

1 **TITLE I—IMPROVING THE ACA-**
2 **DEMIC PERFORMANCE OF THE**
3 **DISADVANTAGED**

4 **PART A—BASIC PROGRAM**

5 **SEC. 101. DISADVANTAGED CHILDREN MEET HIGH ACA-**
6 **DEMIC STANDARDS.**

7 Section 1001 is amended to read as follows:

8 **“SEC. 1001. FINDINGS; STATEMENT OF PURPOSE; AND REC-**
9 **OGNITION OF NEED.**

10 “(a) FINDINGS.—Congress finds the following:

11 “(1) The Constitution of the United States re-
12 serves to the States and to the people the responsi-
13 bility for the general supervision of public education
14 in kindergarten through the twelfth grade.

15 “(2) States, local educational agencies and
16 schools should be given maximum flexibility in ex-
17 change for greater academic accountability, and be
18 given greater freedom to build upon existing innova-
19 tive approaches for education reform.

20 “(3) The best education decisions are made by
21 those who know the students and who are respon-
22 sible for implementing the decisions.

23 “(4) Educators and parents should retain the
24 right and responsibility to educate their pupils and



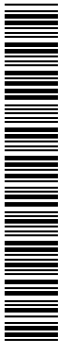
1 children free of excessive regulation by the Federal
2 Government.

3 “(5) The Supreme Court has regarded the right
4 of parents to direct the upbringing of their children
5 as a fundamental right implicit in the concept of or-
6 dered liberty within the 14th Amendment to the
7 Constitution, as specified in *Meyer v. Nebraska*, 262
8 U.S. 390 (1923), and *Pierce v. Society of Sisters*,
9 268 U.S. 510 (1925).

10 “(6) Schools that enroll high concentrations of
11 children living in poverty face the greatest chal-
12 lenges, but effective educational strategies based on
13 scientifically based research can succeed in edu-
14 cating children to high academic standards.

15 “(7) High-poverty schools are much more likely
16 to be identified as failing to meet State academic
17 standards for satisfactory progress. As a result,
18 these schools are generally the most in need of addi-
19 tional resources and technical assistance to build the
20 capacity of these schools to address the many needs
21 of their students.

22 “(8) The educational progress of children par-
23 ticipating in programs under this title is closely as-
24 sociated with their being taught by a highly qualified
25 staff, particularly in schools with the highest con-



1 concentrations of poverty, where paraprofessionals,
2 uncertified teachers, and teachers teaching out of
3 field frequently provide instructional services.

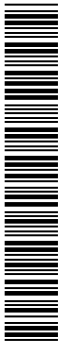
4 “(9) Congress and the public would benefit
5 from additional data evaluating the efficacy of the
6 Elementary and Secondary Education Act of 1965.

7 “(10) Schools operating programs assisted
8 under this part must be held accountable for the
9 educational achievement of their students, when
10 those students fail to demonstrate progress in
11 achieving high academic standards, local educational
12 agencies and States must take significant actions to
13 improve the educational opportunities available to
14 them.

15 “(b) PURPOSE AND INTENT.—The purpose and in-
16 tent of this title are to ensure that all children have a
17 fair and equal opportunity to obtain a high-quality edu-
18 cation.

19 “(c) RECOGNITION OF NEED.—The Congress recog-
20 nizes the following:

21 “(1) Educational needs are particularly great
22 for low-achieving children in our Nation’s highest-
23 poverty schools, children with limited English pro-
24 ficiency, children of migrant workers, children with
25 disabilities, Indian children, children who are ne-



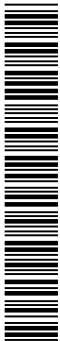
1 glected or delinquent, and young children who are in
2 need of reading assistance and family literacy assist-
3 ance.

4 “(2) Despite more than 3 decades of Federal
5 assistance, a sizable achievement gap remains be-
6 tween minority and nonminority students, and be-
7 tween disadvantaged students and their more advan-
8 taged peers.

9 “(3) Too many students attend local schools
10 that fail to provide them with a quality education,
11 and are given no alternatives to enable them to re-
12 ceive a quality education.

13 “(4) States, local educational agencies, and
14 schools need to be held accountable for improving
15 the academic achievement of all students, and for
16 identifying and turning around low-performing
17 schools.

18 “(5) States and local educational agencies need
19 to ensure that high quality academic assessments,
20 accountability systems, teacher preparation and
21 training, curriculum, and instructional materials are
22 aligned with challenging State academic standards
23 so that students, teachers, parents, and administra-
24 tors can measure progress against common expecta-
25 tions for student academic achievement.



1 “(6) Federal education assistance is intended
2 not only to increase pupil achievement overall, but
3 also more specifically and importantly, to help en-
4 sure that all students, especially the disadvantaged,
5 meet challenging academic achievement standards. It
6 can only be determined if schools, local educational
7 agencies, and States are reaching this goal if stu-
8 dent achievement results are reported specifically by
9 disadvantaged and minority status.”.

10 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

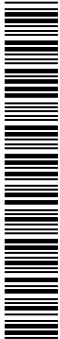
11 Section 1002 is amended to read as follows:

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

13 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
14 the purpose of carrying out part A, other than section
15 1120(e), there are authorized to be appropriated
16 \$9,061,000,000 for fiscal year 2002 and such sums as
17 may be necessary for each of the 4 succeeding fiscal years.

18 “(b) STUDENT READING SKILLS IMPROVEMENT
19 GRANTS.—

20 “(1) READING FIRST.—For the purpose of car-
21 rying out subpart 1 of part B, there are authorized
22 to be appropriated \$900,000,000 for fiscal year
23 2002 and such sums as may be necessary for each
24 of the 4 succeeding fiscal years.



1 “(2) EARLY READING FIRST.—For the purpose
2 of carrying out subpart 2 of part B, there are au-
3 thorized to be appropriated \$75,000,000 for fiscal
4 year 2002 and such sums as may be necessary for
5 each of the 4 succeeding fiscal years.

6 “(3) EVEN START.—For the purpose of car-
7 rying out subpart 3 of part B, there are authorized
8 to be appropriated \$250,000,000 for fiscal year
9 2002 and such sums as may be necessary for each
10 of the 4 succeeding fiscal years.

11 “(4) INEXPENSIVE BOOK DISTRIBUTION PRO-
12 GRAM.—For the purpose of carrying out subpart 4
13 of part B, there are authorized to be appropriated
14 such sums as may be necessary for fiscal year 2002
15 and each of the 4 succeeding fiscal years.

16 “(c) EDUCATION OF MIGRATORY CHILDREN.—For
17 the purpose of carrying out part C, there are authorized
18 to be appropriated \$380,000,000 for fiscal year 2002 and
19 such sums as may be necessary for each of the 4 suc-
20 ceeding fiscal years.

21 “(d) PREVENTION AND INTERVENTION PROGRAMS
22 FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT
23 RISK OF DROPPING OUT.—For the purpose of carrying
24 out part D, there are authorized to be appropriated



1 \$46,000,000 for fiscal year 2002 and such sums as may
2 be necessary for each of the 4 succeeding fiscal years.

3 “(e) COMPREHENSIVE SCHOOL REFORM.—For the
4 purpose of carrying out part F, there are authorized to
5 be appropriated \$260,000,000 for fiscal year 2002 and
6 such sums as may be necessary for each of the 4 suc-
7 ceeding fiscal years.

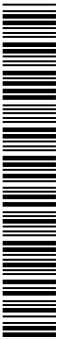
8 “(f) RURAL EDUCATION.—For the purpose of car-
9 rying out part G, there are authorized to be appropriated
10 \$125,000,000 for fiscal year 2002 and such sums as may
11 be necessary for each of 4 succeeding fiscal years to be
12 distributed equally between subparts 1 and 2.

13 “(g) CAPITAL EXPENSES.—For the purpose of car-
14 rying out section 1120(e), there are authorized to be ap-
15 propriated \$5,000,000 for fiscal year 2002, and such sums
16 as may be necessary for fiscal year 2003.

17 “(h) FEDERAL ACTIVITIES.—

18 “(1) SECTIONS 1501 AND 1502.—(A) For the
19 purpose of carrying out section 1501, there are au-
20 thorized to be appropriated \$9,000,000 for fiscal
21 year 2002 and such sums as may be necessary for
22 each of the 4 succeeding fiscal years.

23 “(B) For the purpose of carrying out section
24 1502, there are authorized to be appropriated such



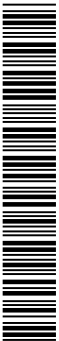
1 sums as may be necessary for fiscal year 2002 and
2 for each of the 4 succeeding fiscal years.

3 “(2) SECTION 1503.—For the purpose of car-
4 rying out section 1503, there are authorized to be
5 appropriated such sums as may be necessary for fis-
6 cal year 2002 and for each of the 4 succeeding fiscal
7 years.

8 “(i) STATE ADMINISTRATION.—

9 “(1) STATE RESERVATION.—Each State may
10 reserve, from the sum of the amounts it receives
11 under parts A, C, and D of this title, an amount
12 equal to the greater of 1 percent of the amount it
13 received under such parts for fiscal year 2001, or
14 \$400,000 (\$50,000 for each outlying area), includ-
15 ing any funds it receives under paragraph (2), to
16 carry out administrative duties assigned under parts
17 A, C, and D.

18 “(2) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated
20 \$10,000,000 for fiscal year 2002 and such sums as
21 may be necessary for each of the 4 succeeding fiscal
22 years for additional State administration grants.
23 Any such additional grants shall be allocated among
24 the States in proportion to the sum of the amounts



1 received by each State for that fiscal year under
2 parts A, C, and D of this title.

3 “(3) SPECIAL RULE.—The amount received by
4 each State under paragraphs (1) and (2) may not
5 exceed the amount of State funds expended by the
6 State educational agency to administer elementary
7 and secondary education programs in such State.

8 “(j) ASSISTANCE FOR LOCAL SCHOOL IMPROVE-
9 MENT.—

10 “(1) PROGRAM AUTHORIZED.—The Secretary
11 shall award grants to States to provide subgrants to
12 local educational agencies for the purpose of pro-
13 viding assistance for school improvement consistent
14 with section 1116. Such grants shall be allocated
15 among States, the Bureau of Indian Affairs, and the
16 outlying areas, in proportion to the grants received
17 by the State, the Bureau of Indian Affairs, and the
18 outlying areas for the fiscal year under parts A, C,
19 and D of this title. The Secretary shall expeditiously
20 allocate a portion of such funds to States for the
21 purpose of assisting local educational agencies and
22 schools that were in school improvement status on
23 the date preceding the date of the enactment of the
24 No Child Left Behind Act of 2001.



1 “(2) REALLOCATIONS.—If a State does not
2 apply for funds under this subsection, the Secretary
3 shall reallocate such funds to other States in the
4 same proportion funds are allocated under para-
5 graph (1).

6 “(3) STATE APPLICATIONS.—Each State edu-
7 cational agency that desires to receive funds under
8 this subsection shall submit an application to the
9 Secretary at such time, and containing such infor-
10 mation as the Secretary shall reasonably require, ex-
11 cept that such requirement shall be waived if a State
12 educational agency has submitted such information
13 as part of its State plan under this part. Each State
14 plan shall describe how such funds will be allocated
15 to ensure that the State educational agency and
16 local educational agencies comply with school im-
17 provement, corrective action, and restructuring re-
18 quirements of section 1116.

19 “(4) LOCAL EDUCATIONAL AGENCY GRANTS.—
20 A grant to a local educational agency under this
21 subsection shall be—

22 “(A) of sufficient size and scope to support
23 the activities required under sections 1116 and
24 1117, but not less than \$50,000 and not more
25 than \$500,000 to each participating school;



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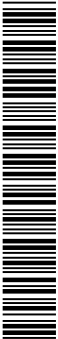
1 “(B) integrated with funds awarded by the
2 State under this Act; and

3 “(C) renewable for 2 additional 1-year pe-
4 riods if schools are making yearly progress con-
5 sistent with State and local educational agency
6 plans developed under section 1116.

7 “(5) PRIORITY.—The State, in awarding such
8 grants, shall give priority to local educational agen-
9 cies with the lowest achieving schools, that dem-
10 onstrate the greatest need for such funds, and that
11 demonstrate the strongest commitment to making
12 sure such funds are used to provide adequate re-
13 sources to enable the lowest achieving schools to
14 meet the yearly progress goals under State and local
15 school improvement, corrective action, and restruc-
16 turing plans under section 1116.

17 “(6) ADMINISTRATIVE COSTS.—A State edu-
18 cational agency that receives a grant award under
19 this subsection may reserve not more than 5 percent
20 of such award for administration, evaluation, and
21 technical assistance expenses.

22 “(7) LOCAL AWARDS.—Each local educational
23 agency that applies for assistance under this sub-
24 section shall describe how it will provide the lowest
25 achieving schools the resources necessary to meet



1 yearly progress goals under State and local school
2 improvement, corrective action, and restructuring
3 plans under section 1116.

4 “(8) AUTHORIZATION OF APPROPRIATIONS.—
5 For the purpose of carrying out this subsection,
6 there are authorized to be appropriated
7 \$400,000,000 for fiscal year 2002 and such sums as
8 may be necessary for each of the 4 succeeding fiscal
9 years.”.

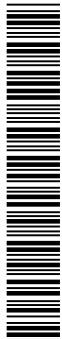
10 **SEC. 103. RESERVATION FOR SCHOOL IMPROVEMENT.**

11 Section 1003 is amended to read as follows:

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

13 “(a) STATE RESERVATIONS.—Each State shall re-
14 serve 1 percent of the amount it receives under subpart
15 2 of part A for fiscal years 2002 and 2003, and 3 percent
16 of the amount received under such subpart for fiscal years
17 2004 through 2006, to carry out subsection (b) and to
18 carry out the State’s responsibilities under sections 1116
19 and 1117, including carrying out the State educational
20 agency’s statewide system of technical assistance and sup-
21 port for local educational agencies.

22 “(b) USES.—Of the amount reserved under sub-
23 section (a) for any fiscal year, the State educational agen-
24 cy shall allocate at least 95 percent of that amount directly
25 to local educational agencies for schools identified for



1 school improvement, corrective action, and restructuring
2 under section 1116(c) that have the greatest need for that
3 assistance in amounts sufficient to have a significant im-
4 pact in improving those schools.

5 “(c) PRIORITY.—The State educational agency, in al-
6 locating funds to local educational agencies under this sec-
7 tion, shall give priority to local educational agencies
8 that—

9 “(1) have the lowest achieving schools;

10 “(2) demonstrate the greatest need for such
11 funds; and

12 “(3) demonstrate the strongest commitment to
13 ensuring that such funds are used to enable the low-
14 est achieving schools to meet the yearly progress
15 goals under section 1116(b)(3)(A)(v).

16 “(d) UNUSED FUNDS.—If, after consultation with
17 local educational agencies in the State, the State edu-
18 cational agency determines that the amount of funds re-
19 served to carry out subsection (b) is greater than the
20 amount needed to provide the assistance described in that
21 subsection, it may allocate the excess amount to local edu-
22 cational agencies in accordance with either or both—

23 “(1) the relative allocations it made to those
24 agencies for that fiscal year under subpart 2 of part
25 A; or



1 “(2) section 1126(c).

2 “(e) SPECIAL RULE.—Notwithstanding any other
3 provision of this section, the amount of funds reserved by
4 the State under subsection (a) in any given fiscal year
5 shall not decrease the amount of State funds each local
6 educational agency receives below the amount received by
7 such agency under subpart 2 in the preceding fiscal
8 year.”.

9 **SEC. 104. BASIC PROGRAMS.**

10 The heading for part A of title I and sections 1111
11 through 1115 are amended to read as follows:

12 **“PART A—IMPROVING BASIC PROGRAMS**

13 **OPERATED BY LOCAL EDUCATIONAL AGENCIES**

14 **“Subpart 1—Basic Program Requirements**

15 **“SEC. 1111. STATE PLANS.**

16 “(a) PLANS REQUIRED.—

17 “(1) IN GENERAL.—Any State desiring to re-
18 ceive a grant under this part shall submit to the
19 Secretary, by March 1, 2002, a plan, developed in
20 consultation with local educational agencies, teach-
21 ers, principals, pupil services personnel, administra-
22 tors (including administrators of programs described
23 in other parts of this title), other staff, and parents,
24 that satisfies the requirements of this section and
25 that is coordinated with other programs under this



1 Act, the Individuals with Disabilities Education Act
2 (20 U.S.C. 1400 et seq.), the Carl D. Perkins Voca-
3 tional and Technical Education Act of 1998 (20
4 U.S.C. 2301 et seq.), the Head Start Act (42 U.S.C.
5 9831 et seq.), and the McKinney-Vento Homeless
6 Assistance Act (42 U.S.C. 11431 et seq.).

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

10 “(b) ACADEMIC STANDARDS, ACADEMIC ASSESS-
11 MENTS, AND ACCOUNTABILITY.—

12 “(1) CHALLENGING ACADEMIC STANDARDS.—

13 “(A) Each State plan shall demonstrate
14 that the State has adopted challenging aca-
15 demic content standards and challenging stu-
16 dent academic achievement standards that will
17 be used by the State, its local educational agen-
18 cies, and its schools to carry out this part, ex-
19 cept that a State shall not be required to sub-
20 mit such standards to the Secretary.

21 “(B) The academic standards required by
22 subparagraph (A) shall be the same academic
23 standards that the State applies to all schools
24 and children in the State.



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1 “(C) The State shall have such academic
2 standards for all public elementary and sec-
3 ondary school children, including children
4 served under this part, in subjects determined
5 by the State, but including at least mathe-
6 matics, reading or language arts, and science
7 (beginning in the 2005–2006 school year),
8 which shall include the same knowledge, skills,
9 and levels of achievement expected of all chil-
10 dren.

11 “(D) Academic standards under this para-
12 graph shall include—

13 “(i) challenging academic content
14 standards in academic subjects that—

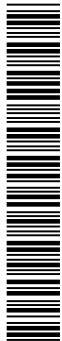
15 “(I) specify what children are ex-
16 pected to know and be able to do;

17 “(II) contain coherent and rig-
18 orous content; and

19 “(III) encourage the teaching of
20 advanced skills; and

21 “(ii) challenging student academic
22 achievement standards that—

23 “(I) are aligned with the State’s
24 academic content standards;



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1 “(II) describe 2 levels of high
2 performance (proficient and advanced)
3 that determine how well children are
4 mastering the material in the State
5 academic content standards; and

6 “(III) describe a third level of
7 performance (basic) to provide com-
8 plete information about the progress
9 of the lower performing children to-
10 ward achieving to the proficient and
11 advanced levels of performance.

12 “(E) For the subjects in which students
13 will be served under this part, but for which a
14 State is not required by subparagraphs (A),
15 (B), and (C) to develop, and has not otherwise
16 developed such academic standards, the State
17 plan shall describe a strategy for ensuring that
18 students are taught the same knowledge and
19 skills in such subjects and held to the same ex-
20 pectations as are all children.

21 “(2) ACCOUNTABILITY.—

22 “(A) IN GENERAL.—Each State plan shall
23 demonstrate that the State has developed and is
24 implementing a statewide State accountability
25 system that has been or will be effective in en-



1 suring that all local educational agencies, public
2 elementary schools, and public secondary
3 schools make adequate yearly progress as de-
4 fined under subparagraph (B). Each State ac-
5 countability system shall—

6 “(i) be based on the academic stand-
7 ards and academic assessments adopted
8 under paragraphs (1) and (4) and take
9 into account the performance of all public
10 school students;

11 “(ii) be the same as the accountability
12 system the State uses for all public schools
13 or all local educational agencies in the
14 State, except that public schools and local
15 educational agencies not participating
16 under this part are not subject to the re-
17 quirements of section 1116; and

18 “(iii) include rewards and sanctions
19 the State will use to hold local educational
20 agencies and public schools accountable for
21 student achievement and for ensuring that
22 they make adequate yearly progress in ac-
23 cordance with the State’s definition under
24 subparagraph (B).



1 “(B) ADEQUATE YEARLY PROGRESS.—
2 Each State plan shall demonstrate, based on
3 academic assessments described under para-
4 graph (4), what constitutes adequate yearly
5 progress of the State, and of public schools and
6 local educational agencies in the State, toward
7 enabling all public school students to meet the
8 State’s student academic achievement stand-
9 ards, while working toward the goal of nar-
10 rowing the achievement gaps in the State, local
11 educational agency, and school.

12 “(C) DEFINITION.—‘Adequate yearly
13 progress’ shall be defined by the State in a
14 manner that—

15 “(i) applies the same high academic
16 standards of academic performance to all
17 public school students in the State;

18 “(ii) measures the progress of public
19 schools and local educational agencies
20 based primarily on the academic assess-
21 ments described in paragraph (4);

22 “(iii) includes separate annual numer-
23 ical objectives for continuing and signifi-
24 cant improvement in each of the following
25 (except that disaggregation of data under



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1 subclauses (II) and (III) shall not be re-
2 quired in a case in which the number of
3 students in a category is insufficient to
4 yield statistically reliable information or
5 the results would reveal individually identi-
6 fiable information about an individual stu-
7 dent):

8 “(I) The achievement of all public
9 school students.

10 “(II) The achievement of—

11 “(aa) economically disadvan-
12 taged students;

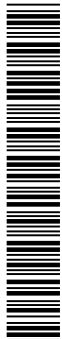
13 “(bb) students from major
14 racial and ethnic groups;

15 “(cc) students with disabil-
16 ities; and

17 “(dd) students with limited
18 English proficiency;

19 “(III) solely for the purpose of deter-
20 mining adequate yearly progress of the
21 State, the acquisition of English language
22 proficiency by children with limited
23 English proficiency;

24 “(iv) at the State’s discretion, may
25 also include other academic measures such



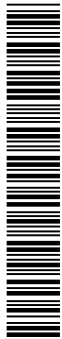
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1 as promotion, completion of college pre-
2 paratory courses, and high school comple-
3 tion (and for individual local educational
4 agencies and schools, the acquisition of
5 English language proficiency by children
6 with limited English proficiency), except
7 that inclusion of such other measures may
8 not change which schools or local edu-
9 cational agencies would otherwise be sub-
10 ject to improvement or corrective action
11 under section 1116 if the discretionary in-
12 dicators were not included; and

13 “(v) includes a timeline that—

14 “(I) uses as a baseline year the
15 year following the date of enactment
16 of the No Child Left Behind Act of
17 2001;

18 “(II) establishes a target year by
19 which all members of each group of
20 students described in subclauses (I)
21 and (II) of clause (iii) shall meet or
22 exceed the State’s proficient level of
23 academic performance on the State
24 academic assessment used for the pur-
25 poses of this section and section 1116,



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1 except that the target year shall not
2 be more than 12 years from the base-
3 line year; and

4 “**(III)** for each year until and in-
5 cluding the target year, establishes
6 annual goals for the academic per-
7 formance of each group of students
8 described in subclauses **(I)** and **(II)** of
9 clause **(iii)** on the State academic as-
10 sessment that—

11 “(aa) indicates a minimum
12 percentage of students who must
13 meet the proficient level on the
14 academic assessment, such that
15 the minimum percentage is the
16 same for each group of students
17 described in subclauses **(I)** and
18 **(II)** of clause **(iii)**; or

19 “(bb) indicates an annual
20 minimum amount by which the
21 percentage of students who meet
22 the proficient level among each
23 group of students described in
24 subclauses **(I)** and **(II)** of clause
25 **(iii)** shall increase, such that the

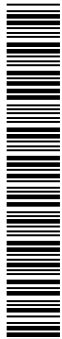


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1 minimum increase for each group
2 is equal to or greater than 100
3 percent minus the percentage of
4 the group meeting the proficient
5 level in the baseline year divided
6 by the number of years from the
7 baseline year to the target year
8 established under clause (I).

9 “(D) ANNUAL IMPROVEMENT FOR
10 SCHOOLS.—For a school to make adequate
11 yearly progress under subparagraph (A), not
12 less than 95 percent of each group of students
13 described in subparagraph (C)(iii)(II) who are
14 enrolled in the school are required to take the
15 academic assessments, consistent with section
16 612(a)(17)(A) of the Individuals with Disabil-
17 ities Education Act (20 U.S.C. 1412(a)(17)(A))
18 and paragraph (4)(G)(ii), on which adequate
19 yearly progress is based.

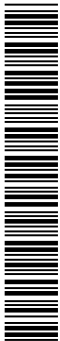
20 “(E) PUBLIC NOTICE AND COMMENT.—
21 Each State shall ensure that in developing its
22 plan, it diligently seeks public comment from a
23 range of institutions and individuals in the
24 State with an interest in improved student
25 achievement and that the State makes and will



1 continue to make a substantial effort to ensure
2 that information under this part is widely
3 known and understood by the public, parents,
4 teachers, and school administrators throughout
5 the State. Such efforts shall include, at a min-
6 imum, publication of such information and ex-
7 planatory text, broadly to the public through
8 such means as the Internet, the media, and
9 public agencies.

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

22 “(A) adopting academic standards and
23 academic assessments that meet the require-
24 ments of this subsection, on a statewide basis,



1 limiting their applicability to students served
2 under this part; or

3 “(B) adopting and implementing policies
4 that ensure that each local educational agency
5 in the State which receives grants under this
6 part will adopt curriculum content and student
7 academic achievement standards, and academic
8 assessments aligned with such standards, which
9 meet all of the criteria in this subsection and
10 any regulations regarding such standards and
11 assessments which the Secretary may publish,
12 and which are applicable to all students served
13 by each such local educational agency.

14 “(4) ACADEMIC ASSESSMENTS.—Each State
15 plan shall demonstrate that the State has imple-
16 mented a set of high-quality, yearly student aca-
17 demic assessments that include, at a minimum, aca-
18 demic assessments in mathematics, and reading or
19 language arts, that will be used as the primary
20 means of determining the yearly performance of the
21 State and of each local educational agency and
22 school in enabling all children to meet the State’s
23 challenging student academic achievement stand-
24 ards. Such assessments shall—



1 “(A) be the same academic assessments
2 used to measure the performance of all chil-
3 dren;

4 “(B) be aligned with the State’s chal-
5 lenging content and student academic achieve-
6 ment standards and provide coherent informa-
7 tion about student attainment of such stand-
8 ards;

9 “(C) be used for purposes for which such
10 assessments are valid and reliable, and be con-
11 sistent with relevant, recognized professional
12 and technical standards for such assessments;

13 “(D) for the purposes of this part, be
14 scored to ensure the performance of each stu-
15 dent is evaluated solely against the State’s chal-
16 lenging academic content standards and not rel-
17 ative to the score of other students;

18 “(E) except as otherwise provided for
19 grades 3 through 8 under subparagraph (G),
20 measure the proficiency of students in, at a
21 minimum, mathematics and reading or lan-
22 guage arts, and be administered not less than
23 once during—

24 “(i) grades 3 through 5;

25 “(ii) grades 6 through 9; and



1 “(iii) grades 10 through 12;

2 “(F) involve multiple up-to-date measures
3 of student achievement, including measures that
4 assess critical thinking skills and under-
5 standing;

6 “(G) beginning not later than school year
7 2004-2005, measure the performance of stu-
8 dents against the challenging State content and
9 student academic achievement standards in
10 each of grades 3 through 8 in, at a minimum,
11 mathematics, and reading or language arts, ex-
12 cept that the Secretary may provide the State
13 1 additional year if the State demonstrates that
14 exceptional or uncontrollable circumstances,
15 such as a natural disaster or a precipitous and
16 unforeseen decline in the financial resources of
17 the State, prevented full implementation of the
18 academic assessments by that deadline and that
19 it will complete implementation within the addi-
20 tional 1-year period;

21 “(H) provide for—

22 “(i) the participation in such assess-
23 ments of all students;

24 “(ii) the reasonable adaptations and
25 accommodations for students with disabil-



1 ities defined under 602(3) of the Individ-
2 uals with Disabilities Education Act (20
3 U.S.C. 1401(3)) necessary to measure the
4 achievement of such students relative to
5 State content and State student academic
6 achievement standards;

7 “(iii) the inclusion of limited English
8 proficient students who shall be assessed,
9 to the extent practicable, in the language
10 and form most likely to yield accurate and
11 reliable information on what such students
12 know and can do in content areas;

13 “(iv) notwithstanding clause (iii), the
14 academic assessment (using tests written
15 in English) of reading or language arts of
16 any student who has attended school in the
17 United States (not including Puerto Rico)
18 for 3 or more consecutive school years, ex-
19 cept if the local educational agency deter-
20 mines, on a case-by-case individual basis,
21 that academic assessments in another lan-
22 guage and form would likely yield more ac-
23 curate and reliable information on what
24 such students know and can do, the local
25 educational agency may assess such stu-



1 dents in the appropriate language other
2 than English for 1 additional year;

3 “(I) include students who have attended
4 schools in a local educational agency for a full
5 academic year but have not attended a single
6 school for a full academic year, except that the
7 performance of students who have attended
8 more than 1 school in the local educational
9 agency in any academic year shall be used only
10 in determining the progress of the local edu-
11 cational agency;

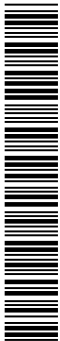
12 “(J) produce individual student reports to
13 be provided to parents, which include academic
14 assessment scores, or other information on the
15 attainment of student academic achievement
16 standards; and

17 “(K) enable results to be disaggregated
18 within each State, local educational agency, and
19 school by gender, by each major racial and eth-
20 nic group, by English proficiency status, by mi-
21 grant status, by students with disabilities as
22 compared to nondisabled students, and by eco-
23 nomically disadvantaged students as compared
24 to students who are not economically disadvan-
25 taged.



1 “(5) SPECIAL RULE.—Academic assessment
2 measures in addition to those in paragraph (4) that
3 do not meet the requirements of such paragraph
4 may be included as additional measures, but may
5 not be used in lieu of the academic assessments re-
6 quired in paragraph (4). Results on any additional
7 measures under this paragraph shall not change
8 which schools or local educational agencies would
9 otherwise be subject to improvement or corrective
10 action under section 1116 if the additional measures
11 were not included.

12 “(6) LANGUAGE ASSESSMENTS.—Each State
13 plan shall identify the languages other than English
14 that are present in the participating student popu-
15 lation and indicate the languages for which yearly
16 student academic assessments are not available and
17 are needed. The State shall make every effort to de-
18 velop such assessments and may request assistance
19 from the Secretary if linguistically accessible aca-
20 demic assessment measures are needed. Upon re-
21 quest, the Secretary shall assist with the identifica-
22 tion of appropriate academic assessment measures in
23 the needed languages, but shall not mandate a spe-
24 cific academic assessment or mode of instruction.



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1 “(7) ACADEMIC ASSESSMENTS OF ENGLISH
2 LANGUAGE PROFICIENCY.—Each State plan shall
3 demonstrate that local educational agencies in the
4 State will, beginning no later than school year
5 2002–2003, annually assess the English proficiency
6 of all students with limited English proficiency in
7 their schools.

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

10 “(A) how the State educational agency will
11 assist each local educational agency and school
12 affected by the State plan to develop the capac-
13 ity to comply with each of the requirements of
14 sections 1112(c)(1)(D), 1114(c), and 1115(c)
15 that is applicable to such agency or school;

16 “(B) how the State educational agency will
17 assist each local educational agency and school
18 affected by the State plan to provide additional
19 educational assistance to individual students as-
20 sessed as needing help to achieve the State’s
21 challenging academic standards.

22 “(C) such other factors as the State con-
23 siders appropriate to provide students an oppor-
24 tunity to achieve the knowledge and skills de-



1 scribed in the challenging academic content
2 standards adopted by the State.

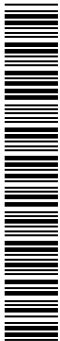
3 “(9) USE OF ACADEMIC ASSESSMENT RESULTS
4 TO IMPROVE STUDENT ACHIEVEMENT.—Each State
5 plan shall describe how the State will ensure that
6 the results of the State assessments described in
7 paragraph (4)—

8 “(A) will be provided promptly, but not
9 later than the end of the school year (consistent
10 with 1111(b)(11), to local educational agencies,
11 schools, and teachers in a manner that is clear
12 and easy to understand; and

13 “(B) be used by those local educational
14 agencies, schools, and teachers to improve the
15 educational achievement of individual students.

16 “(10) TECHNICAL ASSISTANCE ON ACADEMIC
17 ASSESSMENT REQUIREMENTS.—The Secretary shall
18 provide technical assistance to interested States re-
19 garding how to meet the requirements of paragraph
20 (4).

21 “(c) OTHER PROVISIONS TO SUPPORT TEACHING
22 AND LEARNING.—Each State plan shall contain assur-
23 ances that—



1 “(1) the State shall produce, beginning with the
2 2003–2004 school year, the annual State report
3 cards described in subsection (h)(1);

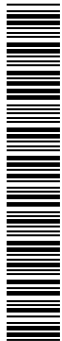
4 “(2) the State will participate, beginning in
5 school year 2002–2003, in annual academic assess-
6 ments of 4th and 8th grade reading and mathe-
7 matics under—

8 “(A) the State National Assessment of
9 Educational Progress carried out under section
10 411(b)(2) of the National Education Statistics
11 Act of 1994 (20 U.S.C. 9010(b)(2)); or

12 “(B) another academic assessment selected
13 by the State which meets the criteria of section
14 7101(b)(1)(B)(ii) of this Act;

15 “(3) the State educational agency shall work
16 with other agencies, including educational service
17 agencies or other local consortia, and institutions to
18 provide technical assistance to local educational
19 agencies and schools to carry out the State edu-
20 cational agency’s responsibilities under this part, in-
21 cluding technical assistance in providing professional
22 development under section 1119A and technical as-
23 sistance under section 1117; and

24 “(4)(A) where educational service agencies
25 exist, the State educational agency shall consider



1 providing professional development and technical as-
2 sistance through such agencies; and

3 “(B) where educational service agencies do not
4 exist, the State educational agency shall consider
5 providing professional development and technical as-
6 sistance through other cooperative agreements such
7 as through a consortium of local educational agen-
8 cies;

9 “(5) the State educational agency shall notify
10 local educational agencies and the public of the con-
11 tent and student academic achievement standards
12 and academic assessments developed under this sec-
13 tion, and of the authority to operate schoolwide pro-
14 grams, and will fulfill the State educational agency’s
15 responsibilities regarding local educational agency
16 improvement and school improvement under section
17 1116, including such corrective actions as are nec-
18 essary;

19 “(6) the State educational agency shall provide
20 the least restrictive and burdensome regulations for
21 local educational agencies and individual schools par-
22 ticipating in a program assisted under this part;

23 “(7) the State educational agency shall inform
24 the Secretary and the public of how Federal laws, if
25 at all, hinder the ability of States to hold local edu-



1 cational agencies and schools accountable for stu-
2 dent academic performance;

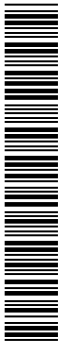
3 “(8) the State educational agency will encour-
4 age schools to consolidate funds from other Federal,
5 State, and local sources for schoolwide reform in
6 schoolwide programs under section 1114;

7 “(9) the State educational agency shall modify
8 or eliminate State fiscal and accounting barriers so
9 that schools can easily consolidate funds from other
10 Federal, State, and local sources for schoolwide pro-
11 grams under section 1114;

12 “(10) the State educational agency has involved
13 the committee of practitioners established under sec-
14 tion 1603(b) in developing the plan and monitoring
15 its implementation;

16 “(11) the State educational agency shall inform
17 local educational agencies of the local educational
18 agency’s authority to transfer funds or enter into
19 performance agreements under title VII, to obtain
20 waivers under title VIII and, if the State is an Ed-
21 Flex Partnership State, to obtain waivers under the
22 Education Flexibility Partnership Act of 1999 (20
23 U.S.C. 5891a et seq.); and

24 “(12) the State educational agency shall en-
25 courage local educational agencies and individual



1 schools participating in a program assisted under
2 this part to offer family literacy services (using
3 funds under this part), if the agency or school deter-
4 mines that a substantial number of students served
5 under this part by the agency or school have parents
6 who do not have a high school diploma or its recog-
7 nized equivalent or who have low levels of literacy.

8 “(d) PEER REVIEW AND SECRETARIAL APPROVAL.—
9 The Secretary shall—

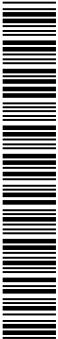
10 “(1) establish a peer review process to assist in
11 the review of State plans;

12 “(2) approve a State plan within 120 days of
13 its submission unless the Secretary determines that
14 the plan does not meet the requirements of this sec-
15 tion;

16 “(3) if the Secretary determines that the State
17 plan does not meet the requirements of subsection
18 (a), (b), or (c), immediately notify the State of such
19 determination and the reasons for such determina-
20 tion;

21 “(4) not decline to approve a State’s plan
22 before—

23 “(A) offering the State an opportunity to
24 revise its plan;



1 “(B) providing technical assistance in
2 order to assist the State to meet the require-
3 ments under subsections (a), (b), and (c); and

4 “(C) providing a hearing; and

5 “(5) have the authority to disapprove a State
6 plan for not meeting the requirements of this part,
7 but shall not have the authority to require a State,
8 as a condition of approval of the State plan, to in-
9 clude in, or delete from, such plan 1 or more specific
10 elements of the State’s academic content standards
11 or to use specific academic assessment instruments
12 or items.

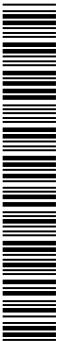
13 “(e) DURATION OF THE PLAN.—

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

15 “(A) be submitted for the first year for
16 which this part is in effect after the date of the
17 enactment of the No Child Left Behind Act of
18 2001;

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

21 “(C) be periodically reviewed and revised
22 by the State, as necessary, to reflect changes in
23 the State’s strategies and programs under this
24 part.



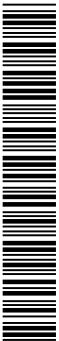
1 “(2) ADDITIONAL INFORMATION.—If the State
2 makes significant changes in its plan, such as the
3 adoption of new State academic content standards
4 and State student achievement standards, new aca-
5 demic assessments, or a new definition of adequate
6 yearly progress, the State shall submit such informa-
7 tion to the Secretary.

8 “(f) LIMITATION ON CONDITIONS.—Nothing in this
9 part shall be construed to authorize an officer or employee
10 of the Federal Government to mandate, direct, or control
11 a State, local educational agency, or school’s specific in-
12 structional content or student academic achievement
13 standards and academic assessments, curriculum, or pro-
14 gram of instruction, as a condition of eligibility to receive
15 funds under this part.

16 “(g) PENALTIES.—

17 “(1) FAILURE TO MEET DEADLINES ENACTED
18 IN 1994.—

19 “(A) IN GENERAL.—If a State fails to
20 meet the deadlines established by the Improving
21 America’s Schools Act of 1994 (or under any
22 waiver granted by the Secretary or under any
23 compliance agreement with the Secretary) for
24 demonstrating that it has in place challenging
25 academic content standards and student



1 achievement standards, and a system for meas-
2 uring and monitoring adequate yearly progress,
3 the Secretary shall withhold 25 percent of the
4 funds that would otherwise be available for
5 State administration and activities in each year
6 until the Secretary determines that the State
7 meets those requirements;

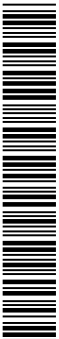
8 “(B) NO EXTENSION.—The Secretary shall
9 not grant any additional waivers of, or enter
10 into any additional compliance agreements to
11 extend, the deadlines described in subparagraph
12 (A) for any State.

13 “(2) FAILURE TO MEET REQUIREMENTS EN-
14 ACTED IN 2001.—If a State fails to meet any of the
15 requirements of this section, other than the require-
16 ments described in paragraph (1), the Secretary may
17 withhold funds for State administration until the
18 Secretary determines that the State has fulfilled
19 those requirements.

20 “(h) REPORTS.—

21 “(1) ANNUAL STATE REPORT CARD.—

22 “(A) IN GENERAL.—Not later than the be-
23 ginning of the 2003–2004 school year, a State
24 that receives assistance under this Act shall



1 prepare and disseminate an annual State report
2 card.

3 “(B) IMPLEMENTATION.—The State report
4 card shall be—

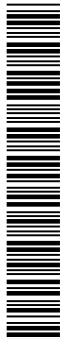
5 “(i) concise; and

6 “(ii) presented in a format and man-
7 ner that parents can understand, and
8 which, to the extent practicable, shall be in
9 a language the parents can understand.

10 “(C) PUBLIC DISSEMINATION.—The State
11 shall widely disseminate the information de-
12 scribed in subparagraph (D) to all schools and
13 local educational agencies in the State and
14 make the information broadly available through
15 public means, such as posting on the Internet,
16 distribution to the media, and distribution
17 through public agencies.

18 “(D) REQUIRED INFORMATION.—The
19 State shall include in its annual State report
20 card—

21 “(i) information, in the aggregate, on
22 student achievement at each proficiency
23 level on the State academic assessments
24 described in subsection (b)(4)(F)
25 (disaggregated by race, ethnicity, gender,



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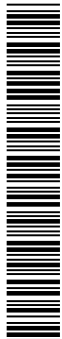
1 disability status, migrant status, English
2 proficiency, and status as economically dis-
3 advantaged, except that such
4 disaggregation shall not be required in a
5 case in which the number of students in a
6 category is insufficient to yield statistically
7 reliable information or the results would
8 reveal individually identifiable information
9 about an individual student);

10 “(ii) the percentage of students not
11 tested (disaggregated by the same cat-
12 egories and subject to the same exception
13 described in clause (i));

14 “(iii) the percentage of students who
15 graduate from high school within 4 years
16 of starting high school;

17 “(iv) the percentage of students who
18 take and complete advanced placement
19 courses as compared to the population of
20 the students eligible to take such courses,
21 and the rate of passing of advanced place-
22 ment tests;

23 “(v) the professional qualifications of
24 teachers in the aggregate, including the
25 percentage of teachers teaching with emer-



1 agency or provisional qualifications, and the
 2 percentage of class sections not taught by
 3 fully qualified teachers; and

4 “(vi) such other information (such as
 5 dropout and school attendance rates; and
 6 average class size by grade level) as the
 7 State believes will best provide parents,
 8 students, and other members of the public
 9 with information on the progress of each of
 10 the State’s public schools.

11 “(2) CONTENT OF LOCAL EDUCATIONAL AGEN-
 12 CY REPORT CARDS.—

13 “(A) MINIMUM REQUIREMENTS.—The
 14 State shall ensure that each local educational
 15 agency collects appropriate data and includes in
 16 its annual report for each of its schools, at a
 17 minimum—

18 “(i) the information described in para-
 19 graph (1)(D) for each local educational
 20 agency and school; and

21 “(ii)(I) in the case of a local edu-
 22 cational agency—

23 “(aa) the number and percentage
 24 of schools identified for school im-
 25 provement and how long they have



1 been so identified, including schools
2 identified under section 1116(c) of
3 this Act; and

4 “(bb) information that shows
5 how students in its schools perform on
6 the statewide academic assessment
7 compared to students in the State as
8 a whole; and

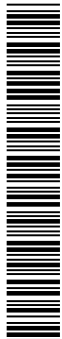
9 “(II) in the case of a school—

10 “(aa) whether it has been identi-
11 fied for school improvement; and

12 “(bb) information that shows
13 how its students performed on the
14 statewide academic assessment com-
15 pared to students in the local edu-
16 cational agency and the State as a
17 whole.

18 “(B) OTHER INFORMATION.—A local edu-
19 cational agency may include in its annual re-
20 ports any other appropriate information wheth-
21 er or not such information is included in the
22 annual State report.

23 “(C) PUBLIC DISSEMINATION.—The local
24 educational agency shall, not later than the be-
25 ginning of the 2003–2004 school year, publicly



1 disseminate the information described in this
2 paragraph to all schools in the district and to
3 all parents of students attending those schools
4 (to the extent practicable, in a language they
5 can understand), and make the information
6 broadly available through public means, such as
7 posting on the Internet, distribution to the
8 media, and distribution through public agencies.

9 “(3) PRE-EXISTING REPORT CARDS.—A State
10 or local educational agency that was providing public
11 report cards on the performance of students,
12 schools, local educational agencies, or the State prior
13 to the enactment of the No Child Left Behind Act
14 of 2001 may use those reports for the purpose of
15 this subsection, so long as any such report is modi-
16 fied, as may be needed, to contain the information
17 required by this subsection.

18 “(4) ANNUAL STATE REPORT TO THE SEC-
19 RETARY.—Each State receiving assistance under
20 this Act shall report annually to the Secretary, and
21 make widely available within the State—

22 “(A) beginning with school year 2001–
23 2002, information on the State’s progress in
24 developing and implementing the academic as-
25 sessment system described in subsection (b)(4);



1 “(B) beginning not later than school year
 2 2004–2005, information on the achievement of
 3 students on the academic assessments required
 4 by that subsection, including the disaggregated
 5 results for the categories of students identified
 6 in subsection (b)(2)(C)(iii)(II);

7 “(C) beginning not later than school year
 8 2002–2003, information on the acquisition of
 9 English proficiency by children with limited
 10 English proficiency; and

11 “(D) in any year before the State begins to
 12 provide the information described in subpara-
 13 graph (B), information on the results of stu-
 14 dent academic assessments (including
 15 disaggregated results) required under this sec-
 16 tion.

17 “(5) PARENTS RIGHT-TO-KNOW.—

18 “(A) QUALIFICATIONS.—At the beginning
 19 of each school year, a local educational agency
 20 that receives funds under this part shall notify
 21 the parents of each student attending any
 22 school receiving funds under this part that they
 23 may request, and shall provide the parents
 24 upon request (and in a timely manner), infor-
 25 mation regarding the professional qualifications



1 of the student’s classroom teachers, including,
2 at a minimum, the following:

3 “(i) Whether the teacher has met
4 State qualification and licensing criteria
5 for the grade levels and subject areas in
6 which the teacher provides instruction.

7 “(ii) Whether the teacher is teaching
8 under emergency or other provisional sta-
9 tus through which State qualification or li-
10 censing criteria have been waived.

11 “(iii) The baccalaureate degree major
12 of the teacher and any other graduate cer-
13 tification or degree held by the teacher,
14 and the field of discipline of the certifi-
15 cation or degree.

16 “(iv) Whether the child is provided
17 services by paraprofessionals and if so,
18 their qualifications.

19 “(B) ADDITIONAL INFORMATION.—In ad-
20 dition to the information which parents may re-
21 quest under subparagraph (A), a school which
22 receives funds under this part shall provide to
23 each individual parent—

24 “(i) information on the level of per-
25 formance of the individual student for



1 whom they are the parent in each of the
2 State academic assessments as required
3 under this part; and

4 “(ii) timely notice that the student for
5 whom they are the parent has been as-
6 signed, or has been taught for 4 or more
7 consecutive weeks by, a teacher who is not
8 fully qualified.

9 “(C) FORMAT.—The notice and informa-
10 tion provided to parents under this paragraph
11 shall be in an understandable and uniform for-
12 mat and, to the extent practicable, provided in
13 a language that the parents can understand.

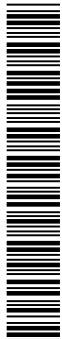
14 “(6) PLAN CONTENT.—A State shall include in
15 its plan under subsection (b) an assurance that it
16 has in effect a policy that meets the requirements of
17 this section.

18 “(i) PRIVACY.—Information collected under this sec-
19 tion shall be collected and disseminated in a manner that
20 protects the privacy of individuals.

21 **“SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.**

22 “(a) PLANS REQUIRED.—

23 “(1) SUBGRANTS.—A local educational agency
24 may receive a subgrant under this part for any fiscal
25 year only if such agency has on file with the State



1 educational agency a plan, approved by the State
2 educational agency, that is coordinated with other
3 programs under this Act, the Individuals with Dis-
4 abilities Education Act (20 U.S.C. 1400 et seq.), the
5 Carl D. Perkins Vocational and Technical Education
6 Act of 1998 (20 U.S.C. 2301 et seq.), the Head
7 Start Act (42 U.S.C. 9831 et seq.), the McKinney-
8 Vento Homeless Assistance Act, and other Acts, as
9 appropriate.

10 “(2) CONSOLIDATED APPLICATION.—The plan
11 may be submitted as part of a consolidated applica-
12 tion under section 8305.

13 “(b) PLAN PROVISIONS.—In order to help low achiev-
14 ing children achieve high academic standards, each local
15 educational agency plan shall include—

16 “(1) a description of additional high-quality
17 student academic assessments, if any, other than the
18 academic assessments described in the State plan
19 under section 1111, that the local educational agen-
20 cy and schools served under this part will use to—

21 “(A) determine the success of children
22 served under this part in meeting the State’s
23 student academic achievement standards and
24 provide information to teachers, parents, and
25 students on the progress being made toward



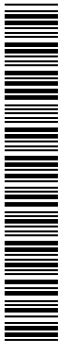
1 meeting the State student academic achieve-
2 ment standards described in section
3 1111(b)(1)(D)(ii);

4 “(B) assist in diagnosis, teaching, and
5 learning in the classroom in ways that best en-
6 able low-achieving children served under this
7 title to meet State academic standards and do
8 well in the local curriculum; and

9 “(C) determine what revisions are needed
10 to projects under this title so that such children
11 meet the State’s student academic achievement
12 standards;

13 “(2) at the local educational agency’s discre-
14 tion, a description of any other indicators that will
15 be used in addition to the academic assessments de-
16 scribed in paragraph (1) for the uses described in
17 such paragraph, except that results on any discre-
18 tionary indicators shall not change which schools
19 would otherwise be subject to improvement of correc-
20 tive action under section 1118 if the additional
21 measures are not included;

22 “(3) a description of how the local educational
23 agency will provide additional educational assistance
24 to individual students assessed as needing help to
25 achieve the State’s challenging academic standards;



1 “(4) a description of the strategy the local edu-
2 cational agency will use to provide professional de-
3 velopment for teachers, and, if appropriate, pupil
4 services personnel, administrators, parents and other
5 staff, including local educational agency level staff in
6 accordance with section 1119A;

7 “(5) a description of how the local educational
8 agency will coordinate and integrate services pro-
9 vided under this part with other educational services
10 at the local educational agency or individual school
11 level, such as—

12 “(A) Even Start, Head Start, Reading
13 First, Early Reading First, and other preschool
14 programs, including plans for the transition of
15 participants in such programs to local elemen-
16 tary school programs; and

17 “(B) services for children with limited
18 English proficiency or with disabilities, migra-
19 tory children served under part C, neglected or
20 delinquent youth, Indian children served under
21 part B of title III, homeless children, and immi-
22 grant children in order to increase program ef-
23 fectiveness, eliminate duplication, and reduce
24 fragmentation of the instructional program;

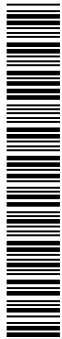


1 “(6) an assurance that the local educational
2 agency will participate, if selected, in the State Na-
3 tional Assessment of Educational Progress in 4th
4 and 8th grade reading and mathematics carried out
5 under section 411(b)(2) of the Education Statistics
6 Act of 1994 (20 U.S.C. 9010(b)(2)), or in another
7 academic assessment pursuant to the State decision
8 under section 7101(b)(1)(B)(ii);

9 “(7) a description of the poverty criteria that
10 will be used to select school attendance areas under
11 section 1113;

12 “(8) a description of how teachers, in consulta-
13 tion with parents, administrators, and pupil services
14 personnel, in targeted assistance schools under sec-
15 tion 1115, will identify the eligible children most in
16 need of services under this part;

17 “(9) a general description of the nature of the
18 programs to be conducted by such agency’s schools
19 under sections 1114 and 1115 and, where appro-
20 priate, educational services outside such schools for
21 children living in local institutions for neglected or
22 delinquent children, for neglected and delinquent
23 children in community day school programs, and for
24 homeless children;



1 “(10) a description of how the local educational
2 agency will ensure that migratory children and for-
3 merly migratory children who are eligible to receive
4 services under this part are selected to receive such
5 services on the same basis as other children who are
6 selected to receive services under this part;

7 “(11) if appropriate, a description of how the
8 local educational agency will use funds under this
9 part to support preschool programs for children,
10 particularly children participating in Early Reading
11 First, or in a Head Start or Even Start program,
12 which services may be provided directly by the local
13 educational agency or through a subcontract with
14 the local Head Start agency designated by the Sec-
15 retary of Health and Human Services under section
16 641 of the Head Start Act (42 U.S.C. 9836), agen-
17 cies operating Even Start programs, Early Reading
18 First, or another comparable public early childhood
19 development program;

20 “(12) a description of the actions the local edu-
21 cational agency will take to assist its low-performing
22 schools, including schools identified under section
23 1116 as in need of improvement;



1 “(13) a description of the actions the local edu-
2 cational agency will take to implement school choice,
3 consistent with the requirements of section 1116;

4 “(14) a description how the local educational
5 agency will meet the requirements of section
6 1119(b)(1); and

7 “(15) a description of the services the local edu-
8 cational agency will provide homeless children, in-
9 cluding services provided with funds reserved under
10 section 1113(f)(3)(A).

11 “(c) ASSURANCES.—

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

15 “(A) inform eligible schools and parents of
16 schoolwide program authority and the ability of
17 such schools to consolidate funds from Federal,
18 State, and local sources;

19 “(B) provide technical assistance and sup-
20 port to schoolwide programs;

21 “(C) work in consultation with schools as
22 the schools develop the schools’ plans pursuant
23 to section 1114 and assist schools as the
24 schools implement such plans or undertake ac-
25 tivities pursuant to section 1115 so that each



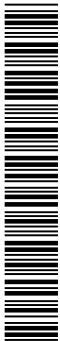
1 school can make adequate yearly progress to-
2 ward meeting the State student academic
3 achievement standards;

4 “(D) fulfill such agency’s school improve-
5 ment responsibilities under section 1116, in-
6 cluding taking corrective actions under para-
7 graphs (6) and (7) of section 1116(b);

8 “(E) provide services to eligible children
9 attending private elementary and secondary
10 schools in accordance with section 1120, and
11 timely and meaningful consultation with private
12 school officials regarding such services;

13 “(F) take into account the experience of
14 model programs for the educationally disadvan-
15 taged, and the findings of relevant scientifically
16 based research indicating that services may be
17 most effective if focused on students in the ear-
18 liest grades at schools that receive funds under
19 this part;

20 “(G) in the case of a local educational
21 agency that chooses to use funds under this
22 part to provide early childhood development
23 services to low-income children below the age of
24 compulsory school attendance, ensure that such
25 services comply with the academic achievement



1 standards established under section 641A(a) of
2 the Head Start Act (42 U.S.C. 9836a(a));

3 “(H) comply with the requirements of sec-
4 tion 1119 regarding the qualifications of teach-
5 ers and paraprofessionals;

6 “(I) inform eligible schools of the local
7 educational agency’s authority to obtain waivers
8 on the school’s behalf under title VIII of this
9 Act, and if the State is an Ed-Flex Partnership
10 State, to obtain waivers under the Education
11 Flexibility Partnership Act of 1999; and

12 “(J) coordinate and collaborate, to the ex-
13 tent feasible and necessary as determined by
14 the local educational agency, with other agen-
15 cies providing services to children, youth, and
16 families.

17 “(2) SPECIAL RULE.—In carrying out subpara-
18 graph (G) of paragraph (1), the Secretary—

19 “(A) shall consult with the Secretary of
20 Health and Human Services on the implemen-
21 tation of such subparagraph and shall establish
22 procedures (taking into consideration existing
23 State and local laws, and local teacher con-
24 tracts) to assist local educational agencies to
25 comply with such subparagraph; and

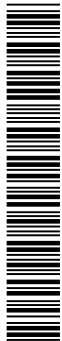


1 “(B) shall disseminate to local educational
2 agencies the Head Start performance standards
3 as in effect under section 641A(a) of the Head
4 Start Act (42 U.S.C. 9836a(a)), and such agen-
5 cies affected by such subparagraph shall plan
6 for the implementation of such subparagraph
7 (taking into consideration existing State and
8 local laws, and local teacher contracts), includ-
9 ing pursuing the availability of other Federal,
10 State, and local funding sources to assist in
11 compliance with such subparagraph.

12 “(3) INAPPLICABILITY.—The provisions of this
13 subsection shall not apply to preschool programs
14 using the Even Start model or to Even Start pro-
15 grams which are expanded through the use of funds
16 under this part.

17 “(d) PLAN DEVELOPMENT AND DURATION.—

18 “(1) CONSULTATION.—Each local educational
19 agency plan shall be developed in consultation with
20 teachers, principals, administrators (including ad-
21 ministrators of programs described in other parts of
22 this title), and other appropriate school personnel,
23 and with parents of children in schools served under
24 this part.



1 “(2) DURATION.—Each such plan shall be sub-
2 mitted for the first year for which this part is in ef-
3 fect following the date of the enactment of the No
4 Child Left Behind Act of 2001 and shall remain in
5 effect for the duration of the agency’s participation
6 under this part.

7 “(3) REVIEW.—Each local educational agency
8 shall periodically review, and as necessary, revise its
9 plan.

10 “(e) STATE APPROVAL.—

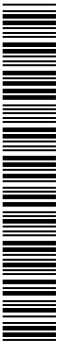
11 “(1) IN GENERAL.—Each local educational
12 agency plan shall be filed according to a schedule es-
13 tablished by the State educational agency.

14 “(2) APPROVAL.—The State educational agency
15 shall approve a local educational agency’s plan only
16 if the State educational agency determines that the
17 local educational agency’s plan—

18 “(A) enables schools served under this part
19 to substantially help children served under this
20 part meet the academic standards expected of
21 all children described in section 1111(b)(1); and

22 “(B) meets the requirements of this sec-
23 tion.

24 “(f) PROGRAM RESPONSIBILITY.—The local edu-
25 cational agency plan shall reflect the shared responsibility



1 of schools, teachers, and the local educational agency in
2 making decisions regarding activities under sections 1114
3 and 1115.

4 “(g) PARENTAL NOTIFICATION AND CONSENT FOR
5 ENGLISH LANGUAGE INSTRUCTION.—

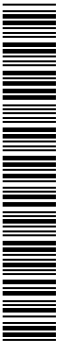
6 “(1) NOTIFICATION.—If a local educational
7 agency uses funds under this part to provide English
8 language instruction to limited English proficient
9 children, the agency shall inform a parent or the
10 parents of a child participating in an English lan-
11 guage instruction program for limited English pro-
12 ficient children assisted under this part of—

13 “(A) the reasons for the identification of
14 the child as being in need of English language
15 instruction;

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

19 “(C) how the English language instruction
20 program will specifically help the child acquire
21 English and meet age-appropriate academic
22 standards for grade promotion and graduation;

23 “(D) what the specific exit requirements
24 are for the program;



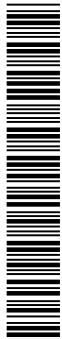
1 “(E) the expected rate of transition from
2 the program into a classroom that is not tai-
3 lored for limited English proficient children;
4 and

5 “(F) the expected rate of graduation from
6 high school for students in the program if funds
7 under this part are used for children in sec-
8 ondary schools.

9 “(2) CONSENT.—

10 “(A) AGENCY REQUIREMENTS.—

11 “(i) INFORMED CONSENT.—For a
12 child who has been identified as limited
13 English proficient prior to the beginning of
14 a school year, each local educational agen-
15 cy that receives funds under this part shall
16 make a reasonable and substantial effort
17 to obtain informed parental consent prior
18 to the placement of a child in an English
19 language instruction program for limited
20 English proficient children funded under
21 this part if the program does not include
22 classes which exclusively or almost exclu-
23 sively use the English language in instruc-
24 tion.

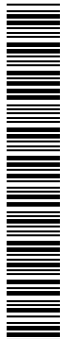


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1 “(ii) WRITTEN CONSENT NOT OB-
2 TAINED.—If written consent is not ob-
3 tained, the local educational agency shall
4 maintain a written record that includes the
5 date and the manner in which such in-
6 formed consent was sought, including the
7 specific efforts made to obtain such con-
8 sent.

9 “(iii) PROOF OF EFFORT.—Notice, in
10 an understandable form, of specific efforts
11 made to obtain written consent and a copy
12 of the written record required in clause (ii)
13 shall be mailed or delivered in writing to a
14 parent, parents, or guardian of a child
15 prior to placing the child in a program de-
16 scribed in clause (i) and shall include a
17 final request for parental consent for such
18 services. After such notice has been mailed
19 or delivered in writing, the local edu-
20 cational agency shall provide appropriate
21 educational services.

22 “(iv) SPECIAL RULE APPLICABLE
23 DURING SCHOOL YEAR.—For those chil-
24 dren who have not been identified as lim-
25 ited English proficient prior to the begin-



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1 ning of the school year, the local edu-
2 cational agency shall make a reasonable
3 and substantial effort to obtain parental
4 consent under this clause. For such chil-
5 dren, the agency shall document, in writ-
6 ing, its specific efforts made to obtain such
7 consent prior to placing the child in a pro-
8 gram described in clause (i). After such
9 documentation has been made, the local
10 educational agency shall provide appro-
11 priate educational services to such child.
12 The proof of documentation shall be
13 mailed or delivered in writing to a parent
14 or parents of the child in a timely manner
15 and shall include information on how to
16 have their child immediately removed from
17 the program upon their request. Nothing
18 in this clause shall be construed as exempt-
19 ing a local educational agency from com-
20 plying with the notification requirements of
21 subsection (g)(1) and the consent require-
22 ments of this paragraph.

23 “(3) PARENTAL RIGHTS.—A parent or the par-
24 ents of a child participating in an English language



1 instruction program for limited English proficient
2 children assisted under this part shall—

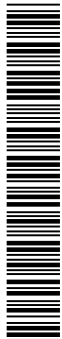
3 “(A) select among methods of instruction,
4 if more than one method is offered in the pro-
5 gram; and

6 “(B) have the right to have their child im-
7 mediately removed from the program upon their
8 request.

9 “(4) RECEIPT OF INFORMATION.—A parent or
10 the parents of a limited English proficient child who
11 is identified for participation in an English language
12 instruction program for limited English proficient
13 children assisted under this part shall receive, in a
14 manner and form understandable to the parent or
15 parents, the information required by this subsection.
16 At a minimum, the parent or parents shall receive—

17 “(A) timely information about English lan-
18 guage instruction programs for limited English
19 proficient children assisted under this part;

20 “(B) if a parent or parents of a partici-
21 pating child so desires, notice of opportunities
22 for regular meetings for the purpose of formu-
23 lating and responding to recommendations from
24 the parent or parents; and



1 “(C) procedural information for removing
2 a child from a program for limited English pro-
3 ficient children.

4 “(5) BASIS FOR ADMISSION OR EXCLUSION.—
5 Students shall not be admitted to, or excluded from,
6 any federally-assisted education program on the
7 basis of a surname or language-minority status.

8 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

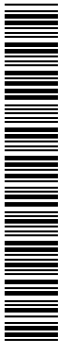
9 “(a) DETERMINATION.—

10 “(1) IN GENERAL.—A local educational agency
11 shall use funds received under this part only in eligi-
12 ble school attendance areas.

13 “(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—
14 For the purposes of this part—

15 “(A) the term ‘school attendance area’
16 means, in relation to a particular school, the
17 geographical area in which the children who are
18 normally served by that school reside; and

19 “(B) the term ‘eligible school attendance
20 area’ means a school attendance area in which
21 the percentage of children from low-income
22 families is at least as high as the percentage of
23 children from low-income families in the local
24 educational agency as a whole.



1 “(3) LOCAL EDUCATIONAL AGENCY DISCRE-
2 TION.—

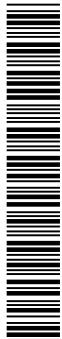
3 “(A) IN GENERAL.—Notwithstanding para-
4 graph (2), a local educational agency may—

5 “(i) designate as eligible any school
6 attendance area or school in which at least
7 35 percent of the children are from low-in-
8 come families;

9 “(ii) use funds received under this
10 part in a school that is not in an eligible
11 school attendance area, if the percentage
12 of children from low-income families en-
13 rolled in the school is equal to or greater
14 than the percentage of such children in a
15 participating school attendance area of
16 such agency;

17 “(iii) designate and serve a school at-
18 tendance area or school that is not eligible
19 under subsection (b), but that was eligible
20 and that was served in the preceding fiscal
21 year, but only for 1 additional fiscal year;
22 and

23 “(iv) elect not to serve an eligible
24 school attendance area or eligible school



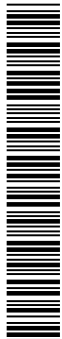
1 that has a higher percentage of children
2 from low-income families if—

3 “(I) the school meets the com-
4 parability requirements of section
5 1120A(c);

6 “(II) the school is receiving sup-
7 plemental funds from other State or
8 local sources that are spent according
9 to the requirements of section 1114 or
10 1115; and

11 “(III) the funds expended from
12 such other sources equal or exceed the
13 amount that would be provided under
14 this part.

15 “(B) SPECIAL RULE.—Notwithstanding
16 subparagraph (A)(iv), the number of children
17 attending private elementary and secondary
18 schools who are to receive services, and the as-
19 sistance such children are to receive under this
20 part, shall be determined without regard to
21 whether the public school attendance area in
22 which such children reside is assisted under
23 subparagraph (A).



1 “(b) RANKING ORDER.—If funds allocated in accord-
2 ance with subsection (f) are insufficient to serve all eligible
3 school attendance areas, a local educational agency—

4 “(1) shall annually rank from highest to lowest
5 according to the percentage of children from low-in-
6 come families in each agency’s eligible school attend-
7 ance areas in the following order—

8 “(A) eligible school attendance areas in
9 which the concentration of children from low-in-
10 come families exceeds 75 percent; and

11 “(B) all remaining eligible school attend-
12 ance areas in which the concentration of chil-
13 dren from low-income families is 75 percent or
14 lower either by grade span or for the entire
15 local educational agency;

16 “(2) shall, within each category listed in para-
17 graph (1), serve schools in rank order from highest
18 to lowest according to the ranking assigned under
19 paragraph (1);

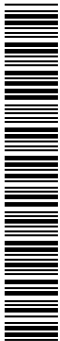
20 “(3) notwithstanding paragraph (2), may give
21 priority, within each such category and in rank order
22 from highest to lowest subject to paragraph (4), to
23 eligible school attendance areas that serve children
24 in elementary schools; and



1 “(4) not serve a school described in paragraph
2 (1)(B) before serving a school described in para-
3 graph (1)(A).

4 “(c) LOW-INCOME MEASURES.—In determining the
5 number of children ages 5 through 17 who are from low-
6 income families, the local educational agency shall apply
7 the measures described in paragraphs (1) and (2) of this
8 subsection:

9 “(1) ALLOCATION TO PUBLIC SCHOOL ATTEND-
10 ANCE AREAS.—The local educational agency shall
11 use the same measure of poverty, which measure
12 shall be the number of children ages 5 through 17
13 in poverty counted in the most recent census data
14 approved by the Secretary, the number of children
15 eligible for free and reduced priced lunches under
16 the Richard B. Russell National School Lunch Act
17 (42 U.S.C. 1751 et seq.), the number of children in
18 families receiving assistance under the State pro-
19 gram funded under part A of title IV of the Social
20 Security Act, or the number of children eligible to
21 receive medical assistance under the Medicaid pro-
22 gram, or a composite of such indicators, with respect
23 to all school attendance areas in the local edu-
24 cational agency—



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1 “(A) to identify eligible school attendance
2 areas;

3 “(B) to determine the ranking of each
4 area; and

5 “(C) to determine allocations under sub-
6 section (f).

7 “(2) ALLOCATION FOR EQUITABLE SERVICE TO
8 PRIVATE SCHOOL STUDENTS.—

9 “(A) CALCULATION.—A local educational
10 agency shall have the final authority, consistent
11 with section 1120 to calculate the number of
12 private school children, ages 5 through 17, who
13 are low-income by—

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

16 “(ii) using the results of a survey
17 that, to the extent possible, protects the
18 identity of families of private school stu-
19 dents and allowing such survey results to
20 be extrapolated if complete actual data are
21 not available; or

22 “(iii) applying the low-income percent-
23 age of each participating public school at-
24 tendance area, determined pursuant to this
25 section, to the number of private school



1 children who reside in that attendance
2 area.

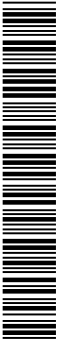
3 “(B) COMPLAINT PROCESS.—Any dispute
4 regarding low-income data on private school
5 students shall be subject to the complaint pro-
6 cess authorized in section 8505.

7 “(d) EXCEPTION.—This section (other than sub-
8 sections (a)(3) and (f)) shall not apply to a local edu-
9 cational agency with a total enrollment of less than 1,500
10 children.

11 “(e) WAIVER FOR DESEGREGATION PLANS.—The
12 Secretary may approve a local educational agency’s writ-
13 ten request for a waiver of the requirements of subsections
14 (a) and (f), and permit such agency to treat as eligible,
15 and serve, any school that children attend under a deseg-
16regation plan ordered by a State or court or approved by
17 the Secretary, or such a plan that the agency continues
18 to implement after it has expired, if—

19 “(1) the number of economically disadvantaged
20 children enrolled in the school is not less than 25
21 percent of the school’s total enrollment; and

22 “(2) the Secretary determines on the basis of a
23 written request from such agency and in accordance
24 with such criteria as the Secretary establishes, that



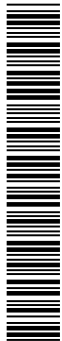
1 approval of that request would further the purposes
2 of this part.

3 “(f) ALLOCATIONS.—

4 “(1) IN GENERAL.—A local educational agency
5 shall allocate funds received under this part to eligi-
6 ble school attendance areas or eligible schools, iden-
7 tified under subsection (b) in rank order on the
8 basis of the total number of children from low-in-
9 come families in each area or school.

10 “(2) SPECIAL RULE.—(A) Except as provided
11 in subparagraph (B), the per-pupil amount of funds
12 allocated to each school attendance area or school
13 under paragraph (1) shall be at least 125 percent of
14 the per-pupil amount of funds a local educational
15 agency received for that year under the poverty cri-
16 teria described by the local educational agency in the
17 plan submitted under section 1112, except that this
18 paragraph shall not apply to a local educational
19 agency that only serves schools in which the percent-
20 age of such children is 35 percent or greater.

21 “(B) A local educational agency may reduce the
22 amount of funds allocated under subparagraph (A)
23 for a school attendance area or school by the amount
24 of any supplemental State and local funds expended
25 in that school attendance area or school for pro-



1 grams that meet the requirements of section 1114 or
2 1115.

3 “(3) RESERVATION.—A local educational agen-
4 cy shall reserve such funds as are necessary under
5 this part to provide services comparable to those
6 provided to children in schools funded under this
7 part to serve—

8 “(A) homeless children who do not attend
9 participating schools, including providing educa-
10 tionally related support services to children in
11 shelters and other locations where children may
12 live;

13 “(B) children in local institutions for ne-
14 glected children; and

15 “(C) if appropriate, children in local insti-
16 tutions for delinquent children and neglected or
17 delinquent children in community day school
18 programs.

19 “(4) SCHOOL IMPROVEMENT RESERVATION.—
20 In addition to the funding a local educational agency
21 receives under section 1003(b), a local educational
22 agency may reserve such funds as are necessary
23 under this part to meet such agency’s school im-
24 provement responsibilities under section 1116, in-



1 cluding taking corrective actions under paragraphs
2 (6) and (7) of section 1116(b).

3 “(5) FINANCIAL INCENTIVES AND REWARDS
4 RESERVATION.—A local educational agency may re-
5 serve such funds as are necessary under this part to
6 provide financial incentives and rewards to teachers
7 who serve in schools eligible under subsection
8 (b)(1)(A) and identified for improvement under sec-
9 tion 1116(b)(1) for the purpose of attracting and re-
10 taining qualified and effective teachers.

11 **“SEC. 1114. SCHOOLWIDE PROGRAMS.**

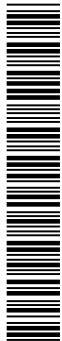
12 “(a) PURPOSE.—The purpose of a schoolwide pro-
13 gram under this section is—

14 “(1) to enable a local educational agency to
15 consolidate funds under this part with other Federal,
16 State, and local funds, to upgrade the entire edu-
17 cational program in a high poverty school; and

18 “(2) to help ensure that all children in such a
19 school meet challenging State academic standards
20 for student achievement, particularly those children
21 who are most at-risk of not meeting those standards.

22 “(b) USE OF FUNDS FOR SCHOOLWIDE PRO-
23 GRAMS.—

24 “(1) IN GENERAL.—A local educational agency
25 may consolidate funds under this part, together with



1 other Federal, State, and local funds, in order to up-
2 grade the entire educational program of a school
3 that serves an eligible school attendance area in
4 which not less than 40 percent of the children are
5 from low-income families, or not less than 40 per-
6 cent of the children enrolled in the school are from
7 such families.

8 “(2) IDENTIFICATION OF STUDENTS NOT RE-
9 QUIRED.—

10 “(A) IN GENERAL.—No school partici-
11 pating in a schoolwide program shall be re-
12 quired to identify particular children under this
13 part as eligible to participate in a schoolwide
14 program or to provide supplemental services to
15 such children.

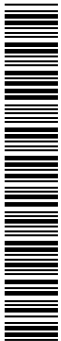
16 “(B) SUPPLEMENT FUNDS.—A school par-
17 ticipating in a schoolwide program shall use
18 funds available to carry out this section only to
19 supplement the amount of funds that would, in
20 the absence of funds under this part, be made
21 available from non-Federal sources for the
22 school, including funds needed to provide serv-
23 ices that are required by law for children with
24 disabilities and children with limited English
25 proficiency.



1 “(3) EXEMPTION FROM STATUTORY AND REGU-
2 LATORY REQUIREMENTS.—

3 “(A) EXEMPTION.—Except as provided in
4 subsection (c), the Secretary may, through pub-
5 lication of a notice in the Federal Register, ex-
6 empt schoolwide programs under this section
7 from statutory or regulatory provisions of any
8 other noncompetitive formula grant program
9 administered by the Secretary (other than for-
10 mula or discretionary grant programs under the
11 Individuals with Disabilities Education Act, ex-
12 cept as provided in section 613(a)(2)(D) of
13 such Act), or any discretionary grant program
14 administered by the Secretary, to support
15 schoolwide programs if the intent and purposes
16 of such other programs are met.

17 “(B) REQUIREMENTS.—A school that
18 chooses to use funds from such other programs
19 shall not be relieved of the requirements relat-
20 ing to health, safety, civil rights, student and
21 parental participation and involvement, services
22 to private school children, maintenance of ef-
23 fort, uses of Federal funds to supplement, not
24 supplant non-Federal funds, or the distribution
25 of funds to State or local educational agencies



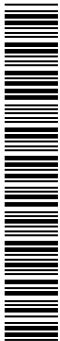
1 that apply to the receipt of funds from such
2 programs.

3 “(C) RECORDS.—A school that consoli-
4 dates funds from different Federal programs
5 under this section shall not be required to
6 maintain separate fiscal accounting records, by
7 program, that identify the specific activities
8 supported by those particular funds as long as
9 it maintains records that demonstrate that the
10 schoolwide program, considered as a whole ad-
11 dresses the intent and purposes of each of the
12 Federal programs that were consolidated to
13 support the schoolwide program.

14 “(4) PROFESSIONAL DEVELOPMENT.—Each
15 school receiving funds under this part for any fiscal
16 year shall devote sufficient resources to effectively
17 carry out the activities described in subsection
18 (c)(1)(D) in accordance with section 1119A for such
19 fiscal year, except that a school may enter into a
20 consortium with another school to carry out such ac-
21 tivities.

22 “(c) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

23 “(1) IN GENERAL.—A schoolwide program shall
24 include the following components:



1 “(A) A comprehensive needs assessment of
2 the entire school (including taking into account
3 the needs of migratory children as defined in
4 section 1309(2)) that is based on information
5 which includes the performance of children in
6 relation to the State academic content stand-
7 ards and the State student academic achieve-
8 ment standards described in section 1111(b)(1).

9 “(B) Schoolwide reform strategies that—

10 “(i) provide opportunities for all chil-
11 dren to meet the State’s proficient and ad-
12 vanced levels of student achievement de-
13 scribed in section 1111(b)(1)(D);

14 “(ii) use effective methods and in-
15 structional strategies that are based upon
16 scientifically based research that—

17 “(I) strengthen the core aca-
18 demic program in the school;

19 “(II) increase the amount and
20 quality of learning time, such as pro-
21 viding an extended school year and
22 before- and after-school and summer
23 programs and opportunities, and help
24 provide an enriched and accelerated
25 curriculum; and



1 “(III) include strategies for meet-
2 ing the educational needs of histori-
3 cally underserved populations;

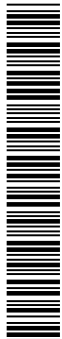
4 “(iii)(I) address the needs of all chil-
5 dren in the school, but particularly the
6 needs of low-achieving children and those
7 at risk of not meeting the State student
8 academic achievement standards who are
9 members of the target population of any
10 program that is included in the schoolwide
11 program; and

12 “(II) address how the school will de-
13 termine if such needs have been met; and

14 “(iv) are consistent with, and are de-
15 signed to implement, the State and local
16 improvement plans, if any.

17 “(C) Instruction by fully qualified (as de-
18 fined in section 8101) teachers.

19 “(D) In accordance with section 1119A
20 and subsection (b)(4), high quality and ongoing
21 professional development for teachers and para-
22 professionals, and, where appropriate, pupil
23 services personnel, parents, principals, and
24 other staff to enable all children in the school



1 to meet the State's student academic achieve-
2 ment standards.

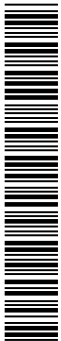
3 “(E) Strategies to attract high quality
4 teachers to high need schools, such as differen-
5 tial pay systems or performance based pay.

6 “(F) Strategies to increase parental in-
7 volvement in accordance with section 1118,
8 such as family literary services.

9 “(G) Plans for assisting preschool children
10 in the transition from early childhood programs,
11 such as Head Start, Even Start, Early Reading
12 First, or a State-run preschool program, to
13 local elementary school programs.

14 “(H) Measures to include teachers in the
15 decisions regarding the use of academic assess-
16 ments described in section 1111(b)(4) in order
17 to provide information on, and to improve, the
18 performance of individual students and the
19 overall instructional program.

20 “(I) Activities to ensure that students who
21 experience difficulty mastering the proficient or
22 advanced levels of academic achievement stand-
23 ards required by section 1111(b) shall be pro-
24 vided with effective, timely additional assistance
25 which shall include measures to ensure that stu-



1 dents' difficulties are identified on a timely
2 basis and to provide sufficient information on
3 which to base effective assistance.

4 “(2) PLAN.—Any eligible school that desires to
5 operate a schoolwide program shall first develop (or
6 amend a plan for such a program that was in exist-
7 ence on the day before the effective date of the No
8 Child Left Behind Act of 2001), a comprehensive
9 plan for reforming the total instructional program in
10 the school that—

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

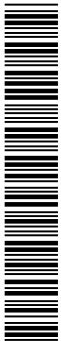
13 “(B) describes how the school will use re-
14 sources under this part and from other sources
15 to implement those components; and

16 “(C) includes a list of State and local edu-
17 cational agency programs and other Federal
18 programs under subsection (b)(3) that will be
19 consolidated in the schoolwide program.

20 “(3) PLAN DEVELOPMENT.—The comprehen-
21 sive plan shall be—

22 “(A) developed during a 1-year period,
23 unless—

24 “(i) the local educational agency de-
25 termines that less time is needed to de-

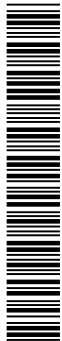


1 develop and implement the schoolwide pro-
2 gram; or

3 “(ii) the school operated a schoolwide
4 program on the day preceding the effective
5 date of the No Child Left Behind Act of
6 2001, in which case such school may con-
7 tinue to operate such program, but shall
8 develop amendments to its existing plan
9 during the first year of assistance after
10 that date to reflect the provisions of this
11 section;

12 “(B) developed with the involvement of
13 parents and other members of the community
14 to be served and individuals who will carry out
15 such plan, including teachers, principals, and
16 administrators (including administrators of pro-
17 grams described in other parts of this title),
18 and, if appropriate, pupil services personnel,
19 technical assistance providers, school staff, and,
20 if the plan relates to a secondary school, stu-
21 dents from such school;

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



1 “(D) available to the local educational
2 agency, parents, and the public, and the infor-
3 mation contained in such plan shall be provided
4 in a format, and to the extent practicable, in a
5 language that they can understand; and

6 “(E) if appropriate, developed in coordina-
7 tion with programs under Reading First, Early
8 Reading First, Even Start, Carl D. Perkins Vo-
9 cational and Technical Education Act of 1998,
10 and the Head Start Act.

11 “(d) ACCOUNTABILITY.—A schoolwide program
12 under this section shall be subject to the school improve-
13 ment provisions of section 1116.

14 “(e) PREKINDERGARTEN PROGRAM.—A school that
15 is eligible for a schoolwide program under this section may
16 use funds made available under this title to establish or
17 enhance prekindergarten programs for 3-, 4-, and 5-year-
18 old children, such as Even Start programs or Early Read-
19 ing First programs.

20 **“SEC. 1115. TARGETED ASSISTANCE SCHOOLS.**

21 “(a) IN GENERAL.—In all schools selected to receive
22 funds under section 1113(f) that are ineligible for a
23 schoolwide program under section 1114, or that choose
24 not to operate such a schoolwide program, a local edu-
25 cational agency may use funds received under this part



1 only for programs that provide services to eligible children
2 under subsection (b) identified as having the greatest need
3 for special assistance.

4 “(b) ELIGIBLE CHILDREN.—

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

7 “(i) children not older than age 21 who are
8 entitled to a free public education through
9 grade 12; and

10 “(ii) children who are not yet at a grade
11 level at which the local educational agency pro-
12 vides a free public education.

13 “(B) From the population described in subpara-
14 graph (A), eligible children are children identified by
15 the school as failing, or most at risk of failing, to
16 meet the State’s challenging student academic
17 achievement standards on the basis of academic as-
18 sessments under this part, and, as appropriate, on
19 the basis of multiple, educationally related, objective
20 criteria established by the local educational agency
21 and supplemented by the school, except that children
22 from preschool through grade 2 may be selected
23 solely on the basis of such criteria as teacher judg-
24 ment, interviews with parents, and other appropriate
25 measures.



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

5 “(ii) Funds received under this part may not be
6 used to provide services that are otherwise required
7 by law to be made available to such children but
8 may be used to coordinate or supplement such serv-
9 ices.

10 “(B) A child who, at any time in the 2 years
11 preceding the year for which the determination is
12 made, participated in a Head Start, Even Start, or
13 Early Reading First program, or in preschool serv-
14 ices under this title, is eligible for services under this
15 part.

16 “(C)(i) A child who, at any time in the 2 years
17 preceding the year for which the determination is
18 made, received services under part C is eligible for
19 services under this part.

20 “(ii) A child in a local institution for neglected
21 or delinquent children or attending a community day
22 program for such children is eligible for services
23 under this part.



1 “(D) A child who is homeless and attending any
2 school in the local educational agency is eligible for
3 services under this part.

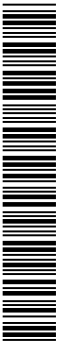
4 “(c) COMPONENTS OF A TARGETED ASSISTANCE
5 SCHOOL PROGRAM.—

6 “(1) IN GENERAL.—To assist targeted assist-
7 ance schools and local educational agencies to meet
8 their responsibility to provide for all their students
9 served under this title the opportunity to meet the
10 State’s challenging student academic achievement
11 standards in subjects as determined by the State,
12 each targeted assistance program under this section
13 shall—

14 “(A) use such program’s resources under
15 this part to help participating children meet
16 such State’s challenging student academic
17 achievement standards expected for all children;

18 “(B) ensure that planning for students
19 served under this part is incorporated into ex-
20 isting school planning;

21 “(C) use effective methods and instruc-
22 tional strategies that are based upon scientif-
23 ically based research that strengthens the core
24 academic program of the school and that—



1 “(i) give primary consideration to pro-
2 viding extended learning time such as an
3 extended school year, before- and after-
4 school, and summer programs and oppor-
5 tunities;

6 “(ii) help provide an accelerated, high-
7 quality curriculum, including applied learn-
8 ing; and

9 “(iii) minimize removing children
10 from the regular classroom during regular
11 school hours for instruction provided under
12 this part;

13 “(D) coordinate with and support the reg-
14 ular education program, which may include
15 services to assist preschool children in the tran-
16 sition from early childhood programs such as
17 Head Start, Even Start, Early Reading First or
18 State-run preschool programs to elementary
19 school programs;

20 “(E) provide instruction by fully qualified
21 teachers as defined in section 8101;

22 “(F) in accordance with subsection (e)(3)
23 and section 1119A, provide opportunities for
24 professional development with resources pro-
25 vided under this part, and, to the extent prac-



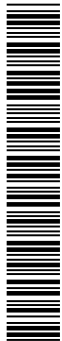
1 ticable, from other sources, for teachers, prin-
2 cipals, and administrators and other school
3 staff, including, if appropriate, pupil services
4 personnel, who work with participating children
5 in programs under this section or in the regular
6 education program; and

7 “(G) provide strategies to increase paren-
8 tal involvement in accordance with section
9 1118, such as family literacy services.

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

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

17 “(B) reviewing, on an ongoing basis, the
18 progress of participating children and revising
19 the targeted assistance program, if necessary,
20 to provide additional assistance to enable such
21 children to meet the State’s challenging student
22 academic achievement standards, such as an ex-
23 tended school year, before- and after-school,
24 and summer programs and opportunities, train-
25 ing for teachers regarding how to identify stu-



1 dents that require additional assistance, and
2 training for teachers regarding how to imple-
3 ment student academic achievement standards
4 in the classroom.

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

11 “(e) SPECIAL RULES.—

12 “(1) SIMULTANEOUS SERVICE.—Nothing in this
13 section shall be construed to prohibit a school from
14 serving students served under this section simulta-
15 neously with students with similar educational
16 needs, in the same educational settings where appro-
17 priate.

18 “(2) COMPREHENSIVE SERVICES.—If medical,
19 nutrition, and other social services are not otherwise
20 available to eligible children in a targeted assistance
21 school and such school, if appropriate, has engaged
22 in a comprehensive needs assessment and established
23 a collaborative partnership with local service pro-
24 viders, and if funds are not reasonably available
25 from other public or private sources to provide such



1 services, then a portion of the funds provided under
2 this part may be used as a last resort to provide
3 such services, including—

4 “(A) the provision of basic medical equip-
5 ment, such as eyeglasses and hearing aids; and

6 “(B) professional development necessary to
7 assist teachers, pupil services personnel, other
8 staff, and parents in identifying and meeting
9 the comprehensive needs of eligible children.

10 “(3) PROFESSIONAL DEVELOPMENT.—Each
11 school receiving funds under this part for any fiscal
12 year shall devote sufficient resources to carry out ef-
13 fectively the professional development activities de-
14 scribed in subparagraph (F) of subsection (c)(1) in
15 accordance with section 1119A for such fiscal year,
16 except that a school may enter into a consortium
17 with another school to carry out such activities.”.

18 **SEC. 105 SCHOOL CHOICE.**

19 Section 1115A is amended to read as follows:

20 **“SEC. 1115A. SCHOOL CHOICE.**

21 “(a) CHOICE PROGRAMS.—A local educational agen-
22 cy may use funds under this part, in combination with
23 State, local, and private funds, to develop and implement
24 public school choice programs, for children eligible for as-



1 sistance under this part, which permit parents to select
2 the public school that their child will attend.

3 “(b) CHOICE PLAN.—A local educational agency that
4 chooses to implement a public school choice program shall
5 first develop a plan that includes a description of how the
6 local educational agency will use resources under this part
7 and from other resources to implement the plan, and as-
8 surances that—

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

12 “(2) the plan will be developed with the involve-
13 ment of parents and others in the community to be
14 served and individuals who will carry out the plan,
15 including administrators, teachers, principals, and
16 other staff;

17 “(3) parents of eligible students in the local
18 educational agency will be given prompt notice of the
19 existence of the public school choice program and its
20 availability to them, and a clear explanation of how
21 the program will operate;

22 “(4) the program will include charter schools
23 and any other public school and shall not include a
24 school that is or has been identified as a school in



1 school improvement or is or has been in corrective
2 action for the past 2 consecutive years; and

3 “(5) such local educational agency will comply
4 with the other requirements of this part.

5 “(c) TRANSPORTATION.—Transportation services or
6 the costs of transportation may be provided by the local
7 educational agency, except that such agency may not use
8 more than a total of 15 percent of its allocation under
9 this part for such purposes.”.

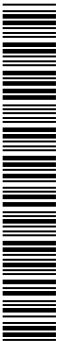
10 **SEC. 106. ACADEMIC ASSESSMENT AND LOCAL EDU-**
11 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
12 **MENT.**

13 The section heading and subsections (a) through (d)
14 of section 1116 are amended to read as follows:

15 **“SEC. 1116. ACADEMIC ASSESSMENT AND LOCAL EDU-**
16 **CATIONAL AGENCY AND SCHOOL IMPROVE-**
17 **MENT.**

18 “(a) LOCAL REVIEW.—Each local educational agency
19 receiving funds under this part shall—

20 “(1) use the State academic assessments de-
21 scribed in the State plan to review annually the
22 progress of each school served under this part to de-
23 termine whether the school is making adequate year-
24 ly progress as defined in section 1111(b)(2)(B);



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1 “(2) publicize and disseminate to teachers and
2 other staff, parents, students, and the community,
3 the results of the annual review under paragraph
4 (2);

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

9 “(b) SCHOOL IMPROVEMENT.—

10 “(1) IN GENERAL.—

11 “(A) IDENTIFICATION.—A local edu-
12 cational agency shall identify for school im-
13 provement any elementary or secondary school
14 served under this part that—

15 “(i) fails, for any year, to make ade-
16 quate yearly progress as defined in the
17 State’s plan under section 1111(b)(2); or

18 “(ii) was in school improvement status
19 under this section immediately before the
20 effective date of the No Child Left Behind
21 Act of 2001.

22 “(B) DEADLINE.—The identification de-
23 scribed in subparagraph (A) shall take place
24 not later than the first day of the school year



1 following such failure to make adequate yearly
2 progress.

3 “(C) APPLICATION.—This paragraph does
4 not apply to a school if almost every student in
5 the school is meeting the State’s advanced level
6 of performance.

7 “(D) REVIEW.—To determine if an ele-
8 mentary school or a secondary school that is
9 conducting a targeted assistance program under
10 section 1115 should be identified for school im-
11 provement under this subsection, a local edu-
12 cational agency may choose to review the
13 progress of only the students in the school who
14 are served, or are eligible for services, under
15 this part.

16 “(E) PUBLIC SCHOOL CHOICE.—In the
17 case of a school identified for school improve-
18 ment under subparagraph (A), the local edu-
19 cational agency shall, not later than the first
20 day of the school year following identification,
21 provide all students enrolled in the school with
22 the option to transfer to another public school
23 within the local educational agency, including a
24 public charter school, that has not been identi-
25 fied for school improvement under subpara-



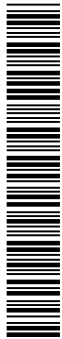
1 graph (A), unless such an option is prohibited
2 by State law.

3 “(F) TRANSFER. Students who use the op-
4 tion to transfer under subparagraph (E) shall
5 be enrolled in classes and other activities in the
6 public school to which they transfer in the same
7 manner as all other children at the public
8 school.

9 “(2) OPPORTUNITY TO REVIEW AND PRESENT
10 EVIDENCE; TIME LIMIT.—

11 “(A) Before identifying an elementary
12 school or a secondary school for school improve-
13 ment under paragraph (1), for corrective action
14 under paragraph (6), or for restructuring under
15 paragraph (7), the local educational agency
16 shall provide the school with an opportunity to
17 review the school-level data, including academic
18 assessment data, on which the proposed identi-
19 fication is based.

20 “(B) EVIDENCE.—If the principal of a
21 school proposed for identification under para-
22 graph (1), (6), or (7) believes that the proposed
23 identification is in error for statistical or other
24 substantive reasons, the principal may provide
25 supporting evidence to the local educational



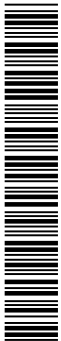
1 agency, which shall consider that evidence be-
2 fore making a final determination.

3 “(C) FINAL DETERMINATION.—Not later
4 than 30 days after a local educational agency
5 provides the school with the opportunity to re-
6 view such school level data, the local edu-
7 cational agency shall make public a final deter-
8 mination on the status of the school.

9 “(3) SCHOOL PLAN.—

10 “(A) REVISED PLAN.—After the resolution
11 of a review under paragraph (2), each school
12 identified under paragraph (1) for school im-
13 provement shall, not later than 3 months after
14 being so identified, develop or revise a school
15 plan, in consultation with parents, school staff,
16 the local educational agency serving the school,
17 the local school board, and other outside ex-
18 perts, for approval by such local educational
19 agency. The school plan shall cover a 2-year pe-
20 riod and—

21 “(i) incorporate scientifically based re-
22 search strategies that strengthen the core
23 academic subjects in the school and ad-
24 dress the specific academic issues that



1 caused the school to be identified for
2 school improvement;

3 “(ii) adopt policies and practices con-
4 cerning the school’s core academic subjects
5 that have the greatest likelihood of ensur-
6 ing that all groups of students specified in
7 section 1111(b)(2)(C)(iii)(I) and (II) and
8 enrolled in the school will meet the State’s
9 proficient level of achievement on the State
10 academic assessment described in section
11 1111(b)(4) not later than 10 years after
12 the date of enactment of the No Child Left
13 Behind Act of 2001;

14 “(iii) provide an assurance that the
15 school shall reserve not less than 10 per-
16 cent of the funds made available to the
17 school under this part for each fiscal year
18 that the school is in school improvement
19 status, for the purpose of providing to the
20 school’s teachers and principal high-quality
21 professional development that—

22 “(I) directly addresses the aca-
23 demic performance problem that
24 caused the school to be identified for
25 school improvement;



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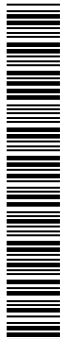
1 “(II) meets the requirements for
2 professional development activities
3 under section 1119A; and

4 “(III) is provided in a manner
5 that affords greater opportunity for
6 participating in such professional de-
7 velopment;

8 “(iv) specify how the funds described
9 in clause (iii) will be used to remove the
10 school from school improvement status;

11 “(v) establish specific annual, measur-
12 able goals for continuous and significant
13 progress by each group of students speci-
14 fied in section 1111(b)(2)(C)(iii)(I) and
15 (II) and enrolled in the school that will en-
16 sure that all such groups of students shall
17 meet the State’s proficient level of achieve-
18 ment on the State academic assessment
19 described in section 1111(b)(4) not later
20 than 10 years after the date of enactment
21 of the No Child Left Behind Act of 2001;

22 “(vi) identify how the school will pro-
23 vide written notification about the identi-
24 fication to parents of each student enrolled
25 in such school, in a format and, to the ex-



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1 tent practicable, in a language the parents
2 can understand;

3 “(vii) specify the responsibilities of
4 the school, the local educational agency,
5 and the State educational agency serving
6 the school under the plan, including the
7 technical assistance to be provided by the
8 local educational agency under paragraph
9 (4); and

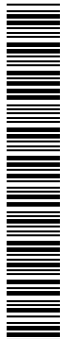
10 “(viii) incorporate, as appropriate, ex-
11 tended learning time for students, such as
12 before school, after school, during the sum-
13 mer and extension of the school year.

14 “(B) **CONDITIONAL APPROVAL.**—The local
15 educational agency may condition approval of a
16 school plan on—

17 “(i) inclusion of 1 or more of the cor-
18 rective actions specified in paragraph
19 (6)(D)(ii); or

20 “(ii) feedback on the school improve-
21 ment plan from parents and community
22 leaders.

23 “(C) **PLAN IMPLEMENTATION.**—Except as
24 provided in subparagraph (D), a school shall
25 implement the school plan (including a revised



1 plan) expeditiously, but not later than the be-
2 ginning of the school year following the school
3 year in which the failure to make adequate
4 yearly progress took place.

5 “(D) Notwithstanding subparagraph (C),
6 in a case in which a plan is not approved prior
7 to the beginning of a school year, such plan
8 shall be implemented immediately upon ap-
9 proval.

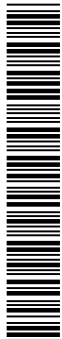
10 “(E) LOCAL EDUCATIONAL AGENCY AP-
11 PROVAL.—The local educational agency shall—

12 “(i) establish a peer-review process to
13 assist with review of a school plan pre-
14 pared by a school served by the local edu-
15 cational agency; and

16 “(ii) promptly review the school plan,
17 work with the school as necessary, and ap-
18 prove the school plan if it meets the re-
19 quirements of this paragraph.

20 “(4) TECHNICAL ASSISTANCE.—

21 “(A) IN GENERAL.—For each school iden-
22 tified for school improvement under paragraph
23 (1), the local educational agency serving the
24 school shall provide technical assistance as the



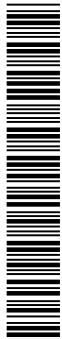
1 school develops and implements the school plan
2 throughout the duration of such plan.

3 “(B) SPECIFIC ASSISTANCE.—Such tech-
4 nical assistance—

5 “(i) shall include assistance in ana-
6 lyzing data from the academic assessments
7 required under section 1111(b)(4), and
8 other samples of student work, to identify
9 and address instructional problems and so-
10 lutions;

11 “(ii) shall include assistance in identi-
12 fying and implementing professional devel-
13 opment, instructional strategies, and meth-
14 ods of instruction that are based upon sci-
15 entifically based research and that have
16 proven effective in addressing the specific
17 instructional issues that caused the school
18 to be identified for school improvement;

19 “(iii) shall include assistance in ana-
20 lyzing and revising the school’s budget so
21 that the school resources are more effec-
22 tively allocated for the activities most likely
23 to increase student achievement and to re-
24 move the school from school improvement
25 status; and



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1 “(iv) may be provided—

2 “(I) by the local educational
3 agency, through mechanisms author-
4 ized under section 1117; or

5 “(II) by the State educational
6 agency, an institution of higher edu-
7 cation (in full compliance with all the
8 reporting provisions of title II of the
9 Higher Education Act of 1965), a pri-
10 vate not-for-profit organization or for-
11 profit organization, an educational
12 service agency, or another entity with
13 experience in helping schools improve
14 performance.

15 “(C) SCIENTIFICALLY BASED RE-
16 SEARCH.—Technical assistance provided under
17 this section by a local educational agency or an
18 entity approved by that agency shall be based
19 on scientifically based research.

20 “(5) NOTIFICATION TO PARENTS.—A local edu-
21 cational agency shall promptly provide parents (in a
22 format and, to the extent practicable, in a language
23 they can understand) of each student in an elemen-
24 tary school or a secondary school identified for
25 school improvement—



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1 “(A) an explanation of what the school im-
2 provement identification means, and how the
3 school identified for school improvement com-
4 pares in terms of academic achievement to
5 other elementary schools or secondary schools
6 served by the local educational agency and the
7 State educational agency involved;

8 “(B) the reasons for the identification;

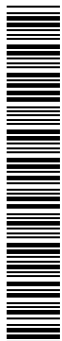
9 “(C) an explanation of what the school
10 identified for school improvement is doing to
11 address the problem of low achievement;

12 “(D) an explanation of what the local edu-
13 cational agency or State educational agency is
14 doing to help the school address the achieve-
15 ment problem;

16 “(E) an explanation of how parents de-
17 scribed in this paragraph can become involved
18 in addressing the academic issues that caused
19 the school to be identified for school improve-
20 ment; and

21 “(F) an explanation regarding the option
22 of their child to transfer to another public
23 school, including a public charter school.

24 “(6) CORRECTIVE ACTION.—



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1 “(A) IN GENERAL.—In this subsection, the
2 term ‘corrective action’ means action, consistent
3 with State law, that—

4 “(i) substantially and directly re-
5 sponds to—

6 “(I) the consistent academic fail-
7 ure of a school that caused the local
8 educational agency to take such ac-
9 tion; and

10 “(II) any underlying staffing,
11 curriculum, or other problems in the
12 school; and

13 “(ii) is designed to increase substan-
14 tially the likelihood that students enrolled
15 in the school identified for corrective action
16 will perform at the State’s proficient and
17 advanced levels of achievement on the
18 State academic assessment described in
19 section 1111(b)(4).

20 “(B) SYSTEM.—In order to help students
21 served under this part meet challenging State
22 academic standards, each local educational
23 agency shall implement a system of corrective
24 action in accordance with subparagraphs (C)
25 through (F) and paragraphs (7) through (9).



1 “(C) ROLE OF LOCAL EDUCATIONAL AGEN-
2 CY.—The local educational agency—

3 “(i) after providing public school
4 choice under paragraph (1)(E) and tech-
5 nical assistance under paragraph (4), shall
6 identify for corrective action and take cor-
7 rective action with respect to any school
8 served by the local educational agency
9 under this part that—

10 “(I) fails to make adequate year-
11 ly progress, as defined by the State
12 under section 1111(b)(2), at the end
13 of the first full school year following
14 identification under paragraph (1); or

15 “(II) was in school-improvement
16 status for 2 years or in corrective-ac-
17 tion status under this subsection im-
18 mediately before the effective date of
19 the No Child Left Behind Act of
20 2001; and

21 “(ii) shall continue to provide tech-
22 nical assistance consistent with paragraph
23 (4) while instituting any corrective action
24 under clause (i); and



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1 “(D) REQUIREMENTS.—In the case of a
2 school described in subparagraph (C)(i), the
3 local educational agency shall both—

4 “(i) continue to provide all students
5 enrolled in the school with the option to
6 transfer to another public school within the
7 local educational agency, including a public
8 charter school, that has not been identified
9 for school improvement under paragraph
10 (1), unless such an option is prohibited by
11 State law; and

12 “(ii) take at least 1 of the following
13 corrective actions:

14 “(I) Replace the school staff
15 which are relevant to the failure to
16 make adequate yearly progress.

17 “(II) Institute and fully imple-
18 ment a new curriculum, including pro-
19 viding appropriate professional devel-
20 opment for all relevant staff, that is
21 based on scientifically based research
22 and offers substantial promise of im-
23 proving educational performance for
24 low-performing students and the



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1 school meeting adequate yearly
2 progress.

3 “(III) Significantly decrease
4 management authority at the school
5 level.

6 “(IV) Appoint an outside expert
7 to advise the school on its progress to-
8 ward meeting adequate yearly
9 progress, based on its school plan
10 under this subsection.

11 “(V) Extend the school year or
12 school day.

13 “(VI) Restructure the internal
14 organizational structure of the school.

15 “(E) DELAY.—A local educational agency
16 may delay, for a period not to exceed 1 year,
17 implementation of corrective action only if the
18 school’s failure to make adequate yearly
19 progress was justified due to exceptional or un-
20 controllable circumstances, such as a natural
21 disaster or a precipitous and unforeseen decline
22 in the financial resources of the local edu-
23 cational agency or school.

24 “(F) PUBLICATION AND DISSEMINA-
25 TION.—The local educational agency shall pub-



1 lish and disseminate information regarding any
2 corrective action the local educational agency
3 takes under this paragraph at a school—

4 “(i) to the public and to the parents
5 of each student enrolled in the school sub-
6 ject to corrective action;

7 “(ii) in a format and, to the extent
8 practicable, in a language that the parents
9 can understand; and

10 “(iii) through such means as the
11 Internet, the media, and public agencies.

12 “(7) RESTRUCTURING.—

13 “(A) FAILURE TO MAKE ADEQUATE YEAR-
14 LY PROGRESS.—If—

15 “(i) a school is subject to corrective
16 action under paragraph (6) for one full
17 school year, and at the end of such year
18 continues to fail to make adequate yearly
19 progress and students in the school who
20 are from economically disadvantaged fami-
21 lies are not making statistically significant
22 progress in the subjects included in the
23 State’s definition of adequate yearly
24 progress; or



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1 “(ii) for 2 additional years a school
2 subject to corrective action under para-
3 graph (6) fails to make adequate yearly
4 progress, the local educational agency
5 shall—

6 “(I) provide all students enrolled
7 in the school with the option to trans-
8 fer to another public school within the
9 local educational agency, including a
10 public charter school, that has not
11 been identified for school improvement
12 under paragraph (1), unless prohib-
13 ited by State law;

14 “(II) make funds available—

15 “(aa) to the economically
16 disadvantaged child’s parents to
17 place the child in a private school
18 in accordance with subsection
19 (d)(2); or

20 “(bb) make funds available
21 for supplementary educational
22 services, in accordance with sub-
23 section (d)(1); and



1 “(III) prepare a plan and make
2 necessary arrangements to carry out
3 subparagraph (B).

4 “(B) ALTERNATIVE GOVERNANCE.—Not
5 later than the beginning of the school year fol-
6 lowing the year in which the local educational
7 agency implements subparagraph (A), the local
8 educational agency shall implement 1 of the fol-
9 lowing alternative governance arrangements for
10 the school consistent with State law:

11 “(i) Reopening the school as a public
12 charter school.

13 “(ii) Replacing the principal and all or
14 most of the school staff that are relevant
15 to the failure to make adequate yearly
16 progress.

17 “(iii) Operation of the school by an-
18 other entity, such as a private management
19 company.

20 “(iv) Turning the operation of the
21 school over to the State, if permitted under
22 State law and agreed to by the State.

23 “(C) AVAILABLE RESULTS.—The State
24 educational agency shall ensure that, for any
25 school year in which a school is subject to



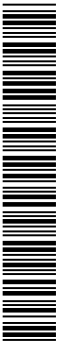
1 school improvement under this subsection, the
2 results of State academic assessments for that
3 school are available to the local educational
4 agency by the end of the school year in which
5 the academic assessments are administered.

6 “(D) PROMPT NOTICE.—The local edu-
7 cational agency shall provide prompt notice to
8 teachers and parents whenever subparagraph
9 (A) or (B) applies, shall provide them adequate
10 opportunity to comment before taking any ac-
11 tion under those subparagraphs and to partici-
12 pate in developing any plan under subpara-
13 graph (A)(iii), and shall provide parents an ex-
14 planation of the options under subparagraph
15 (A)(i) and (ii).

16 “(8) TRANSPORTATION.—In any case described
17 in paragraph (6)(D)(i), (7)(A)(i)(I), and
18 (7)(A)(ii)(I) the local educational agency—

19 “(A) shall provide, or shall pay for the pro-
20 vision of, transportation for the student to the
21 school the child attends; and

22 “(B) may use not more than a total of 15
23 percent of its allocation under this part for that
24 purpose.



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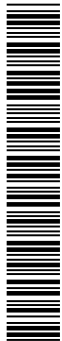
1 “(9) COOPERATIVE AGREEMENT.—In any case
2 described in paragraph (6)(D)(i), (7)(A)(i)(I), or
3 (7)(A)(ii)(I), if all public schools in the local edu-
4 cational agency to which a child may transfer to, are
5 identified for school improvement, the agency shall,
6 to the extent practicable, establish a cooperative
7 agreement with other local educational agencies in
8 the area for a transfer.

9 “(10) DURATION.—If any school identified for
10 corrective action or restructuring—

11 “(A) makes adequate yearly progress for 2
12 consecutive years, the local educational agency
13 need no longer subject it to corrective action or
14 restructuring nor identify it as in need of im-
15 provement; or

16 “(B) fails to make adequate yearly
17 progress, but children from low-income families
18 in the school make statistically significant edu-
19 cational progress for 1 year, the local edu-
20 cational agency shall place or continue as ap-
21 propriate the school in corrective action under
22 paragraph (6).

23 “(11) STATE RESPONSIBILITIES.—The State
24 shall—



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1 “(A) make technical assistance under sec-
2 tion 1117 available to all schools identified for
3 school improvement and restructuring under
4 this subsection;

5 “(B) if it determines that a local edu-
6 cational agency has failed to carry out its re-
7 sponsibilities under this subsection, take such
8 corrective actions as the State finds appropriate
9 and in compliance with State law; and

10 “(C) ensure that academic assessment re-
11 sults under this part are provided to schools
12 within the same school year in which the assess-
13 ment was given.

14 “(c) STATE REVIEW AND LOCAL EDUCATIONAL
15 AGENCY IMPROVEMENT.—

16 “(1) IN GENERAL.—A State shall—

17 “(A) annually review the progress of each
18 local educational agency receiving funds under
19 this part to determine whether schools receiving
20 assistance under this part are making adequate
21 yearly progress as defined in section 1111(b)(2)
22 toward meeting the State’s student academic
23 achievement standards; and

24 “(B) publicize and disseminate to local
25 educational agencies, teachers and other staff,



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1 parents, students, and the community the re-
2 sults of the State review consistent with section
3 1111, including statistically sound
4 disaggregated results, as required by section
5 1111(b)(2).

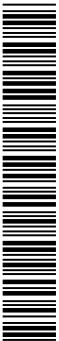
6 “(2) IDENTIFICATION OF LOCAL EDUCATIONAL
7 AGENCY FOR IMPROVEMENT.—A State shall identify
8 for improvement any local educational agency that—

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

12 “(B) was in improvement status under this
13 section as this section was in effect on the day
14 preceding the date of the enactment of the No
15 Child Left Behind Act of 2001.

16 “(3) TRANSITION.—The 2-year period described
17 in paragraph (2)(A) shall include any continuous pe-
18 riod of time immediately preceding the date of the
19 enactment of the No Child Left Behind Act of 2001,
20 during which a local educational agency did not
21 make adequate yearly progress as defined in the
22 State’s plan, as such plan was in effect on the day
23 preceding the date of such enactment.

24 “(4) TARGETED ASSISTANCE SCHOOLS.—For
25 purposes of targeted assistance schools in a local



1 educational agency, a State educational agency may
2 choose to review the progress of only the students in
3 such schools who are served or are eligible for serv-
4 ices under this part.

5 “(5) OPPORTUNITY TO REVIEW AND PRESENT
6 EVIDENCE.—

7 “(A) REVIEW.—Before identifying a local
8 educational agency for improvement under
9 paragraph (2), a State educational agency shall
10 provide the local educational agency with an op-
11 portunity to review the local educational agency
12 data, including academic assessment data, on
13 which that proposed identification is based.

14 “(B) SUPPORTING EVIDENCE.—If the local
15 educational agency believes that the proposed
16 identification is in error for statistical or other
17 substantive reasons, it may provide supporting
18 evidence to the State educational agency, which
19 such agency shall consider before making a
20 final determination not later than 30 days after
21 the State educational agency provides the local
22 educational agency with the opportunity to re-
23 view such data under subparagraph (A).

24 “(6) NOTIFICATION TO PARENTS.—The State
25 educational agency shall promptly notify parents in



1 a format, and to the extent practicable in a language
2 they can understand, of each student enrolled in a
3 school in a local educational agency identified for
4 improvement, of the results of the review under
5 paragraph (1) and, if the agency is identified as in
6 need of improvement, the reasons for that identifica-
7 tion and how parents can participate in upgrading
8 the quality of the local educational agency.

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

11 “(A) PLAN.—Each local educational agen-
12 cy identified under paragraph (2) shall, not
13 later than 3 months after being so identified,
14 develop or revise a local educational agency
15 plan, in consultation with parents, school staff,
16 and others. Such plan shall—

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

21 “(ii) identify specific goals and objec-
22 tives the local educational agency will un-
23 dertake to make adequate yearly progress
24 and which—



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1 “(I) have the greatest likelihood
2 of improving the performance of par-
3 ticipating children in meeting the
4 State’s student academic achievement
5 standards;

6 “(II) address the professional de-
7 velopment needs of staff; and

8 “(III) include specific measurable
9 achievement goals and targets for
10 each of the groups of students identi-
11 fied in the disaggregated data pursu-
12 ant to section 1111(b)(2)(C)(iii)(I)
13 and (II);

14 “(iii) incorporate, as appropriate, ex-
15 tended learning time for students such as
16 before school, after school, during the sum-
17 mer, and extension of the school year.

18 “(iv) identify how the local edu-
19 cational agency will provide written notifi-
20 cation to parents in a format, and to the
21 extent practicable in a language, that they
22 can understand, pursuant to paragraph
23 (6); and



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1 “(v) specify the responsibilities of the
2 State educational agency and the local edu-
3 cational agency under the plan.

4 “(B) IMPLEMENTATION.—The local edu-
5 cational agency shall implement its plan or re-
6 vised plan expeditiously, but not later than the
7 beginning of the school year after which the
8 school has been identified for improvement.

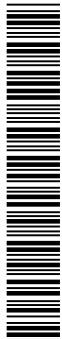
9 “(8) STATE RESPONSIBILITY.—

10 “(A) IN GENERAL.—For each local edu-
11 cational agency identified under paragraph (2),
12 the State shall provide technical or other assist-
13 ance, if requested, as authorized under section
14 1117, to better enable the local educational
15 agency—

16 “(i) to develop and implement its re-
17 vised plan as approved by the State edu-
18 cational agency consistent with the require-
19 ments of this section; and

20 “(ii) to work with schools needing im-
21 provement.

22 “(B) TECHNICAL ASSISTANCE.—Technical
23 assistance provided under this section by the
24 State educational agency or an entity author-



1 ized by such agency shall be based upon sci-
2 entifically based research.

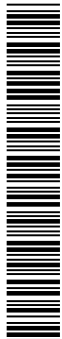
3 “(9) CORRECTIVE ACTION.—In order to help
4 students served under this part meet challenging
5 State academic standards, each State shall imple-
6 ment a system of corrective action in accordance
7 with the following:

8 “(A) IN GENERAL.—After providing tech-
9 nical assistance under paragraph (8) and sub-
10 ject to subparagraph (D), the State—

11 “(i) may take corrective action at any
12 time with respect to a local educational
13 agency that has been identified under
14 paragraph (2);

15 “(ii) shall take corrective action with
16 respect to any local educational agency
17 that fails to make adequate yearly
18 progress, as defined by the State, after the
19 end of the second year following its identi-
20 fication under paragraph (2); and

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



1 “(B) DEFINITION.—As used in this para-
2 graph, the term ‘corrective action’ means ac-
3 tion, consistent with State law, that—

4 “(i) substantially and directly re-
5 sponds to the consistent academic failure
6 that caused the State to take such action
7 and to any underlying staffing, curricular,
8 or other problems in the school; and

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

13 “(C) CERTAIN LOCAL EDUCATIONAL AGEN-
14 CIES.—In the case of a local educational agency
15 described in this paragraph, the State edu-
16 cational agency shall take not less than 1 of the
17 following corrective actions:

18 “(i) Withhold funds from the local
19 educational agency.

20 “(ii) Replace the school district per-
21 sonnel who are relevant to the failure to
22 make adequate year progress.

23 “(iii) Remove particular schools from
24 the jurisdiction of the local educational
25 agency and establish alternative arrange-



1 ments for public governance and super-
2 vision of such schools.

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

8 “(v) Abolish or restructure the local
9 educational agency.

10 “(vi) Authorize students to transfer
11 from a school operated by a local edu-
12 cational agency to a higher performing
13 public school operated by another local
14 educational agency, or to a public charter
15 school and provide such students transpor-
16 tation (or the costs of transportation to
17 such schools), in conjunction with not less
18 than 1 additional action described under
19 this paragraph.

20 “(D) HEARING.—Prior to implementing
21 any corrective action, the State educational
22 agency shall provide due process and a hearing
23 to the affected local educational agency, if State
24 law provides for such process and hearing.



1 “(E) PUBLICATION.—The State edu-
2 cational agency shall publish, and disseminate
3 to parents and the public any corrective action
4 it takes under this paragraph through such
5 means as the Internet, the media, and public
6 agencies.

7 “(F) DELAY.—A local educational agency
8 may delay, for a period not to exceed 1 year,
9 implementation of corrective action if the fail-
10 ure to make adequate yearly progress was justi-
11 fied due to exceptional or uncontrollable cir-
12 cumstances such as a natural disaster or a pre-
13 cipitous and unforeseen decline in the financial
14 resources of the local educational agency or
15 school.

16 “(10) SPECIAL RULE.—A local educational
17 agency, that, for at least 2 of the 3 years following
18 identification under paragraph (2), makes adequate
19 yearly progress shall no longer be identified for im-
20 provement.

21 “(d) PARENTAL OPTIONS.—

22 “(1) SUPPLEMENTAL INSTRUCTIONAL SERV-
23 ICES.—

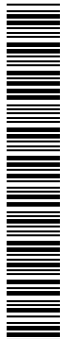
24 “(A) In any case described in subsection
25 (b)(7)(A)(ii)(II)(bb), the local educational agen-



1 cy shall permit the parents of each eligible child
2 to obtain supplemental educational services for
3 such child from a provider, as approved by the
4 State educational agency in accordance with
5 reasonable criteria that it shall adopt. Such cri-
6 teria shall require a provider to demonstrate a
7 record of effectiveness, or the potential of effec-
8 tiveness, in providing supplemental instructional
9 services to children, consistent with the instruc-
10 tional program of the local educational agency
11 and the academic standards described under
12 section 1111.

13 “(B) SELECTION.—In obtaining services
14 under this paragraph, a parent shall select a
15 provider that meets the criteria described under
16 subparagraph (A). The local educational agency
17 shall provide assistance, upon request, to par-
18 ents in the selection of a provider to provide
19 supplemental instructional services.

20 “(C) CONTRACT.—In the case of the selec-
21 tion of a provider under subparagraph (B) by
22 a parent, the local educational agency shall
23 enter into a contract with such provider. Such
24 contract shall—



1 “(i) require the local educational
2 agency to develop, with parents (and the
3 provider they have chosen), a statement of
4 specific performance goals for the student,
5 how the student’s progress will be meas-
6 ured, and a timetable for improving
7 achievement;

8 “(ii) provide for the termination of
9 such contract with a provider that is un-
10 able to meet such goals and timetables;
11 and

12 “(iii) contain provisions with respect
13 to the making of payments to the provider
14 by the local educational agency.

15 “(D) ADDITIONAL LOCAL EDUCATIONAL
16 AGENCY RESPONSIBILITIES.—Each local edu-
17 cational agency subject to this paragraph shall
18 provide annual notice to parents (if feasible, in
19 the parents’ language) of the availability of
20 services under this paragraph and the eligible
21 providers of those services.

22 “(E) STATE EDUCATIONAL AGENCY RE-
23 SPONSIBILITIES.—Each State educational agen-
24 cy shall—



1 “(i) consult with local educational
2 agencies and promote maximum participa-
3 tion by providers to ensure, to the extent
4 practicable, that parents have as many
5 choices of those providers as possible;

6 “(ii) develop criteria consistent with
7 subparagraph (F) and apply such criteria
8 to potential providers to determine which,
9 based on the quality and effectiveness of
10 their services, are eligible to participate;

11 “(iii) maintain an updated list of ap-
12 proved providers across the State, from
13 which parents may select;

14 “(iv) develop and implement stand-
15 ards and techniques for monitoring the
16 quality and effectiveness of the services of-
17 fered by providers, and withdraw approval
18 from those that fail to meet those stand-
19 ards for two consecutive years;

20 “(v) provide annual notice to potential
21 providers of supplemental services of the
22 opportunity to provide services under this
23 paragraph and of the applicable procedures
24 for obtaining approval from the State edu-



1 cational agency to be a provider of those
2 services.

3 “(F) CRITERIA FOR PROVIDERS.—In order
4 for a provider to be included on the State list
5 under subparagraph (E)(iii), a provider shall
6 agree to the following:

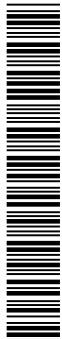
7 “(i) Provide parents of children re-
8 ceiving supplemental instructional services
9 under this paragraph and the appropriate
10 local educational agency with information
11 on the progress of their children in increas-
12 ing achievement, in a format and, to the
13 extent practicable, a language such parents
14 can understand.

15 “(ii) Ensure that instruction and con-
16 tent used by the provider is consistent with
17 the instruction and content used by the
18 local educational agency and State.

19 “(iii) Require a provider to meet all
20 applicable Federal, State, and local health,
21 safety and civil rights laws.

22 “(iv) Ensure that all instruction and
23 content under this paragraph shall be sec-
24 ular, neutral, and nonideological.

25 “(G) COSTS.—

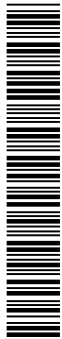


1 “(i) The costs of administration of
2 this paragraph and the costs of providing
3 such supplemental instructional services
4 shall be limited to the total of 40 percent
5 of the per child allocation under subpart 2
6 of each school identified under subsection
7 (b)(7)(A)(ii)(II)(bb);

8 “(ii) ADDITIONAL FUNDS.—If the al-
9 location under clause (i) is insufficient to
10 provide services for all eligible students
11 that have selected a provider, a local edu-
12 cational agency may use funds under sub-
13 part 1 of part A of title IV to pay for addi-
14 tional costs;

15 “(iii) TRANSPORTATION COSTS.—A
16 local educational agency may use up to 15
17 percent of its allocation under subpart 2
18 for transportation costs.

19 “(H) FUNDS PROVIDED BY STATE EDU-
20 CATIONAL AGENCY.—Each State educational
21 agency may use funds that it reserves under
22 this part, and subpart 1 of part A of title IV
23 to provide local educational agencies that do not
24 have sufficient funds to provide services under



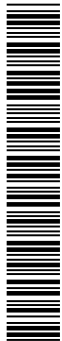
1 this paragraph for all eligible students request-
2 ing such services.

3 “(I) DURATION.—The local educational
4 agency shall continue to provide supplemental
5 instructional services to enrolled children receiv-
6 ing such services under this paragraph until the
7 child completes the grade corresponding to the
8 highest grade offered at the public school which
9 was identified for restructuring under sub-
10 section (b)(7), or until such school, so long as
11 the child attends such school, is not identified
12 under subsection (b)(1), (b)(6), or (b)(7),
13 whichever comes earlier.

14 “(J) DEFINITIONS.—As used in this sub-
15 section, the term—

16 “(i) ‘eligible child’ means a child from
17 a low-income family, as determined by the
18 local educational agency for purposes of al-
19 locating funds to schools under section
20 1113(c)(1);

21 “(ii) ‘supplemental instructional serv-
22 ices’ means tutoring and other supple-
23 mental academic enrichment services that
24 are in addition to instruction provided dur-
25 ing the school day and are specifically de-



1 signed to increase the academic achieve-
 2 ment of eligible children on the academic
 3 assessments required under section 1111;
 4 and

5 “(iii) ‘provider’ means a non-profit or
 6 a for-profit entity which has a dem-
 7 onstrated record of effectiveness or the po-
 8 tential of effectiveness—

9 “(I) in providing supplemental
 10 instructional services that are con-
 11 sistent with the instructional program
 12 of the local educational agency and
 13 the academic standards described
 14 under section 1111; and

15 “(II) in sound fiscal manage-
 16 ment;

17 “(iv) ‘per child allocation’ means an
 18 amount that is equal to at least—

19 “(I) the amount of the school’s
 20 allocation under subpart 2; divided by

21 “(II) the number of children
 22 from low-income families enrolled in
 23 the school.

24 “(K) PROHIBITION.—Nothing contained in
 25 this paragraph shall permit the making of any



1 payment under this paragraph for religious
2 worship or instruction.”.

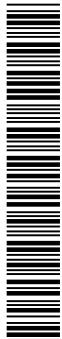
3 “(2) PARENTAL CHOICE.—

4 “(A) IN GENERAL.—In any case described
5 in section 1116(b)(7)(A)(ii)(II)(aa) the local
6 educational agency shall permit the parents of
7 each eligible child defined in paragraph (7)(A)
8 to—

9 “(i) receive, from the agency, the
10 child’s share of funds allocated to the
11 school under this part, calculated under
12 subparagraph (B); and

13 “(ii) Notwithstanding any other provi-
14 sion of this Act, use those funds to pay the
15 costs of attending a private school that
16 agrees to—

17 “(I) assess the student in mathe-
18 matics and reading and language arts
19 each year during grades 3 through 8
20 and at least once during grades 10
21 through 12, using academic assess-
22 ments that are comparable in what
23 they measure to the academic assess-
24 ments used by the State; and



1 “(II) provide the results of those
2 assessments to the student’s parents.

3 “(B) PER-CHILD AMOUNT.—The amount
4 of a school’s allocation under this part that it
5 shall make available to the parents of an eligi-
6 ble child under subparagraph (A)(ii) is equal to
7 the amount of the school’s allocation under sub-
8 part 2 of this part divided by the number of eli-
9 gible children enrolled in the school.

10 “(C) LIMITATION.—The amount of funds
11 provided to the parents of a child under this
12 paragraph shall not exceed the actual costs of
13 the parents for sending the child to a private
14 school and providing transportation to such
15 school.

16 “(D) DURATION.—The local educational
17 agency shall continue to provide funds to par-
18 ents of a child attending a private school under
19 this section until the child completes the grade
20 corresponding to the highest grade offered at
21 the public school the child previously attended.

22 “(E) NONDISCRIMINATION.—

23 “(i) IN GENERAL.—A private school
24 participating in the choice program under
25 this paragraph shall not discriminate on



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1 the basis of race, color, national origin, or
2 sex in carrying out the provisions of this
3 paragraph.

4 “(ii) APPLICABILITY AND CONSTRU-
5 TION WITH RESPECT TO DISCRIMINATION
6 ON THE BASIS OF SEX.—

7 “(I) APPLICABILITY.—With re-
8 spect to discrimination on the basis of
9 sex, clause (i) shall not apply to a pri-
10 vate school that is controlled by a reli-
11 gious organization if the application of
12 clause (i) is inconsistent with the reli-
13 gious tenets of the private school.

14 “(II) SINGLE-SEX SCHOOLS,
15 CLASSES, OR ACTIVITIES.—With re-
16 spect to discrimination on the basis of
17 sex, nothing in clause (i) shall be con-
18 strued to prevent a parent from
19 choosing, or a private school from of-
20 fering, a single-sex school, class, or
21 activity.

22 “(iii) CHILDREN WITH DISABIL-
23 ITIES.—Nothing in this subsection shall be
24 construed to alter or modify the provisions
25 of the Individuals with Disabilities Edu-



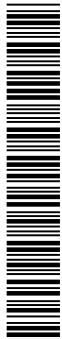
1 cation Act or the Rehabilitation Act of
2 1973.

3 “(iv) RULE OF CONSTRUCTION.—

4 “(I) IN GENERAL.—Nothing in
5 this paragraph shall be construed to
6 prevent any private school which is
7 operated by, supervised by, controlled
8 by, or connected to, a religious organi-
9 zation from employing, admitting, or
10 giving preference to, persons of the
11 same religion to the extent determined
12 by such institution to promote the re-
13 ligious purpose for which the private
14 school is established or maintained.

15 “(II) SECTARIAN PURPOSES.—
16 Nothing in this paragraph shall be
17 construed to prohibit the use of funds
18 made available under this subsection
19 for sectarian educational purposes, or
20 to require a private school to remove
21 religious art, icons, scripture, or other
22 symbols.

23 “(F) DEFINITIONS.—As used in this para-
24 graph, the term ‘eligible child’ means a child
25 from a low-income family, as determined by the



1 local educational agency for purposes of allo-
2 eating funds to schools under section
3 1113(c)(1).”.

4 **SEC. 107. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
5 **IMPROVEMENT.**

6 The section heading and subsections (a) through (e)
7 of section 1117 are amended to read as follows:

8 **“SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND**
9 **IMPROVEMENT.**

10 “(a) SYSTEM FOR SUPPORT.—Each State shall es-
11 tablish a statewide system of intensive and sustained sup-
12 port and improvement for local educational agencies and
13 schools receiving funds under this part, in order to in-
14 crease the opportunity for all students in those agencies
15 and schools to meet the State’s academic content stand-
16 ards and student academic achievement standards.

17 “(b) PRIORITIES.—In carrying out this section, a
18 State shall—

19 “(1) first, provide support and assistance to
20 local educational agencies subject to corrective action
21 under section 1116 and assist schools, in accordance
22 with section 1116(b)(10), for which a local edu-
23 cational agency has failed to carry out its respon-
24 sibilities under paragraphs (6) and (7) of section
25 1116(b);



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

4 “(3) third, provide support and assistance to
5 other local educational agencies and schools partici-
6 pating under this part that need that support and
7 assistance in order to achieve the purpose of this
8 part.

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

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

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

22 “(d) FUNDS.—Each State—

23 “(1) shall use funds reserved under section
24 1003(a); and



1 “(2) may use State administrative funds au-
2 thorized under section 1002(i) for such purpose to
3 establish a Statewide system of support.

4 “(e) ALTERNATIVES.—The State may devise addi-
5 tional approaches to providing the assistance described in
6 paragraphs (1) and (2) of subsection (c), such as pro-
7 viding assistance through institutions of higher education
8 and educational service agencies or other local consortia,
9 and private providers of scientifically based technical as-
10 sistance and the State may seek approval from the Sec-
11 retary to use funds made available under section 1002(j)
12 for such approaches as part of the State plan.”.

13 **SEC. 108. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.**

14 Sections 1117A through 1128 are amended to read
15 as follows:

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

17 “(a) ESTABLISHMENT OF ACADEMIC ACHIEVEMENT
18 AWARDS PROGRAM.—

19 “(1) IN GENERAL.—Each State receiving a
20 grant under this part may establish a program for
21 making academic achievement awards to recognize
22 and financially reward schools served under this part
23 that have—



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

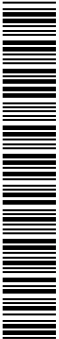
4 “(B) exceeded their adequate yearly
5 progress goals, consistent with section
6 1111(b)(2), for 2 or more consecutive years.

7 “(2) AWARDS TO TEACHERS.—A State program
8 under paragraph (1) may also recognize and provide
9 financial awards to teachers teaching in a school de-
10 scribed in such paragraph whose students consist-
11 ently make significant gains in academic achieve-
12 ment in the areas in which the teacher provides in-
13 struction.

14 “(b) FUNDING.—

15 “(1) RESERVATION OF FUNDS BY STATE.—For
16 the purpose of carrying out this section, each State
17 receiving a grant under this part may reserve, from
18 the amount (if any) by which the funds received by
19 the State under this part for a fiscal year exceed the
20 amount received by the State under this part for the
21 preceding fiscal year, not more than 30 percent of
22 such excess amount.

23 “(2) USE WITHIN 3 YEARS.—Notwithstanding
24 any other provision of law, the amount reserved
25 under paragraph (1) by a State for each fiscal year



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1 shall remain available to the State until expended
2 for a period not exceeding 3 years.

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

5 “(A) IN GENERAL.—Each State receiving
6 a grant under this part shall distribute at least
7 75 percent of the amount reserved under para-
8 graph (1) for each fiscal year to schools de-
9 scribed in subparagraph (B), or to teachers
10 teaching in such schools.

11 “(B) SCHOOL DESCRIBED.—A school de-
12 scribed in subparagraph (A) is a school whose
13 student population is in the highest quartile of
14 schools statewide in terms of the percentage of
15 children from low income families.

16 **“SEC. 1118. PARENTAL INVOLVEMENT.**

17 “(a) LOCAL EDUCATIONAL AGENCY POLICY.—

18 “(1) IN GENERAL.—A local educational agency
19 may receive funds under this part only if such agen-
20 cy implements programs, activities, and procedures
21 for the involvement of parents in programs assisted
22 under this part consistent with the provisions of this
23 section. Such activities shall be planned and imple-
24 mented with meaningful consultation with parents of
25 participating children.



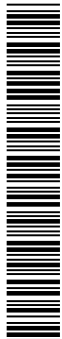
1 “(2) WRITTEN POLICY.—Each local educational
2 agency that receives funds under this part shall de-
3 velop jointly with, agree upon with, and distribute
4 to, parents of participating children a written parent
5 involvement policy that is incorporated into the local
6 educational agency’s plan developed under section
7 1112, establishes the expectations for parent involve-
8 ment, and describes how the local educational agen-
9 cy will—

10 “(A) involve parents in the joint develop-
11 ment of the plan under section 1112, and the
12 process of school review and improvement under
13 section 1116;

14 “(B) provide the coordination, technical as-
15 sistance, and other support necessary to assist
16 participating schools in planning and imple-
17 menting effective parent involvement;

18 “(C) build the schools’ and parents’ capac-
19 ity for strong parent involvement as described
20 in subsection (e);

21 “(D) coordinate and integrate parental in-
22 volvement strategies under this part with paren-
23 tal involvement strategies under other pro-
24 grams, such as Head Start, Early Reading
25 First, Reading First, Even Start, the Parents



1 as Teachers Program, the Home Instruction
2 Program for Preschool Youngsters, and State-
3 run preschool programs;

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

9 “(F) involve parents in the activities of the
10 schools served under this part.

11 “(3) RESERVATION.—

12 “(A) IN GENERAL.—Each local educational
13 agency shall reserve not less than 1 percent of
14 such agency’s allocation under this part to
15 carry out this section, including family literacy
16 and parenting skills, except that this paragraph
17 shall not apply if 1 percent of such agency’s al-
18 location under this part (other than funds allo-
19 cated under section 1002(g) for the fiscal year
20 for which the determination is made is \$5,000
21 or less.

22 “(B) PARENTAL INPUT.—Parents of children
23 receiving services under this part shall be involved in
24 the decisions regarding how funds reserved under



1 subparagraph (A) are allotted for parental involve-
2 ment activities.

3 “(C) DISTRIBUTION OF FUNDS.—Not less than
4 95 percent of the funds reserved under subpara-
5 graph (A) shall be distributed to schools served
6 under this part.

7 “(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—

8 “(1) IN GENERAL.—Each school served under
9 this part shall jointly develop with, and distribute to,
10 parents of participating children a written parental
11 involvement policy, agreed upon by such parents,
12 that shall describe the means for carrying out the
13 requirements of subsections (c) through (f). Parents
14 shall be notified of the policy in a format, and to the
15 extent practicable in a language they can under-
16 stand. Such policy shall be updated periodically to
17 meet the changing needs of parents and the school.

18 “(2) SPECIAL RULE.—If the school has a pa-
19 rental involvement policy that applies to all parents,
20 such school may amend that policy, if necessary, to
21 meet the requirements of this subsection.

22 “(3) AMENDMENT.—If the local educational
23 agency has a school district-level parental involve-
24 ment policy that applies to all parents, such agency



1 may amend that policy, if necessary, to meet the re-
2 quirements of this subsection.

3 “(4) PARENTAL COMMENTS.—If the plan under
4 section 1112 is not satisfactory to the parents of
5 participating children, the local educational agency
6 shall submit any parent comments with such plan
7 when such local educational agency submits the plan
8 to the State.

9 “(c) POLICY INVOLVEMENT.—Each school served
10 under this part shall—

11 “(1) convene an annual meeting, at a conven-
12 ient time, to which all parents of participating chil-
13 dren shall be invited and encouraged to attend, to
14 inform parents of their school’s participation under
15 this part and to explain this part, its requirements,
16 and their right to be involved;

17 “(2) offer a flexible number of meetings, such
18 as meetings in the morning or evening, and may
19 provide, with funds provided under this part, trans-
20 portation, child care, or home visits, as such services
21 relate to parental involvement;

22 “(3) involve parents, in an organized, ongoing,
23 and timely way, in the planning, review, and im-
24 provement of programs under this part, including
25 the school parental involvement policy and the joint



1 development of the schoolwide program plan under
2 section 1114(c)(2) and (c)(3), except that if a school
3 has in place a process for involving parents in the
4 joint planning and design of its programs, the school
5 may use that process, if such process includes an
6 adequate representation of parents of participating
7 children;

8 “(4) provide parents of participating children—

9 “(A) timely information about programs
10 under this part;

11 “(B) a description and explanation of the
12 curriculum in use at the school, the forms of
13 academic assessment used to measure student
14 progress, and the proficiency levels students are
15 expected to meet; and

16 “(5) if the schoolwide program plan under sec-
17 tion 1114(c)(2) and (c)(3) is not satisfactory to the
18 parents of participating children, submit any parent
19 comments on the plan when the school makes the
20 plan available to the local educational agency.

21 “(d) SHARED RESPONSIBILITIES FOR HIGH STU-
22 DENT PERFORMANCE.—As a component of the school-
23 level parental involvement policy developed under sub-
24 section (b), each school served under this part shall agree
25 with parents of children served under this part regarding



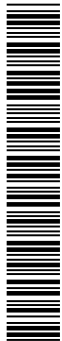
1 how parents, the entire school staff, and students will
2 share the responsibility for improved student achievement
3 and the means by which the school and parents will build
4 and develop a partnership to help children achieve the
5 State's high academic standards.

6 “(e) BUILDING CAPACITY FOR INVOLVEMENT.—To
7 ensure effective involvement of parents and to support a
8 partnership among the school, parents, and the commu-
9 nity to improve student achievement, each school and local
10 educational agency—

11 “(1) shall provide assistance to participating
12 parents in such areas as understanding the State's
13 academic content standards and State student aca-
14 demic achievement standards, State and local aca-
15 demic assessments, the requirements of this part,
16 and how to monitor a child's progress and work with
17 educators to improve the performance of their chil-
18 dren;

19 “(2) shall provide materials and training to
20 help parents to work with their children to improve
21 their children's achievement;

22 “(3) shall educate teachers, pupil services per-
23 sonnel, principals and other staff, with the assist-
24 ance of parents, in the value and utility of contribu-
25 tions of parents, and in how to reach out to, commu-



1 nicate with, and work with parents as equal part-
2 ners, implement and coordinate parent programs,
3 and build ties between parents and the school;

4 “(4) shall coordinate and integrate parent in-
5 volvement programs and activities with Head Start,
6 Reading First, Early Reading First, Even Start, the
7 Home Instruction Programs for Preschool Young-
8 sters, the Parents as Teachers Program, and public
9 preschool programs and other programs, to the ex-
10 tent feasible and appropriate;

11 “(5) shall ensure, to the extent possible, that
12 information related to school and parent programs,
13 meetings, and other activities is sent to the parents
14 of participating children in the language used by
15 such parents;

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

22 “(7) may provide necessary literacy training
23 from funds received under this part if the local edu-
24 cational agency has exhausted all other reasonably
25 available sources of funding for such activities;



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

6 “(9) may train parents to enhance the involve-
7 ment of other parents;

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

12 “(11) may adopt and implement model ap-
13 proaches to improving parental involvement;

14 “(12) may establish a districtwide parent advi-
15 sory council to provide advice on all matters related
16 to parental involvement in programs supported
17 under this part;

18 “(13) may develop appropriate roles for com-
19 munity-based organizations and businesses in parent
20 involvement activities; and

21 “(14) may arrange for teachers or other edu-
22 cators, who work directly with participating children,
23 to conduct in-home conferences with parents who are
24 unable to attend such conferences at school.



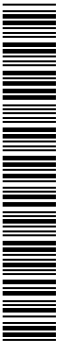
1 “(f) ACCESSIBILITY.—In carrying out the parental
2 involvement requirements of this part, local educational
3 agencies and schools, to the extent practicable, shall pro-
4 vide full opportunities for the participation of parents with
5 limited English proficiency or with disabilities and parents
6 of migratory children, including providing information and
7 school reports required under section 1111 in a format,
8 and to the extent practicable, in a language such parents
9 understand.

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

12 “(a) TEACHERS.—

13 “(1) IN GENERAL.—Each local educational
14 agency receiving assistance under this part shall en-
15 sure that all teachers hired on or after the effective
16 date of the No Child Left Behind Act of 2001 and
17 teaching in a program supported with funds under
18 this part are fully qualified.

19 “(2) PLAN.—Each State receiving assistance
20 under this part shall develop and submit to the Sec-
21 retary a plan to ensure that all teachers teaching
22 within the State are fully qualified not later than
23 December 31, 2005. Such plan shall include an as-
24 surance that the State will require each local edu-
25 cational agency and school receiving funds under



1 this part publicly to report their annual progress on
2 the agency's and the school's performance in in-
3 creasing the percentage of classes in core academic
4 areas taught by fully qualified teachers.

5 “(b) NEW PARAPROFESSIONALS.—

6 “(1) IN GENERAL.—Each local educational
7 agency receiving assistance under this part shall en-
8 sure that all paraprofessionals hired 1 year or more
9 after the effective date of the No Child Left Behind
10 Act of 2001 and working in a program supported
11 with funds under this part shall—

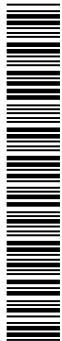
12 “(A) have completed at least 2 years of
13 study at an institution of higher education;

14 “(B) have obtained an associate's (or high-
15 er) degree; or

16 “(C) have met a rigorous standard of qual-
17 ity that demonstrates, through a formal aca-
18 demic assessment—

19 “(i) knowledge of, and the ability to
20 assist in instructing reading, writing, and
21 math; or

22 “(ii) knowledge of, and the ability to
23 assist in instructing reading readiness,
24 writing readiness, and math readiness, as
25 appropriate.



1 “(2) CLARIFICATION.—For purposes of para-
2 graph (1)(C), the receipt of a high school diploma
3 (or its recognized equivalent) shall be necessary but
4 not by itself sufficient to satisfy the requirements of
5 such paragraph.

6 “(c) EXISTING PARAPROFESSIONALS.—Each local
7 educational agency receiving assistance under this part
8 shall ensure that all paraprofessionals hired before the
9 date that is 1 year after the effective date of the No Child
10 Left Behind Act of 2001 and working in a program sup-
11 ported with funds under this part shall, not later than 3
12 years after such effective date, satisfy the requirements
13 of subsection (b).

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

17 “(1) who is proficient in English and a lan-
18 guage other than English and who provides services
19 primarily to enhance the participation of children in
20 programs under this part by acting as a translator;
21 or

22 “(2) whose duties consist solely of conducting
23 parental involvement activities consistent with sec-
24 tion 1118.



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

7 “(f) DUTIES OF PARAPROFESSIONALS.—

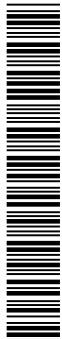
8 “(1) IN GENERAL.—Each local educational
9 agency receiving assistance under this part shall en-
10 sure that a paraprofessional working in a program
11 supported with funds under this part is not assigned
12 a duty inconsistent with this subsection.

13 “(2) RESPONSIBILITIES PARAPROFESSIONALS
14 MAY BE ASSIGNED.—A paraprofessional described in
15 paragraph (1) may only be assigned—

16 “(A) to provide one-on-one tutoring for eli-
17 gible students, if the tutoring is scheduled at a
18 time when a student would not otherwise re-
19 ceive instruction from a teacher;

20 “(B) to assist with classroom management,
21 such as organizing instructional and other ma-
22 terials;

23 “(C) to provide assistance in a computer
24 laboratory;



1 “(D) to conduct parental involvement ac-
2 tivities;

3 “(E) to provide support in a library or
4 media center;

5 “(F) to act as a translator; or

6 “(G) to provide instructional services to
7 students.

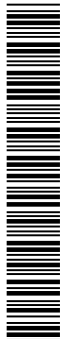
8 “(3) ADDITIONAL LIMITATIONS.—A paraprofes-
9 sional described in paragraph (1)—

10 “(A) may not provide any instructional
11 service to a student unless the paraprofessional
12 is working under the direct supervision of a
13 fully qualified teacher; and

14 “(B) may not provide instructional services
15 to students in the area of reading, writing, or
16 math unless the paraprofessional has dem-
17 onstrated, through a State or local academic as-
18 sessment, the ability to effectively carry out
19 reading, writing, or math instruction.

20 “(g) USE OF FUNDS.—

21 “(1) PROFESSIONAL DEVELOPMENT.—A local
22 educational agency receiving funds under this part
23 may use such funds to support ongoing training and
24 professional development to assist teachers and



1 paraprofessionals in satisfying the requirements of
2 this section.

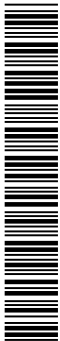
3 “(2) LIMITATION ON USE OF FUNDS FOR PARA-
4 PROFESSIONALS.—

5 “(A) IN GENERAL.—Beginning on and
6 after the effective date of the No Child Left Be-
7 hind Act of 2001, a local educational agency
8 may not use funds received under this part to
9 fund any paraprofessional hired after such date
10 unless the hiring is to fill a vacancy created by
11 the departure of another paraprofessional fund-
12 ed under this part and such new paraprofes-
13 sional satisfies the requirements of subsection
14 (b), except as provided in subsection (d).

15 “(B) EXCEPTION.—Subparagraph (A)
16 shall not apply for a fiscal year to a local edu-
17 cational agency that can demonstrate to the
18 State that all teachers under the jurisdiction of
19 the agency are fully qualified.

20 “(h) VERIFICATION OF COMPLIANCE.—

21 “(1) IN GENERAL.—In verifying compliance
22 with this section, each local educational agency at a
23 minimum shall require that the principal of each
24 school operating a program under section 1114 or
25 1115 annually attest in writing as to whether such



1 school is in compliance with the requirements of this
2 section.

3 “(2) AVAILABILITY OF INFORMATION.—Copies
4 of attestations under paragraph (1)—

5 “(A) shall be maintained at each school op-
6 erating a program under section 1114 or 1115
7 and at the main office of the local educational
8 agency; and

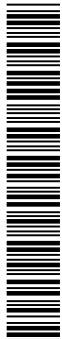
9 “(B) shall be available to any member of
10 the general public upon request.

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

12 “(a) PURPOSE.—The purpose of this section is to as-
13 sist each local educational agency receiving assistance
14 under this part in increasing the academic achievement
15 of children served under this part through improved teach-
16 er quality.

17 “(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—
18 Professional development activities under this section
19 shall—

20 “(1) give teachers, principals, and administra-
21 tors the knowledge and skills to provide students
22 with the opportunity to meet challenging State or
23 local academic content standards and student aca-
24 demic achievement standards;



1 “(2) support the recruiting, hiring, and training
2 of fully qualified teachers, including teachers fully
3 qualified through State and local alternative routes;

4 “(3) advance teacher understanding of effective
5 instructional strategies based on scientifically based
6 research for improving student achievement, at a
7 minimum, in reading or language arts and mathe-
8 matics;

9 “(4) be directly related to the curriculum and
10 content areas in which the teacher provides instruc-
11 tion, except this requirement does not apply to ac-
12 tivities that instruct in methods of improving stu-
13 dent behavior;

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

18 “(6) be tied to scientifically based research
19 demonstrating the effectiveness of such professional
20 development activities or programs in increasing stu-
21 dent achievement or substantially increasing the
22 knowledge and teaching skills of teachers;

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



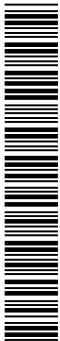
1 ferences) to have a positive and lasting impact on
2 the teacher's performance in the classroom;

3 “(8) be developed with extensive participation
4 of teachers, principals, parents, and administrators
5 of schools to be served under this part;

6 “(9) be designed to give teachers of limited
7 English proficient children, other teachers, and in-
8 structional staff the knowledge and skills to provide
9 instruction and appropriate language and academic
10 support services to such children, including the ap-
11 propriate use of curriculum and academic assess-
12 ments;

13 “(10) to the extent appropriate, provide train-
14 ing for teachers in the use of technology so that
15 technology and its applications are effectively used
16 in the classroom to improve teaching and learning in
17 the curriculum and academic content areas in which
18 the teachers provide instruction; and

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



1 “(c) ADDITIONAL PROFESSIONAL DEVELOPMENT
2 ACTIVITIES.—Such professional development activities
3 may include—

4 “(1) instruction in the use of data and aca-
5 demic assessments to inform and instruct classroom
6 practice;

7 “(2) instruction in ways that teachers, prin-
8 cipals, pupil services personnel, and school adminis-
9 trators may work more effectively with parents;

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

16 “(4) the creation of career ladder programs for
17 paraprofessionals (assisting teachers under this
18 part) to obtain the education necessary for such
19 paraprofessionals to become licensed and certified
20 teachers; and

21 “(5) instruction in ways to teach special needs
22 children.

23 “(d) PROGRAM PARTICIPATION.—Each local edu-
24 cational agency receiving assistance under this part may
25 design professional development programs so that—



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

4 “(2) all school staff in targeted assistance
5 schools may participate in professional development
6 activities if such participation will result in better
7 addressing the needs of students served under this
8 part.

9 “(e) PARENTAL PARTICIPATION.—Parents may par-
10 ticipate in professional development activities under this
11 part if the school determines that parental participation
12 is appropriate.

13 “(f) CONSORTIA.—In carrying out such professional
14 development programs, local educational agencies may
15 provide services through consortia arrangements with
16 other local educational agencies, educational service agen-
17 cies or other local consortia, institutions of higher edu-
18 cation, or other public or private institutions or organiza-
19 tions.

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

24 “(h) SPECIAL RULE.—No State educational agency
25 shall require a school or a local educational agency to ex-



1 pend a specific amount of funds for professional develop-
2 ment activities under this part, except that this paragraph
3 shall not apply with respect to requirements under section
4 1116(b)(3)(A)(iii).

5 **“SEC. 1120. PARTICIPATION OF CHILDREN ENROLLED IN**
6 **PRIVATE SCHOOLS.**

7 “(a) GENERAL REQUIREMENT.—

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

24 “(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—
25 Such educational services or other benefits, including



1 materials and equipment, shall be secular, neutral,
2 and nonideological.

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

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

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

20 “(b) CONSULTATION.—

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



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

3 “(B) what services will be offered;

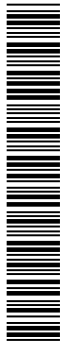
4 “(C) how, where, and by whom the services
5 will be provided;

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

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

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

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

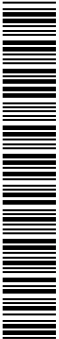


1 If the local educational agency disagrees with the views
2 of the private school officials on the provision of services,
3 through a contract, the local educational agency shall pro-
4 vide in writing to such private school officials, an analysis
5 of the reasons why the local educational agency has chosen
6 not to use a contractor.

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

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

19 “(4) DOCUMENTATION.—Each local educational
20 agency shall maintain in its records and provide to
21 the State educational agency a written affirmation
22 signed by officials of each participating private
23 school that the consultation required by this section
24 has occurred.



1 “(5) COMPLIANCE.—Private school officials
2 shall have the right to appeal to the State as to
3 whether the consultation provided for in this section
4 was meaningful and timely, and that due consider-
5 ation was given to the views of private school offi-
6 cials. If the private school wishes to appeal, the basis
7 of the claim of noncompliance with this section by
8 a local educational agency shall be provided to the
9 State, and the local educational agency shall forward
10 the documentation provided in subsection (b)(4) to
11 the State.

12 “(c) PUBLIC CONTROL OF FUNDS.—

13 “(1) IN GENERAL.—The control of funds pro-
14 vided under this part, and title to materials, equip-
15 ment, and property purchased with such funds, shall
16 be in a public agency, and a public agency shall ad-
17 minister such funds and property.

18 “(2) PROVISION OF SERVICES.—(A) The provi-
19 sion of services under this section shall be
20 provided—

21 “(i) by employees of a public agency; or

22 “(ii) through contract by such public agen-
23 cy with an individual, association, agency, or or-
24 ganization.



1 “(B) In the provision of such services, such em-
2 ployee, person, association, agency, or organization
3 shall be independent of such private school and of
4 any religious organization, and such employment or
5 contract shall be under the control and supervision
6 of such public agency.

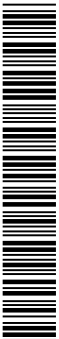
7 “(d) STANDARDS FOR A BYPASS.—If a local edu-
8 cational agency is prohibited by law from providing for
9 the participation on an equitable basis of eligible children
10 enrolled in private elementary and secondary schools or
11 if the Secretary determines that a local educational agency
12 has substantially failed or is unwilling to provide for such
13 participation, as required by this section, the Secretary
14 shall—

15 “(1) waive the requirements of this section for
16 such local educational agency;

17 “(2) arrange for the provision of services to
18 such children through arrangements that shall be
19 subject to the requirements of this section and sec-
20 tions 8505 and 8506; and

21 “(3) in making the determination, consider 1 or
22 more factors, including the quality, size, scope, and
23 location of the program and the opportunity of eligi-
24 ble children to participate.

25 “(e) CAPITAL EXPENSES.—

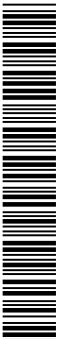


1 “(1) IN GENERAL.—(A) From the amount ap-
2 propriated for this subsection under section 1002(g)
3 for any fiscal year, each State is eligible to receive
4 an amount that bears the same ratio to the amount
5 so appropriated as the number of private school chil-
6 dren who received services under this part in the
7 State in the most recent year for which data satis-
8 factory to the Secretary are available bears to the
9 number of such children in all States in that same
10 year.

11 “(B) The Secretary shall reallocate any
12 amounts allocated under subparagraph (A) that are
13 not used by a State for the purpose of this sub-
14 section to other States on the basis of their respec-
15 tive needs, as determined by the Secretary.

16 “(2) CAPITAL EXPENSES.—(A) A local edu-
17 cational agency may apply to the State educational
18 agency for payments for capital expenses consistent
19 with this subsection.

20 “(B) State educational agencies shall distribute
21 such funds under this subsection to local educational
22 agencies based on the degree of need set forth in
23 their respective applications for assistance under this
24 subsection.



1 “(3) USES OF FUNDS.—Any funds appropriated
2 to carry out this subsection shall be used only for
3 capital expenses incurred to provide equitable serv-
4 ices for private school children under this section.

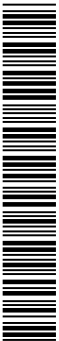
5 **“SEC. 1120A. FISCAL REQUIREMENTS.**

6 “(a) MAINTENANCE OF EFFORT.—A local edu-
7 cational agency may receive funds under this part for any
8 fiscal year only if the State educational agency finds that
9 the local educational agency has maintained its fiscal ef-
10 fort in accordance with section 8501 of this Act.

11 “(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-
12 PLANT, NON-FEDERAL FUNDS.—

13 “(1) IN GENERAL.—A State or local edu-
14 cational agency shall use funds received under this
15 part only to supplement the amount of funds that
16 would, in the absence of such Federal funds, be
17 made available from non-Federal sources for the
18 education of pupils participating in programs as-
19 sisted under this part, and not to supplant such
20 funds.

21 “(2) SPECIAL RULE.—No local educational
22 agency shall be required to provide services under
23 this part through a particular instructional method
24 or in a particular instructional setting in order to



1 demonstrate such agency's compliance with para-
2 graph (1).

3 “(c) COMPARABILITY OF SERVICES.—

4 “(1) IN GENERAL.—(A) Except as provided in
5 paragraphs (4) and (5), a local educational agency
6 may receive funds under this part only if State and
7 local funds will be used in schools served under this
8 part to provide services that, taken as a whole, are
9 at least comparable to services in schools that are
10 not receiving funds under this part.

11 “(B) If the local educational agency is serving
12 all of such agency's schools under this part, such
13 agency may receive funds under this part only if
14 such agency will use State and local funds to provide
15 services that, taken as a whole, are substantially
16 comparable in each school.

17 “(C) A local educational agency may meet the
18 requirements of subparagraphs (A) and (B) on a
19 grade-span by grade-span basis or a school-by-school
20 basis.

21 “(2) WRITTEN ASSURANCE.—(A) A local edu-
22 cational agency shall be considered to have met the
23 requirements of paragraph (1) if such agency has
24 filed with the State educational agency a written as-



1 surance that such agency has established and
2 implemented—

3 “(i) a local educational agency-wide salary
4 schedule;

5 “(ii) a policy to ensure equivalence among
6 schools in teachers, administrators, and other
7 staff; and

8 “(iii) a policy to ensure equivalence among
9 schools in the provision of curriculum materials
10 and instructional supplies.

11 “(B) For the purpose of subparagraph (A), in
12 the determination of expenditures per pupil from
13 State and local funds, or instructional salaries per
14 pupil from State and local funds, staff salary dif-
15 ferentials for years of employment shall not be in-
16 cluded in such determinations.

17 “(C) A local educational agency need not in-
18 clude unpredictable changes in student enrollment or
19 personnel assignments that occur after the beginning
20 of a school year in determining comparability of
21 services under this subsection.

22 “(3) PROCEDURES AND RECORDS.—Each local
23 educational agency assisted under this part shall—

24 “(A) develop procedures for compliance
25 with this subsection; and



1 “(B) maintain records that are updated bi-
2 ennially documenting such agency’s compliance
3 with this subsection.

4 “(4) INAPPLICABILITY.—This subsection shall
5 not apply to a local educational agency that does not
6 have more than 1 building for each grade span.

7 “(5) COMPLIANCE.—For the purpose of deter-
8 mining compliance with paragraph (1), a local edu-
9 cational agency may exclude State and local funds
10 expended for—

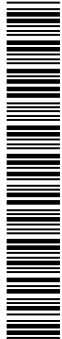
11 “(A) English language instruction for chil-
12 dren of limited English proficiency; and

13 “(B) excess costs of providing services to
14 children with disabilities as determined by the
15 local educational agency.

16 “(d) EXCLUSION OF FUNDS.—For the purpose of
17 complying with subsections (b) and (c), a State or local
18 educational agency may exclude supplemental State or
19 local funds expended in any school attendance area or
20 school for programs that meet the intent and purposes of
21 this part.

22 **“SEC. 1120B. COORDINATION REQUIREMENTS.**

23 “(a) IN GENERAL.—Each local educational agency
24 receiving assistance under this part shall carry out the ac-
25 tivities described in subsection (b) with Head Start Agen-



1 cies, and if feasible, other early childhood development
2 programs such as Early Reading First.

3 “(b) ACTIVITIES.—The activities referred to in sub-
4 section (a) are activities that increase coordination be-
5 tween the local educational agency and a Head Start agen-
6 cy, and, if feasible, other early childhood development pro-
7 grams, such as Early Reading First serving children who
8 will attend the schools of such agency, including—

9 “(1) developing and implementing a systematic
10 procedure for receiving records regarding such chil-
11 dren transferred with parental consent from a Head
12 Start program or, where applicable, other early
13 childhood development programs such as Early
14 Reading First;

15 “(2) establishing channels of communication be-
16 tween school staff and their counterparts in such
17 Head Start agencies (including teachers, social
18 workers, and health staff) or other early childhood
19 development programs such as Early Reading First,
20 as appropriate, to facilitate coordination of pro-
21 grams;

22 “(3) conducting meetings involving parents,
23 kindergarten or elementary school teachers, and
24 Head Start teachers or, if appropriate, teachers
25 from other early childhood development programs



1 such as Early Reading First, to discuss the develop-
2 mental and other needs of individual children;

3 “(4) organizing and participating in joint tran-
4 sition related training of school staff, Head Start
5 staff, Early Reading First staff and, where appro-
6 priate, other early childhood staff; and

7 “(5) linking the educational services provided in
8 such local educational agency with the services pro-
9 vided in local Head Start agencies and Early Read-
10 ing First programs.

11 “(c) COORDINATION OF REGULATIONS.—The Sec-
12 retary shall work with the Secretary of Health and Human
13 Services to coordinate regulations promulgated under this
14 part with regulations promulgated under the Head Start
15 Act.

16 **“Subpart 2—Allocations**

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

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

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



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

4 “(b) ASSISTANCE TO OUTLYING AREAS.—

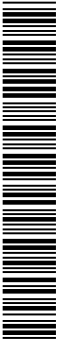
5 “(1) FUNDS RESERVED.—From the amount
6 made available for any fiscal year under subsection
7 (a), the Secretary shall award grants to the outlying
8 areas.

9 “(2) COMPETITIVE GRANTS.—For each of fiscal
10 years 2002 and 2003, the Secretary shall carry out
11 the competition described in paragraph (3), except
12 that the amount reserved to carry out such competi-
13 tion shall not exceed the amount reserved under this
14 section for the freely associated states for fiscal year
15 1999.

16 “(3) LIMITATION FOR COMPETITIVE GRANTS.—

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

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



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

3 “(C) ADMINISTRATIVE COSTS.—The Sec-
4 retary may provide not more than 5 percent of
5 the amount reserved for grants under this para-
6 graph to pay the administrative costs of the Pa-
7 cific Region Educational Laboratory under sub-
8 paragraph (B).

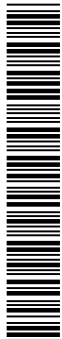
9 “(4) SPECIAL RULE.—The provisions of Public
10 Law 95-134, permitting the consolidation of grants
11 by the outlying areas, shall not apply to funds pro-
12 vided to the freely associated States under this sec-
13 tion.

14 “(c) DEFINITIONS.—For the purposes of subsections
15 (a) and (b)—

16 “(1) the term ‘freely associated States’ means
17 the Republic of the Marshall Islands, the Federated
18 States of Micronesia, and the Republic of Palau; and

19 “(2) the term ‘outlying area’ means the United
20 States Virgin Islands, Guam, American Samoa, and
21 the Commonwealth of the Northern Mariana Is-
22 lands.

23 “(d) ALLOTMENT TO THE SECRETARY OF THE INTE-
24 RIOR.—



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

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

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

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



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

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

6 **“SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRA-**
7 **TION GRANTS, AND TARGETED GRANTS.**

8 “(a) ALLOCATION FORMULA.—Of the amount appro-
9 priated to carry out this part for each of fiscal years 2002
10 through 2006 (referred to in this subsection as the current
11 fiscal year)—

12 “(1) an amount equal to the amount appro-
13 priated to carry out section 1124 for fiscal year
14 2001 shall be allocated in accordance with section
15 1124;

16 “(2) an amount equal to the amount appro-
17 priated to carry out section 1124A for fiscal year
18 2001 shall be allocated in accordance with section
19 1124A; and

20 “(3) an amount equal to 100 percent of the
21 amount, if any, by which the amount appropriated
22 under section 1002(a) for the current fiscal year ex-
23 ceeds the amount appropriated under such section
24 for fiscal year 2001 shall be allocated in accordance
25 with section 1125.



1 “(b) ADJUSTMENTS WHERE NECESSITATED BY AP-
2 PROPRIATIONS.—

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

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

17 “(c) HOLD-HARMLESS AMOUNTS.—

18 “(1) AMOUNTS FOR SECTIONS 1124 AND 1125.—
19 For each fiscal year, the amount made available to
20 each local educational agency under each of sections
21 1124 and 1125 shall be—

22 “(A) not less than 95 percent of the
23 amount made available in the preceding fiscal
24 year if the number of children counted for
25 grants under section 1124 is not less than 30



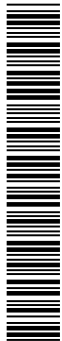
1 percent of the total number of children aged 5
2 to 17 years, inclusive, in the local educational
3 agency;

4 “(B) not less than 90 percent of the
5 amount made available in the preceding fiscal
6 year if the percentage described in subpara-
7 graph (A) is between 15 percent and 30 per-
8 cent; and

9 “(C) not less than 85 percent of the
10 amount made available in the preceding fiscal
11 year if the percentage described in subpara-
12 graph (A) is below 15 percent.

13 “(2) AMOUNT FOR SECTION 1124A.—The
14 amount made available to each local educational
15 agency under section 1124A shall be not less than
16 85 percent of the amount made available in the pre-
17 ceding fiscal year.

18 “(3) PAYMENTS.—If sufficient funds are appro-
19 priated, the amounts described in paragraph (2)
20 shall be paid to all local educational agencies that
21 received grants under section 1124A for the pre-
22 ceding fiscal year, regardless of whether the local
23 educational agency meets the minimum eligibility
24 criteria for that fiscal year provided in section
25 1124A(a)(1)(A) except that a local educational agen-



1 cy that does not meet such minimum eligibility cri-
2 teria for 4 consecutive years shall no longer be eligi-
3 ble to receive a hold harmless amount referred to in
4 paragraph (2).

5 “(4) POPULATION DATA.—In any fiscal year for
6 which the Secretary calculates grants on the basis of
7 population data for counties, the Secretary shall
8 apply the hold harmless percentages in paragraphs
9 (1) and (2) to counties, and if the Secretary’s alloca-
10 tion for a county is not sufficient to meet the hold-
11 harmless requirements of this subsection for every
12 local educational agency within that county, the
13 State educational agency shall reallocate funds pro-
14 portionately from all other local educational agencies
15 in the State that are receiving funds in excess of the
16 hold harmless amounts specified in this subsection.

17 “(d) RATABLE REDUCTIONS.—

18 “(1) IN GENERAL.—If the sums made available
19 under this part for any fiscal year are insufficient to
20 pay the full amounts that all States are eligible to
21 receive under subsection (c) for such year, the Sec-
22 retary shall ratably reduce such amounts for such
23 year.

24 “(2) ADDITIONAL FUNDS.—If additional funds
25 become available for making payments under sub-



1 section (c) for such fiscal year, amounts that were
2 reduced under paragraph (1) shall be increased on
3 the same basis as such amounts were reduced.

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

8 **“SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGEN-**
9 **CIES.**

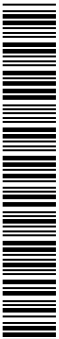
10 “(a) AMOUNT OF GRANTS.—

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

17 “(A) the number of children counted under
18 subsection (c); and

19 “(B) 40 percent of the average per-pupil
20 expenditure in the State, except that the
21 amount determined under this subparagraph
22 shall not be less than 32 percent or more than
23 48 percent, of the average per-pupil expenditure
24 in the United States.

25 “(2) CALCULATION OF GRANTS.—



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

10 “(i) the 2 Secretaries shall publicly
11 disclose the reasons for their determination
12 in detail; and

13 “(ii) paragraph (3) shall apply.

14 “(B) ALLOCATIONS TO LARGE AND SMALL
15 LOCAL EDUCATIONAL AGENCIES.—(i) For any
16 fiscal year in which this paragraph applies, the
17 Secretary shall calculate grants under this sec-
18 tion for each local educational agency.

19 “(ii) The amount of a grant under this
20 section for each large local educational agency
21 shall be the amount determined under clause
22 (i).

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



1 “(I) distribute grants under this sec-
2 tion in amounts determined by the Sec-
3 retary under clause (i); or

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

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

16 “(v) If a small local educational agency is
17 dissatisfied with the determination of its grant
18 by the State educational agency under clause
19 (iii)(II), it may appeal that determination to the
20 Secretary, who shall respond not later than 45
21 days after receipt of such appeal.

22 “(vi) As used in this subparagraph—

23 “(I) the term ‘large local educational
24 agency’ means a local educational agency



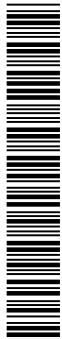
1 serving an area with a total population of
2 20,000 or more; and

3 “(II) the term ‘small local educational
4 agency’ means a local educational agency
5 serving an area with a total population of
6 less than 20,000.

7 “(3) ALLOCATIONS TO COUNTIES.—

8 “(A) CALCULATION.—For any fiscal year
9 to which this paragraph applies, the Secretary
10 shall calculate grants under this section on the
11 basis of the number of children counted under
12 section 1124(c) for counties, and State edu-
13 cational agencies shall suballocate county
14 amounts to local educational agencies, in ac-
15 cordance with regulations issued by the Sec-
16 retary.

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



1 year directly to local educational agencies with-
2 out regard to counties.

3 “(C) ASSURANCES.—If the Secretary ap-
4 proves the State educational agency’s applica-
5 tion under subparagraph (B), the State edu-
6 cational agency shall provide the Secretary an
7 assurance that such allocations shall be made—

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

11 “(ii) using data that the State edu-
12 cational agency submits to the Secretary
13 for approval that more accurately target
14 poverty.

15 “(D) APPEAL.—The State educational
16 agency shall provide the Secretary an assurance
17 that it shall establish a procedure through
18 which a local educational agency that is dissat-
19 isfied with its determinations under subpara-
20 graph (B) may appeal directly to the Secretary
21 for a final determination.

22 “(4) PUERTO RICO.—

23 “(A) IN GENERAL.—For each fiscal year,
24 the grant which the Commonwealth of Puerto
25 Rico shall be eligible to receive under this sec-



1 tion shall be the amount determined by multi-
2 plying the number of children counted under
3 subsection (c) for the Commonwealth of Puerto
4 Rico by the product of—

5 “(i) the percentage which the average
6 per-pupil expenditure in the Common-
7 wealth of Puerto Rico is of the lowest aver-
8 age per-pupil expenditure of any of the 50
9 States; and

10 “(ii) 32 percent of the average per-
11 pupil expenditure in the United States.

12 “(B) MINIMUM PERCENTAGE.—The per-
13 centage in subparagraph (A)(i) shall not be less
14 than—

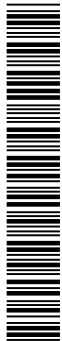
15 “(i) for fiscal year 2002, 77.5 percent;

16 “(ii) for fiscal year 2003, 80.0 per-
17 cent;

18 “(iii) for fiscal year 2004, 82.5 per-
19 cent; and

20 “(iv) for fiscal year 2005 and suc-
21 ceeding fiscal years, 85.0 percent.

22 “(C) LIMITATION.—If the application of
23 subparagraph (B) would result in any of the 50
24 States or the District of Columbia receiving less
25 under this part than it received under this part



1 for the preceding fiscal year, the percentage in
2 subparagraph (A) shall be the greater of the
3 percentage in subparagraph (A)(i) or the per-
4 centage used for the preceding fiscal year.

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

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

14 “(1) 10 or more; and

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

17 “(c) CHILDREN TO BE COUNTED.—

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

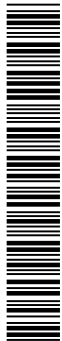
21 “(A) the number of children aged 5 to 17,
22 inclusive, in the school district of the local edu-
23 cational agency from families below the poverty
24 level as determined under paragraph (2);



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

13 “(C) the number of children aged 5 to 17,
14 inclusive, in the school district of such agency
15 from families above the poverty level as deter-
16 mined under paragraph (4).

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



1 local educational agency contains 2 or more counties
2 in their entirety, then each county will be treated as
3 if such county were a separate local educational
4 agency for purposes of calculating grants under this
5 part. The total of grants for such counties shall be
6 allocated to such a local educational agency, which
7 local educational agency shall distribute to schools in
8 each county within such agency a share of the local
9 educational agency's total grant that is no less than
10 the county's share of the population counts used to
11 calculate the local educational agency's grant.

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



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

7 “(4) OTHER CHILDREN TO BE COUNTED.—For
8 the purposes of this section, the Secretary shall de-
9 termine the number of children aged 5 to 17, inclu-
10 sive, from families above the poverty level on the
11 basis of the number of such children from families
12 receiving an annual income, in excess of the current
13 criteria of poverty, from payments under a State
14 program funded under part A of title IV of the So-
15 cial Security Act; and in making such determina-
16 tions the Secretary shall utilize the criteria of pov-
17 erty used by the Bureau of the Census in compiling
18 the most recent decennial census for a family of 4
19 in such form as those criteria have been updated by
20 increases in the Consumer Price Index for all urban
21 consumers, published by the Bureau of Labor Statis-
22 tics. The Secretary shall determine the number of
23 such children and the number of children aged 5
24 through 17 living in institutions for neglected or de-
25 linquent children, or being supported in foster homes



1 with public funds, on the basis of the caseload data
2 for the month of October of the preceding fiscal year
3 (using, in the case of children described in the pre-
4 ceding sentence, the criteria of poverty and the form
5 of such criteria required by such sentence which
6 were determined for the calendar year preceding
7 such month of October) or, to the extent that such
8 data are not available to the Secretary before Janu-
9 ary of the calendar year in which the Secretary's de-
10 termination is made, then on the basis of the most
11 recent reliable data available to the Secretary at the
12 time of such determination. The Secretary of Health
13 and Human Services shall collect and transmit the
14 information required by this subparagraph to the
15 Secretary not later than January 1 of each year.
16 For the purpose of this section, the Secretary shall
17 consider all children who are in correctional institu-
18 tions to be living in institutions for delinquent chil-
19 dren.

20 (5) ESTIMATE.—When requested by the Sec-
21 retary, the Secretary of Commerce shall make a spe-
22 cial updated estimate of the number of children of
23 such ages who are from families below the poverty
24 level (as determined under subparagraph (A) of this
25 paragraph) in each school district, and the Secretary



1 is authorized to pay (either in advance or by way of
2 reimbursement) the Secretary of Commerce the cost
3 of making this special estimate. The Secretary of
4 Commerce shall give consideration to any request of
5 the chief executive of a State for the collection of ad-
6 ditional census information.

7 “(d) STATE MINIMUM.—Notwithstanding section
8 1122, the aggregate amount allotted for all local edu-
9 cational agencies within a State may not be less than the
10 lesser of—

11 “(1) 0.25 percent of total grants under this sec-
12 tion; or

13 “(2) the average of—

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

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

22 **“SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDU-
23 CATIONAL AGENCIES.**

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



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

10 “(i) 6,500; or

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

13 “(B) Notwithstanding section 1122, no State
14 described in subparagraph (A) shall receive less than
15 the lesser of—

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

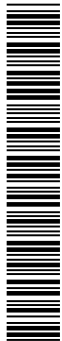
17 “(ii) the average of—

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

21 “(II) the greater of—

22 “(aa) \$340,000; or

23 “(bb) the number of children in
24 such State counted for purposes of
25 this section in that fiscal year multi-



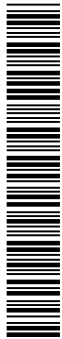
1 plied by 150 percent of the national
2 average per-pupil payment made with
3 funds available under this section for
4 that year.

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

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

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

18 “(3) AMOUNT.—The amount of the additional
19 grant for which an eligible local educational agency
20 or county is eligible under this section for any fiscal
21 year shall be an amount which bears the same ratio
22 to the amount available to carry out this section for
23 that fiscal year as the product determined under
24 paragraph (2) for such local educational agency for
25 that fiscal year bears to the sum of such products



1 for all local educational agencies in the United
2 States for that fiscal year.

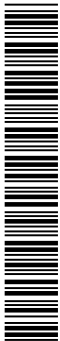
3 “(4) LOCAL ALLOCATIONS.—(A) Grant
4 amounts under this section shall be determined in
5 accordance with section 1124(a)(2) and (3).

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

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

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

20 “(2) based on their respective concentrations
21 and numbers of children counted under section
22 1124(e), except that only those local educational
23 agencies with concentrations or numbers of children
24 counted under section 1124(e) that exceed the state-
25 wide average percentage of such children or the



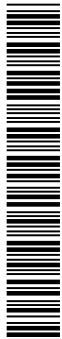
1 statewide average number of such children shall re-
2 ceive any funds on the basis of this paragraph.

3 **“SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL**
4 **AGENCIES.**

5 “(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGEN-
6 CIES.—A local educational agency in a State is eligible to
7 receive a targeted grant under this section for any fiscal
8 year if the number of children in the local educational
9 agency counted under subsection 1124(c), before applica-
10 tion of the weighting factor described in subsection (c),
11 is at least 10, and if the number of children counted for
12 grants under section 1124 is at least 5 percent of the total
13 population aged 5 to 17 years, inclusive, in the local edu-
14 cational agency. For each fiscal year for which the Sec-
15 retary uses county population data to calculate grants,
16 funds made available as a result of applying this sub-
17 section shall be reallocated by the State educational agen-
18 cy to other eligible local educational agencies in the State
19 in proportion to the distribution of other funds under this
20 section.

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

23 “(1) IN GENERAL.—The amount of the grant
24 that a local educational agency in a State or that the



1 District of Columbia is eligible to receive under this
2 section for any fiscal year shall be the product of—

3 “(A) the weighted child count determined
4 under subsection (c); and

5 “(B) the amount in paragraph
6 1124(a)(1)(B).

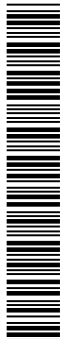
7 “(2) PUERTO RICO.—For each fiscal year, the
8 amount of the grant for which the Commonwealth of
9 Puerto Rico is eligible under this section shall be
10 equal to the number of children counted under sub-
11 section (c) for Puerto Rico, multiplied by the
12 amount determined in subparagraph 1124(a)(4).

13 “(c) WEIGHTED CHILD COUNT.—

14 “(1) WEIGHTS FOR ALLOCATIONS TO COUN-
15 TIES.—

16 “(A) IN GENERAL.—For each fiscal year
17 for which the Secretary uses county population
18 data to calculate grants, the weighted child
19 count used to determine a county’s allocation
20 under this section is the larger of the 2
21 amounts determined under clause (i) or (ii), as
22 follows:

23 “(i) BY PERCENTAGE OF CHIL-
24 DREN.—This amount is determined by
25 adding—



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1 “(I) the number of children de-
 2 termined under section 1124(c) for
 3 that county constituting up to 15 per-
 4 cent, inclusive, of the county’s total
 5 population aged 5 to 17, inclusive,
 6 multiplied by 1.0;

7 “(II) the number of such children
 8 constituting more than 15 percent,
 9 but not more than 19 percent, of such
 10 population, multiplied by 1.75;

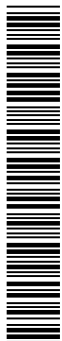
11 “(III) the number of such chil-
 12 dren constituting more than 19 per-
 13 cent, but not more than 24.20 per-
 14 cent, of such population, multiplied by
 15 2.5;

16 “(IV) the number of such chil-
 17 dren constituting more than 24.20
 18 percent, but not more than 29.20 per-
 19 cent, of such population, multiplied by
 20 3.25; and

21 “(V) the number of such children
 22 constituting more than 29.20 percent
 23 of such population, multiplied by 4.0.

24 “(ii) BY NUMBER OF CHILDREN.—

25 This amount is determined by adding—



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1 “(I) the number of children de-
2 termined under section 1124(c) con-
3 stituting up to 2,311, inclusive, of the
4 county’s total population aged 5 to
5 17, inclusive, multiplied by 1.0;

6 “(II) the number of such children
7 between 2,312 and 7,913, inclusive, in
8 such population, multiplied by 1.5;

9 “(III) the number of such chil-
10 dren between 7,914 and 23,917, inclu-
11 sive, in such population, multiplied by
12 2.0;

13 “(IV) the number of such chil-
14 dren between 23,918 and 93,810, in-
15 clusive, in such population, multiplied
16 by 2.5; and

17 “(V) the number of such children
18 in excess of 93,811 in such popu-
19 lation, multiplied by 3.0.

20 “(B) PUERTO RICO.—Notwithstanding
21 subparagraph (A), the weighted child count for
22 Puerto Rico under this paragraph shall not be
23 greater than the total number of children
24 counted under subsection 1124(c) multiplied by
25 1.72.



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

3 “(A) IN GENERAL.—For each fiscal year
4 for which the Secretary uses local educational
5 agency data, the weighted child count used to
6 determine a local educational agency’s grant
7 under this section is the larger of the 2
8 amounts determined under clauses (i) and (ii),
9 as follows:

10 “(i) BY PERCENTAGE OF CHIL-
11 DREN.—This amount is determined by
12 adding—

13 “(I) the number of children de-
14 termined under section 1124(c) for
15 that local educational agency consti-
16 tuting up to 15.233 percent, inclusive,
17 of the agency’s total population aged
18 5 to 17, inclusive, multiplied by 1.0;

19 “(II) the number of such children
20 constituting more than 15.233 per-
21 cent, but not more than 22.706 per-
22 cent, of such population, multiplied by
23 1.75;

24 “(III) the number of such chil-
25 dren constituting more than 22.706



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1 percent, but not more than 32.213
2 percent, of such population, multiplied
3 by 2.5;

4 “(IV) the number of such chil-
5 dren constituting more than 32.213
6 percent, but not more than 41.452
7 percent, of such population, multiplied
8 by 3.25; and

9 “(V) the number of such children
10 constituting more than 41.452 percent
11 of such population, multiplied by 4.0.

12 “(ii) BY NUMBER OF CHILDREN.—
13 This amount is determined by adding—

14 “(I) the number of children de-
15 termined under section 1124(c) con-
16 stituting up to 710, inclusive, of the
17 agency’s total population aged 5 to
18 17, inclusive, multiplied by 1.0;

19 “(II) the number of such children
20 between 711 and 2,384, inclusive, in
21 such population, multiplied by 1.5;

22 “(III) the number of such chil-
23 dren between 2,385 and 9,645, inclu-
24 sive, in such population, multiplied by
25 2.0;



1 “(IV) the number of such chil-
 2 dren between 9,646 and 54,600, inclu-
 3 sive, in such population, multiplied by
 4 2.5; and

5 “(V) the number of such children
 6 in excess of 54,601 in such popu-
 7 lation, multiplied by 3.0.

8 “(B) PUERTO RICO.—Notwithstanding
 9 subparagraph (A), the weighted child count for
 10 Puerto Rico under this paragraph shall not be
 11 greater than the total number of children
 12 counted under section 1124(c) multiplied by
 13 1.72.

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

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

21 “(1) 0.25 percent of total appropriations; or

22 “(2) the average of—

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



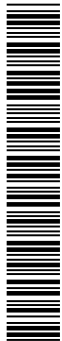
1 “(B) 150 percent of the national average
2 grant under this section per child described in
3 section 1124(c), without application of a
4 weighting factor, multiplied by the State’s total
5 number of children described in section
6 1124(c), without application of a weighting fac-
7 tor.

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

9 “(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

10 “(1) IN GENERAL.—If a State educational
11 agency determines that a local educational agency in
12 the State is unable or unwilling to provide for the
13 special educational needs of children who are living
14 in institutions for neglected children as described in
15 subparagraph (B) of section 1124(c)(1), the State
16 educational agency shall, if such agency assumes re-
17 sponsibility for the special educational needs of such
18 children, receive the portion of such local educational
19 agency’s allocation under sections 1124, 1124A, and
20 1125 that is attributable to such children.

21 “(2) SPECIAL RULE.—If the State educational
22 agency does not assume such responsibility, any
23 other State or local public agency that does assume
24 such responsibility shall receive that portion of the
25 local educational agency’s allocation.



1 “(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL
2 AGENCIES.—The State educational agency may allocate
3 the amounts of grants under sections 1124, 1124A, and
4 1125 among the affected local educational agencies—

5 “(1) if 2 or more local educational agencies
6 serve, in whole or in part, the same geographical
7 area;

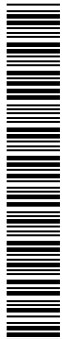
8 “(2) if a local educational agency provides free
9 public education for children who reside in the
10 school district of another local educational agency;
11 or

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

15 “(c) REALLOCATION.—If a State educational agency
16 determines that the amount of a grant a local educational
17 agency would receive under sections 1124, 1124A, and
18 1125 is more than such local agency will use, the State
19 educational agency shall make the excess amount available
20 to other local educational agencies in the State that need
21 additional funds in accordance with criteria established by
22 the State educational agency.

23 **“SEC. 1127. CARRYOVER AND WAIVER.**

24 “(a) LIMITATION ON CARRYOVER.—Notwithstanding
25 section 421 of the General Education Provisions Act or



1 any other provision of law, not more than 15 percent of
2 the funds allocated to a local educational agency for any
3 fiscal year under this subpart (but not including funds re-
4 ceived through any reallocation under this subpart) may
5 remain available for obligation by such agency for 1 addi-
6 tional fiscal year.

7 “(b) WAIVER.—A State educational agency may,
8 once every 3 years, waive the percentage limitation in sub-
9 section (a) if—

10 “(1) the agency determines that the request of
11 a local educational agency is reasonable and nec-
12 essary; or

13 “(2) supplemental appropriations for this sub-
14 part become available.

15 “(c) EXCLUSION.—The percentage limitation under
16 subsection (a) shall not apply to any local educational
17 agency that receives less than \$50,000 under this subpart
18 for any fiscal year.

19 **“SEC. 1128. SECULAR, NEUTRAL, AND NONIDEOLOGICAL.**

20 “Any school that receives funds under this part shall
21 ensure that educational services or other benefits provided
22 under this part, including materials and equipment, shall
23 be secular, neutral, and nonideological.”.

