY.

The Secretary is authorized—

(1) to establish and administer a Special Projects of National Significance program to award grants, contracts, or cooperative agreements to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness;

(2) to establish within the Department a clearinghouse to compile and provide information, referrals and model program materials and programming obtained or developed under this ~~part~~ to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this ~~part~~; and

subpart

(3) to develop and disseminate training materials, including—

(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

(B) support materials to promote the effective use of materials developed under paragraph (2); among parents, Head Start providers, in-home and center based day care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children;

(4) coordinate activities with the Secretary of Health and Human Services in order to—

(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including Head Start, Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

3224

SEC. 3304. [20 U.S.C. 6924] APPLICATIONS.

Each eligible entity desiring a grant, contract, or cooperative agreement under ~~(section 3301 or 3303)~~ shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. → section 3221 or 3223

SEC. 3305. [20 U.S.C. 6925] REPORTS AND EVALUATION.

3225

(a) ANNUAL REPORT TO SECRETARY.—An entity receiving funds under ~~section 3301~~ shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under this section, including— → section 3221

(1) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

(4) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

(1) a summary of the information made available under ~~(section 3302(a), and)~~ → section 3222(a); and

(2) a description of the training materials made available under ~~(section 3303(3))~~ the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section. → section 3223(3).

3226

SEC. 3306. [20 U.S.C. 6926] ADMINISTRATIVE COSTS.

With respect to the implementation of section ~~3302~~, entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the grant, contract, or cooperative agreement. → 3222,

3224-
3226

SEC. 3207. [20 U.S.C. 6927] DEFINITION.

For the purposes of this part, the term "distance learning" means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

3228

SEC. 3305. [20 U.S.C. 6928] AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this part, \$30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the four succeeding fiscal years. Not less than 60 percent of the amounts appropriated under this subsection for each fiscal year shall be used to carry out ~~section 3302.~~

subpart, such sums as may be necessary for fiscal year 2001 and

section 3222.

(b) **SPECIAL PROJECTS.**—Of the amount appropriated under subsection (b) for each fiscal year, at least 10 percent of such amount shall be used for each such fiscal year for activities under ~~section 3303(1)(C).~~

3223(1)(C).

Subpart 3

TELECOMMUNICATIONS PROGRAM FOR PROFESSIONAL
DEVELOPMENT IN THE CORE CONTENT AREAS

~~PART D-TELECOMMUNICATIONS DEMON-~~
~~STRATION PROJECT FOR MATHEMATICS~~

~~SEC. 3401. [20 U.S.C. 6951] PROJECT AUTHORIZED.~~

~~The Secretary is authorized to make grants to a nonprofit tele-~~
~~communications entity, or partnership of such entities, for the pur-~~
~~pose of carrying out a national telecommunications-based dem-~~
~~onstration project to improve the teaching of mathematics. The~~
~~demonstration project authorized by this part shall be designed to~~
~~assist elementary and secondary school teachers in preparing all~~
~~students for achieving State content standards.~~

*PURPOSE; PROGRAM AUTHORITY

*SEC. 3231 (a) PURPOSE. It is the purpose of this
subpart to assist elementary and secondary school teachers
in preparing all students to achieve to challenging State
academic content and performance standards through a
national telecommunications-based program to improve
teaching in core content areas.

* (b) PROGRAM AUTHORITY. From funds appropriated to
carry out this subpart, the Secretary may make grants to
nonprofit telecommunications entities, or partnerships of
such entities, to carry out the purposes of this subpart.

~~SEC. 3402. [20 U.S.C. 6952] APPLICATION REQUIRED.~~

(a) IN GENERAL.—Each nonprofit telecommunications entity, or
partnership of such entities, desiring a grant under this ~~part~~ shall
submit an application to the Secretary. Each such application
shall—

3232

subpart

(1) demonstrate that the applicant will use the ~~(existing~~
~~publicly funded telecommunications infrastructure to deliver~~
~~video, voice and data)~~ in an integrated service to train teachers
in the use of new standards-based curricula materials and
learning technologies;

public broadcasting infrastructure, digital
libraries, and emerging school networks to deliver video
and web-based resources

(2) assure that the project for which assistance is sought
will be conducted in cooperation with appropriate State edu-
cational agencies, local educational agencies, ~~(State or local~~
~~nonprofit public telecommunications entities, and a national~~
~~mathematics education professional association that has devel-~~
~~oped content standards;~~

national, State, or local nonprofit public
communications entities, institutions of higher education,
museums, libraries, and national education professional
associations that have developed content standards in the
core content areas;

(3) assure that a significant portion of the benefits avail-
able for elementary and secondary schools from the project for
which assistance is sought will be available to schools of local
educational agencies which have a high percentage of children
counted for the purpose of part A of title I; and

(4) contain such additional assurances as the Secretary
may reasonably require.

(b) APPROVAL OF APPLICATIONS; NUMBER OF ~~DEMONSTRATION~~
SITES.—In approving applications under this section, the Secretary
shall ~~(assure that the demonstration project authorized by this part~~
~~is conducted at elementary and secondary school sites in at least~~
~~15 States.~~

PROJECT

ensure that the projects carried out under this subpart *are*

~~SEC. 3403. [20 U.S.C. 6953] AUTHORIZATION OF APPROPRIATIONS.~~

~~There are authorized to be appropriated to carry out this ~~part~~,~~
~~\$5,000,000 for the fiscal year 1996, and such sums as may be nec-~~
~~essary for each of the four succeeding fiscal years.~~

subpart, such sums as may be necessary for fiscal year
2001 and

3233

3231-
3233

(18)

"SUBPART 4 - COMMUNITY TECHNOLOGY CENTERS

"PURPOSE; PROGRAM AUTHORITY

"SEC. 3241. (a) PURPOSE. It is the purpose of this subpart to assist eligible applicants to-

"(1) create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

"(2) provide technical assistance and support to community technology centers.

"(b) PROGRAM AUTHORITY.-(1) IN GENERAL. The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist them in-

"(A) creating or expanding community technology centers; or

"(B) providing technical assistance and support to community technology centers.

"(2) PERIOD OF AWARD. The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than three years.

"ELIGIBILITY AND APPLICATION REQUIREMENTS

"SEC. 3242. (a) ELIGIBLE APPLICANTS. In order to be eligible to receive an award under this subpart, an applicant shall-

"(1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and

"(2) be-

"(A) an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization;

"(B) an institution of higher education;

"(C) a State educational agency;

"(D) a local education agency; or

"(E) a consortium of entities described in subparagraphs (A), (B), (C), or (D).

"(b) APPLICATION REQUIREMENTS. In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include-

"(1) a description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community;

"(2) a demonstration of-

"(A) the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project; and

"(B) the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community;

3241-
3242(4)(2)

"(3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and

"(4) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) MATCHING REQUIREMENTS. The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

"USES OF FUNDS

"SEC. 3243 (a) REQUIRED USES. A recipient shall use funds under this subpart for-

"(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

"(2) evaluating the effectiveness of the project.

"(b) PERMISSIBLE USES. A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as-

"(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

"(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project;

"(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of pre-school preparation, academic achievement, lifelong learning, and workforce development, such as the following:

"(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

"(B) Adult education and family literacy activities through technology and the Internet, including-

"(i) General Education Development, English as a Second Language, and adult basic education classes or programs;

"(ii) introduction to computers;

"(iii) intergenerational activities;

and

"(iv) lifelong learning opportunities.

"(C) Career development and job preparation activities, such as-

"(i) training in basic and advanced computer skills;

"(ii) resume writing workshops; and

"(iii) access to databases of employment opportunities, career information, and other online materials.

"(D) Small business activities, such as-

"(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

"(ii) access to information on business start-up programs that is available online, or from other sources.

3242(6)(3) -
3243(6)(3)(D)

20

"(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3244. For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years."

"PART C - PREPARING TOMORROW'S TEACHERS TO USE TECHNOLOGY

"PURPOSE; PROGRAM AUTHORITY

"SEC. 3301. (a) PURPOSE. It is the purpose of this part to assist consortia of public and private entities in carrying out programs that prepare prospective teachers to use advanced technology to foster learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards.

"(b) PROGRAM AUTHORITY.-(1) IN GENERAL. The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist them in developing or redesigning teacher preparation programs to enable prospective teachers to use technology effectively in their classrooms.

"(2) PERIOD OF AWARD. The Secretary may award grants, contracts, or cooperative agreements under this part for a period of not more than five years.

"ELIGIBILITY

"SEC. 3302. (a) ELIGIBLE APPLICANTS. In order to receive an award under this part, an applicant shall be a consortium that includes-

"(1) at least one institution of higher education that offers a baccalaureate degree and prepares teachers for their initial entry into teaching;

"(2) at least one State educational agency or local educational agency; and

"(3) one or more of the following entities:

"(A) An institution of higher education (other than the institution described in paragraph (1)).

"(B) A school or department of education at an institution of higher education.

"(C) A school or college of arts and sciences at an institution of higher education.

"(D) A private elementary or secondary school.

"(E) A professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity with the capacity to contribute to the technology-related reform of teacher preparation programs.

3243(6)(3)(E)-
3302(a)

"(b) APPLICATION REQUIREMENTS. In order to receive an award under this part, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include-

"(1) a description of the proposed project, including how the project would ensure that individuals participating in the project would be prepared to use technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards;

"(2) a demonstration of-

"(A) the commitment, including the financial commitment, of each of the members of the consortium; and

"(B) the active support of the leadership of each member of the consortium for the proposed project;

"(3) a description of how each member of the consortium would be included in project activities;

"(4) a description of how the proposed project would be continued once the Federal funds awarded under this part end; and

"(5) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) MATCHING REQUIREMENTS.-(1) IN GENERAL. The Federal share of the cost of any project funded under this part shall not exceed 50 percent. Except as provided in paragraph (2), the non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

"(2) ACQUISITION OF EQUIPMENT. Not more than 10 percent of the funds awarded for a project under this part may be used to acquire equipment, networking capabilities or infrastructure, and the non-Federal share of the cost of any such acquisition shall be in cash.

"USES OF FUNDS

"SEC. 3303. (a) REQUIRED USES. A recipient shall use funds under this part for-

"(1) creating programs that enable prospective teachers to use advanced technology to create learning environments conducive to preparing all students to achieve to challenging State and local content and student performance standards; and

"(2) evaluating the effectiveness of the project.

"(b) PERMISSIBLE USES. A recipient may use funds under this part for activities, described in its application, that carry out the purposes of this part, such as-

"(1) developing and implementing high-quality teacher preparation programs that enable educators to--

"(A) learn the full range of resources that can be accessed through the use of technology;

"(B) integrate a variety of technologies into the classroom in order to expand students' knowledge;

"(C) evaluate educational technologies and their potential for use in instruction; and

"(D) help students develop their own technical skills and digital learning environments;

3302(4)-
3303(6)(X)(D)

- "(2) developing alternative teacher development paths that provide elementary and secondary schools with well-prepared, technology-proficient educators;
- "(3) developing performance-based standards and aligned assessments to measure the capacity of prospective teachers to use technology effectively in their classrooms;
- "(4) providing technical assistance to other teacher preparation programs;
- "(5) developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms; and
- "(6) subject to section 3302(c)(2), acquiring equipment, networking capabilities, and infrastructure to carry out the project.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3304. For purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

"PART D - REGIONAL, STATE, AND LOCAL EDUCATIONAL TECHNOLOGY RESOURCES

"SUBPART 1 - TECHNOLOGY LITERACY CHALLENGE FUND

"PURPOSE

"SEC. 3411. It is the purpose of this subpart to increase the capacity of State and local educational agencies to improve student achievement, particularly that of students in high-poverty, low-performing schools, by supporting State and local efforts that-

- "(1) make effective use of new technologies and technology applications, networks, and electronic learning resources;
- "(2) utilize research-based teaching practices that are linked to advanced technologies; and
- "(3) promote sustained and intensive, high-quality professional development that increases teacher capacity to create improved learning environments through the integration of educational technology into instruction.

Subpart 2—State and Local Programs for School Technology Resources

3412

SEC. 3411. [20 U.S.C. 6841] ALLOTMENT AND REALLOTMENT.

(a) ALLOTMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State educational agency shall be eligible to receive a grant under this subpart for a fiscal year in an amount which bears the same relationship to the amount made available under ~~section 3114(a)(1)(C)~~ for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

(2) MINIMUM.—No State educational agency shall be eligible to receive a grant under paragraph (1) in any fiscal year

section 3418

(including, for purposes of this subpart, the Bureau of Indian Affairs)

3302(b)(2) -
3412(a)

in an amount which is less than one-half of one percent of the amount made available under ~~section 3115(a)(1)(C)~~ for such year.

section 3418

(b) REALLOTMENT OF UNUSED FUNDS.—

(1) IN GENERAL.—The amount of any State educational agency's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such fiscal year to carry out this subpart shall be available for real- lotment from time to time, on such dates during such year as the Secretary may determine, to other State educational agen- cies in proportion to the original allotments to such State edu- cational agencies under subsection (a) for such year, but with such proportionate amount for any of such other State edu- cational agencies being reduced to the extent such amount ex- ceeds the sum the Secretary estimates such State needs and will be able to use for such year.

(2) OTHER REALLOTMENTS.—The total of reductions under paragraph (1) shall be similarly reallocated among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallocated to a State educational agency under this subsection during a year shall be deemed a subpart of such agencies allotment under subsection (a) for such year.

SEC. 3412. [20 U.S.C. 6842] ~~SCHOOL TECHNOLOGY RESOURCE GRANTS~~

(a) GRANTS TO STATES.—

(1) IN GENERAL.—From amounts made available under section ~~3131~~, the Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having applications approved under section ~~3133~~.

(2) USE OF GRANTS.—(A) Each State educational agency re- ceiving a grant under paragraph (1) shall use such grant funds to award grants, on a competitive basis, to local educational agencies to enable such local educational agencies to carry out the activities described in section 3134.

(B) In awarding grants under subparagraph (A), each State educational agency shall ensure that each such grant is of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this part effectively.

(b) TECHNICAL ASSISTANCE.—Each State educational agency re- ceiving a grant under paragraph (1) shall—

(1) identify the local educational agencies served by the State educational agency that—

(A) have the highest number or percentage of children in poverty; and

(B) demonstrate to such State educational agency the greatest need for technical assistance in developing the ap- plication under section ~~3133~~ and

(2) offer such technical assistance to such local educational agencies.

SEC. 3413. [20 U.S.C. 6843] STATE APPLICATION.

To receive funds under this subpart, each State educational agency shall submit a statewide educational technology plan which may include plans submitted under the Goals 2000: Educate Amer- ica Act or other statewide technology plans which meet the require-

except that such minimum shall apply to the aggregate of grants received under this subpart by the outlying areas for a fiscal year.

TECHNOLOGY LITERACY CHALLENGE FUND

"(2) USE OF GRANTS. (A) Each State educational agency that receives a grant under paragraph (1) shall use—

"(i) not less than 95 percent of the grant funds received to award, on a competitive basis, subgrants to eligible local applicants, as defined in section 3417, for use in creating new learning environments designed to prepare all students, including students with disabilities or limited English proficiency, to achieve to challenging State academic content and performance standards through the use of research-based teaching practices and advanced technologies; and

"(ii) subject to subparagraph (C), the remainder of the grant funds for administrative costs and technical assistance.

"(B) In awarding subgrants under subparagraph (A)(i), a State educational agency shall give priority to an eligible local applicant that is a partnership that meets the requirements of section 3417(1)(B).

"(C) From the funds described in subparagraph (A)(i), a State educational agency may use not more than 2 percent of the grant funds received by that agency under this subpart to provide planning subgrants to eligible local applicants in order to assist them to develop strategic long-term local technology plans that shall be included in the application for a subgrant under section 3416(1).

"(2) provide eligible local applicants with assistance in—

"(A) developing applications under section 3416;

"(B) forming partnerships among the entities described in section 3417(1)(B); and

"(C) establishing performance indicators and methods for measuring program outcomes against the indicators.

see next page

3412(2) -
3413

3414

"STATE APPLICATION

SEC. 3313. To receive funds under this subpart, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. As part of its application, a State educational agency shall submit a new or updated statewide educational technology plan. The plan submitted shall demonstrate how it will be coordinated with and support the State plan or policies for comprehensive standards-based education reform, and shall describe-

"(1) how the State educational agency will meet the national technology goals that-

"(A) all teachers in the Nation will have the training and support they need to help students learn using computers and the information superhighway;

"(B) all teachers and students will have modern multimedia computers in their classrooms;

"(C) every classroom will be connected to the information superhighway; and

"(D) effective software and online learning resources will be an integral part of every school's curriculum;

"(2) the State educational agency's long-term strategies for financing educational technology in the State, including how the State educational agency will use other sources of Federal and non-Federal funds, including the E-Rate, for this purpose;

"(3) the State educational agency's criteria for identifying, for purposes of section 3317(1)(A), a local educational agency as high-poverty, serving at least one low-performing school, and having a substantial need for technology, and how the State educational agency will report to the public the criteria to be used and the outcome of the competition;

"(4) the State educational agency's specific goals for using advanced technology to improve student achievement to challenging State academic content and performance standards by-

"(A) using web-based resources and telecommunications networks to provide challenging content and improve classroom instruction;

"(B) using research-based teaching practices and models of effective uses of advanced technology; and

"(C) promoting sustained and intensive, high-quality professional development that increases

teacher capacity to create improved learning environments through the integration of technology into instruction;

"(5) the State educational agency's performance indicators for each of the goals described in paragraphs (1), (2), and (4) and included in its plan, baseline performance data for the indicators, a timeline for achieving the goals, and interim measures of success toward achieving the goals;

"(6) how the State educational agency will ensure that grants to eligible local applicants are of sufficient size, scope, and quality to meet the purposes of this subpart effectively;

"(7) how the State educational agency will provide technical assistance to eligible local applicants, and its capacity for providing such assistance;

"(8) how the State educational agency will ensure that educational technology is accessible to, and usable by, all students, including students with special needs, such as students who have disabilities or limited English proficiency; and

"(9) how the State educational agency will evaluate its activities under the plan.

ments of this section. Such application shall be submitted to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall contain a systemic statewide plan that—

(1) outlines long-term strategies for financing technology education in the State and describes how business, industry, and other public and private agencies, including libraries, library literacy programs, and institutions of higher education, can participate in the implementation, ongoing planning, and support of the plan; and

(2) meets such other criteria as the Secretary may establish in order to enable such agency to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to carry out activities such as—

- (A) purchasing quality technology resources;
- (B) installing various linkages necessary to acquire connectivity;
- (C) integrating technology into the curriculum in order to improve student learning and achievement;
- (D) providing teachers and library media personnel with training or access to training;
- (E) providing administrative and technical support and services that improve student learning through enriched technology-enhanced resources, including library media resources;
- (F) promoting in individual schools the sharing, distribution, and application of educational technologies with demonstrated effectiveness;
- (G) assisting schools in promoting parent involvement;
- (H) assisting the community in providing literacy-related services;
- (I) establishing partnerships with private or public educational providers or other entities to serve the needs of children in poverty; and
- (J) providing assurances that financial assistance provided under this part shall supplement, not supplant, State and local funds.

SEC. 3134. [20 U.S.C. 6844] LOCAL USES OF FUNDS.

Each local educational agency, to the extent possible, shall use the funds made available under section 3132(a)(2) for—

- (1) developing, adapting, or expanding existing and new applications of technology to support the school reform effort;
- (2) funding projects of sufficient size and scope to improve student learning and, as appropriate, support professional development, and provide administrative support;
- (3) acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students and school library media personnel in the classroom or in school library media centers, in order to improve student learning by supporting the instructional pro-

3415

***LOCAL USES OF FUNDS**

*SEC. 3134. Each eligible local applicant shall use the funds made available under section 3413(a)(2)(i) for one or more of the following activities:

- *(1) Adapting or expanding existing and new applications of technology to enable teachers to create learning environments designed to prepare students to achieve to challenging State academic content and student performance standards through the use of research-based teaching practices and advanced technologies.
- *(2) Providing sustained and intensive, high-quality professional development in the integration of advanced technologies into curriculum and in using those technologies to create new learning environments, including training in the use of technology to access data and resources to develop curricula and instructional materials.
- *(3) Enabling teachers to use the Internet to communicate with other teachers and retrieve web-based learning resources.
- *(4) Using technology to collect, manage, and analyze data to inform school improvement efforts.
- *(5) Acquiring wireless telecommunications, hand-held devices, modeling or simulation tools, distance learning networks, and other advanced technologies with classroom applications.
- *(6) Acquiring wiring and access to advanced telecommunications.
- *(7) Using web-based learning resources, including those that provide access to challenging courses such as Advanced Placement courses.
- *(8) Assisting schools to use technology to promote parent and family involvement, and support communications between family and school.

gram offered by such agency to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources and services;

(4) providing ongoing professional development in the integration of quality educational technologies into school curriculum and long-term planning for implementing educational technologies;

(5) acquiring connectivity with wide area networks for purposes of accessing information and educational programming sources, particularly with institutions of higher education and public libraries; and

3416

~~(6) providing educational services for adults and families.~~

SEC. 3133. [20 U.S.C. 8845] LOCAL APPLICATIONS.

(a) IN GENERAL.

Each ~~local educational agency~~ desiring assistance from a State educational agency under section 3132(a)(2) shall submit an application, consistent with the objectives of the systemic statewide plan, to the State educational agency at such time, in such manner and accompanied by such information as the State educational agency may reasonably require. Such application, at a minimum, shall—

eligible local applicant

3413(a)(2)

(1) include a strategic, long-range (three- to five-year), plan that includes—

~~(A) a description of the type of technologies to be acquired, including specific provisions for interoperability among components of such technologies and, to the extent practicable, with existing technologies;~~

"(A) a description of how the applicant plans to improve the achievement of all students by—
"(i) making effective use of new technologies, networks, and electronic learning resources;
"(ii) using research-based teaching practices that are linked to advanced technologies; and
"(iii) promoting sustained and intensive, high-quality professional development that increases the capacity of teachers to create improved learning environments through the integration of educational technology into instruction.

~~(B) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency enhance teaching, training, and student achievement;~~

~~(C) an explanation of how programs will be developed in collaboration with existing adult literacy services providers to maximize the use of such technologies;~~

"(C) a description of the applicant's goals regarding the use of educational technology to meet the purposes of this subpart, as well as the applicant's baseline data, timelines, benchmarks, and indicators of success for meeting these goals;

(D)(i) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center; and

(E) a description of how the applicant will ensure sustained and intensive, high-quality professional development for teachers, administrators, and other educational personnel to further the use of technology in the classroom;

(ii) a list of the source or sources of ongoing training and technical assistance available to schools, teachers and administrators served by the local educational agency, such as State technology offices, intermediate educational support units, regional educational laboratories or institutions of higher education;

"(F) a description of the administrative and technical support that the applicant will provide schools;

(E) a description of the supporting resources, such as services, software and print resources, which will be acquired to ensure successful and effective use of technologies acquired under this section;

(G) ~~(F) the projected timetable for implementing such plan in schools;~~

(H) ~~(G) the projected cost of technologies to be acquired and related expenses needed to implement such plan;~~ (and) ✓

3416(a)(1)(A) -
(4)

~~(1) a description of how the local educational agency will coordinate the technology provided pursuant to this subpart with other grant funds available for technology from State and local sources;~~

~~(2) describe how the local educational agency will involve parents, public libraries, business leaders and community leaders in the development of such plan;~~

(3) describe how the acquired instructionally based technologies will help the local educational agency—

(A) promote equity in education in order to support State content standards and State student performance standards that may be developed; and

(B) provide access for teachers, parents and students to the best teaching practices and curriculum resources through technology; ~~and~~

(8) (4) describe a process for the ongoing evaluation of how technologies acquired under this section—

(A) will be integrated into the school curriculum; and

(B) will affect student achievement and progress toward meeting ~~the National Education Goals~~ and any challenging State content standards and State student performance standards that may be developed.

~~(d) FORMATION OF CONSORTIA. A local educational agency for any fiscal year may apply for financial assistance as part of a consortium with other local educational agencies, institutions of higher education, intermediate educational units, libraries, or other educational entities appropriate to provide local programs. The State educational agency may assist in the formation of consortia among local educational agencies, providers of educational services for adults and families, institutions of higher education, intermediate educational units, libraries, or other appropriate educational entities to provide services for the teachers and students in a local educational agency at the request of such local educational agency.~~

(b) ~~(e) COORDINATION OF APPLICATION REQUIREMENTS. If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement plan, in conjunction with requirements (under this Act or the Goals 2000: Educate America Act) the State educational agency may approve such plan, or a component of such plan, notwithstanding the requirements of subsection (e) if the State educational agency determines that such approval would further the purposes of this subpart.~~

~~SEC. 3115. [20 U.S.C. 6015] NATIONAL CHALLENGE GRANTS FOR TECHNOLOGY IN EDUCATION.~~

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available under section 3115(b)(1) for any fiscal year, the Secretary is authorized to award grants, on a competitive basis, to consortia having applications approved under subsection (d), which consortia shall include at least one local educational agency with a high percentage or number of children living below the poverty line and may include other local educational agencies, State educational agencies, institutions of higher education, businesses, academic

*(I) a description of the applicant's strategy for financing its strategic, long-term local technology plan, including the use of other Federal and non-Federal funds;

*(J) a description of how the applicant will use advanced technology to promote communication between teachers for activities such as—

*(i) sharing examples of student work;

*(ii) developing instructional

strategies;

*(iii) developing curricula aligned

with State or local standards;

*(iv) using data to improve teaching

and learning; and

*(K) a description of how the applicant would use technology to improve the teaching and learning of students with special needs, such as students with disabilities or limited English proficiency.

*(2) describe how the applicant included parents, public libraries, business leaders, and community leaders in the development of the strategic long-term local technology plan described in paragraph (1);

America's Education Goals

[should be "an"]

eligible local applicant

under this Act.

*(4) describe how the applicant would use subgrant funds to benefit low-performing schools;

*(5) describe how the applicant will ensure that technology is accessible to, and usable by, all students, particularly students with disabilities or limited English proficiency;

*(6) include an assurance that, before any funds received under this part are used for acquiring wiring or access to advanced telecommunications, the applicant will use all resources available to it through the E-Rate;

*(7) if the applicant is a partnership, describe the members of the partnership, their respective roles, and their respective contributions to improving the capacity of the local educational agency; and

346(a)(IXI) -

(b)

"DEFINITIONS

"SEC. 3417 For purposes of this subpart-

"(1) 'eligible local applicant' means-

"(A) a local educational agency that, as determined by the State educational agency,-

"(i) is among the local educational agencies in the State with the highest numbers or percentages of children from households living in poverty;

"(ii) includes one or more low-performing schools; and

"(iii) has a substantial need for assistance in acquiring and using technology; or

"(B) a partnership that includes at least one local educational agency that meets the requirements of subparagraph (A) and at least one-

"(i) local educational agency that can demonstrate that teachers in schools served by that agency are using technology effectively in their classrooms;

"(ii) institution of higher education;

"(iii) for-profit organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology; or

"(iv) public or private non-profit organization with demonstrated experience in the application of educational technology; and

"(2) 'low-performing school' means a school-

"(A) identified by the local educational agency for school improvement under section 1116(c) of this Act; or

"(B) in which a substantial majority of students fail to meet State performance standards based on State or local assessments that are aligned to the performance standards.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3418 For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

content experts, software designers, museums, libraries, or other appropriate entities.

(2) DURATION.—Grants under this section shall be awarded for a period of 5 years.

(b) USE OF GRANTS.—Grants awarded under subsection (a) shall be used for activities similar to the activities described in section 3134.

(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to consortia which demonstrate in the application submitted under subsection (d) that—

(1) the project for which assistance is sought is designed to serve areas with a high number or percentage of disadvantaged students or the greatest need for educational technology;

(2) the project will directly benefit students by, for example, integrating the acquired technologies into curriculum to help the local educational agency enhance teaching, training, and student achievement;

(3) the project will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center;

(4) the project will ensure successful, effective, and sustainable use of technologies acquired under this subsection; and

(5) members of the consortia or other appropriate entities will contribute substantial financial and other resources to achieve the goals of the project.

(d) APPLICATION.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

SEC. 3137. [20 U.S.C. 6847] FEDERAL ADMINISTRATION.

(a) EVALUATION PROCEDURES.—The Secretary shall develop procedures for State and local evaluations of the programs under this subpart.

(b) EVALUATION SUMMARY.—The Secretary shall submit to the Congress four years after the enactment of the Improving America's Schools Act of 1994 a summary of the State evaluations of programs under this subpart in accordance with the provisions of section 14701.

SUBPART 2 - REGIONAL TECHNOLOGY IN EDUCATION CONSORTIA

~~Subpart 3 - Regional Technical Support and Professional Development~~

SEC. 314. [20 U.S.C. 6861] REGIONAL TECHNICAL SUPPORT AND PROFESSIONAL DEVELOPMENT.

(a) ~~GRANTS AUTHORIZED.~~

(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall make grants in accordance with the provisions of this section, to regional entities such as the Eisenhower Mathematics and Science Regional Consortia under part C of title XIII, the regional education laboratories, the

GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHORIZED.—

"(1) AUTHORITY. The Secretary, through the Office of Educational Technology, shall make grants, or enter into contracts or cooperative agreements, in accordance with the provisions of this subpart, to consortia that meet the requirements of paragraph (2). In making such awards, the Secretary shall ensure, to the extent possible, that each geographic region of the United States shall be served by a recipient of an award under this subpart.

3421(a)(1)

comprehensive regional assistance centers, or such other regional entities as may be designated or established by the Secretary. In awarding grants under this section, the Secretary shall give priority to such consortia and shall ensure that each geographic region of the United States shall be served by such a consortium.

(2) REQUIREMENTS.—Each consortium receiving ~~(a grant under this section)~~  an award under this subpart shall—

(A) be composed of State educational agencies, institutions of higher education, nonprofit organizations, or a combination thereof;

(C)  ~~(B)~~ in cooperation with State and local educational agencies, develop a regional program that addresses professional development, technical assistance, and information resource dissemination, with special emphasis on meeting the documented needs of educators and learners in the region; and

(D)  ~~(C)~~ foster regional cooperation and resource and coursework sharing.

(b) FUNCTIONS.—

(1) TECHNICAL ASSISTANCE.—Each consortium receiving ~~(a grant under this section)~~  an award under this subpart shall, to the extent practicable—

(A) collaborate with State educational agencies and local educational agencies requesting collaboration, particularly in the development of strategies for assisting those schools with the highest numbers or percentages of disadvantaged students with little or no access to technology in the classroom;

 ~~(B) provide [information, in coordination with information available from the Secretary]~~ information

✓ ~~(evaluate and make recommendations on equipment and software that support the National Education Goals and are suited for a school's particular needs]~~ and compile and share information regarding creative and effective applications of technology in the classroom and school library media centers in order to support the purposes of this part;

~~(C) collaborate with such State educational agencies, local educational agencies, or schools requesting [to participate in the tailoring of software programs and other supporting materials to meet challenging State content standards or challenging State student performance standards that may be developed; and]~~

 assistance in applying advanced technologies and web-based resources in order to design learning environments for the 21st Century; and

(D) provide technical assistance to facilitate use of the electronic dissemination networks by State and local educational agencies and schools throughout the region.

(2) PROFESSIONAL DEVELOPMENT.—Each consortium receiving ~~(a grant under this section)~~  an award under this subpart shall, to the extent practicable—

(A) develop and implement, in collaboration with State educational agencies and institutions of higher education, ~~[technology-specific, ongoing professional development]~~ such as—

 sustained and intensive high-quality professional development that prepares educators to be effective developers, users, and evaluators of educational technology,

342(a)(2)-
(b)(2)(A)

(i) intensive school year and summer workshops ~~that use teachers, school librarians, and school library personnel to train other teachers, school librarians, and other school library media personnel; and~~

for teachers, administrators, school librarians, and other education personnel; and

(ii) distance professional development, including—

(I) interactive training tele-courses using researchers, educators, and telecommunications personnel who have experience in developing, implementing, or operating educational and instructional technology as a learning tool;

~~(II) onsite courses teaching teachers to use educational and instructional technology and to develop their own instructional materials for effectively incorporating technology and programming in their own classrooms;~~

(II) (III) methods for successful integration of instructional technology into the curriculum in order to improve student learning and achievement; and

(III) (IV) ~~video conferences and seminars which~~ offer professional development through peer interaction with experts as well as other teachers using technologies in their classrooms; and ~~(V) mobile education technology and training resources~~ the use of advanced telecommunications and distance learning networks to

fresh (need to delete "and")

(B) develop training resources that

(i) are relevant to the needs of the region and schools within the region;

(ii) are relevant to the needs of adult literacy staff and volunteers, including onsite courses on how to—

(I) use instructional technology; and

(II) develop instructional materials for adult learning; and

(iii) are aligned with the needs of teachers and administrators in the region;

(C) establish a repository of professional development and technical assistance resources;

(D) identify and link technical assistance providers to State and local educational agencies, as needed;

(E) ensure that training, professional development, and technical assistance meet the needs of educators, parents, and students served by the region;

(F) assist colleges and universities within the region to develop and implement preservice training programs for students enrolled in teacher education programs; and

(G) assist local educational agencies and schools in working with community members and parents to develop support from communities and parents for educational technology programs and projects.

(3) INFORMATION AND RESOURCE DISSEMINATION.—Each consortium receiving a grant under this section shall, to the extent practicable—

(A) assist State and local educational agencies in the identification and procurement of financial, technological

supported under this title, that incorporate the effective use of advanced technology into teacher preparation courses; *[and ?]*

increase the involvement and support of

an award under this subpart

"(A) maintain, or contribute to, a nationally accessible repository that contains information about effective uses of educational technology, including for sustained and intensive, high-quality professional development, and disseminate that information nationwide; and

342(5)(2)(A)(i) -
(3)(B)

and human resources needed to implement technology plans;

and

(C) (B) provide outreach and, at the request of a State or local educational agency, work with such agency to assist in the development and validation of instructionally based technology education resources (and)

(C) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region as such interests pertain to the application of technology in teaching, learning, instructional management, dissemination, collection and distribution of educational statistics, and the transfer of student information.

(4) COORDINATION.—Each consortium receiving a grant under this section shall work collaboratively, and coordinate the services the consortium provides, with appropriate regional and other entities assisted in whole or in part by the Department.

Subpart 4—Product Development

SEC. 3151. [20 U.S.C. 6871] EDUCATIONAL TECHNOLOGY PRODUCT DEVELOPMENT.

(a) PURPOSE.—It is the purpose of this subpart to—

(1) support development of curriculum-based learning resources using state-of-the-art technologies and techniques designed to improve student learning; and

(2) support development of long-term comprehensive instructional programming and associated support resources that ensure maximum access by all educational institutions.

(b) FEDERAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall provide assistance, on a competitive basis, to eligible consortia to enable such entities to develop, produce, and distribute state-of-the-art technology-enhanced instructional resources and programming for use in the classroom or to support professional development for teachers.

(2) GRANTS AND LOANS AUTHORIZED.—In carrying out the purposes of this section, the Secretary is authorized to pay the Federal share of the cost of the development, production, and distribution of state-of-the-art technology enhanced instructional resources and programming—

(A) by awarding grants to, or entering into contracts or cooperative agreements with, eligible consortia; or

(B) by awarding loans to eligible consortia which—

(i) shall be secured in such manner and be repaid within such period, not exceeding 20 years, as may be determined by the Secretary;

(ii) shall bear interest at a rate determined by the Secretary which shall be not more than the total of one-quarter of 1 percent per annum added to the rate of interest paid by the Secretary on funds obtained from the Secretary of the Treasury; and

"(4) Each consortium receiving an award under this subpart shall—

"(A) collaborate, and coordinate the services that it provides, with appropriate regional and other entities assisted in whole or in part by the Department;

"(B) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region regarding the application of technology to teaching, learning, instructional management, dissemination, the collection and distribution of educational statistics, and the transfer of student information; and

"(C) collaborate with the Department and recipients of funding under other technology programs of the Department, particularly the Technology Literacy Challenge Fund under subpart 1, and the Next-Generation Technology Innovation Awards program under subpart 1 of part B, to assist the Department and those recipients as requested by the Secretary.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3422. For purposes of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years.

[Subpart 4 to be repealed]

3421(b)(4) -
3422

**ELEMENTARY AND SECONDARY
EDUCATION ACT OF 1965**

TITLE VIII – IMPACT AID

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

MAY 21, 1999

TITLE VIII—IMPACT AID

~~SEC. 8001. [20 U.S.C. 7701] PURPOSE.~~

In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, because certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out, and to help such children meet challenging State standards, it is the purpose of this title to provide financial assistance to local educational agencies that—

- (1) experience a substantial and continuing financial burden due to the acquisition of real property by the United States;
- (2) educate children who reside on Federal property and whose parents are employed on Federal property;
- (3) educate children of parents who are in the military services and children who live in low-rent housing;
- (4) educate heavy concentrations of children whose parents are civilian employees of the Federal Government and do not reside on Federal property;
- (5) experience sudden and substantial increases or decreases in enrollments because of military realignments; or
- (6) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Federal lands.

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

"PURPOSE

SEC. 8001. The purpose of this title is to provide assistance to certain local educational agencies that are financially burdened as a result of activities of the Federal Government carried out in their jurisdictions, in order to help those agencies provide educational services to their children, including federally connected children, so that they can meet challenging State standards.

SEC. 8002. [20 U.S.C. 7702] PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines ~~for a fiscal year ending prior to October 1, 1999~~

for any fiscal year—

(1) that the United States owns Federal property in the local educational agency, and that such property—

- (A) has been acquired by the United States since 1938;
- (B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; ~~and~~
- (C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of

value of all real property in the local educational agency (similarly determined as of the time or times when the Federal property was so acquired); and

- (i) all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); or
- (ii) all real property in the local educational agency as assessed in the first year preceding or succeeding acquisition, whichever is greater, only if—

(D) has a current aggregate assessed value, determined under subsection (b)(3), that is at least 10 percent of the total current assessed value of all real property in the local educational agency; and

(I) the assessment of all real property in the local educational agency is not made at the same time or times that such Federal property was so acquired and assessed; and

(II) State law requires an assessment be made of property so acquired; and

(2) that such agency is not being substantially compensated for the loss in revenue resulting from such ownership by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property, then such agency shall be eligible to receive the amount described in subsection (b).

(b) AMOUNT.—

(1) IN GENERAL.—(A)(i) The amount that a local educational agency shall be paid under subsection (a) for a fiscal year shall be calculated in accordance with paragraph (2), except that such amount shall be reduced by the Secretary by an amount equal to the amount of revenue, if any, that such agency received during the previous fiscal year from activities conducted on such Federal property.

(ii) For purposes of clause (i), the amount of revenue that a local educational agency receives during the previous fiscal year from activities conducted on Federal property shall not include payments received by the agency from the Secretary of Defense to support—

(I) the operation of a domestic dependent elementary or secondary school; or

(II) the provision of a free public education to dependents of members of the Armed Forces residing on or near a military installation.

(B) If funds appropriated under ~~section 8014(a)~~ are insufficient to pay the amount determined under subparagraph (A), the Secretary shall ratably reduce the payment to each eligible local educational agency.

section 8014 (a) (1)

(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section that, when added to the amount such agency receives under section 8003(b), exceeds the maximum amount that such agency is eligible to receive for such fiscal year under ~~section 8003(b)(1)(C)~~.

8003 (b) (1) (B).

(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In calculating the amount that a local educational agency is eligible to receive for a fiscal year, the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies, or imputed for fiscally dependent local educational agencies, to the current annually determined aggregate assessed value of such acquired Federal property.

(3) DETERMINATION OF AGGREGATE ASSESSED VALUE.—Such aggregate assessed value of such acquired Federal property shall be determined on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined, and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.

(c) APPLICABILITY TO TENNESSEE VALLEY AUTHORITY ACT.—For the purpose of this section, any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933 shall not be regarded as Federal property.

(d) OWNERSHIP BY UNITED STATES.—The United States shall be deemed to own Federal property for the purposes of this Act, where—

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

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

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

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

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

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

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

(e) LOCAL EDUCATIONAL AGENCY CONTAINING FOREST SERVICE LAND AND SERVING CERTAIN COUNTIES.—Beginning with fiscal year 1995, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if such local educational agency meets the following requirements:

(1) ACREAGE AND ACQUISITION BY THE FOREST SERVICE.—

The local educational agency serves a school district that contains between 20,000 and 60,000 acres of land that has been acquired by the Forest Service of the Department of Agriculture between 1915 and 1990, as demonstrated by written evidence from the Forest Service satisfactory to the Secretary.

(2) COUNTY CHARTER.—The local educational agency serves a county chartered under State law in 1875 or 1890.

(f) SPECIAL RULE.—(1) Beginning with fiscal year 1994, and notwithstanding any other provision of law limiting the period during which fiscal year 1994 funds may be obligated, the Secretary shall treat the local educational agency serving the Wheatland R-II School District, Wheatland, Missouri, as meeting the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) (20 U.S.C. 237(a)(1)(C)) or subsection (a)(1)(C).

(2) For each fiscal year beginning with fiscal year 1999, the Secretary shall treat the Webster School District, Day County, South Dakota as meeting the eligibility requirements of subsection (a)(1)(C) of this section.

~~(g) FORMER DISTRICTS.—~~

~~(1) IN GENERAL.—Where the school district of any local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at any time such agency files an application under section 8005) for any fiscal year after fiscal year 1994 to have (A) the eligibility of such local educational agency, and (B) the amount which such agency shall be eligible to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school districts as such agency shall designate in such election.~~

~~(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for and was determined eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect for such fiscal year.~~

~~(b) HOLD-HARMLESS AMOUNTS.—~~

~~(1) IN GENERAL.—Except as provided in paragraph (2)(A), the total amount that the Secretary shall pay under subsection (b) to a local educational agency that is otherwise eligible for a payment under this section—~~

~~(A) for fiscal year 1995 shall not be less than 85 percent of the amount such agency received for fiscal year 1994 under section 2 of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect on September 30, 1994;~~

~~(B) for fiscal year 1996 shall not be less than 85 percent of the amount such agency received for fiscal year 1995 under subsection (b); and~~

~~(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).~~

~~(2) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1) for any fiscal year, the Secretary first shall ratably reduce payments under subsection (b) for such year to local educational agencies that do not receive a payment under this subsection for such year.~~

~~(ii) If additional funds become available for making payments under subsection (b) for such year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.~~

~~(B)(i) If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) after the application of subparagraph (A) for such year, then the Secretary shall ratably reduce payments under paragraph (1) to all such agencies for such year.~~

~~(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.~~

"(d) HOLD-HARMLESS AMOUNTS. Notwithstanding any other provision of this section, the Secretary shall make the following minimum payments for the following fiscal years under this section to each local educational agency that was eligible for, and received, a payment under this section for fiscal year 1999 but that, as a result of subsection (a)(1)(D), is no longer eligible for a payment under this section:

"(1) For fiscal year 2001, 75 percent of the amount it received for fiscal year 1999.

"(2) For fiscal year 2002, 50 percent of the amount it received for fiscal year 1999.

"(3) For fiscal year 2003, 25 percent of the amount it received for fiscal year 1999."

(i) PRIORITY PAYMENTS.—

(1) IN GENERAL.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—

(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2); and

(B) the Secretary shall use the remainder of the excess amount to increase the payments to each eligible local educational agency under this section.

(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this paragraph is a local educational agency that—

(A) received a payment under this section for fiscal year 1996;

(B) serves a school district that contains all or a portion of a United States military academy;

(C) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

(D) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.

(j) ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROPERTY ACQUISITION.—

(1) RESERVATION.—From amounts appropriated under section 8014(g) for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

(2) ELIGIBILITY.—(A) A local educational agency is eligible to receive additional assistance under this subsection only if such agency—

(i) received a payment under both this section and section 8003(b) for fiscal year 1996 and is eligible to receive payments under those sections for the year of application;

(ii) provided a free public education to children described under sections 8003(a)(1)(A), (B), or (D);

(iii) had a military installation located within the geographic boundaries of the local educational agency that was closed as a result of base closure or realignment;

(iv) remains responsible for the free public education of children residing in housing located on Federal property within the boundaries of the closed military installation but whose parents are on active duty in the uniformed services and assigned to a military activity located within the boundaries of an adjoining local educational agency; and

(v) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.

(3) MAXIMUM AMOUNT.—(A) The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year, when combined with its payment under subsection (b), shall not be more than 50 percent of the maximum amount determined under subsection (b);

(B) If funds appropriated under section 8014(g) are insufficient to pay the amount determined under subparagraph (A), the Secretary shall ratably reduce the payment to each local education agency eligible under this subsection;

(C) If funds appropriated under section 8014(g) are in excess of the amount determined under subparagraph (A) the Secretary shall ratably distribute any excess funds to all local educational agencies eligible for payment under subsection (b) of this section.

(k) SPECIAL RULE.—For purposes of payments under this section for each fiscal year beginning with fiscal year 1998—

(1) the Secretary shall, for the Stanley County, South Dakota local educational agency, calculate payments as if subsection (e) had been in effect for fiscal year 1994; and

(2) the Secretary shall treat the Delaware Valley, Pennsylvania local educational agency as if it had filed a timely application under section 2 of Public Law 81-874 for fiscal year 1994.

SEC. 8003. [20 U.S.C. 7703] PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) COMPUTATION OF PAYMENT.—

(1) IN GENERAL.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b), (d), or (f) for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—

(A)(i) resided on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the school district of such agency; or

(ii) resided on Federal property with a parent who is an official of, and accredited by, a foreign government and is a foreign military officer;

(B) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code);

(C) resided on Indian lands  or

VIII-7

(D)(i) had a parent on active duty in the uniformed services (as defined by section 101 of title 37, United States Code) but did not reside on Federal property; or

(ii) had a parent who is an official of, and has been accredited by, a foreign government and is a foreign military officer but did not reside on Federal property;

(E) resided in low-rent housing;

(F) resided on Federal property and is not described in subparagraph (A) or (B); or

(G) resided with a parent employed on Federal property situated—

(i) in whole or in part in the county in which such agency is located, or in whole or in part in such agency if such agency is located in more than one county; or

(ii) if not in such county, in whole or in part in the same State as such agency.

(2) DETERMINATION OF WEIGHTED STUDENT UNITS.—For the purpose of computing the basic support payment under subsection (b), the Secretary shall calculate the total number of weighted student units for a local educational agency by adding together the results obtained by the following computations:

(A) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of 1.0.

(B) Multiply the number of children described in paragraph (1)(C) by a factor of 1.25.

~~(C) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of .35 if the local educational agency has—~~

~~(i) a number of such children described in such subparagraphs which exceeds 6,500; and~~

~~(ii) an average daily attendance for all children which exceeds 100,000.~~

(D) Multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of .10.

(E) Multiply the number of children described in subparagraphs (F) and (G) of paragraph (1) by a factor of .05.

(3) SPECIAL RULE.—The Secretary shall only compute a payment for a local educational agency for children described in subparagraph (F) or (G) of paragraph (1) if the number of such children equals or exceeds 1,000 or such number equals or exceeds 10 percent of the total number of students in average daily attendance in the schools of such agency.

(4) MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.—For purposes of computing the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider such children to be children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that such children would have resided in housing on Federal property in accordance with paragraph (1)(B) except that such housing was undergoing renovation on the date for which the Secretary determines the number of children under paragraph (1).

(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

(1) BASIC SUPPORT PAYMENTS.—

(A) IN GENERAL.—From the amount appropriated under ~~section 8014(a)~~ for a fiscal year, the Secretary is authorized to make basic support payments to ~~eligible~~ local educational agencies with children described in subsection (a).

section 8014(a) (2)

~~(B) ELIGIBILITY.—A local educational agency is eligible to receive a basic support payment under subparagraph (A) for a fiscal year with respect to a number of children determined under subsection (a)(1) only if the number of children so determined with respect to such agency amounts to the lesser of—~~

~~(i) at least 400 such children; or~~

~~(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education.~~

(B) (C) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2), multiplied by the ~~greater of—~~

greatest

~~(i) one-half of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made;~~

~~(ii) one-half of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made;~~

(i) ~~(iii) the comparable local contribution rate certified by the State, as determined under regulations prescribed to carry out the Act of September 30, 1950 (Public Law 874, 81st Congress), as such regulations were in effect on January 1, 1994;~~

(ii) ~~(iv) the average per-pupil expenditure of the State in which the local educational agency is located, multiplied by the local contribution percentage;~~

or

"(iii) the average per-pupil expenditure of all of the States, multiplied by the local contribution percentage for the State."

(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

(A) IN GENERAL.—For any fiscal year in which the sums appropriated under ~~section 8014(a)~~ were insufficient to pay to each local educational agency the full amount computed under paragraph (1), the Secretary shall make payments in accordance with this paragraph.

section 8014(a) (2)

(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS. (i)

For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereafter in this title referred to as the "threshold payment") by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

→ paragraph (1) (B)

(i) ~~(I) the percentage of federally connected children for each local educational agency determined by calculating the fraction, the numerator of which is the total number of children described under subsection (a)(1) and the denominator of which is the total number of children in average daily attendance at the schools served by such agency; and~~

one-half of

(ii) ~~(II) the percentage that funds under paragraph (1)(C) represent of the total budget of the local educational agency, determined by calculating the fraction, the numerator of which is the total amount of funds calculated for each local educational agency under this paragraph (not including amounts received under subsection (f)), and the denominator of which is the total current expenditures for such agency in the second preceding fiscal year for which the determination is made.~~

→ (ii) 50 percent.

~~(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.~~

~~(iii) For the purpose of determining the percentages described in subclauses (I) and (II) of clause (i) that are applicable to the local educational agency providing free public education to students in grades 9 through 12 residing on Hanscom Air Force Base, Massachusetts, the Secretary shall consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under such subclause (I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under subclause (II).~~

~~(C) RATABLE DISTRIBUTION. For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computation made under subparagraph (B).~~

→ "(C) RATABLE DISTRIBUTIONS. For each fiscal year described in subparagraph (A), the Secretary shall—
"(i) make payments as a ratable distribution based on the computation made under subparagraph (B); and
"(ii) ratably increase those payments when the amount available exceeds the total of the amounts determined under subparagraph (B), except that no local educational agency shall receive a payment under this paragraph that exceeds the maximum payment for which it is eligible under paragraph (1) (B).

~~(3) STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.~~

~~(A) IN GENERAL.—In any of the 50 States of the United States in which there is only one local educational agency, the Secretary shall, for purposes of paragraphs (1)(B), (1)(C), and (2) of this subsection, and subsection (e), consider each administrative school district in the State to be a separate local educational agency.~~

(B) COMPUTATION OF MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENT AND THRESHOLD PAYMENT.—In computing the maximum payment amount under paragraph (1)(C) and the learning opportunity threshold payment under paragraph (2)(B) for an administrative school district described in subparagraph (A)—

(i) the Secretary shall first determine the maximum payment amount and the total current expenditures for the State as a whole; and

(ii) the Secretary shall then—

(I) proportionately allocate such maximum payment amount among the administrative school districts on the basis of the respective weighted student units of such districts; and

(II) proportionately allocate such total current expenditures among the administrative school districts on the basis of the respective number of students in average daily attendance at such districts.

(c) PRIOR YEAR DATA.—

(1) IN GENERAL.—Except as provided in ~~paragraph (2) and~~ subsection (f), all calculations under this section shall be based on data for each local educational agency from not later than the fiscal year preceding the fiscal year for which the agency is making application for payment.

subsection (b) (1) (C), paragraph (2) of this subsection, and

(2) EXCEPTION.—Calculations for a local educational agency that is newly established by a State shall, for the first year of operation of such agency, be based on data from the fiscal year for which the agency is making application for payment.

(d) CHILDREN WITH DISABILITIES.—

(1) IN GENERAL.—From the amount appropriated under ~~section 8014(c)~~ for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

section 8014 (a) (3)

~~(A) multiplying the number of children described in subparagraphs (A)(ii), (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) by a factor of 1.0; and~~

~~(B) multiplying the number of children described in subparagraph (D) of subsection (a)(1) who are eligible to receive services under such Act by a factor of 0.5.~~

(2) USE OF FUNDS.—A local educational agency that receives funds under paragraph (1) shall use such funds to provide ~~a free appropriate public education~~ to children described in paragraph (1) in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

services

(e) HOLD-HARMLESS AMOUNTS.—

(1) IN GENERAL.—(A) Except as provided in paragraph (4)(A), the total amount that the Secretary shall pay a local educational agency under subsection (b) shall not be less than 85 percent of the amount such agency received for the preceding fiscal year—

(i) in the case of fiscal year 1995 only, under subsections (a) and (b) of section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994); or

(ii) in the case of fiscal years 1996, 1997, 1998, or 1999, under such subsection (b).

(B) For fiscal year 1995 only, the Secretary shall pay, to each local educational agency that is not eligible for a payment under subsection (b) but that received a payment under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for fiscal year 1994, an amount which is not less than 85 percent of the payment such agency received under such section 3 for fiscal year 1994.

(2) TWO-YEAR APPLICABILITY.—Paragraph (1)(A) shall apply to any one local educational agency for a maximum of two consecutive fiscal years.

(3) PHASE-OUT PAYMENT.—A local educational agency which received a payment under section 3(e) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for fiscal year 1994 is eligible to receive a payment, under subsection (b) for fiscal year 1995, in an amount which is not less than 85 percent of the amount received by such agency in fiscal year 1994 under such section 3(e).

(4) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraphs (1) and (2), the Secretary first shall ratably reduce payments under subsection (b) to local educational agencies that do not receive a payment under this subsection.

(ii) If additional funds become available for making payments under subsection (b) for such fiscal year, payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

(B)(i) If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraphs (1) and (2) after the application of subparagraph (A) for such year, the Secretary shall ratably reduce payments to all such agencies for such year.

(ii) If additional funds become available for making payments under paragraphs (1) and (2) for such fiscal year, payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(1) ~~RESERVATION.~~—From amounts appropriated under ~~section 8014(b)~~ for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

section 8014 (a) (2)

~~(2) ~~ELIGIBILITY.~~ (A) A local educational agency is eligible to receive additional assistance under this subsection if such agency is eligible for a supplementary payment in accordance with subparagraph (B) or such agency—~~

(2) ELIGIBILITY. A local educational agency is eligible to receive additional assistance under this subsection only if the Secretary determines that—

~~(i)(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes a percentage of the total student enrollment of such agency which is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection, or not less than 40 percent if such agency does not receive a payment on behalf of such children; and~~

"(A) (i) (I) federally connected children described in subsection (a) (1) constitute at least 40 percent of the agency's average daily attendance; and

~~(II) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;~~

"(II) it has a tax rate for general-fund purposes that is at least 100 percent of the average tax rate for those purposes of comparable local educational agencies in the State; or

~~(ii)(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 35 percent of the total student enrollment of such agency; and~~

"(ii) its boundaries are the same as those of a military installation;

~~(II) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or~~

"(B) it is exercising due diligence to obtain State and other financial assistance; and

~~(iii) is a local educational agency whose boundaries are the same as a Federal military installation.~~

"(C) the agency's eligibility under State law for State aid with respect to the free public education of children described in subsection (a) (1), and the amount of that aid, are determined on a basis no less favorable to it than the basis used in determining the eligibility of local educational agencies for State aid, and the amount of that aid, with respect to the free public education of other children in the State.

~~(B) If the current expenditures in those local educational agencies which the Secretary has determined to be generally comparable to the local educational agency for which a computation is made under subsection (b)(1)(C) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in such agency, a level of education equivalent to that maintained in such other agencies, then the Secretary shall increase the local contribution rate for such agency by such an amount which the Secretary determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. The amount of any such supplementary payment may not exceed the per-pupil share (computed with regard to all children in average daily attendance), as determined by the Secretary, of the increased current expenditures necessitated by such unusual geographic factors.~~

~~(C) Any local educational agency determined eligible under clause (iii) of subparagraph (A) shall be deemed to have met~~

~~the tax effort requirements for eligibility under clause (i)(II) or (ii)(II) of such subparagraph.~~

(D) A local educational agency shall only be eligible to receive additional assistance under this subsection if the Secretary determines that—

(i) such agency is exercising due diligence in availing itself of State and other financial assistance; and

(ii) the eligibility of such agency under State law for State aid with respect to the free public education of children described in subsection (a)(1) and the amount of such aid are determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount of such aid, with respect to the free public education of other children in the State.

(3) MAXIMUM PAYMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the maximum amount that a local educational agency may receive under this subsection (other than any amount received under paragraph (2)(B)) in accordance with the following computations: The Secretary, in conjunction with the local educational agency, shall first determine each of the following:

(I) The average per-pupil expenditure of the State in which the local educational agency is located.

(II) The average per-pupil expenditure of generally comparable local educational agencies located in the State of the local educational agency, as defined in regulations issued by the Secretary.

(III) The average per-pupil expenditure of three generally comparable local educational agencies located in the State of the local educational agency, as defined in regulations issued by the Secretary.

The local educational agency shall select one of the amounts determined under subclause (I), (II), or (III) for purposes of the remaining computations under this subparagraph.

(ii) The Secretary shall next multiply the amount determined under clause (i) by the total number of students in average daily attendance at the schools of the local educational agency.

(iii) The Secretary shall next subtract from the amount determined under clause (ii) all funds available to the local educational agency for current expenditures, but, except as provided in subparagraph (C), shall not so subtract funds provided—

(I) under this Act; or

(II) by any department or agency of the Federal Government (other than the Department) that are used for capital expenses.

(3) MAXIMUM PAYMENTS. The Secretary shall determine the maximum amount that a local educational agency may receive under this subsection as follows:

"(A) PER-PUPIL COST FACTOR. The local educational agency shall choose either—

"(i) the average per-pupil expenditure of the State in which the agency is located; or

"(ii) the average per-pupil expenditure of at least 10 generally comparable local educational agencies in the State.

"(B) TOTAL COST FACTOR. The Secretary shall multiply the amount chosen by the agency under subparagraph (A) by the average daily attendance in the agency's schools of children described in subsection (a)(1).

"(C) UNMET NEED. The Secretary shall—

"(i) multiply—

"(I) the amount of funds available to the agency for current expenditures (determined in accordance with subparagraph (D)); by

"(II) the percentage of the agency's average daily attendance comprised of children described in subsection (a)(1);

"(ii) subtract the amount determined under clause (i) from the amount determined under subparagraph (B); and

"(iii) subtract the amount of any payments to the agency for that fiscal year under subsections (b)' and (d) of this section.

"(D) AMOUNT AVAILABLE FOR CURRENT EXPENDITURES.

In determining the amount of funds available in any fiscal year to a local educational agency for current expenditures (as defined in section 8013(4)) under subparagraph (C)(i)(I), the Secretary shall also include, with respect to the local educational agency's opening cash balance for that fiscal year, the portion of that balance that is the greater of—

"(i) the amount that exceeds the maximum amount of funds for current expenditures that the agency was allowed by State law to carry over from the prior fiscal year, if State restrictions on those amounts were applied uniformly to all local educational agencies in the State; or

"(ii) the amount that exceeds 30 percent of the agency's operating costs for the prior fiscal year.

(iv) If the tax rate used by the local educational agency is greater than 95 percent, but less than 100 percent, of the tax rate of comparable local educational agencies, the Secretary shall next multiply the amount determined under clause (iii) by the percentage that the tax rate of the local educational agency is of—

(I) the average tax rate of its generally comparable local educational agencies; or

(II) the average tax rate of all the local educational agencies in the State in which the local educational agency is located.

(v) The Secretary shall next subtract the total amount of payments received by a local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (iii) or clause (iv), as the case may be.

(B) SPECIAL RULE.—With respect to payments under this subsection for a fiscal year for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of payments under this subsection shall be equal to—

(i) the product of—

(I) the average per-pupil expenditure in all States multiplied by 0.7, except that such amount may not exceed 125 percent of the average per-pupil expenditure in all local educational agencies in the State; multiplied by

(II) the number of students described in subparagraph (A) or (B) of subsection (a)(1) for such agency; minus

(ii) the amount of payments such agency receives under subsections (b) and (d) for such year.

(C) DETERMINATION OF AVAILABLE FUNDS.—When determining the amount of funds available to the local educational agency for current expenditures for purposes of subparagraph (A)(iii) for a fiscal year, the Secretary shall include, with respect to the local educational agency's opening cash balance for such fiscal year, the portion of such balance that is the greater of—

(i) the amount that exceeds the maximum amount of funds for current expenditures that the local educational agency was allowed by State law to carry over from the prior fiscal year, if State restrictions on such amounts were applied uniformly to all local educational agencies in the State; or

(ii) the amount that exceeds 30 percent of the local educational agency's operating costs for the prior fiscal year.

~~(4) DATA.—For purposes of providing assistance under this subsection the Secretary shall use student, revenue, expenditure, and tax data from the second fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this subsection.~~

(4) DATA. In determining a local educational agency's eligibility for, and the amount of, any payment under this subsection for any fiscal year, the Secretary shall use—

"(A) student, revenue, expenditure, tax, and other necessary data from the second preceding fiscal year, if the agency (or the State educational agency) provides the Secretary those data within 60 days of being requested in writing to do so; and

"(B) if any of those data are not provided by that deadline, such data from the most recent preceding fiscal year for which data that are satisfactory to the Secretary are available.

(5) REDUCTION IN PAYMENTS.—If funds appropriated to carry out this subsection are insufficient to pay in full the amounts determined under paragraph (3), the Secretary shall ratably reduce the payment to each eligible local educational agency.

~~(6) ADDITIONAL PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF CHILDREN WITH SEVERE DISABILITIES.—~~

(1) IN GENERAL.—If any local educational agency receives Federal funds from sources other than this title to carry out the purposes of this title for any fiscal year due to the enrollment of children described under subsection (a), then the Secretary shall consider such funds as a payment to such agency under this part for such fiscal year.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, if funds appropriated pursuant to section 8014(b) for payments under subsection (b) to such agency for a fiscal year which, when added to the funds described in paragraph (1) received by such agency for such fiscal year, exceed the maximum amount described under subsection (b)(1)(C), then the Secretary shall make available from the funds appropriated under section 8014(b) for such fiscal year such excess amounts to any local educational agency serving two or more children described under subparagraph (B) or (D) of subsection (a)(1) who have a severe disability and a parent serving in the uniformed services (as defined by section 101 of title 37, United States Code) who is assigned to a particular permanent duty station for compassionate reasons (compassionate post assignment) for the total costs associated with such children who are provided an educational program provided outside the schools of such agency.

(3) REMAINING FUNDS.—If funds remain after payments are made under paragraph (2) for any fiscal year, then such remaining funds shall be made available for expenditures under subsection (d) in such fiscal year on a pro rata basis consistent with the requirements of such subsection.

(4) RATABLE REDUCTIONS.—If amounts available to carry out paragraph (2) for any fiscal year are insufficient to pay in full the total payment that all eligible local educational agencies are eligible to receive under such paragraph for such year, then the Secretary shall ratably reduce such payments to such agencies for such year.

~~(h) OTHER FUNDS.—Notwithstanding any other provision of law, a local educational agency receiving funds under this section may also receive funds under section 6 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) or such section's successor authority.~~

~~(i) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under sections 8002 and 8003(b) for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.~~

(h) OTHER FEDERAL FUNDS. Notwithstanding any other provision of law, a local educational agency may not receive a payment under this section for children claimed in its application if Federal funds (other than funds under this title) provide a substantial portion of the educational program for those children.

SEC. 8004. [20 U.S.C. 7704] ~~POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS~~

~~(a) IN GENERAL.~~ A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall establish policies and procedures to ensure that—

(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how the local educational agency may help such children realize the benefits of such programs and activities;

(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

(5) parents and Indian tribes are afforded an opportunity to present their views to such agency regarding such agency's general educational program.

~~(b) RECORDS.~~ A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall maintain records demonstrating such agency's compliance with the requirements contained in subsection (a).

~~(c) WAIVER.~~ A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall not be required to comply with the requirements of subsections (a) and (b) for any fiscal year with respect to any Indian tribe from which such agency has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency to such children.

~~(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.~~ The Secretary shall—

(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable such agencies, parents, and tribes to carry out this section; and

(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.

(d) ~~(e) COMPLAINTS.~~

(1) IN GENERAL.—(A) Any tribe, or its designee, which has students in attendance at a local educational agency may, in its discretion and without regard to the requirements of any other provision of law, file a written complaint with the Secretary regarding any action of a local educational agency taken pursuant to, or relevant to, the requirements of this section.

INDIAN COMMUNITY PARTICIPATION.

(a) IN GENERAL.—(1) Any local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall ensure that those children participate in programs and activities supported by those funds on an equal basis with all other children.

"(2) (A) Any local educational agency described in paragraph (1) shall ensure that the parents of Indian children and Indian tribes are afforded an opportunity to present their views and make recommendations on the unique educational needs of those children and how those children may realize the benefits of the educational programs and activities of the local educational agency, including the benefits of programs and activities assisted under this Act.

"(B) (i) A local educational agency that receives a grant under subpart 1 of part A of title IX of this Act shall comply with subparagraph (A) through activities planned and carried out by the parent committee established under that subpart.

"(ii) A local educational agency that does not receive such a grant may form an Indian parent committee to implement subparagraph (A).

"(iii) Subject to clause (i), a local educational agency may meet the requirements of subparagraph (A) by carrying out the parental-involvement requirements of section 1118 of this Act for all children it claims who reside on Indian lands.

"(C) A local educational agency that provides services under part A of title I of this Act for any children residing on Indian lands that it claims for the purpose of receiving funds under section 8003 shall ensure that it complies with section 1118 with respect to those children and their parents.

"(3) A local educational agency may use funds provided under section 8003 (other than under section 8003(d)), for activities designed to increase tribal and parental involvement in the education of Indian children, including, but not limited to, parent education, professional development related to the unique educational needs of Indian children, and implementing model educational programs that are proven to be effective for Indian children.

(b) RECORDS. Each local educational agency described in subsection (a) shall maintain records demonstrating its compliance with that subsection.

(c) TECHNICAL ASSISTANCE AND ENFORCEMENT. The Secretary shall—

"(1) provide technical assistance, as the Secretary finds necessary, to local educational agencies, parents, and Indian tribes to enable them to carry out this section;

"(2) recommend activities for local educational agencies to carry out using funds provided under section 8003 to increase tribal and parental involvement; and

"(3) enforce this section through such action (which may include the withholding of funds) as the Secretary finds appropriate, after affording the agency, parents, and affected Indian tribes an opportunity to present their views.

(B) Within ten working days from receipt of a complaint, the Secretary shall—

(i) designate a time and place for a hearing into the matters relating to the complaint at a location in close proximity to the local educational agency involved, or if the Secretary determines there is good cause, at some other location convenient to both the tribe, or its designee, and the local educational agency;

(ii) designate a hearing examiner to conduct the hearing; and

(iii) notify the affected tribe or tribes and the local educational agency involved of the time, place, and nature of the hearing and send copies of the complaint to the local educational agency and the affected tribe or tribes.

(2) HEARING.—The hearing shall be held within 30 days of the designation of a hearing examiner and shall be open to the public. A record of the proceedings shall be established and maintained.

(3) EVIDENCE; RECOMMENDATIONS; COST.—The complaining tribe, or its designee, and the local educational agency shall be entitled to present evidence on matters relevant to the complaint and to make recommendations concerning the appropriate remedial actions. Each party to the hearing shall bear only its own costs in the proceedings.

(4) FINDINGS AND RECOMMENDATIONS.—Within 30 days of the completion of the hearing, the hearing examiner shall, on the basis of the record, make written findings of fact and recommendations concerning appropriate remedial action, if any, which should be taken. The hearing examiner's findings and recommendations, along with the hearing record, shall be forwarded to the Secretary.

(5) WRITTEN DETERMINATION.—Within 30 days of the Secretary's receipt of the findings, recommendations, and record, the Secretary shall, on the basis of the record, make a written determination of the appropriate remedial action, if any, to be taken by the local educational agency, the schedule for completion of the remedial action, and the reasons for the Secretary's decision.

(6) COPIES PROVIDED.—Upon completion of the Secretary's final determination, the Secretary shall provide the complaining tribe, or its designee, and the local educational agency with copies of the hearing record, the hearing examiner's findings and recommendations, and the Secretary's final determination. The final determination of the Secretary shall be subject to judicial review.

(7) CONSOLIDATION.—In all actions under this subsection, the Secretary shall have discretion to consolidate complaints involving the same tribe or local educational agency.

(8) WITHHOLDING.—If the local educational agency rejects the determination of the Secretary, or if the remedy required is not undertaken within the time established and the Secretary determines that an extension of the time established will not effectively encourage the remedy required, the Secretary shall withhold payment of all moneys to which such local agency is eligible under section 8003 until such time as the remedy required is undertaken, except where the complaining tribe or its designee formally requests that such funds be released to the local educational agency, except that the Secretary may not withhold such moneys during the course of the school year if the Secretary determines that such withholding would substantially disrupt the educational programs of the local educational agency.

(9) REJECTION OF DETERMINATION.—If the local educational agency rejects the determination of the Secretary and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the Bureau of Indian Affairs or by contract with the Bureau of Indian Affairs, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action under such subsection (d) was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under section 8003. In such event, funds under such section shall not be withheld pursuant to paragraph (8) and no further complaints with respect to such students may be filed under paragraph (1).

(f) CONSTRUCTION.—This section is based upon the special relationship between the Indian nations and the United States and nothing in this section shall be construed to relieve any State of any duty with respect to any citizens of that State.

(e)

SEC. 8005. [20 U.S.C. 7705] APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

(a) IN GENERAL.—A local educational agency desiring to receive a payment under section 8002 or 8003 shall—

(1) submit an application for such payment to the Secretary; and

(2) provide a copy of such application to the State educational agency.

(b) CONTENTS.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

(1) information to determine the eligibility of the local educational agency for a payment and the amount of such payment; and

(2) where applicable, an assurance that such agency is in compliance with section 8004 (relating to ~~children residing on Indian land~~).

(c) DEADLINE FOR SUBMISSION.—The Secretary shall establish deadlines for the submission of applications under this section.

Indian community participation

(d) APPROVAL.—

(1) IN GENERAL.—The Secretary shall approve an application submitted under this section that—

(A) except as provided in paragraph (2), is filed by the deadline established under subsection (c); and

(B) otherwise meets the requirements of this title.

(2) REDUCTION IN PAYMENT.—The Secretary shall approve an application filed not more than 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that ~~notwithstanding section 8003(e)~~ the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.

(3) LATE APPLICATIONS.—The Secretary shall not accept or approve any application that is filed more than 60 days after a deadline established under subsection (c).

~~(4) STATE APPLICATION AUTHORITY.—Notwithstanding any other provision of law, a State educational agency that had been accepted as an applicant for funds under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) in fiscal year 1994 shall be permitted to continue as an applicant under the same conditions by which such agency made application during such fiscal year only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.~~

~~SEC. 8006. [20 U.S.C. 7706] PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.~~

(a) ELIGIBILITY.—A local educational agency is eligible for a payment under this section if—

(1) the number of children in average daily attendance during the school year for which the determination is made is at least 10 percent or 100 more than the number of children in average daily attendance in the school year preceding the school year for which the determination is made; and

(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between May 15 and September 30, inclusive, of the fiscal year for which the determination is made, as certified by an appropriate local official of the Department of Defense, is at least 10 percent or 100 more than the number of children in average daily attendance in the preceding school year.

(b) APPLICATION.—A local educational agency that wishes to receive a payment under this section shall file an application with the Secretary by October 15 of the school year for which payment is requested, in such manner and containing such information as

the Secretary may prescribe, including information demonstrating that such agency is eligible for such a payment.

VIII - 19

8005(d)-
8006(b)

(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—

(1) the increase in the number of children in average daily attendance from the school year preceding the fiscal year for which the determination is made; and

(2) the number of children described in subsection (a)(2).

(d) PAYMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), from the amount appropriated for a fiscal year under section 8014(d), the Secretary shall pay each local educational agency with an approved application an amount equal to one-half of the national average per-pupil expenditure multiplied by the number of such children determined under subsection (c) for that local educational agency.

(2) RATABLE REDUCTION.—(A) If the amount appropriated to carry out this section for any fiscal year is insufficient to pay the full payment that all eligible local educational agencies are eligible to receive under this section for such year, then the Secretary shall ratably reduce the payments to such agencies for such year.

(B) If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

(e) NOTIFICATION PROCESS.—

(1) ESTABLISHMENT.—The Secretary shall establish, with the Secretary of Defense, a notification process relating to the closure of Department of Defense facilities, or the adjustment of personnel levels assigned to such facilities, which may substantially affect the student enrollment levels of local educational agencies which receive or may receive payments under this title.

(2) INFORMATION.—Such process shall provide timely information regarding such closures and such adjustments—

(A) by the Secretary of Defense to the Secretary; and

(B) by the Secretary to the affected local educational agencies.

~~SEC. 8007. [20 U.S.C. 7707] CONSTRUCTION.~~

~~(a) PAYMENTS AUTHORIZED.—From the amount appropriated for each fiscal year under section 8014(e), the Secretary shall make payments to each local educational agency—~~

~~(1) that receives a basic payment under section 8003(b); and~~

~~(2)(A) in which the number of children determined under section 8003(a)(1)(C) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year;~~

~~(B) in which the number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made;~~

~~(C) that receives assistance under section 8003(f); or~~

~~(D) that receives assistance under section 8006.~~

~~(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency for a fiscal year shall be equal to—~~

~~(1) the amount appropriated under section 8014(e) for such year; divided by~~

~~(2) the number of children determined under section 8003(a)(2) for all local educational agencies described in subsection (a), but not including any children attending a school assisted or provided by the Secretary under section 8008 or section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994); multiplied by~~

~~(3) the number of such children determined for such agency.~~

~~(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 8013(3)~~

VIII-21

CONSTRUCTION

SEC. 8007. (a) PAYMENTS AUTHORIZED. From the amount appropriated for each fiscal year under section 8014(a)(4), the Secretary shall make a payment, to assist in the construction of school facilities, to each local educational agency—

"(1) that receives a basic payment under section 8003(b);

"(2) in which the number of children described in section 8003(a)(1)(C) is at least 50 percent of the number of children who were in average daily attendance in the agency's schools; and

"(3) that meets the requirements of this section.

"(b) APPLICATION. Each local educational agency that wishes to receive a payment under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the agency's assessment of its school-construction needs and the results of that assessment; and

"(2) the agency's plan for the use of the funds for which it is applying.

"(c) AMOUNT OF PAYMENTS. The amount of a local educational agency's payment under this section shall bear the same ratio to the amount available for all such payments as the number of children described in section 8003(a)(1)(C) for that agency bears to the total number of those children for all agencies eligible for such a payment.

"(d) FEDERAL SHARE.—(1) The Federal share of a project under this section may not exceed 50 percent.

"(2) The Secretary shall not obligate funds under this section with respect to an eligible local educational agency until the Secretary is satisfied that the agency will provide the non-Federal share of the cost of the project.

"(3) Any funds that are not obligated with respect to a local educational agency within three years of the approval of its application under this section shall be reallocated to other eligible agencies.

"(e) USE OF FUNDS. A local educational agency shall use funds received under this section only for—

"(1) construction, as defined in section 8013(3); and

"(2) minimum initial equipment necessary for the operation of a new or renovated school facility.

SEC. 8008. [20 U.S.C. 7708] FACILITIES.

(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section ~~8014(f)~~ the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994).

section 8014 (a) (5)

(b) TRANSFER OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Acts were in effect on January 1, 1958).

(2) OTHER REQUIREMENTS.—Any such transfer shall be without charge to such agency or entity, and prior to such transfer, the transfer shall be consented to by the local educational agency or other appropriate entity, and may be made on such terms and conditions as the Secretary deems appropriate to carry out the purposes of this title.

SEC. 8009. [20 U.S.C. 7709] STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

(a) GENERAL PROHIBITION.—Except as provided in subsection

(b), a State may not—

(1) consider payments under this title ~~for under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994)~~ in determining for any fiscal year—

(A) the eligibility of a local educational agency for State aid for free public education; or

(B) the amount of such aid; or

(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than such agency would receive if such agency were not so eligible.

(b) STATE EQUALIZATION PLANS.—

~~(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under section 8002 or 8003(b) (except the amount calculated in excess of 1.0 under subparagraph (B) of section 8003(a)(2)) or under the Act of September 30, 1950 (Public Law 874, 81st Congress) as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994 (other than an increase in payments described in paragraphs (2)(B), (2)(C), (2)(D), or (3)(B)(ii) of section 3(d) of such Act of September 30, 1950) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that such State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in such State.~~

"(1) IN GENERAL. A State may reduce State aid to a local educational agency that receives a payment under section 8002 or section 8003(b) (except the amount calculated in excess of 1.0 under section 8003(a)(2)(B)) for any fiscal year only if the Secretary determines, and certifies under subsection (c)(3)(A), that—

"(A) the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State; and

"(B) the average per-pupil expenditure in the State is at least 80 percent of the average such expenditure in the 50 States and the District of Columbia.

(2) COMPUTATION.—

(A) IN GENERAL.—For purposes of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second fiscal year preceding the fiscal year for which the determination is made, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 25 percent.

(B) OTHER FACTORS.—In making a determination under this subsection, the Secretary shall—

(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile or below the 5th percentile of such expenditures or revenues in the State; and

(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

(3) EXCEPTION.—Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

(A) the Secretary determines, on the basis of projected data, that the State's program will meet the disparity standard described in paragraph (2) for the fiscal year for which the determination is made; and

(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for the fiscal year for which the determination is made, the State will pay to each affected local educational agency the amount by which the State reduced State aid to the local educational agency.

(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—

(1) WRITTEN NOTICE.—

(A) IN GENERAL.—Any State that wishes to consider payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of such State's intention to do so.

(B) CONTENTS.—Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of such State's intention to consider such payments in providing State aid.

(2) OPPORTUNITY TO PRESENT VIEWS.—Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

(3) QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid qualifies under subsection (b), the Secretary shall—

(A) certify the program and so notify the State; and

(B) afford an opportunity for a hearing, in accordance with section 8011(a), to any local educational agency adversely affected by such certification.

(4) NON-QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid does not qualify under subsection (b), the Secretary shall—

(A) so notify the State; and

(B) afford an opportunity for a hearing, in accordance with section 8011(a), to the State, and to any local educational agency adversely affected by such determination.

(d) TREATMENT OF STATE AID.—

(1) IN GENERAL.—If a State has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State, payments under this title ~~for under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994)~~ for any fiscal year may be taken into consideration by such State in determining the relative—

(A) financial resources available to local educational agencies in that State; and

(B) financial need of such agencies for the provision of free public education for children served by such agency, except that a State may consider as local resources funds received under this title ~~for under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994)~~ only in proportion to the share that local tax revenues covered under a State equalization program are of total local tax revenues.

(2) PROHIBITION.—A State may not take into consideration payments under this title ~~for under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994)~~ before such State's program of State aid has been certified by the Secretary under subsection (c)(3).

(e) REMEDIES FOR STATE VIOLATIONS.—

(1) IN GENERAL.—The Secretary or any aggrieved local educational agency may, not earlier than 150 days after an adverse determination by the Secretary against a State for violation of subsections (a) or (d)(2) or for failure to carry out an assurance under subsection (b)(3)(B), and if an administrative proceeding has not been concluded within such time, bring an action in a United States district court against such State for such violations or failure.

(2) IMMUNITY.—A State shall not be immune under the 11th amendment to the Constitution of the United States from an action described in paragraph (1).

(3) RELIEF.—The court shall grant such relief as the court determines is appropriate.

SEC. 8010. [20 U.S.C. 7710] FEDERAL ADMINISTRATION.

(a) PAYMENTS IN WHOLE DOLLAR AMOUNTS.—The Secretary shall round any payments under this title to the nearest whole dollar amount.

(b) OTHER AGENCIES.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may require to carry out this title.

~~(c) SPECIAL RULES.~~

(1) CERTAIN CHILDREN ELIGIBLE UNDER SUBSECTION (a) OR (b) OF SECTION 3 OF PUBLIC LAW 81-874.—Notwithstanding any other provision of law, for any fiscal year before fiscal year 1995, the Secretary shall treat as eligible under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such subsection was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), and shall forgive the obligation of a local educational agency to repay any amounts that such agency received under such section for such fiscal year based on, any child who would be eligible under such subsections except that such child does not meet the requirements of subsection (a)(1)(B) or (b)(2)(B), respectively, of such section 3, if such child meets the requirements of paragraph (3) of this subsection.

(2) CERTAIN CHILDREN ELIGIBLE UNDER SUBPARAGRAPHS (A) AND (G)(ii) OF SECTION 8003(a)(1).—(A) The Secretary shall treat as eligible under subparagraph (A) of section 8003(a)(1) any child who would be eligible under such subparagraph except that the Federal property on which the child resides or on which the child's parent is employed is not in the same State in which the child attends school, if such child meets the requirements of paragraph (3) of this subsection.

(B) The Secretary shall treat as eligible under subparagraph (G) of section 8003(a)(1) any child who would be eligible under such subparagraph except that such child does not meet the requirements of clause (ii) of such subparagraph, if such child meets the requirements of paragraph (3) of this subsection.

(3) REQUIREMENTS.—A child meets the requirements of this paragraph if—

(A) such child resides—

(i) in a State adjacent to the State in which the local educational agency serving the school such child attends is located; or

(ii) with a parent employed on Federal property in a State adjacent to the State in which such agency is located;

(B) the schools of such agency are within a more reasonable commuting distance of such child's home than the schools of the local educational agency that serves the school attendance area where such child resides;

VIII - 25

(C) attending the schools of the local educational agency that serves the school attendance area where such child resides will impose a substantial hardship on such child;

(D) the State in which such child attends school provides funds for the education of such child on the same basis as all other public school children in the State, unless otherwise permitted under section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) or section 8009(b) of this title; and

(E) such agency received a payment for fiscal year 1994 under section 8003(b) (or such section's predecessor authority) on behalf of children described in paragraph (2).

SEC. 8011. [20 U.S.C. 7711] ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

(a) **ADMINISTRATIVE HEARINGS.**—A local educational agency and a State that is adversely affected by any action of the Secretary under this title ~~for under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994)~~ shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, United States Code.

or under its predecessor authorities

(b) **JUDICIAL REVIEW OF SECRETARIAL ACTION.**—

(1) **IN GENERAL.**—A local educational agency or a State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

(2) **FINDINGS OF FACT.**—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) **REVIEW.**—The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

SEC. 8012. [20 U.S.C. 7712] FORGIVENESS OF OVERPAYMENTS.

Notwithstanding any other provision of law, the Secretary may forgive the obligation of a local educational agency to repay, in whole or in part, the amount of any overpayment received under this title, or ~~under the Act of September 30, 1950 (Public Law 874, 81st Congress) or the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Acts were in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994)~~ if the Secretary determines that the overpayment was made as a result of an error made by—

under its predecessor authorities,

(1) the Secretary; or

(2) the local educational agency and repayment of the full amount of the overpayment will result in an undue financial hardship on the agency and seriously harm the agency's educational program.

SEC. 8013. [20 U.S.C. 7713] DEFINITIONS.

For purposes of this title:

(1) **ARMED FORCES.**—The term "Armed Forces" means the Army, Navy, Air Force, and Marine Corps.

(2) **AVERAGE PER-PUPIL EXPENDITURE.**—The term "average per-pupil expenditure" means—

(A) the aggregate current expenditures of all local educational agencies in the State; divided by

(B) the total number of children in average daily attendance for whom such agencies provided free public education.

(3) **CONSTRUCTION.**—The term "construction" means—

(A) the preparation of drawings and specifications for school facilities;

(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

(C) inspecting and supervising the construction of school facilities; and

(D) debt service for such activities.

(4) **CURRENT EXPENDITURES.**—The term "current expenditures" means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but does not include expenditures for community services, capital outlay, and debt service, or any expenditures made from funds awarded under part A of title I ~~(and title VI)~~. The determination of whether an expenditure for the replacement of equipment is considered a current expenditure or a capital outlay shall be determined in accordance with generally accepted accounting principles as determined by the State.

VIII-27

(5) FEDERAL PROPERTY.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) through (F), the term “Federal property” means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

(D),

(i) owned by the United States or leased by the United States from another entity;

(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation;

(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes; or

(V) used for low-rent housing, as described in paragraph (10) that is located on land described in subclause (I), (II), (III), or (IV) of this clause or on land that met one of those descriptions immediately before such property's use for such housing;

clause (iii),

~~(iii)(I) part of a low-rent housing project assisted under the United States Housing Act of 1937; or~~

(iii)(I) part of a low-income housing project assisted under the United States Housing Act of 1937; or

~~(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the Stewart B. McKinney Homeless Assistance Act; or~~

(II) affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or

~~(iv) owned by a foreign government or by an international organization.~~

~~(B) SCHOOLS PROVIDING FLIGHT TRAINING TO MEMBERS OF AIR FORCE.—The term “Federal property” includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy, any school providing flight training to members of the Air Force under contract with the Air Force at an airport owned by a State or political subdivision of a State.~~

(B) (C) NON-FEDERAL EASEMENTS, LEASES, LICENSES, PERMITS, IMPROVEMENTS, AND CERTAIN OTHER REAL PROPERTY.—The term “Federal property” includes, whether or not subject to taxation by a State or a political subdivision of a State—

(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

(ii) any improvement on Federal property as otherwise described in this paragraph; and

(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.

(C) ← (D) CERTAIN POSTAL SERVICE PROPERTY AND PIPELINES AND UTILITY LINES.—Notwithstanding any other provision of this paragraph, the term "Federal property" does not include—

(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

(ii) pipelines and utility lines.

(D) ← (E) PROPERTY WITH RESPECT TO WHICH STATE OR LOCAL TAX REVENUES MAY NOT BE EXPENDED, ALLOCATED, OR AVAILABLE FOR FREE PUBLIC EDUCATION.—Notwithstanding any other provision of this paragraph, "Federal property" does not include any property on which children reside that is otherwise described in this paragraph if—

(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

(ii) no tax revenues of the State are allocated or available for the free public education of such children.

~~(F) PROPERTY LOCATED IN THE STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR LOW-INCOME HOUSING.—The term "Federal property" includes any real property located in the State of Oklahoma that—~~

~~(i) is owned by an Indian housing authority and used for low-income housing (including housing assisted under the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937); and~~

~~(ii) at any time—~~

~~(I) was designated by treaty as tribal land; or~~

~~(II) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994).~~

(6) FREE PUBLIC EDUCATION.—The term "free public education" means education that is provided—

(A) at public expense, under public supervision and direction, and without tuition charge; and

(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

(i) includes preschool education; and

(ii) does not include any education provided beyond grade 12.

✓ (7) INDIAN LANDS.—The term "Indian lands" means any Federal property described in paragraph (5)(A)(ii) ~~or (5)(F)~~

(8) LOCAL CONTRIBUTION PERCENTAGE.—

(A) IN GENERAL.—The term “local contribution percentage” means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

(B) HAWAII AND DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the average local contribution percentage for ~~all States~~.

the 50 States and the District of Columbia.

(9) LOCAL EDUCATIONAL AGENCY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “local educational agency”—

(i) means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district; and

(ii) includes any State agency that directly operates and maintains facilities for providing free public education.

(B) EXCEPTION.—The term “local educational agency” does not include any agency or school authority that the Secretary determines on a case-by-case basis—

(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title ~~for the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994)~~ or increasing the amount of such assistance; or

(or under its predecessor authority)

(ii) is not constituted or reconstituted for legitimate educational purposes.

~~(10) LOW-RENT HOUSING.—The term “low-rent housing” means housing located on property that is described in paragraph (5)(A)(ii).~~

(11) REVENUE DERIVED FROM LOCAL SOURCES.—The term “revenue derived from local sources” means—

(A) revenue produced within the boundaries of a local educational agency and available to such agency for such agency's use; or

(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as such funds were collected as a local revenue source.

~~(12) SCHOOL FACILITIES.—The term “school facilities” includes—~~

(A) classrooms and related facilities; and

(B) equipment, machinery, and utilities necessary or appropriate for school purposes.

~~SEC. 8014. [20 U.S.C. 7714] AUTHORIZATION OF APPROPRIATIONS.~~

(a) ~~PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.~~—For the purpose of making payments under section 8002, there are authorized to be appropriated \$16,750,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

(b) ~~BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.~~—For the purpose of making payments under subsections (b) and (f) of section 8003, there are authorized to be appropriated \$775,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years, of which 6 percent shall be available, until expended, for each such fiscal year to carry out section 8003(f).

(c) ~~PAYMENTS FOR CHILDREN WITH DISABILITIES.~~—For the purpose of making payments under section 8003(d), there are authorized to be appropriated \$45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

(d) ~~PAYMENTS FOR INCREASES IN MILITARY CHILDREN.~~—For the purpose of making payments under section 8006, there are authorized to be appropriated \$2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

(e) ~~CONSTRUCTION.~~—For the purpose of carrying out section 8007, there are authorized to be appropriated \$25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

(f) ~~FACILITIES MAINTENANCE.~~—For the purpose of carrying out section 8008, there are authorized to be appropriated \$2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

(g) ~~ADDITIONAL ASSISTANCE FOR CERTAIN FEDERAL PROPERTY LOCAL EDUCATIONAL AGENCIES.~~—For the purpose of carrying out section 8002(j) there are authorized to be appropriated such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8014. (a) There are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to carry out each of the following provisions of this title:

"(1) Section 8002, payments for Federal acquisition of real property.

"(2) Section 8003(b), basic payments; and section 8003(f), payments for heavily impacted local educational agencies.

"(3) Section 8003(d), payments for children with disabilities.

"(4) Section 8007, construction.

"(5) Section 8008, facilities maintenance.

"(b) Funds appropriated to carry out sections 8007 and 8008 shall be available to the Secretary until expended.

**ELEMENTARY AND SECONDARY
EDUCATION ACT OF 1965**

TITLE IX, PART A– INDIAN EDUCATION

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

MAY 21, 1999

TITLE IX—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

PART A—INDIAN EDUCATION

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

SEC. 9101. [20 U.S.C. 7801] FINDINGS.

The Congress finds that—

(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

(A) are based on high-quality, internationally competitive content standards and student performance standards and build on Indian culture and the Indian community;

(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve such standards; and

(C) meet the ~~special~~ educational and culturally related academic needs of American Indian and Alaska Native students;

unique

(2) since the date of enactment of the initial Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

(4) the dropout rate for Indian students is unacceptably high, for example, 9 percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

SEC. 9102. [20 U.S.C. 7802] PURPOSE.

(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the ~~special~~ educational and culturally related academic needs of American Indians and Alaska Natives, so that such students can achieve to the same challenging State performance standards expected of all students.

9101 -
9102(a)

(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

- (1) meeting the ~~(special)~~ educational and culturally related academic needs of American Indians and Alaska Natives;
- (2) the education of Indian children and adults;
- (3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and
- (4) research, evaluation, data collection, and technical assistance.

unique

Subpart 1—Formula Grants to Local Educational Agencies

SEC. 9111. [20 U.S.C. 7811] PURPOSE.

It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—

- (1) are based on challenging State content standards and State student performance standards that are used for all students; and
- (2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

SEC. 9112. [20 U.S.C. 7812] GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—

(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 9116 and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

(A) was at least 10; or

(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

(b) INDIAN TRIBES.—

(1) IN GENERAL.—If a local educational agency that is eligible for a grant under this subpart does not establish a parent committee under section 9114(c)(4) for such grant, an Indian tribe that represents no less than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart.

except that any such tribe is not subject to section 9114(c)(4) (parent committee), section 9117(c) (maintenance of effort), or section 9118 (State review of applications).

9102(5)-
9112

SEC. 9113. [20 U.S.C. 7813] AMOUNT OF GRANTS.

(a) AMOUNT OF GRANT AWARDS.—

(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency which has an approved application under this subpart an amount equal to the product of—

(A) the number of Indian children who are eligible under section 9116 and served by such agency; and

(B) the greater of—

(i) the average per-pupil expenditure of the State in which such agency is located; or

(ii) 80 percent of the average per-pupil expenditure in the United States.

(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e).

(b) MINIMUM GRANT.—

(1) IN GENERAL.—Notwithstanding subsection (e) of this section, a local educational agency or an Indian tribe (as authorized under section 9112(b)) that is eligible for a grant under section 9112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than \$3,000.

(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this ~~Act~~ → subpart.

(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than \$4,000 for all grantees if the Secretary determines such increase is necessary to ensure quality programs.

(c) DEFINITION.—For the purpose of this section, the term “average per-pupil expenditure of a State” means an amount equal to—

(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

~~(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—~~ → see next page

(1) the total number of Indian children enrolled in schools that are operated by—

~~(A) the Bureau of Indian Affairs; or~~
~~(B) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988 (part B of title V of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988); and~~

(2) the greater of—

(A) the average per-pupil expenditure of the State in which the school is located; or

(B) 80 percent of the average per-pupil expenditure in the United States.

(e) **RATABLE REDUCTIONS.**—If the sums appropriated for any fiscal year under section 9162(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

SEC. 9114. [20 U.S.C. 7814] APPLICATIONS.

(a) **APPLICATION REQUIRED.**—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) **COMPREHENSIVE PROGRAM REQUIRED.**—Each application submitted under subsection (a) shall include a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

~~(2)(A) is consistent with, and promotes the goals in, the State and local improvement plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if such plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act, and~~

(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards adopted under title I for all children;

(3) explains how Federal, State, and local programs, especially under title I, will meet the needs of such students;

(4) demonstrates how funds made available under this subpart will be used for activities described in section 9115;

(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(d) **SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.**—(1) In addition to the grants awarded under subsection (a), and subject to subsection (e), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) Any school described in paragraph (1) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 9114, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that it shall not be subject to section

9114(c)(4) (parent committee), section 9117(c) (maintenance of effort), or section 9118 (State review of applications).

"(A) is consistent with State and local plans under other provisions of this Act; and

9113(dx)(A)-

9114(b)(5)(A)

(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

(6) describes how the local educational agency—

(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

(B) will provide the results of each assessment referred to in subparagraph (A) to—

(i) the committee of parents described in subsection (c)(4); and

(ii) the community served by the local educational agency; and

(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

(1) the local educational agency will use funds received under this subpart only to supplement the level of funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children, and not to supplant such funds;

(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

(A) carry out the functions of the Secretary under this subpart; and

(B) determine the extent to which funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

(3) the program for which assistance is sought—

~~(A) is based on a local assessment and prioritization of the special educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;~~

(B) will use the best available talents and resources, including individuals from the Indian community; and

(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including public hearings held by such agency to provide the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

(4) the local educational agency developed the program with the participation and written approval of a committee—

(A) that is composed of, and selected by—

(i) parents of Indian children in the local educational agency's schools and teachers; and

→ "(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students to whom the local educational agency is providing an education;

(ii) if appropriate, Indian students attending secondary schools;

~~(B) the membership of which is at least more than one-half parents of Indian children;~~

→ "(B) a majority of whose members are parents of Indian children;"

(C) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

(D) with respect to an application describing a schoolwide program in accordance with section 9115(c), has—

(i) reviewed in a timely fashion the program; and

(ii) determined that the program will ~~not diminish~~ the availability of culturally related activities for American Indians and Alaskan Native students; and

→ enhance

(E) has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

SEC. 9115. [20 U.S.C. 7815] AUTHORIZED SERVICES AND ACTIVITIES.

(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 9111, for services and activities that—

(1) are designed to carry out the comprehensive plan of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 9114(b);

(2) are designed with special regard for the language and cultural needs of the Indian students; and

(3) supplement and enrich the regular school program of such agency.

(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

(1) culturally related activities that support the program described in the application submitted by the local educational agency;

(2) early childhood and family programs that emphasize school readiness;

(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

(5) school-to-work transition activities to enable Indian students to participate in programs such as the programs supported by the School-to-Work Opportunities Act of 1994 and the Carl D. Perkins Vocational and ~~Applied Technology Education Act~~ including programs for tech-prep, mentoring, and apprenticeship;

→ Technical Education Act of 1998

9114(c)(4)(A)(ii)-
9115(b)(5)

IX-A-7

✓ (6) activities to educate individuals concerning substance abuse and to prevent substance abuse; ~~and~~

(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 9111.

(c) **SCHOOLWIDE PROGRAMS.**—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

(1) the committee composed of parents established pursuant to section 9114(c)(4) approves the use of the funds for the schoolwide program; and

(2) the schoolwide program is consistent with the purpose described in section 9111.

SEC. 9116. [20 U.S.C. 7816] STUDENT ELIGIBILITY FORMS.

(a) **IN GENERAL.**—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart and that otherwise meets the requirements of subsection (b).

(b) **FORMS.**—

(1) **IN GENERAL.**—The form described in subsection (a) shall include—

(A) either—

(i)(I) the name of the tribe or band of Indians (as defined in section 9161(4)) with respect to which the child claims membership;

(II) the enrollment number establishing the membership of the child (if readily available); and

(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

(ii) if the child is not a member of a tribe or band of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of any parent or grandparent of the child from whom the child claims eligibility;

(B) a statement of whether the tribe or band of Indians with respect to which the child, parent or grandparent of the child claims membership is federally recognized;

(C) the name and address of the parent or legal guardian of the child;

(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

(E) any other information that the Secretary considers necessary to provide an accurate program profile.

(2) **MINIMUM INFORMATION.**—In order for a child to be eligible to be counted for the purpose of computing the amount

and

"(8) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

"(9) activities that incorporate American Indian- and Alaska Native-specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;

"(10) activities to promote coordination and collaboration between tribal, Federal, and State public schools in areas that will improve American Indian and Alaska Native student achievement; and

"(11) activities that addresses the special needs of American Indian and Alaska Native students who are gifted and talented.

9115(6)(6) -
9116(6)(2)

of a grant award made under section 9113, an eligibility form prepared pursuant to this section for a child shall include—

(A) the name of the child;

(B) the name of the tribe or band of Indians (as defined in section 9161(4)) with respect to which the child claims eligibility; and

(C) the dated signature of the parent or guardian of the child.

(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of determining the amount of a grant award made under section 9113.

(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 9161.

(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

(1) to establish such eligibility; and

(2) to meet the requirements of subsection (a).

(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant under section 9113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

(f) MONITORING AND EVALUATION REVIEW.—

(1) IN GENERAL.—(A) For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account size of the local educational agency and the geographic location of such agency. → the

(B) A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

(A) be ineligible to apply for any other grant under this subpart; and

(B) be liable to the United States for any funds that have not been expended.

(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under ~~Subsection (d)~~ shall not be counted for the purpose of computing the amount of a grant under section 9113.

subsection (a)

IX-A-9

~~(g) DISTRIBUTION.—For the purposes of the distribution of funds under this subpart to schools that receive funding from the Bureau of Indian Affairs pursuant to—~~

(1) section 1130 of the Education Amendments of 1978; and

(2) the Act of April 16, 1934 (48 Stat. 596, chapter 147), the Secretary shall, in lieu of meeting the requirements of this section for counting Indian children, use a count of the number of students in such schools certified by the Bureau of Indian Affairs.

SEC. 9117. [20 U.S.C. 7817] PAYMENTS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 9113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart ~~(or under subpart 1 of the Indian Education Act of 1988)~~ in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 9113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, that the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

(2) FAILURE.—If, for any fiscal year, the Secretary determines that a local educational agency failed to maintain the fiscal effort of such agency at the level specified in paragraph (1), the Secretary shall—

(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of such agency's failure to maintain its fiscal effort at such level; and

(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(g) TRIBAL GRANT AND CONTRACT SCHOOLS. Notwithstanding any other provision of this section, the Secretary, in awarding funds under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, shall use only one of the following, as selected by the school:

"(1) A count of the number of students in those schools certified by the Bureau.

"(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

"(h) TIMING OF CHILD COUNTS. For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (g)(1)), the local educational agency shall—

"(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, so long as that date or period occurs before the deadline established by the Secretary for submitting an application under section 9114; and

"(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

9116(f)(3) -
9117(c)(2)

(3) **WAIVER.**—(A) The Secretary may waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

(d) **REALLOCATIONS.**—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

(2) otherwise become available for reallocation under this subpart.

~~SEC. 9118. [20 U.S.C. 7818] STATE EDUCATIONAL AGENCY REVIEW.~~

~~(a) **APPLICATION.**—Each entity desiring assistance under this subpart shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require except that this subsection shall not apply to Bureau-funded schools.~~

~~(b) **SPECIAL RULE.**—Before submitting an application under subsection (a) to the Secretary, the entity shall submit its application to the State educational agency. The State educational agency may comment on such application, however if such agency comments on such application such agency shall comment on all applications submitted by entities within the State and shall provide such comments to the appropriate local educational agency, which local educational agency shall be given an opportunity to respond to such comments.~~

*STATE EDUCATIONAL AGENCY REVIEW

SEC. 9118. Before submitting an application to the Secretary under section 9114, a local educational agency shall submit it to the State educational agency, which may comment on it. If the State educational agency comments on the application, it shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

SEC. 9121. [20 U.S.C. 7831] IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

(a) **PURPOSE.**—

(1) **IN GENERAL.**—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

9117(CX3)-
9121(AX1)

(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—

(A) other programs funded under this Act; and

(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term “eligible entity” means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institution of higher education, or a consortium of such institutions.

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

(A) innovative programs related to the educational needs of educationally deprived children;

(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

(C) bilingual and bicultural programs and projects;

(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;

(F) comprehensive guidance, counseling, and testing services;

(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;

(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education; or

(K) other services that meet the purpose described in subsection (a)(1).

IX-A-12

(2) PRESERVICE OR INSERVICE TRAINING.—Preservice or inservice training of professional and paraprofessional personnel may be a part of any program assisted under this section.

(d) GRANT REQUIREMENTS AND APPLICATIONS.—

(1) GRANT REQUIREMENTS.—(A) The Secretary may make multiyear grants under this section for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

(B) In making multiyear grants under this section, the Secretary shall give priority to applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

(C) The Secretary shall make a grant payment to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (2) and any subsequent modifications to such application.

(D)(i) In addition to awarding the multiyear grants described in subparagraph (A), the Secretary may award grants to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

(ii) The Secretary may award a dissemination grant under this subparagraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated has been adequately reviewed and has a demonstrated—

(I) educational merit; and

(II) the ability to be replicated.

(2) APPLICATION.—(A) Any eligible entity that desires to receive a grant under this ~~subsection~~ shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(B) Each application submitted to the Secretary under subparagraph (A) shall contain—

(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section; ~~and~~

(iii) such other assurances and information as the Secretary may reasonably require.

section

application for a dissemination grant under ^{other than an} paragraph (1) (D),

"(iii) information demonstrating that the proposed program is either a research-based program or such a program that has been modified to be culturally appropriate for the students who will be served;

"(iv) a description of how the applicant will incorporate the proposed services into the ongoing school program once the grant period is over; and"

SEC. 9122. [20 U.S.C. 7832] PROFESSIONAL DEVELOPMENT.

(a) PURPOSES.—The purposes of this section are—

(1) to increase the number of qualified Indian individuals in professions that serve Indian people;

(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

9121(c)(2)-
9122(a)

IX-A-13

(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term "eligible entity" means—

(1) an institution of higher education, including an Indian institution of higher education;

(2) a State or local educational agency, in consortium with an institution of higher education; and

(3) an Indian tribe or organization, in consortium with an institution of higher education.

(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

(d) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Grant funds under this section shall be used to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include but are not limited to, continuing programs, symposia, workshops, conferences, and direct financial support.

(2) SPECIAL RULES.—(A) For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

(B) For individuals who are being trained to enter any field other than education, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

~~(e) APPLICATION.—~~

~~(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may reasonably require.~~

~~(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to applications describing programs that train Indian individuals.~~

(f) SPECIAL RULE.—In making grants under this section, the Secretary—

(1) shall consider the prior performance of the eligible entity; and

(2) may not limit eligibility to receive a grant under this section on the basis of—

(A) the number of previous grants the Secretary has awarded such entity; or

(B) the length of any period during which such entity received such grants.

(g) GRANT PERIOD.—Each grant under this section shall be awarded for a program of not more than 5 years.

(h) SERVICE OBLIGATION.—

(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

(A) perform work—

(i) related to the training received under this section; and

(ii) that benefits Indian people; or

(B) repay all or a prorated part of the assistance received.

(e) APPLICATION. Each

preservice

9122(5) -
(4X1)

NA-14

(2) **REPORTING.**—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

SEC. 9123. (20 U.S.C. 7833) FELLOWSHIPS FOR INDIAN STUDENTS.

(a) FELLOWSHIPS.—

(1) **AUTHORITY.**—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

(2) **REQUIREMENTS.**—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

(A) of not more than 4 academic years; and

(B) that leads—

(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields; or

(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

(b) **STIPENDS.**—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

(c) **PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.**—The Secretary shall pay to the institution of higher education at which a fellowship recipient is pursuing a course of study, in lieu of tuition charged such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided such recipient.

(d) SPECIAL RULES.—

(1) **IN GENERAL.**—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the fellowship.

(2) **WRITTEN NOTICE.**—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

(A) the amount of the fellowship; and

(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

(3) **PRIORITY.**—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a speciality in the area of alcohol and substance abuse counseling and education.

"(i) IN-SERVICE TRAINING FOR TEACHERS OF INDIAN CHILDREN.—(1) **GRANTS AUTHORIZED.**

In addition to the grants authorized by subsection (c), the Secretary may make grants to either of the following, in order to provide high-quality in-service training to teachers in local educational agencies with substantial numbers of Indian children enrolled in their schools:

"(A) A consortium of a tribal college and an institution of higher education that awards a degree in education.

"(B) A consortium of a tribal college or an institution of higher education that awards a degree in education, or both, and one or more elementary or secondary schools operated by an Indian tribe or funded by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.

"(2) **USE OF FUNDS.**—(A) A consortium that receives a grant under paragraph (1) shall use the grant funds only to provide high-quality in-service training to teachers, including teachers who are not Indian, in local educational agencies with substantial numbers of Indian children enrolled in their schools, in order to better meet the unique educational needs of those children.

"(B) The training described in subparagraph (A) shall include such activities as preparing teachers to use the best available research-based practices and learning strategies, and to make the most effective use of curriculum and materials, that respond to the unique needs of Indian children in their classrooms.

"(3) **SPECIAL RULE.** Subsection (d) of this section shall not apply to grants made under this subsection.

"(4) **PREFERENCE FOR INDIAN APPLICANTS.** In applying section 9153 to this subsection, the Secretary shall give a preference to any consortium that includes one or more of the entities described in that section."

9122(h)(2)-
9123(d)

IX-A-15

(e) SERVICE OBLIGATION.—

(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

(A) perform work—

(i) related to the training for which the individual receives assistance under this section; and

(ii) that benefits Indian people; or

(B) repay all or a prorated portion of such assistance.

(2) REPORTING PROCEDURE.—The Secretary shall establish, by regulation, a reporting procedure under which the recipient of training assistance under this section, not later than 12 months after the date of completion of the training and periodically thereafter, shall provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

SEC. 9124. [20 U.S.C. 7834] GIFTED AND TALENTED.

(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

(1) establish two centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

(2) support demonstration projects described in subsection

(c).

(b) ELIGIBLE ENTITIES.—The Secretary shall make grants to, or enter into contracts, for the activities described in subsection (a), with—

(1) two tribally controlled community colleges that—

(A) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978; and

(B) are fully accredited; or

(2) if the Secretary does not receive applications that the Secretary determines to be approvable from two colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The grants made, or contracts entered into, by the Secretary under subsection (a) shall be used for—

(A) the establishment of centers described in subsection (a); and

(B) carrying out demonstration projects designed to—

(i) address the special needs of Indian students in elementary and secondary schools who are gifted and talented; and

(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project under this subsection.

9123(e) -
9124(c)(2)

IX-A-16

(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (a) may include—

(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

(i) the emotional and psychosocial needs of such students; and

(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines holds a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including but not limited to—

(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

(ii) mentoring and apprenticeship programs;

(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

(D) the use of public television in meeting the special educational needs of such gifted and talented children;

(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children that are needed to enable such children to benefit from the project.

(4) APPLICATION.—Each entity desiring a grant under subsection (a) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

(d) ADDITIONAL GRANTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (hereafter in this section referred to as "Bureau schools") for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

(A) gifted and talented students;

(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

(D) mathematics and science education.

9124(c)(3) -
(d)(1)

(2) APPLICATIONS.—Each Bureau school desiring a grant to conduct one or more of the activities described in paragraph (1) shall submit an application to the Secretary in such form and at such time as the Secretary may prescribe.

(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

(5) GRANT PERIOD.—Subject to the availability of appropriations, grants under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

(6) DISSEMINATION.—(A) The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

(B) The Secretary shall report to the Secretary of the Interior and to the Congress any results from activities described in paragraph (3)(B).

(7) EVALUATION COSTS.—(A) The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under such subsection.

(B) If no funds are provided under subsection (b) for—

(i) the evaluation of activities assisted under paragraph (1);

(ii) technical assistance and coordination with respect to such activities; or

(iii) the dissemination of the evaluations referred to in clause (i),

then the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.

TX-A 18

SEC. 9125. [20 U.S.C. 7835] GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

(a) **IN GENERAL.**—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

(2) develop education codes for schools within the territorial jurisdiction of the tribe;

(3) provide support services and technical assistance to schools serving children of the tribe; and

(4) perform child-find screening services for the preschool-aged children of the tribe to—

(A) ensure placement in appropriate educational facilities; and

(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

(b) **PERIOD OF GRANT.**—Each grant under this section may be awarded for a period of not more than 3 years, except that such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

(c) **APPLICATION FOR GRANT.**—

(1) **IN GENERAL.**—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

(2) **CONTENTS.**—Each application described in paragraph (1) shall contain—

(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether such objectives are achieved.

(3) **APPROVAL.**—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

9125(a)-
(c)(3)(A)

(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

(d) RESTRICTION.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Indian Education Amendments of 1978.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education \$3,000,000 for each of the fiscal years 1995 through 1999 to carry out this section.

Subpart 3—Special Programs Relating to Adult Education for Indians

SEC. 9131. [20 U.S.C. 7851] IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

(a) IN GENERAL.—The Secretary shall award grants to State and local educational agencies, and to Indian tribes, institutions, and organizations—

(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

(2) to assist in the establishment and operation of programs that are designed to stimulate—

(A) basic literacy opportunities for all nonliterate Indian adults; and

(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

IX-A-19

9/25(CX3)(C)-
9/31(C)

~~(d) APPLICATIONS.—~~~~(1) IN GENERAL.—Each entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.~~~~(2) CONTENTS.—Each application described in paragraph (1) shall contain—~~~~(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and~~~~(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant are achieved.~~~~(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates—~~~~(A) there has been adequate participation, by the individuals to be served and appropriate tribal communities, in the planning and development of the activities to be assisted; and~~~~(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.~~~~(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions~~**Subpart ~~4~~ National Research Activities**

→3

SEC. 9141. [20 U.S.C. 7861] NATIONAL ACTIVITIES.**(a) AUTHORIZED ACTIVITIES.—**The Secretary may use funds made available under section 9162(b) for each fiscal year to—**(1)** conduct research related to effective approaches for the education of Indian children and adults;**(2)** evaluate federally assisted education programs from which Indian children and adults may benefit;**(3)** collect and analyze data on the educational status and needs of Indians; and**(4)** carry out other activities that are consistent with the purpose of this part.**(b) ELIGIBILITY.—**The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.**(c) COORDINATION.—**Research activities supported under this section—

913(d) -

914(c)

IX-A-21

(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

(2) may include collaborative research activities which are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

Subpart ~~5~~ Federal Administration

→ 4

SEC. 9151. [20 U.S.C. 7871] NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the "Council"), which shall—

(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

(2) represent different geographic areas of the United States.

(b) DUTIES.—The Council shall—

(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

(A) with respect to which the Secretary has jurisdiction; and

(B)(i) that includes Indian children or adults as participants; or

(ii) that may benefit Indian children or adults;

(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

(3) submit to the Congress, not later than June 30 of each year, a report on the activities of the Council, including—

(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

(B) recommendations concerning the funding of any program described in subparagraph (A).

SEC. 9152. [20 U.S.C. 7872] PEER REVIEW.

The Secretary may use a peer review process to review applications submitted to the Secretary under ~~subpart 2, 3, or 4~~

→ subpart 2 or 3.

SEC. 9153. [20 U.S.C. 7873] PREFERENCE FOR INDIAN APPLICANTS.

In making grants under ~~subpart 2, 3, or 4~~ the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants.

→ subpart 2 or 3.

914(CX1)-
9153

SEC. 9154. [20 U.S.C. 7874] MINIMUM GRANT CRITERIA.

The Secretary may not approve an application for a grant under ~~Subpart 2 or 3~~ unless the application is for a grant that is—

subpart 2

- (1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant; and
- (2) based on relevant research findings.

Subpart ~~2~~ Definitions; Authorizations of Appropriations

→ 5

SEC. 9161. [20 U.S.C. 7881] DEFINITIONS.

As used in this part:

- (1) ADULT.—The term “adult” means an individual who—
 - (A) has attained the age of 16 years; or
 - (B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.
- (2) ADULT EDUCATION.—The term “adult education” has the meaning given such term in section 312(2) of the Adult Education Act.
- (3) FREE PUBLIC EDUCATION.—The term “free public education” means education that is—
 - (A) provided at public expense, under public supervision and direction, and without tuition charge; and
 - (B) provided as elementary or secondary education in the applicable State or to preschool children.
- (4) INDIAN.—The term “Indian” means an individual who is—
 - (A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—
 - (i) any tribe or band terminated since 1940; and
 - (ii) any tribe or band recognized by the State in which the tribe or band resides;
 - (B) a descendant, in the first or second degree, of an individual described in subparagraph (A);
 - (C) considered by the Secretary of the Interior to be an Indian for any purpose;
 - (D) an Eskimo, Aleut, or other Alaska Native; or
 - (E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect the day preceding the date of enactment of the Act entitled the “Improving America’s Schools Act of 1994”.

~~SEC. 9162. [20 U.S.C. 7882] AUTHORIZATIONS OF APPROPRIATIONS.~~

(a) SUBPART 1.—For the purpose of carrying out subpart 1 of this part, there are authorized to be appropriated to the Department of Education \$61,300,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

(b) SUBPARTS 2 THROUGH 4.—For the purpose of carrying out subparts 2, 3, and 4 of this part, there are authorized to be appropriated to the Department of Education \$26,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

(c) SUBPART 5.—For the purpose of carrying out subpart 5 of this part, there are authorized to be appropriated to the Department of Education \$3,775,000 for fiscal year 1995 and such sums ~~as may be necessary for each of the four succeeding fiscal years.~~

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 9162. (a) SUBPART 1. For the purpose of carrying out subpart 1 of this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(b) SUBPARTS 2 AND 3. For the purpose of carrying out subparts 2 and 3 of this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.