

1 **TITLE IV—21ST CENTURY**
2 **SCHOOLS**

3 **PART A—SAFE AND DRUG-FREE SCHOOLS AND**
4 **COMMUNITIES**

5 **SEC. 411. PURPOSE.**

6 Section 4002 (20 U.S.C. 7102) is amended—

7 (1) in the matter preceding paragraph (1)—

8 (A) by inserting “, including bullying and
9 harassment,” after “violence”; and

10 (B) by striking “that involve parents and
11 communities;” and inserting “that improve the
12 whole school climate in order to foster learning,
13 including programs that prevent discipline prob-
14 lems; that assist schools in enhancing their
15 school safety and emergency response plans;
16 that involve parents and communities in school
17 programs and activities;”;

18 (2) in paragraph (1)—

19 (A) by striking “improve” and all that fol-
20 lows and inserting “improve—”; and

21 (B) by adding at the end the following:

22 “(A) local programs of school drug and vi-
23 olence prevention and early intervention; and

1 “(B) school safety and emergency response
2 plans;”;

3 (3) in paragraph (2), by striking “community-
4 wide drug and violence prevention planning and or-
5 ganizing” and inserting “comprehensive community-
6 wide drug and violence prevention”;

7 (4) by redesignating paragraphs (3) and (4) as
8 paragraphs (4) and (5), respectively;

9 (5) by inserting after paragraph (2) the fol-
10 lowing:

11 “(3) States for grants to local educational agen-
12 cies (including consortia of such agencies) to estab-
13 lish, operate, and improve local programs relating to
14 improving the school-wide climate (including imple-
15 mentation of positive behavior supports and other
16 activities);”; and

17 (6) in paragraph (5), as redesignated by para-
18 graph (4), by inserting “illegal” before “drug use”.

19 **SEC. 412. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 4003 (20 U.S.C. 7103) is amended—

21 (1) in paragraph (1), by striking “2002” and
22 inserting “2008”; and

23 (2) in paragraph (2), by striking “2002” and
24 inserting “2009”.

1 **SEC. 413. RESERVATIONS AND ALLOTMENTS.**

2 Section 4111(a)(2) (20 U.S.C. 7111(a)(2)) is amend-
3 ed—

4 (1) by striking “the Secretary—” and all that
5 follows through “may” and inserting “the Secretary
6 may;”

7 (2) by striking the semicolon and inserting a
8 period; and

9 (3) by striking subparagraph (B).

10 **SEC. 414. STATE GRANTS.**

11 Subpart 1 of part A of title IV (20 U.S.C. 7111 et
12 seq.) is amended by striking sections 4112 through 4116
13 and inserting the following:

14 **“SEC. 4112. RESERVATION OF STATE FUNDS FOR SAFE AND
15 DRUG-FREE SCHOOLS.**

16 “(a) STATE RESERVATION FOR THE GOVERNOR OF
17 A STATE.—

18 “(1) IN GENERAL.—The Governor of a State
19 may apply to the Secretary for approval to reserve
20 not more than 10 percent of the total amount allo-
21 cated to a State under section 4111(b) for each fis-
22 cal year to award competitive grants and contracts
23 to local educational agencies, community-based orga-
24 nizations (including community antidrug coalitions),
25 other public entities and private organizations, and
26 consortia thereof. Such grants and contracts shall be

1 used to carry out the comprehensive State plan de-
2 scribed in section 4113(a) through programs or ac-
3 tivities that complement and support programs or
4 activities of local educational agencies described in
5 section 4115(b). Such grants and contracts shall be
6 awarded based on—

7 “(A) the quality of the program or activity
8 proposed; and

9 “(B) how the program or activity meets
10 the principles of effectiveness described in sec-
11 tion 4115(a).

12 “(2) ACTIVITIES.—In awarding such grants
13 and contracts under this subsection, a Governor
14 shall award grants and contracts for programs and
15 activities that prevent illegal drug use and violence
16 for—

17 “(A) children and youth who are not nor-
18 mally served by State educational agencies or
19 local educational agencies; or

20 “(B) populations that need special services
21 or additional resources (such as youth in juve-
22 nile detention facilities, runaway or homeless
23 children and youth, pregnant and parenting
24 teenagers, and school dropouts).

1 “(3) SPECIAL CONSIDERATION.—In awarding
2 funds under paragraph (1), a Governor shall give
3 special consideration to applicants that pursue a
4 comprehensive approach to drug and violence pre-
5 vention that includes providing and incorporating
6 mental health services related to drug and violence
7 prevention in their program or activities.

8 “(4) PEER REVIEW.—Grants or contracts
9 awarded under this subsection shall be subject to a
10 peer review process.

11 “(5) USE OF FUNDS.—Grants and contracts
12 under this subsection shall be used to implement
13 drug and violence prevention programs or activities,
14 including—

15 “(A) activities that complement and sup-
16 port local educational agency programs or ac-
17 tivities under section 4115, including developing
18 and implementing activities to prevent and re-
19 duce violence associated with prejudice and in-
20 tolerance;

21 “(B) dissemination of information about
22 drug and violence prevention; and

23 “(C) development and implementation of
24 community-wide drug and violence prevention
25 planning and organizing.

1 “(6) ADMINISTRATIVE COSTS.—The Governor
2 of a State may use not more than 3 percent of the
3 reserved amount described in paragraph (1) for the
4 administrative costs incurred in carrying out the du-
5 ties of such officer under this subsection.

6 “(7) REPORT.—A Governor who reserves fund-
7 ing under this subsection shall prepare and submit
8 to the Secretary on an annual basis a report that
9 shall include a description of the activities funded
10 under this subsection.

11 “(b) IN STATE DISTRIBUTION.—

12 “(1) IN GENERAL.—A State educational agency
13 shall distribute not less than 93 percent, of the
14 amount made available to the State under section
15 4111(b) for each fiscal year less the amount re-
16 served under subsection (a) of this section, to its
17 local educational agencies under section 4114.

18 “(2) STATE ADMINISTRATION COSTS.—A State
19 educational agency may use not more than 3 per-
20 cent, of the amount made available to the State
21 under section 4111(b) for each fiscal year less the
22 amount reserved under subsection (a) of this section,
23 for State educational agency administrative costs,
24 including the implementation and management of

1 the uniform management information and reporting
2 system as provided for under subsection (c)(3).

3 “(c) STATE ACTIVITIES.—

4 “(1) IN GENERAL.—A State educational agency
5 may use not more than 5 percent, of the amount
6 made available to the State under section 4111(b)
7 for each fiscal year less the amount reserved under
8 subsection (a) of this section, for activities described
9 in this subsection.

10 “(2) ACTIVITIES.—A State educational agency
11 shall use the amount available under paragraph (1),
12 either directly, or through grants and contracts, to
13 plan, develop, and implement capacity building, tech-
14 nical assistance and training, evaluation, program
15 improvement services, and coordination activities for
16 local educational agencies, community-based organi-
17 zations, and other public and private entities. Such
18 uses—

19 “(A) shall meet the principles of effective-
20 ness described in section 4115(a);

21 “(B) shall complement and support local
22 uses of funds under section 4115(b);

23 “(C) shall be in accordance with the pur-
24 poses of this part; and

25 “(D) may include, among other activities—

1 shall establish a uniform management in-
2 formation and reporting system.

3 “(ii) GUIDANCE.—Within 2 years
4 after the date of enactment of the [short
5 title], the Secretary of Education shall
6 provide guidance to States on the develop-
7 ment and management of such systems.

8 “(B) USES OF FUNDS.—A State may use
9 funds described in subsection (b)(2) and para-
10 graph (1), either directly or through grants and
11 contracts, to implement and manage the uni-
12 form management information and reporting
13 system described in subparagraph (A), for the
14 annual collection of information on—

15 “(i) truancy rates;

16 “(ii) the frequency, seriousness, and
17 incidence of violence and drug-related of-
18 fenses resulting in suspensions and expul-
19 sions in elementary schools and secondary
20 schools in the State;

21 “(iii) the types of curricula, programs,
22 and services provided by the Governor, the
23 State educational agency, local educational
24 agencies, and other recipients of funds

1 under this subpart, and the amounts of
2 funds expended on each of the types;

3 “(iv) the incidence and prevalence,
4 age of onset, perception of health risk, and
5 perception of social disapproval of illegal
6 drug use and violence by youth in schools
7 and communities;

8 “(v) the state of preparedness of
9 schools to respond appropriately in the
10 event of a violent or traumatic event or
11 other emergency;

12 “(vi) the incidence and prevalence of
13 reported incidents of bullying and harass-
14 ment in schools; and

15 “(vii) the source and amount of funds
16 obtained from other public and private en-
17 tities by the entities carrying out programs
18 or activities funded under this subpart.

19 “(C) COMPILATION OF STATISTICS.—For
20 purposes of compiling the statistics required for
21 the uniform management information and re-
22 porting system, the offenses described in sub-
23 paragraph (B)(ii) shall be defined pursuant to
24 the State’s criminal code, but the system shall
25 not identify victims of crimes or persons ac-

1 cused of crimes. The collected data shall include
2 incident reports by school officials, anonymous
3 student surveys, and anonymous teacher sur-
4 veys.

5 “(D) REPORTING.—

6 “(i) REPORT TO THE PUBLIC.—Each
7 State shall report the information de-
8 scribed in subparagraph (B) to the public
9 on an annual basis.

10 “(ii) REPORT TO THE SECRETARY.—
11 Each State shall report the information de-
12 scribed in subparagraph (B) to the Sec-
13 retary of Education, in the report de-
14 scribed in section 4116(a).

15 “(iii) REPORT TO THE STATE.—The
16 information described in clauses (i) and (ii)
17 of subparagraph (B) shall be reported to
18 the State on a school-by-school basis.

19 “(E) LIMITATION.—Nothing in this sub-
20 section shall be construed to authorize the Sec-
21 retary to require particular policies, procedures,
22 or practices with respect to crimes committed
23 on school property or school security.

1 **“SEC. 4113. STATE APPLICATION.**

2 “(a) IN GENERAL.—In order to receive an allotment
3 under section 4111(b) for any fiscal year, a State shall
4 submit to the Secretary, at such time as the Secretary may
5 require, an application that—

6 “(1) contains a comprehensive plan for the use
7 of funds by the State educational agency and the
8 Governor of the State to provide safe, orderly, and
9 drug-free schools and communities through pro-
10 grams and activities that complement and support
11 programs and activities of local educational agencies
12 under section 4115(b), that comply with the prin-
13 ciples of effectiveness under section 4115(a), and
14 that otherwise are in accordance with the purpose of
15 this part;

16 “(2) describes how activities funded under this
17 subpart will foster a safe and drug-free learning en-
18 vironment that supports academic achievement;

19 “(3) provides an assurance that the State edu-
20 cational agency will coordinate with other State
21 agencies in the development and dissemination of in-
22 formation and technical assistance on school safety
23 and emergency response plans;

24 “(4) provides an assurance that the application
25 was developed in consultation and coordination with
26 appropriate State officials and others, including the

1 Governor, the chief State school officer, the head of
2 the State alcohol and drug abuse agency, the heads
3 of the State health and mental health agencies, the
4 head of the State criminal justice planning agency,
5 the head of the State child welfare agency, **[and]**
6 the head of the State board of education (or their
7 designees), and representatives of parents, students,
8 and community-based organizations, and, in appro-
9 priate cases, the head of the State agency for home-
10 land security and the head of the State emergency
11 management or response agency;

12 “(5) if the Governor of the State applies for ap-
13 proval to reserve funds for programs and activities,
14 consistent with section 4112(a), contains—

15 “(A) a description of how the Governor of
16 the State will award grants and contracts under
17 section 4112(a) and implement a plan for moni-
18 toring the performance of, and providing tech-
19 nical assistance to, recipients of such grants
20 and contracts;

21 “(B) a description of the types of pro-
22 grams and activities to be funded with such re-
23 served funds, and how such programs and ac-
24 tivities meet the principles of effectiveness de-
25 scribed in section 4115(a); and

1 “(C) a description of how such activities
2 will be focused on—

3 “(i) children and youth who are not
4 normally served by State educational agen-
5 cies or local educational agencies; or

6 “(ii) populations that need special
7 services or additional resources (such as
8 youth in juvenile detention facilities, run-
9 away or homeless children and youth, preg-
10 nant and parenting youth, suspended and
11 expelled students, and school dropouts);

12 “(6) describes how the State educational agency
13 will coordinate such agency’s programs and activities
14 under this subpart with the Governor’s drug and vi-
15 olence prevention programs and activities under sec-
16 tion 4112(a) and with the prevention efforts of other
17 State agencies and other programs, as appropriate;

18 “(7) provides an assurance that any funds re-
19 served under section 4112(a) will not be used to du-
20 plicate the efforts of the State educational agency
21 and local educational agencies with regard to the
22 provision of school-based drug and violence preven-
23 tion activities and that those funds will be used to
24 serve children and youth, or populations, described
25 in paragraph (5)(C);

1 “(8) provides an assurance that the State will
2 cooperate with, and assist, the Secretary in con-
3 ducting data collection as required by section 4122;

4 “(9) provides an assurance that the local edu-
5 cational agencies in the State will comply with the
6 provisions of section 9501 pertaining to the partici-
7 pation of private school children and teachers in the
8 programs and activities under this subpart;

9 “(10) provides an assurance that funds under
10 this subpart will be used to increase the level of
11 State, local, and other non-Federal funds that
12 would, in the absence of funds under this subpart,
13 be made available for programs and activities au-
14 thorized under this subpart, and in no case supplant
15 such State, local, and other non-Federal funds;

16 “(11) contains the results of a comprehensive
17 needs assessment conducted by the State concerning
18 drug and violence prevention programs and school
19 safety and emergency response systems, which shall
20 be based on objective data, which may include—

21 “(A) data on the incidence and prevalence
22 of illegal drug use and violence, including bul-
23 lying and harassment, among youth in schools
24 and communities, including data on the age of
25 onset, the perception of health risks, and the

1 perception of social disapproval among such
2 youth;

3 “(B) data on the prevalence of risk factors,
4 including high or increasing rates of reported
5 cases of child abuse or domestic violence;

6 “(C) data on the prevalence of protective
7 factors, buffers, or assets;

8 “(D) an inventory of the presence of
9 threats to school safety and security;

10 “(E) data on the perception of students re-
11 garding their school environment, including that
12 perception with respect to the prevalence and
13 seriousness of incidents of bullying and harass-
14 ment and the responsiveness of the school to
15 those incidents; and

16 “(F) data on such other variables in the
17 school and community as the State determines
18 to be appropriate;

19 “(12) provides a statement of the State’s per-
20 formance measures for drug and violence prevention
21 programs and activities to be funded under this sub-
22 part that will be focused on student behavior and at-
23 titudes, be derived from the needs assessment de-
24 scribed in paragraph (11), and be developed in con-

1 sultation between the State and local officials, and
2 that will include—

3 “(A) performance indicators for drug and
4 violence prevention programs and activities; and

5 “(B) levels of performance for each per-
6 formance indicator;

7 “(13) describes the procedures the State will
8 use for assessing and publicly reporting progress to-
9 ward meeting the performance measures described in
10 paragraph (12);

11 “(14) provides an assurance that the State ap-
12 plication will be available for public review after sub-
13 mission of the application;

14 “(15) describes the special outreach activities
15 that will be carried out by the State educational
16 agency and the Governor of the State to maximize
17 the participation of community-based organizations
18 of demonstrated effectiveness that provide services
19 such as mentoring programs in low-income commu-
20 nities;

21 “(16) describes how funds will be used by the
22 State educational agency and the Governor of the
23 State to support, develop, and implement commu-
24 nity-wide comprehensive drug and violence preven-
25 tion planning and organizing activities;

1 “(17) describes how input from parents will be
2 sought regarding the use of funds by the State edu-
3 cational agency and the Governor of the State;

4 “(18) describes how the State educational agen-
5 cy will review applications from local educational
6 agencies for subgrants under section 4114, including
7 how the agency will receive input from parents in
8 such review;

9 “(19) describes the factors the State edu-
10 cational agency will consider in awarding subgrants
11 to local educational agencies (including consortia of
12 such agencies) under section 4114;

13 “(20) describes how the State educational agen-
14 cy will monitor the implementation of activities
15 under this subpart, and provide technical assistance
16 for local educational agencies, community-based or-
17 ganizations, other public entities, and private organi-
18 zations;

19 “(21) provides an assurance that the State edu-
20 cational agency will provide assistance to local edu-
21 cational agencies and schools in their efforts to pre-
22 vent and appropriately respond to incidents of bul-
23 lying and harassment, and describes how the State
24 educational agency will provide that assistance; and

1 “(22) includes any other information the Sec-
2 retary may require.

3 “(b) APPROVAL PROCESS.—

4 “(1) DEEMED APPROVAL.—An application sub-
5 mitted by a State pursuant to this section shall un-
6 dergo peer review as required by the Secretary and
7 shall be deemed to be approved by the Secretary un-
8 less the Secretary makes a written determination,
9 prior to the expiration of the 120-day period begin-
10 ning on the date on which the Secretary received the
11 application, that the application is not in compliance
12 with this subpart.

13 “(2) DISAPPROVAL.—The Secretary shall not
14 finally disapprove the application, except after giving
15 the State educational agency and the Governor of
16 the State notice and an opportunity for a hearing.

17 “(3) NOTIFICATION.—If the Secretary finds
18 that the application is not in compliance, in whole or
19 in part, with this subpart, the Secretary shall—

20 “(A) give the State educational agency and
21 the Governor of the State notice and an oppor-
22 tunity for a hearing; and

23 “(B) notify the State educational agency
24 and the Governor of the State of the finding of
25 noncompliance, and in such notification, shall—

1 “(i) cite the specific provisions in the
2 application that are not in compliance; and

3 “(ii) request additional information,
4 only as to the noncompliant provisions,
5 needed to make the application compliant.

6 “(4) RESPONSE.—If the State educational
7 agency and the Governor of the State respond to the
8 Secretary’s notification described in paragraph
9 (3)(B) during the 45-day period beginning on the
10 date on which the agency received the notification,
11 and resubmit the application with the requested in-
12 formation described in paragraph (3)(B)(ii), the Sec-
13 retary shall approve or disapprove such application
14 prior to the later of—

15 “(A) the expiration of the 45-day period
16 beginning on the date on which the application
17 is resubmitted; or

18 “(B) the expiration of the 120-day period
19 described in paragraph (1).

20 “(5) FAILURE TO RESPOND.—If the State edu-
21 cational agency and the Governor of the State do
22 not respond to the Secretary’s notification described
23 in paragraph (3)(B) during the 45-day period begin-
24 ning on the date on which the agency received the

1 notification, such application shall be deemed to be
2 disapproved.

3 **“SEC. 4114. LOCAL EDUCATIONAL AGENCY COMPETITIVE**
4 **PROGRAM.**

5 “(a) IN GENERAL.—

6 “(1) SUBGRANTS.—A State shall provide the
7 amount made available to the State under this sub-
8 part, less the amounts reserved under subsections
9 (a), (b)(2), and (c) of section 4112, to local edu-
10 cational agencies (including consortia of such agen-
11 cies) for Safe and Drug-Free Schools subgrants in
12 accordance with this part.

13 “(2) CONSORTIA.—In this section and section
14 4115, a reference to a local educational agency shall
15 be considered to include a reference to a consortium
16 of local educational agencies.

17 “(b) ADMINISTRATIVE COSTS.—Of the subgrant re-
18 ceived under subsection (a), a local educational agency
19 may use not more than 2 percent for the administrative
20 costs of carrying out its responsibilities under sections
21 4115 and 4116.

22 “(c) DURATION OF AWARDS.—A State educational
23 agency may award subgrants under this section for a pe-
24 riod of not less than 3 years and not more than 5 years.

1 “(d) SUBGRANT AMOUNT.—The State educational
2 agency shall award such a subgrant to an applicant in an
3 amount based on the number of students to be served by
4 the programs and activities proposed in the application
5 and the quality of the application.

6 “(e) APPLICATION.—

7 “(1) IN GENERAL.—To be eligible to receive a
8 subgrant under subsection (a), a local educational
9 agency desiring a subgrant shall submit an applica-
10 tion to the State educational agency at such time, in
11 such manner, and including such information as the
12 State educational agency may reasonably require.

13 “(2) DEVELOPMENT OF APPLICATION.—

14 “(A) CONSULTATION.—

15 “(i) IN GENERAL.—A local edu-
16 cational agency shall develop its applica-
17 tion through timely and meaningful con-
18 sultation with State and local government
19 representatives, representatives of schools
20 to be served (including private schools),
21 teachers and other staff, parents, students,
22 community-based organizations, and others
23 with relevant and demonstrated expertise
24 in drug and violence prevention activities
25 (such as medical, mental health, law en-

1 forcement, and, in appropriate cases, emer-
2 gency response professionals).

3 “(ii) CONTINUED CONSULTATION.—

4 On an ongoing basis, the local educational
5 agency shall consult with entities and per-
6 sons described in clause (i) in order to seek
7 advice regarding how best to coordinate
8 such agency’s activities under section 4115
9 with other related strategies, programs,
10 and activities being conducted in the com-
11 munity.

12 “(B) DESIGN AND DEVELOPMENT.—To
13 ensure timely and meaningful consultation
14 under subparagraph (A), a local educational
15 agency at the initial stages of design and devel-
16 opment of a program or activity shall consult,
17 in accordance with this subsection, with appro-
18 priate entities and persons on issues regarding
19 the design and development of the program or
20 activity, including efforts to meet the principles
21 of effectiveness described in section 4115(a).

22 “(3) CONTENTS OF APPLICATIONS.—An appli-
23 cation submitted by a local educational agency under
24 this section shall contain—

1 “(A) a description of how the programs or
2 activities to be funded comply with the prin-
3 ciples of effectiveness described in section
4 4115(a) and foster a safe and drug-free learn-
5 ing environment that supports academic
6 achievement;

7 “(B) a detailed explanation of the appli-
8 cant’s comprehensive plan for drug and violence
9 prevention and for maintaining school safety,
10 including a description of—

11 “(i) each program or activity to be
12 funded through the subgrant, a description
13 of how each program and activity will be
14 evaluated, and a description of how such
15 evaluations will be used to refine, improve,
16 and strengthen the program and activity;

17 “(ii) the performance measures of the
18 local educational agency for drug and vio-
19 lence prevention programs and activities,
20 that shall consist of—

21 “(I) performance indicators for
22 drug and violence prevention pro-
23 grams and activities, including—

1 “(aa) specific reductions in
2 the prevalence of identified risk
3 factors; and

4 “(bb) specific increases in
5 the prevalence of protective fac-
6 tors, buffers, or assets if any
7 have been identified; and

8 “(II) levels of performance for
9 each performance indicator;

10 “(iii) how such agency will assess and
11 publicly report progress toward attaining
12 its performance measures; and

13 “(iv) how the activities carried out
14 under the plan will be coordinated with
15 programs under this Act, and other Fed-
16 eral, State, and local programs for drug
17 and violence prevention, and school safety
18 and emergency response;

19 “(C) how the services to be funded will be
20 targeted to schools and students with the great-
21 est need;

22 “(D)(i) an assurance that funds under this
23 subpart will be used to increase the level of
24 State, local, and other non-Federal funds that
25 would, in the absence of funds under this sub-

1 part, be made available for programs and activi-
2 ties authorized under this subpart, and in no
3 case supplant such State, local, and other non-
4 Federal funds; and

5 “(ii) an identification of Federal, State,
6 and local programs that will be combined or co-
7 ordinated with the programs or activities to be
8 carried out under the subgrant to make the
9 most effective use of public resources;

10 “(E) a description of the mechanisms used
11 to provide effective notice to the community of
12 an intention to submit an application under this
13 subsection;

14 “(F) an assurance that the applicant has,
15 or the schools to be served have, a plan for
16 keeping schools safe and drug-free that in-
17 cludes—

18 “(i) appropriate and effective school
19 discipline policies that prohibit disorderly
20 conduct, including bullying and harass-
21 ment, the illegal possession of weapons,
22 and the illegal use, possession, distribution,
23 and sale of tobacco, alcohol, and other
24 drugs by students;

1 “(ii) security procedures at school and
2 while students are on the way to and from
3 school;

4 “(iii) a crisis plan for responding to
5 and recovering from violent or traumatic
6 events, which may include natural disas-
7 ters, that affect the learning environment
8 and for restoring the learning environment
9 in the event of a violent or traumatic
10 event;

11 “(iv) a code of conduct policy for all
12 students that clearly states the responsibil-
13 ities of students, teachers, and administra-
14 tors in maintaining a classroom environ-
15 ment that—

16 “(I) allows a teacher to commu-
17 nicate effectively with all students in
18 the class;

19 “(II) allows all students in the
20 class to learn;

21 “(III) has consequences that are
22 fair, and developmentally appropriate;

23 “(IV) considers the student and
24 the circumstances of the situation;
25 and

1 “(V) is enforced accordingly;

2 **【“(v) grievance procedures for stu-**
3 **dents or parents that seek to register com-**
4 **plaints regarding the conduct prohibited by**
5 **the discipline policies described in clause**
6 **(i); and】**

7 **【“(vi) procedures for annual notice to**
8 **parents and students describing—】**

9 **【“(I) the full range of conduct**
10 **prohibited by the discipline policies**
11 **described in clause (i); and】**

12 **【“(II) the grievance procedures**
13 **for registering a complaint described**
14 **in clause (v), including the process**
15 **and time line the local educational**
16 **agency will follow in the resolution of**
17 **such complaints;】**

18 “(G) an assurance that the application and
19 any waiver request under section 4115(a)(3)
20 will be available for public review after submis-
21 sion of the application and request, respectively;
22 and

23 “(H) such other descriptions, assurances,
24 and statements of goals and objectives, as the

1 State may reasonably require in accordance
2 with the purpose of this part.

3 “(f) REVIEW OF APPLICATION.—

4 “(1) IN GENERAL.—In reviewing applications
5 under this section, a State educational agency shall
6 use a peer review process or other methods of assur-
7 ing the quality of such applications.

8 “(2) CONSIDERATIONS.—In reviewing applica-
9 tions under this section, a State educational agency
10 shall consider—

11 “(A) the quality of each application and
12 the extent to which the application proposes the
13 use of programs and activities that meet the
14 principles of effectiveness described in section
15 4115(a);

16 “(B) the degree to which the programs and
17 activities proposed in the application would
18 serve a community with high rates of crime,
19 gang involvement, illegal drug use, school drop-
20 outs, or youth suicides;

21 “(C) the degree to which the applicant pro-
22 poses to coordinate programs and activities
23 funded under this section with other programs
24 and activities that seek to address illegal drug
25 use and violence prevention; and

1 “(D) the degree to which the proposed pro-
2 grams and activities rely on strategies that have
3 been identified as effective in reducing illegal
4 drug use and violence.

5 “(3) GEOGRAPHIC DIVERSITY.—To the extent
6 practicable, a State educational agency shall dis-
7 tribute funds under this section equitably among ge-
8 ographic areas within the State, including urban and
9 rural communities.

10 “(g) PRIORITY.—In reviewing subgrant applications
11 under this section, the State educational agency shall give
12 priority to applications from local educational agencies
13 with the greatest number or percentage of low-income stu-
14 dents counted under section 1124(c).

15 **“SEC. 4115. AUTHORIZED ACTIVITIES.**

16 “(a) PRINCIPLES OF EFFECTIVENESS.—

17 “(1) IN GENERAL.—For a program or activity
18 developed pursuant to this subpart to meet the prin-
19 ciples of effectiveness, such program or activity
20 shall—

21 “(A) be based on an assessment of objec-
22 tive data regarding the incidence of violence
23 and illegal drug use in the elementary schools
24 and secondary schools and communities to be
25 served, including an objective analysis of the

1 current conditions and consequences regarding
2 violence and illegal drug use, including delin-
3 quency and serious discipline problems, among
4 students who attend such schools (including pri-
5 vate school students who participate in the drug
6 and violence prevention program or activity),
7 which assessment shall be based on ongoing
8 local assessment or evaluation activities;

9 “(B) be based on an established set of per-
10 formance measures aimed at ensuring that the
11 elementary schools and secondary schools and
12 communities to be served by the program have
13 a safe, orderly, and drug-free learning environ-
14 ment;

15 “(C) be based on an assessment of objec-
16 tive data regarding the state of preparedness of
17 elementary schools and secondary schools and
18 communities to be served by the program or ac-
19 tivity to respond appropriately in the event of
20 a violent or traumatic event;

21 “(D) reflect, to the extent practicable,
22 **【scientifically based research】** or, in the ab-
23 sence of such research, reflect best practices in
24 the field;

1 “(E) be based on an analysis of the data
2 reasonably available at the time, of the preva-
3 lence of—

4 “(i) risk factors, including high or in-
5 creasing rates of reported cases of child
6 abuse and domestic violence;

7 “(ii) protective factors, buffers, or as-
8 sets; or

9 “(iii) other variables in schools and
10 communities in the State identified
11 through **【scientifically based research】**;
12 and

13 “(F) include meaningful and ongoing con-
14 sultation with and input from parents in the de-
15 velopment of the application and administration
16 of the program or activity.

17 “(2) PERIODIC EVALUATION.—

18 “(A) REQUIREMENT.—The program or ac-
19 tivity shall undergo a periodic evaluation to as-
20 sess its progress toward reducing violence and
21 illegal drug use in schools to be served based on
22 performance measures described in section
23 4114(e)(3)(B)(ii).

24 “(B) USE OF RESULTS.—The results shall
25 be used to refine, improve, and strengthen the

1 program or activity, and to refine the perform-
2 ance measures, and shall also be made available
3 to the public upon request, with public notice of
4 such availability provided.

5 “(3) WAIVER.—A local educational agency may
6 apply to the State for a waiver of the requirements
7 of subsection (a)(1) to allow innovative programs or
8 activities that demonstrate substantial likelihood of
9 success.

10 “(b) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—

11 “(1) PROGRAM REQUIREMENTS.—A local edu-
12 cational agency shall use funds made available under
13 section 4114 to develop, implement, and evaluate
14 comprehensive programs and activities, that are co-
15 ordinated with other school and community-based
16 services and programs, and that shall—

17 “(A) foster a safe and drug-free learning
18 environment that supports academic achieve-
19 ment;

20 “(B) be consistent with the principles of
21 effectiveness described in subsection (a)(1);

22 “(C) be designed to—

23 “(i) prevent or reduce violence, the
24 use, possession, and distribution of illegal
25 drugs, and delinquency;

1 “(ii) create a well-disciplined environ-
2 ment conducive to learning, which includes
3 consultation between teachers, principals,
4 and other school personnel to identify early
5 warning signs of illegal drug use and vio-
6 lence and to provide behavioral interven-
7 tions as part of classroom management ef-
8 forts; and

9 “(iii) prepare for, prevent, mitigate,
10 respond to, and recover from violent or
11 traumatic events and restore the learning
12 environment in the event of a violent or
13 traumatic event; and

14 “(D) include activities to—

15 “(i) promote the involvement of par-
16 ents in the comprehensive programs and
17 activities;

18 “(ii) promote coordination with com-
19 munity groups and coalitions, and govern-
20 ment agencies; and

21 “(iii) distribute information about the
22 local educational agency’s needs, goals, and
23 programs and activities under this section.

24 “(2) **AUTHORIZED ACTIVITIES.**—Each local
25 educational agency that receives a subgrant under

1 section 4114 may use the subgrant funds to carry
2 out activities that meet the principles of effectiveness
3 described in subsection (a), which shall include at
4 least 1 of the following:

5 “(A) Age appropriate and developmentally-
6 based activities that—

7 “(i) address the consequences of vio-
8 lence and the consequences and dangers of
9 illegal use of drugs, as appropriate;

10 “(ii) teach students—

11 “(I) to recognize and resist social
12 and peer pressure, or familial influ-
13 ence, to use drugs illegally;

14 “(II) the skills for resisting ille-
15 gal drug use and its effects; and

16 “(III) to seek advice from teach-
17 ers or adult authorities, as appro-
18 priate;

19 “(iii) incorporate activities in sec-
20 ondary schools that reinforce prevention
21 activities implemented in elementary
22 schools; and

23 “(iv) teach students about the con-
24 sequences of bullying and harassment.

1 “(B) Activities that involve families, com-
2 munity members, and a variety of drug and vio-
3 lence prevention providers in setting clear ex-
4 pectations against violence and illegal use of
5 drugs.

6 “(C) Professional development and train-
7 ing for school personnel and parents in preven-
8 tion, education, early identification and inter-
9 vention, mentoring, or rehabilitation referral, as
10 related to drug and violence prevention.

11 “(D) Drug and violence prevention activi-
12 ties that shall include 1 or more of the fol-
13 lowing:

14 “(i) Community-wide activities to re-
15 duce violence and illegal drug use, includ-
16 ing dissemination of drug and violence pre-
17 vention information to schools and the
18 community.

19 “(ii) Supporting safe zones of passage
20 activities that ensure that students travel
21 safely to and from school, which may in-
22 clude bicycle and pedestrian safety pro-
23 grams.

24 “(iii) The hiring and mandatory train-
25 ing, based on scientific research, of school

1 security personnel (including school re-
2 source officers) who interact with students
3 in support of youth drug and violence pre-
4 vention activities under this subpart that
5 are implemented in the school.

6 “(iv) Expanded and improved school-
7 based mental health services, provided by
8 qualified school-based mental health service
9 providers, related to the early identification
10 of illegal drug use and violence, which serv-
11 ices may include counseling, mentoring, re-
12 ferral services, and other student assist-
13 ance practices and programs.

14 “(v) Conflict resolution programs, in-
15 cluding peer mediation programs that edu-
16 cate and train peer mediators and a des-
17 ignated faculty supervisor, and activities
18 related to youth anti-crime and antidrug
19 councils.

20 “(vi) Alternative education programs
21 or services for violent or drug abusing stu-
22 dents that reduce the need for suspension
23 or expulsion or that serve students who
24 have been suspended or expelled from the
25 regular educational settings, including pro-

1 grams or services to assist students to
2 make continued progress toward meeting
3 the State student academic achievement
4 standards described in section 1111(b) and
5 to reenter the regular educational settings.

6 “(vii) Age-appropriate, develop-
7 mentally-based violence prevention and
8 education programs that address victimiza-
9 tion associated with prejudice and intoler-
10 ance, and that include activities designed
11 to help students develop a sense of indi-
12 vidual responsibility and respect for the
13 rights of others, and resolve conflicts with-
14 out violence.

15 “(viii) Consistent with the fourth
16 amendment to the Constitution of the
17 United States, the testing of a student for
18 illegal drug use or the inspecting of a stu-
19 dent’s locker for weapons, illegal drugs, or
20 drug paraphernalia (including at the re-
21 quest of or with the consent of a parent or
22 legal guardian), if the local educational
23 agency elects to so test or inspect.

24 “(ix) Emergency intervention services
25 following violent or traumatic events, such

1 as a shooting, major accident, or drug-re-
2 lated incident, that have disrupted the
3 learning environment.

4 “(x) Establishing or implementing a
5 system for transferring suspension and ex-
6 pulsion records, consistent with section
7 444 of the General Education Provisions
8 Act (20 U.S.C. 1232g), by a local edu-
9 cational agency to any public or private el-
10 elementary school or secondary school.

11 “(xi) Developing and implementing
12 comprehensive character education pro-
13 grams, as a component of drug and vio-
14 lence prevention programs, that take into
15 account the views of parents of the stu-
16 dents for whom such a character education
17 program is intended and such students,
18 such as a program described in subpart 3
19 of part D of title V.

20 “(xii) Establishing and maintaining a
21 school safety hotline.

22 “(xiii) Community service, including
23 community service performed by expelled
24 students, and service-learning projects.

1 “(xiv) Conducting a nationwide back-
2 ground check of each local educational
3 agency employee and prospective employee
4 for the purpose of determining whether the
5 employee or prospective employee has been
6 convicted of a crime that bears upon the
7 employee’s qualification to be employed by
8 the local educational agency.

9 “(xv) Programs to train school per-
10 sonnel to identify warning signs of youth
11 suicide and to create an action plan to help
12 youth at risk of suicide.

13 “(xvi) Programs that respond to the
14 needs of students who are faced with do-
15 mestic violence or child abuse.

16 “(xvii) Programs that address the
17 causes of bullying and harassment and
18 that train teachers, administrators, pupil
19 services personnel, and other school per-
20 sonnel regarding strategies to prevent bul-
21 lying and harassment and to effectively in-
22 tervene when incidents of bullying or har-
23 assment occur.

24 “(E) The establishment, operation, and
25 improvement of local programs relating to im-

1 proving the school-wide climate in order to fos-
2 ter learning, including implementation of posi-
3 tive behavior supports and other programs.

4 “(F)(i) The establishment and implemen-
5 tation of a comprehensive school safety and
6 emergency response plan, that incorporates
7 input from the community, including local law
8 enforcement and local emergency management
9 or response agencies.

10 “(ii) Obtaining technical assistance con-
11 cerning such a plan, which may include obtain-
12 ing a security assessment or assistance from
13 the School Security and Technology Resource
14 Center at the Sandia National Laboratory lo-
15 cated in Albuquerque, New Mexico.

16 “(G) The evaluation of any of the pro-
17 grams or activities authorized under this sub-
18 section and the collection of objective data used
19 to assess program or activity needs or imple-
20 mentation, or the success of such a program or
21 activity in achieving its goals and objectives.

22 “(c) LIMITATION.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), an amount of not more than 15 percent
25 of the funds available to a local educational agency

1 under section 4114 may be used to carry out the ac-
2 tivities described in clauses (ii) and (iii) of subpara-
3 graph (D), and subparagraph (F), of subsection
4 (b)(2), of which not more than 50 percent of such
5 amount may be used to carry out the activities de-
6 scribed in clause (ii) of such subsection.

7 “(2) EXCEPTION.—A local educational agency
8 may use funds available under section 4114 for ac-
9 tivities described in clauses (v) and [(xiv)] of sub-
10 paragraph (D), and subparagraph (F), of subsection
11 (b)(2) only if funding for those activities is not re-
12 ceived from other Federal agencies (other than the
13 Department of Education).

14 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion shall be construed to prohibit the use of funds under
16 this subpart by any local educational agency or school for
17 the establishment or implementation of a school uniform
18 policy if such policy is part of the overall comprehensive
19 drug and violence prevention plan of the State involved
20 and is supported by the State’s needs assessment and
21 other [scientifically based research] information.”.

22 **SEC. 415. REPORTING.**

23 Section 4116(a)(1) (20 U.S.C. 7116(a)(1)) is amend-
24 ed—

1 (1) in subparagraph (A), by striking “section
2 4112(a)(1) and”;

3 (2) in subparagraph (B)—

4 (A) by striking “section 4113(a)(10)” and
5 inserting “section 4113(a)(12)”; and

6 (B) by striking the “and” at the end; and

7 (3) in subparagraph (C), by striking the period
8 and inserting a semicolon; and

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

10 “(D) containing, if relevant, a description
11 of the programs and activities funded under
12 section 4112(a); and

13 “(E) including the information described
14 in section 4112 (c)(3)(B).”.

15 **SEC. 416. NATIONAL ACTIVITIES.**

16 Section 4121 (20 U.S.C. 7131) is amended—

17 (1) by striking the section heading and insert-
18 ing the following:

19 **“SEC. 4121. NATIONAL ACTIVITIES.”;**

20 (2) in subsection (a)—

21 (A) in the matter preceding paragraph (1),
22 by striking “and the Attorney General,” and in-
23 serting “the Attorney General, and (in appro-
24 priate cases) the Secretary of Homeland Secu-
25 rity,”;

1 (B) in paragraph (2)—

2 (i) in subparagraph (C), by striking

3 “and” at the end; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(E) projects with systemic positive behav-
7 ior support approaches, including a range of
8 strategies designed to reinforce positive behav-
9 iors and eliminate reinforcement for problem
10 behaviors in order to achieve important social
11 outcomes and increase student learning; and

12 “(F) school and community-based men-
13 toring programs.”; and

14 (C) in paragraph (5)—

15 (i) by inserting “the provision of” be-
16 fore “technical assistance”;

17 (ii) by striking “chief executive offi-
18 cers” and inserting “Governors”; and

19 (iii) by inserting “and emergency re-
20 sponse planning activities,” after “preven-
21 tion programs”.

22 **SEC. 417. IMPACT EVALUATION.**

23 Section 4122 (20 U.S.C. 7132) is amended—

1 (1) in subsection (a)(2), by striking “and school
2 violence,” and inserting “school violence, including
3 bullying and harassment,”;

4 (2) in subsection (b), by striking “and anony-
5 mous teacher surveys” and inserting “anonymous
6 teacher surveys, and data reported by the States
7 under section 4112(c)(3)(D)”;

8 (3) in subsection (c)—

9 (A) by striking “2003” and inserting
10 “2009”;

11 (B) by striking “and Congress” and insert-
12 ing “, the Committee on Education and Labor
13 of the House of Representatives, and the Com-
14 mittee on Health, Education, Labor, and Pen-
15 sions of the Senate”;

16 (C) by inserting “illegal” before “drug
17 use”.

18 **SEC. 418. SAFE AND DRUG-FREE SCHOOLS AND COMMU-**

19 **NITIES ADVISORY COMMITTEE.**

20 Section 4124 (20 U.S.C. 7134) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) in the matter preceding subpara-
24 graph (A), by striking “Drug Free” and
25 inserting “Drug-Free”; and

1 (ii) in subparagraph (E), by striking
2 “to safe and drug-free school- and commu-
3 nity-based programs” and inserting “on ef-
4 fective strategies of reducing illegal drug
5 use and preventing violence in schools, to
6 State educational agencies and local edu-
7 cational agencies”; and

8 (B) in paragraph (2)—

9 (i) by redesignating subparagraphs (I)
10 and (J) as subparagraphs (J) and (K), re-
11 spectively; and

12 (ii) by inserting after subparagraph
13 (H) the following:

14 “(I) the Department of Home-
15 land Security;”; and

16 (2) in subsection (b)—

17 (A) in paragraph (1), by striking “chief ex-
18 ecutive officer’s” and inserting “Governors”;
19 and

20 (B) in paragraph (4)(A), by striking clause
21 (iv) and inserting the following:

22 “(iv) implement **【**scientifically based
23 research**】** activities that have been shown
24 to be effective and that meet identified
25 needs;”.

1 **SEC. 419. NATIONAL COORDINATOR PROGRAM.**

2 **【**Note: All of section 4125 (20 U.S.C. 7135) is under
3 discussion.**】**

4 **SEC. 420. MENTORING PROGRAMS.**

5 Section 4130 (20 U.S.C. 7140) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (B), by striking
9 “achievement of such children” and insert-
10 ing “outcomes of such children by improv-
11 ing their school connectedness, decreasing
12 absenteeism, and increasing academic per-
13 formance”;

14 (ii) in subparagraph (D), by striking
15 “of such children; and” and inserting “and
16 raise the secondary school graduation rate
17 of such children;”;

18 (iii) in subparagraph (E), by striking
19 the period and inserting “; and”; and

20 (iv) by adding at the end the fol-
21 lowing:

22 “(F) to foster character education (as de-
23 fined in section 5431(j)).”; and

24 (B) in paragraph (2)—

25 (i) in subparagraph (A), by striking
26 “or who lacks strong positive role models”

1 and inserting “who has 1 or more parents
2 who are incarcerated, who is a foster
3 youth, or who lacks strong positive role
4 models”; and

5 (ii) in subparagraph (B), by striking
6 clause (iii) and inserting the following:

7 “(iii) a consortium—

8 “(I) that shall include a local
9 educational agency or a nonprofit
10 community-based organization; and

11 “(II) that may include another
12 partner, such as a business, institu-
13 tion of higher education, or foster
14 care group home.”;

15 (2) in subsection (b)—

16 (A) in paragraph (1)—

17 (i) in the matter preceding subpara-
18 graph (A), by striking “under section
19 4003(2)”;

20 (ii) in subparagraph (A), in the mat-
21 ter preceding clause (i), by striking “such
22 children” and all that follows through
23 “with mentors” and inserting “such chil-
24 dren (particularly children described in
25 paragraph (5)(B)(i)) with mentors”; and

1 (iii) in subparagraph (B)—

2 (I) in clause (iii), by striking
3 “participation in” and inserting
4 “school attendance for”;

5 (II) in clause (iv), by inserting
6 “involvement in gangs,” after “vio-
7 lence,”;

8 (III) in clause (vi), by striking
9 “and planning for postsecondary edu-
10 cation or training,” and inserting “,
11 planning for postsecondary education
12 or training, and participating in in-
13 ternships”; and

14 (IV) by striking clause (viii);

15 (B) in paragraph (2)(A)—

16 (i) in the matter preceding clause (i),
17 by striking “that may include—” and in-
18 serting “that shall include 1 or more ac-
19 tivities consisting of—”; and

20 (ii) by striking clause (vi) and insert-
21 ing the following:

22 “(vi) evaluation of the mentoring pro-
23 gram using **【scientifically based methods;】**
24 and”;

25 (C) in paragraph (4)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “submit to the Sec-
3 retary an application” and inserting “sub-
4 mit to the Secretary, at such time and in
5 such manner as the Secretary may reason-
6 ably require, an application”;

7 (ii) by striking subparagraph (D) and
8 inserting the following:

9 “(D) assurances that—

10 “(i) no mentor will be assigned to
11 more than 3 children; and

12 “(ii) when a mentor is assigned to
13 more than 1 child, such assignment will
14 not undermine the mentor’s ability to be
15 an effective mentor or to establish a close
16 relationship with each mentored child;”;

17 (iii) in subparagraph (I), by striking
18 the “and” at the end;

19 (iv) in subparagraph (J), by striking
20 the period and inserting “; and”; and

21 (v) by adding at the end the following:

22 “(K) information regarding the staffing
23 plans and levels the eligible entity will use to
24 monitor the appropriateness of the mentor-to-

1 mentee match over the duration of the match;
2 and

3 “(L) information regarding the eligible en-
4 tity’s plan for sustainability of programs and
5 activities, and specifically information regarding
6 how the eligible entity will meet the require-
7 ments (relating to amounts from non-Federal
8 sources) described in paragraph (6).”; and

9 (D) in paragraph (5)—

10 (i) in subparagraph (B)(i), by striking
11 “living in rural” and all that follows and
12 inserting “who are living in rural or urban
13 areas, living in areas facing high rates of
14 crime, gang involvement, illegal drug use,
15 school dropouts, or youth suicides, living in
16 troubled home environments, attending
17 schools with violence problems, or foster
18 children;”;

19 (ii) in subparagraph (C)—

20 (I) in clause (ii)—

21 (aa) in subclause (II), by in-
22 sserting “children,” after “organi-
23 zations,”;

24 (bb) in subclause (III), by
25 adding “and” at the end; and

1 (cc) by striking subclauses
2 (IV) and (V) and inserting the
3 following:

4 “(IV) the degree to which the
5 mentoring program will serve children
6 with greatest need in the 4th through
7 8th grades and continue to serve such
8 children through graduation from sec-
9 ondary school; and”;

10 (II) in clause (iii), by inserting
11 before the period the following: “and
12 sustain the program for the duration
13 of the grant period and beyond”; and
14 (iii) by adding at the end the fol-
15 lowing:

16 “(E) SUBSEQUENT GRANTS.—In the case
17 of an entity who has received an initial grant
18 under subparagraph (A), the Secretary shall
19 consider awarding a subsequent grant to the
20 entity only if each of the following criteria is
21 met:

22 “(i) PERFORMANCE.—The Secretary
23 determines that the performance of the eli-
24 gible entity during the initial grant period

1 was satisfactory in terms of program de-
2 sign and numbers of children served.

3 “(ii) EXPANDED SERVICE.—The sub-
4 sequent grant will exclusively support ex-
5 panded service to a new geographic area or
6 target population.

7 “(iii) ABILITY TO PROVIDE MATCH.—
8 The eligible entity demonstrates that the
9 entity will provide, from non-Federal
10 sources, an amount that is not less than
11 50 percent of the cost of the programs and
12 activities authorized under this subsection,
13 for each of the 3 years of the subsequent
14 grant period.

15 “(F) POLICY ON ONE ENTITY HAVING TWO
16 GRANTS AT SAME TIME.—In awarding grants
17 under subparagraph (A), the Secretary may
18 have in effect a policy that prohibits an entity
19 from having 2 grants at the same time. How-
20 ever, the Secretary shall not prohibit an entity
21 from having 2 such grants at the same time
22 when the grant periods of the 2 grants overlap
23 by 3 months or less.”; and

24 (E) by adding at the end the following:

1 “(B) track the mentoring practices of, and
2 outcomes achieved by, all the grant recipients
3 throughout the 3-year grant period; and

4 “(C) annually prepare and submit to Con-
5 gress a report detailing the number of children
6 served by the grant recipients and the outcomes
7 achieved for those children.

8 “(2) RESEARCH ON SCHOOL-BASED MEN-
9 TORING.—In order to ensure that the grant recipi-
10 ents have access to the most current research-based
11 knowledge about building and carrying out strong
12 and effective mentoring programs, the Secretary
13 shall do each of the following:

14 “(A) Consult with leading mentoring orga-
15 nizations and researchers, including the Federal
16 Mentoring Council and the National Mentoring
17 Working Group, to determine priorities for re-
18 search on school-based mentoring and appro-
19 priate research design, with consideration for—

20 “(i) determining the ideal school envi-
21 ronment in which school-based mentoring
22 succeeds;

23 “(ii) identifying techniques for match-
24 ing children with specific characteristics
25 (such as age, academic situation, or a risk

1 factor) with the most appropriate men-
2 toring models;

3 “(iii) determining the ideal infrastruc-
4 ture needed to foster the expansion of
5 school-based mentoring in a sustainable
6 way; and

7 “(iv) refining best practices, match
8 activities, and a range of mentoring models
9 to lead to the best possible outcomes for
10 children.

11 “(B) Award grants or contracts for a fiscal
12 year (if the amount appropriated for that fiscal
13 year under subsection (d) is not less than
14 \$50,000,000) to high-quality research entities
15 to perform research on the priorities determined
16 under subparagraph (A), that meets each of the
17 following criteria:

18 “(i) RESEARCH DESIGN.—The pro-
19 posed research design for the research
20 shall meet accepted standards within the
21 academic community.

22 “(ii) DISSEMINATION.—All research
23 results and findings shall be widely dis-
24 seminated to entities that are grant recipi-
25 ents under this section (as of the date of

1 the dissemination) and to the larger men-
2 toring community.

3 **【“(d) AUTHORIZATION OF APPROPRIATIONS; RES-**
4 **ERVATION OF CERTAIN AMOUNTS.—】**

5 **【“(1) AUTHORIZATION.—**There are authorized
6 to be appropriated to carry out this section
7 \$100,000,000 for fiscal year 2008 and such sums as
8 may be necessary for each succeeding fiscal year.**】**

9 **【“(2) RESERVATIONS.—**Each fiscal year, the
10 Secretary shall reserve**—】**

11 **【“(A) not more than 5 percent of the**
12 amount appropriated under paragraph (1) for
13 that fiscal year, to carry out subsection (c)(1);
14 and**】**

15 **【“(B) not more than 10 percent of the**
16 amount appropriated under paragraph (1) for
17 that fiscal year, to carry out subsection
18 (c)(2).”**】**

19 **SEC. 421. NATIONAL CLEARINGHOUSE FOR EDUCATIONAL**
20 **FACILITIES.**

21 Subpart 2 of part A of title IV (20 U.S.C. 7131 et
22 seq.) is amended by adding at the end the following:

1 **["SEC. 4131. NATIONAL CLEARINGHOUSE FOR EDU-**
2 **CATIONAL FACILITIES.]**

3 **["(a) IN GENERAL.—**The Secretary shall award a
4 grant or contract, on a competitive basis, to an entity to
5 operate and maintain the National Clearinghouse for Edu-
6 cational Facilities. The clearinghouse shall collect and dis-
7 seminate information on effective best practices for, and
8 the latest research on, planning, designing, financing,
9 building, improving, and maintaining safe, healthy, high-
10 performance school facilities for preschools, elementary
11 schools, secondary schools, and institutions of higher edu-
12 cation.]

13 **["(b) DURATION.—**The Secretary shall award the
14 grant or contract for a period of 5 years.]

15 **["(c) AUTHORIZATION OF APPROPRIATIONS.—**There
16 are authorized to be appropriated to carry out this section
17 \$1,500,000 for fiscal year 2008, and similar amounts, up-
18 dated annually based on changes in the Consumer Price
19 Index for All Urban Consumers, for each of the 4 suc-
20 ceeding fiscal years.”.]

21 **SEC. 422. DEFINITIONS.**

22 Section 4151 (20 U.S.C. 7161) is amended by adding
23 at the end the following:

24 **["(12) BULLYING.—**The term ‘bullying’ means
25 conduct—]

1 **【“(A) that is based on a student’s actual**
2 **or perceived race, color, national origin, sex,**
3 **disability, sexual orientation, gender identity,**
4 **religion, [or] other distinguishing characteristic**
5 **【specified】 by a State or local educational**
6 **agency; and】**

7 **【“(B) that—】**

8 **【“(i) affects 1 or more students; and】**

9 **【“(ii) adversely affects the ability of a**
10 **student to participate in or benefit from a**
11 **school’s educational programs or activities**
12 **by placing the student in reasonable fear**
13 **of physical harm.】**

14 **【“(13) HARASSMENT.—The term ‘harassment’**
15 **means conduct—】**

16 **【“(A) that is based on a student’s actual**
17 **or perceived race, color, national origin, sex,**
18 **disability, sexual orientation, gender identity,**
19 **religion, [or] other distinguishing characteristic**
20 **【specified】 by a State or local educational**
21 **agency; and】**

22 **【“(B) that—】**

23 **【“(i) affects 1 or more students; and】**

24 **【“(ii) adversely affects the ability of a**
25 **student to participate in or benefit from a**

1 school’s educational programs or activities
2 because the conduct as reasonably per-
3 ceived by the student is so severe, per-
4 sistent, or pervasive.】

5 【“(14) VIOLENCE.—The term ‘violence’ in-
6 cludes bullying and harassment.”.】

7 **SEC. 423. EFFECT ON OTHER LAWS.**

8 Subpart 4 of part A of title IV (20 U.S.C. 7161 et
9 seq.) is amended by adding at the end the following:

10 **“SEC. 4156. EFFECT ON OTHER LAWS.**

11 “(a) FEDERAL AND STATE NONDISCRIMINATION
12 LAWS.—Nothing in this part shall be construed to invali-
13 date or alter the rights, remedies, procedures, or legal
14 standards available to victims of discrimination under any
15 other Federal law or any law of any State or political sub-
16 division of a State, including title VI of the Civil Rights
17 Act of 1964, title IX of the Education Amendments of
18 1972, section 504 of the Rehabilitation Act of 1973, or
19 the Americans with Disabilities Act of 1990. The obliga-
20 tions imposed by this part are in addition to those imposed
21 by title VI of the Civil Rights Act of 1965, title IX of
22 the Education Amendments of 1972, 【section 504 of the
23 Rehabilitation Act of 1973】, and the Americans with Dis-
24 abilities Act of 1990. 【Note: Did you mean to include the
25 Age Discrimination Act of 1975?】

1 “(b) FREE SPEECH AND EXPRESSION LAWS.—Noth-
2 ing in this part shall be construed to alter legal standards
3 regarding, or affect the rights available to individuals
4 under, other Federal laws that establish protections for
5 freedom of speech and expression.”.

6 **PART B—21ST CENTURY COMMUNITY LEARNING**
7 **CENTERS**

8 **SEC. 431. PURPOSE; DEFINITIONS.**

9 Section 4201 (20 U.S.C. 7171) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by striking “such as
12 reading and mathematics” and inserting “such
13 as reading or language arts, mathematics, and
14 science”;

15 (B) in paragraph (2)—

16 (i) by inserting “service learning edu-
17 cation, nutrition education,” after “devel-
18 opment activities,”;

19 (ii) by striking “recreation” and in-
20 sserting “physical fitness and wellness”;
21 and

22 (iii) by striking “and” after the semi-
23 colon;

24 (C) in paragraph (3), by striking the pe-
25 riod and inserting “; and”; and

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

2 “(4) meet the specific needs of the communities
3 that the community learning center serves.”; and

4 (2) in subsection (b)—

5 (A) in paragraph (1)(A), by striking “such
6 as reading and mathematics” and inserting
7 “such as reading or language arts, mathe-
8 matics, and science”;

9 (B) by striking paragraph (2); and

10 (C) by redesignating paragraphs (3) and

11 (4) as paragraphs (2) and (3), respectively.

12 **SEC. 432. ALLOTMENT TO STATES.**

13 Section 4202 (20 U.S.C. 7172) is amended—

14 (1) in subsection (a)—

15 (A) by striking paragraph (1);

16 (B) by redesignating paragraphs (2) and
17 (3) as paragraphs (1) and (2), respectively; and

18 (C) by striking paragraph (2), as redesign-
19 dated by subparagraph (B), and inserting the
20 following:

21 [“(2) not more than 1 percent for payments to
22 the outlying areas and the Bureau of Indian Affairs,
23 to be allotted in accordance with their respective
24 needs for assistance under this part, as determined

1 by the Secretary, to enable the outlying areas and
2 the Bureau to carry out the purpose of this part.”;】

3 (2) in subsection (c)—

4 (A) in paragraph (1), by striking “Each
5 State that receives an allotment under this part
6 shall reserve not less than 95 percent” and in-
7 serting “Except as provided in paragraph (4),
8 each State that receives an allotment under this
9 part shall reserve not less than 94 percent”;

10 (B) in the undesignated matter following
11 paragraph (2)(B), by striking “supervising the”
12 and inserting the following:

13 “(C) supervising the”; and

14 (C) in paragraph (3), by adding at the end
15 the following:

16 “(E) Supporting State-level efforts and in-
17 frastructure to ensure the quality and avail-
18 ability of after school programs.

19 “(F) Providing technical assistance to eli-
20 gible entities that plan to strengthen the inte-
21 gration of staff and alignment of curriculum be-
22 tween the school and the school-based after
23 school program.”; and

24 (D) by adding at the end the following:

1 “(4) ADDITIONAL FUNDING FOR STATE ACTIVI-
2 TIES.—In addition to the amount described in para-
3 graph (3), a State educational agency may reserve
4 an additional 1 percent of the amount made avail-
5 able to the State under subsection (b) for a fiscal
6 year to carry out activities described in subpara-
7 graph (E) or (F) of paragraph (3), if the allocation
8 of such additional funding to such activities does not
9 result in a reduction in the funding provided for
10 such fiscal year to an eligible entity that was pre-
11 viously awarded a grant under this part, as com-
12 pared to the fiscal year preceding such fiscal year.”.

13 **SEC. 433. LOCAL COMPETITIVE GRANT PROGRAM.**

14 Section 4204(b)(2) (20 U.S.C. 7174(b)(2)) is amend-
15 ed—

16 (1) in subparagraph (M), by striking “and”
17 after the semicolon;

18 (2) by redesignating subparagraph (N) as sub-
19 paragraph (P); and

20 (3) by inserting after subparagraph (M) (as
21 amended by paragraph (3)) the following:

22 “(N) an assurance that the proposed pro-
23 gram will coordinate with activities offered dur-
24 ing the school day, including physical fitness
25 and wellness programs;

1 “(O) a description of how the eligible enti-
2 ty will engage parents and the community in
3 developing diverse learning experiences needed
4 to achieve postsecondary and **【work-ready】**
5 skills, such as critical thinking, teamwork, and
6 communication, and how such experiences are
7 anchored to high standards, rooted in practical
8 application, and aligned to educational re-
9 sources throughout the community, including
10 how such experiences utilize innovative uses of
11 time and partnerships to lead to more positive
12 student outcomes; and”.

13 **SEC. 434. LOCAL ACTIVITIES.**

14 Section 4205 (20 U.S.C. 7175) is amended—

15 (1) in subsection (a)—

16 (A) in the matter preceding paragraph (1),
17 by inserting “enrich, enhance, and” before “ad-
18 vance student”;

19 (B) in paragraph (2), by striking “mathe-
20 matics and science education activities” and in-
21 serting “reading or language arts, mathematics,
22 and science activities”;

23 (C) in paragraph (6), by striking “limited
24 English proficient students” and inserting
25 “English language learners”;

1 (D) in paragraph (11), by striking “and”
2 after the semicolon;

3 (E) in paragraph (12), by striking the pe-
4 riod and inserting “; and”; and

5 (F) by adding at the end the following:

6 “(13) programs that promote students being
7 healthy and active, including nutritional education
8 and regular, structured physical activity programs.”;
9 and

10 (2) by adding at the end the following:

11 “(c) RULE OF CONSTRUCTION.—Nothing in this part
12 shall be construed to prohibit a community learning center
13 receiving assistance under this part from being approved
14 as a provider of supplemental educational services under
15 section 1116(e) by the State educational agency if the
16 community learning center meets the eligibility require-
17 ments for supplemental educational service providers, as
18 determined by the State educational agency in accordance
19 with section 1116(e)(4).”.

20 **SEC. 435. NATIONAL ACADEMY OF SCIENCES STUDY AND**
21 **PANEL.**

22 Section 4206 (20 U.S.C. 7176) is amended to read
23 as follows:

1 **["SEC. 4206. NATIONAL ACADEMY OF SCIENCES STUDY AND**
2 **PANEL.]**

3 **["(a) STUDY.—**Not later than 60 days after the date
4 of enactment of the **[short title of Act]**, the Secretary
5 shall enter into a contract with the National Academy of
6 Sciences to conduct a study focused on expanding the defi-
7 nition of what constitutes student success and identifying
8 strategies for helping students acquire the skills for such
9 success. The study shall examine the following:**]**

10 **["(1) A review and synthesis of the research**
11 identifying skills and knowledge, including skills and
12 knowledge beyond traditional academic subject
13 areas, developed by school-age children which have
14 been shown to relate to success in adult life. Par-
15 ticular focus shall be given to identifying work-ready
16 skills (such as critical and creative thinking, team-
17 work, and communication) and skills needed for civic
18 participation and engagement. To the extent prac-
19 ticable, the study shall examine how such skills
20 interact with other components of student success
21 that are known to contribute to becoming a well pre-
22 pared adult in and beyond the workplace.**]**

23 **["(2) A review of research about the teaching**
24 and learning of the work-ready and civic skills iden-
25 tified under paragraph (1). The review shall examine
26 research describing the timing and sequence of how

1 such skills may emerge within a developmental
2 framework.】

3 【“(3) Identification of strategies to develop and
4 strengthen the acquisition of such work-ready and
5 civic skills, including the development of curricula,
6 measures, and assessments.】

7 【“(b) PANEL.—The study described in subsection (a)
8 shall be conducted by a panel, the membership of which
9 shall consist of an appropriate number of experts from the
10 in-school and out-of-school fields such as—】

11 【“(1) experts in child and adolescent develop-
12 ment;】

13 【“(2) experts in education, including experts in
14 out-of-school and in-school learning and in pre-
15 kindergarten through 12th grade education;】

16 【“(3) experts in academic and non-academic
17 assessments;】

18 【“(4) representatives from the business commu-
19 nity;】

20 【“(5) experts knowledgeable about civic skills
21 and civic engagement; and】

22 【“(6) experts in innovations in assessments.】

23 【“(c) REPORT.—Not later than 24 months after the
24 contract with the National Academy of Sciences is exe-
25 cuted, the panel described in subsection (b) shall issue a

1 report that includes conclusions and recommendations for
2 policy and practice regarding the matters examined under
3 paragraphs (1) through (3) of subsection (a).”.]

4 **SEC. 436. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) AMENDMENT.—Part B of title IV (200 U.S.C.
6 7171 et seq.) is amended by adding at the end the fol-
7 lowing:

8 **“SEC. 4207. AUTHORIZATION OF APPROPRIATIONS.**

9 “There are authorized to be appropriated—

10 [“(1) \$ _____ for fiscal year
11 2008;]

12 [“(2) \$ _____ for fiscal year
13 2009;]

14 [“(3) \$ _____ for fiscal year
15 2010;]

16 [“(4) \$ _____ for fiscal year
17 2011;]

18 [“(5) \$ _____ for fiscal year
19 2012; and]

20 [“(6) \$ _____ for fiscal year
21 2013.”.]

22 (b) CONFORMING AMENDMENTS.—Section 4202 (20
23 U.S.C. 7172) is amended—

1 (1) in the matter preceding paragraph (1) of
2 subsection (a), by striking “4206” and inserting
3 “4207”; and

4 (2) in subsection (b)(1), by striking “4206”
5 and inserting “4207”.

6 **PART C—ENVIRONMENTAL TOBACCO SMOKE**

7 **SEC. 441. REDESIGNATIONS.**

8 Title IV (20 U.S.C. 7101 et seq.) is amended—

9 (1) by redesignating part C as part E; and

10 (2) by redesignating sections 4301 through
11 4304 as sections 4501 through 4504, respectively.

12 **PART D—TO BE SUPPLIED**

13 **SEC. 451. [TO BE SUPPLIED].**

14 **[Language to be supplied]**

15 **PART E—SUMMER TERM EDUCATION PROGRAMS**

16 **SEC. 461. SUMMER TERM EDUCATION PROGRAMS.**

17 Title IV (20 U.S.C. 7101 et seq.) is amended by in-
18 serting after part C (as added by section 451) the fol-
19 lowing:

20 **“PART D—SUMMER TERM EDUCATION**

21 **PROGRAMS**

22 **“SEC. 4401. SUMMER TERM EDUCATION PROGRAMS.**

23 “(a) PURPOSE.—The purpose of this section is to cre-
24 ate opportunities for summer learning by providing sum-
25 mer learning grants to eligible students, in order to—

1 “(1) provide the students with access to sum-
2 mer learning;

3 “(2) facilitate the enrollment of students in ele-
4 mentary schools or youth development organizations
5 during the summer;

6 “(3) promote collaboration between teachers
7 and youth development professionals in order to
8 bridge gaps between schools and youth programs;
9 and

10 “(4) encourage teachers to try new techniques,
11 acquire new skills, and mentor new colleagues.

12 “(b) DEFINITIONS.—In this section:

13 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
14 tity’ means an entity that—

15 “(A) desires to participate in a summer
16 learning grant program under this section by
17 providing summer learning opportunities de-
18 scribed in subsection (d)(4)(A)(ii) to eligible
19 students; and

20 “(B) is—

21 “(i) a high-need local educational
22 agency; or

23 “(ii) a consortium consisting of a
24 high-need local educational agency and 1
25 or more of the following entities:

1 “(I) Another local educational
2 agency.

3 “(II) A community-based youth
4 development organization with a dem-
5 onstrated record of effectiveness in
6 helping students learn.

7 “(III) An institution of higher
8 education.

9 “(IV) An educational service
10 agency.

11 “(V) A for-profit educational pro-
12 vider, nonprofit organization, mu-
13 seum, or summer enrichment camp,
14 that has been approved by the State
15 educational agency to provide the
16 summer learning opportunity de-
17 scribed in subsection (d)(4)(A)(ii).

18 “(2) ELIGIBLE STUDENT.—The term ‘eligible
19 student’ means a student who—

20 “(A) is eligible for a free lunch under the
21 Richard B. Russell National School Lunch Act
22 (42 U.S.C. 1751 et seq.);

23 “(B) is served by a local educational agen-
24 cy identified by the State educational agency in

1 the application described in subsection (c)(2);
2 and

3 “(C) is eligible to enroll in any of the
4 grades kindergarten through grade 8 for the
5 school year following participation in the pro-
6 gram.

7 “(3) HIGH-NEED LOCAL EDUCATIONAL AGEN-
8 CY.—The term ‘high-need local educational agency’
9 means a local educational agency—

10 “(A) that serves not fewer than 10,000
11 children from low-income families;

12 “(B) for which not less than 20 percent of
13 the children served by the agency are children
14 from low-income families; or

15 “(C) that is a local educational agency that
16 is eligible under section 6221(b) or 6211(b).

17 “(c) DEMONSTRATION GRANT PROGRAM.—

18 “(1) PROGRAM AUTHORIZED.—

19 “(A) IN GENERAL.—From the funds ap-
20 propriated under subsection (f) for a fiscal year,
21 the Secretary shall carry out a demonstration
22 grant program in which the Secretary awards
23 grants, on a competitive basis, to State edu-
24 cational agencies to enable the State edu-

1 cational agencies to pay the Federal share of
2 summer learning grants for eligible students.

3 “(B) NUMBER OF GRANTS.—For each fis-
4 cal year, the Secretary shall award not more
5 than 5 grants under this section.

6 “(2) APPLICATION.—A State educational agen-
7 cy that desires to receive a grant under this section
8 shall submit an application to the Secretary at such
9 time, in such manner, and accompanied by such in-
10 formation as the Secretary may require. Such appli-
11 cation shall identify the areas in the State where the
12 summer learning grant program will be offered and
13 the local educational agencies that serve such areas.

14 “(3) AWARD BASIS.—

15 “(A) SPECIAL CONSIDERATION.—In
16 awarding grants under this section, the Sec-
17 retary shall give special consideration to a State
18 educational agency that agrees, to the extent
19 possible, to enter into agreements with eligible
20 entities that are consortia described in sub-
21 section (b)(1)(B)(ii).

22 “(B) GEOGRAPHIC DISTRIBUTION.—In
23 awarding grants under this section, the Sec-
24 retary shall take into consideration an equitable
25 geographic distribution of the grants.

1 “(d) SUMMER LEARNING GRANTS.—

2 “(1) USE OF GRANTS FOR SUMMER LEARNING
3 GRANTS.—

4 “(A) IN GENERAL.—Each State edu-
5 cational agency that receives a grant under sub-
6 section (c) for a fiscal year shall use the grant
7 funds to provide summer learning grants for
8 the fiscal year to eligible students in the State
9 who desire to attend a summer learning oppor-
10 tunity offered by an eligible entity that enters
11 into an agreement with the State educational
12 agency under paragraph (4)(A).

13 “(B) AMOUNT; FEDERAL AND NON-FED-
14 ERAL SHARES.—

15 “(i) AMOUNT.—The amount of a sum-
16 mer learning grant provided under this
17 section shall be—

18 “(I) for each of the fiscal years
19 2008 through 2011, \$1,600; and

20 “(II) for fiscal year 2012,
21 \$1,800.

22 “(ii) FEDERAL SHARE.—The Federal
23 share of each summer learning grant shall
24 be not more than 50 percent of the amount

1 of the summer learning grant determined
2 under clause (i).

3 “(iii) NON-FEDERAL SHARE.—The
4 non-Federal share of each summer learn-
5 ing grant shall be not less than 50 percent
6 of the amount of the summer learning
7 grant determined under clause (i), and
8 shall be provided from non-Federal
9 sources.

10 “(2) DESIGNATION OF SUMMER SCHOLARS.—
11 Eligible students who receive summer learning
12 grants under this section shall be known as ‘summer
13 scholars’.

14 “(3) SELECTION OF SUMMER LEARNING OPPOR-
15 TUNITY.—

16 “(A) DISSEMINATION OF INFORMATION.—
17 A State educational agency that receives a
18 grant under subsection (c) shall disseminate in-
19 formation about summer learning opportunities
20 and summer learning grants to the families of
21 eligible students in the State.

22 “(B) APPLICATION.—The parents of an el-
23 igible student who are interested in having their
24 child participate in a summer learning oppor-
25 tunity and receive a summer learning grant

1 shall submit an application to the State edu-
2 cational agency that includes a ranked list of
3 preferred summer learning opportunities.

4 “(C) PROCESS.—A State educational agen-
5 cy that receives an application under subpara-
6 graph (B) shall—

7 “(i) process such application;

8 “(ii) determine whether the eligible
9 student shall receive a summer learning
10 grant;

11 “(iii) coordinate the assignment of eli-
12 gible students receiving summer learning
13 grants with summer learning opportunities;
14 and

15 “(iv) if demand for a summer learning
16 opportunity exceeds capacity, the State
17 educational agency shall prioritize applica-
18 tions to low-achieving eligible students.

19 “(D) FLEXIBILITY.—A State educational
20 agency may assign a summer scholar to a sum-
21 mer learning opportunity program that is of-
22 fered in an area served by a local educational
23 agency that is not the local educational agency
24 serving the area where such scholar resides.

1 “(E) REQUIREMENT OF ACCEPTANCE.—An
2 eligible entity shall accept, enroll, and provide
3 the summer learning opportunity of such entity
4 to, any summer scholar assigned to such sum-
5 mer learning opportunity by a State educational
6 agency pursuant to this subsection.

7 “(4) AGREEMENT WITH ELIGIBLE ENTITY.—

8 “(A) IN GENERAL.—A State educational
9 agency shall enter into an agreement with one
10 or more eligible entities offering a summer
11 learning opportunity, under which—

12 “(i) the State educational agency shall
13 agree to make payments to the eligible en-
14 tity, in accordance with subparagraph (B),
15 for a summer scholar; and

16 “(ii) the eligible entity shall agree to
17 provide the summer scholar with a summer
18 learning opportunity that—

19 “(I) provides a total of not less
20 than the equivalent of 30 full days of
21 instruction (or not less than the
22 equivalent of 25 full days of instruc-
23 tion, if the equivalent of an additional
24 5 days is devoted to field trips or

1 other enrichment opportunities) to the
2 summer scholar;

3 “(II) employs small-group, [re-
4 search-based] educational programs,
5 materials, curricula, and practices;

6 “(III) provides a curriculum
7 that—

8 “(aa) emphasizes reading or
9 language arts and mathematics;

10 “(bb) is primarily designed
11 to increase the literacy and
12 numeracy of the summer scholar;
13 and

14 “(cc) is aligned with State
15 academic content standards and
16 the standards and goals of the
17 school year curriculum of the
18 local educational agency serving
19 the summer scholar;

20 “(IV) measures student progress
21 to determine the gains made by sum-
22 mer scholars in the summer learning
23 opportunity, and disaggregates the re-
24 sults of such progress for summer
25 scholars by the subgroups described in

1 **【section 1111(b)(2)(C)(v)】**, in order
2 to determine the opportunity’s impact
3 on each subgroup of summer scholars;

4 “(V) collects daily attendance
5 data on each summer scholar;

6 “(VI) provides professional devel-
7 opment opportunities for teachers to
8 improve their practice in teaching lit-
9 eracy and numeracy; and

10 “(VII) meets all applicable Fed-
11 eral, State, and local civil rights laws.

12 “(B) AMOUNT OF PAYMENT.—

13 “(i) IN GENERAL.—Except as pro-
14 vided in clause (ii), a State educational
15 agency shall make a payment to an eligible
16 entity for a summer scholar in the amount
17 determined under paragraph (1)(B)(i).

18 “(ii) ADJUSTMENT.—In the case in
19 which a summer scholar does not attend
20 the full summer learning opportunity, the
21 State educational agency shall reduce the
22 amount provided to the eligible entity pur-
23 suant to clause (i) by a percentage that is
24 equal to the percentage of the summer

1 learning opportunity not attended by such
2 scholar.

3 “(5) ADMINISTRATIVE COSTS.—A State edu-
4 cational agency or eligible entity receiving funding
5 under this section may use not more than 5 percent
6 of such funding for administrative costs associated
7 with carrying out this section.

8 “(e) EVALUATIONS; REPORT; WEBSITE.—

9 “(1) EVALUATION AND ASSESSMENT.—For
10 each year that an eligible entity enters into an
11 agreement under subsection (d)(4), the eligible enti-
12 ty shall prepare and submit to the Secretary a re-
13 port on the activities and outcomes of each summer
14 learning opportunity that enrolled a summer scholar,
15 including—

16 “(A) information on the design of the sum-
17 mer learning opportunity;

18 “(B) the alignment of the summer learning
19 opportunity with State standards; and

20 “(C) data from assessments of student
21 mathematics and problem-solving skills for the
22 summer scholars and on the attendance of the
23 scholars, disaggregated by the subgroups de-
24 scribed in **【section 1111(b)(2)(C)(v).】**

1 “(2) REPORT.—For each year funds are appro-
2 priated under subsection (f) for this section, the Sec-
3 retary shall prepare and submit a report to the
4 Committee on Health, Education, Labor, and Pen-
5 sions of the Senate and the Committee on Education
6 and Labor of the House of Representatives on the
7 summer learning grant programs, including the ef-
8 fectiveness of the summer learning opportunities in
9 improving student achievement and learning.

10 “(3) SUMMER LEARNING GRANTS WEBSITE.—
11 The Secretary shall make accessible, on the Depart-
12 ment of Education website, information for parents
13 and school personnel on the evaluation and assess-
14 ments of grants provided under this part, and how
15 to obtain objective information from the Institute of
16 Education Sciences or other Federal entities, as ap-
17 propriate, on successful programs and curricula, and
18 promising practices, for summer learning opportuni-
19 ties.

20 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 such sums as may be necessary for fiscal year 2008 and
23 each of the 5 succeeding fiscal years.”.

1 **TITLE V—PROMOTING IN-**
2 **FORMED PARENTAL CHOICE**
3 **AND INNOVATIVE PROGRAMS**

4 **PART A—INNOVATIVE PROGRAMS**

5 **SEC. 511. REAUTHORIZATION.**

6 **[To be supplied.]**

7 **PART B—PUBLIC SCHOOL CHOICE**

8 **SEC. 521. PUBLIC SCHOOL CHOICE.**

9 Part B of title V (20 U.S.C. 7221 et seq.) is amended
10 by striking the heading and inserting the following:

11 **“PART B—PUBLIC SCHOOL CHOICE”.**

12 **SEC. 522. PURPOSE.**

13 Section 5201 (20 U.S.C. 7221) is amended—

14 (1) by striking paragraph (3) and inserting the
15 following:

16 “(3) expanding the number of high-quality
17 charter schools available to students across the Na-
18 tion, especially those students who attend schools
19 that have failed to make adequate yearly progress,
20 as described in section 1111(c), for 2 or more con-
21 secutive years;”;

22 (2) by redesignating paragraph (4) as para-
23 graph (6); and

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

1 “(4) encouraging the replication of successful
2 charter school models;

3 “(5) disseminating innovations developed at
4 successful charter schools throughout public edu-
5 cation; and”.

6 **SEC. 523. PROGRAM AUTHORIZED.**

7 Section 5202 (20 U.S.C. 7221a) is amended—

8 (1) in subsection (a)—

9 (A) by striking “State educational agen-
10 cies” and inserting “eligible entities”; and

11 (B) by striking “such agencies” and insert-
12 ing “such entities”;

13 (2) by striking subsections (c), (d), and (e), and
14 inserting the following: and

15 “(c) PROGRAM PERIODS.—

16 “(1) GRANTS TO STATES.—Grants awarded to
17 eligible entities under this section shall be for a pe-
18 riod of not more than 5 years.

19 “(2) GRANTS TO ELIGIBLE APPLICANTS.—

20 Grants awarded by the Secretary to eligible appli-
21 cants or subgrants awarded by eligible entities to eli-
22 gible applicants under this subpart shall be for a pe-
23 riod of not more than 5 years, of which the eligible
24 applicant may use—

1 “(A) not more than 18 months for plan-
2 ning and program design; and

3 “(B) not more than 3½ years for the ini-
4 tial implementation of a charter school.

5 “(d) LIMITATION.—An eligible entity or an eligible
6 applicant may receive not more than 1 grant under this
7 section or 1 subgrant under this section, as appropriate,
8 for planning and implementation of a charter school.

9 “(e) PRIORITY TREATMENT.—In awarding grants
10 under this section from any funds appropriated under sec-
11 tion 5211 (other than funds reserved to carry out section
12 5205(c)), the Secretary shall give priority to eligible enti-
13 ties to the extent that the eligible entities meet 1 or more
14 of the following criteria:

15 “(1) The eligible entity has substantially in-
16 creased the number of high-quality charter schools
17 that are held accountable in the terms of the
18 schools’ charters for meeting clear and measurable
19 objectives for the educational progress of the stu-
20 dents attending the schools, in the period prior to
21 the period for which the eligible entity applies for a
22 grant under this section.

23 “(2) The eligible entity is located in a State
24 that provides for not less than 1 authorized public

1 chartering agency that is not a local educational
2 agency.

3 “(3) The eligible entity prioritizes the creation
4 or conversion of charter schools in districts or geo-
5 graphical areas with a significant number or per-
6 centage of schools identified for school improvement,
7 corrective action, or restructuring under section
8 1116(b).

9 “(4) The eligible entity provides for or conducts
10 a review and evaluation of each charter school in the
11 State if the eligible entity is a State educational
12 agency or each charter school authorized by the eli-
13 gible entity if the eligible entity is an authorized
14 public chartering agency, not less often than once
15 every 3 years, to determine whether the charter
16 school—

17 “(A) is meeting the terms of the school’s
18 charter; and

19 “(B) is meeting or exceeding the student
20 academic achievement requirements and goals
21 for charter schools as set forth under State law
22 or the school’s charter.

23 “(5) The eligible entity is located in a State
24 that ensures that each charter school has—

1 “(A) a high degree of autonomy over the
2 charter school’s budgets and expenditures; and

3 “(B) an independent governing board that
4 enters into a written performance contract with
5 an authorized public chartering agency.

6 “(6) The eligible entity demonstrates that a
7 high percentage of the students enrolled in charter
8 schools served by the eligible entity are dem-
9 onstrating significant gains in academic achievement
10 as measured by the State academic assessments
11 under section 1111(b)(2).

12 “(7) The eligible entity is located in a State
13 that provides public charter schools with equitable
14 funding, including provision for school facilities.

15 “(8) In the case of an eligible entity that is a
16 State educational agency, the eligible entity allows
17 for an appeals process for the denial of an applica-
18 tion for a charter school.

19 “(9) In the case of an eligible entity that is an
20 authorized public chartering agency, the eligible en-
21 tity publicizes a summary of the reasons behind each
22 of the eligible entity’s decisions to grant, renew, fail
23 to renew, or revoke a charter.”; and

1 (3) in subsection (f), by striking “subpart to a
2 State educational agency” and inserting “section to
3 an eligible entity”.

4 **SEC. 524. APPLICATIONS.**

5 Section 5203 (20 U.S.C.7221b) is amended—

6 (1) in subsection (a)—

7 (A) in the heading, by striking “STATE
8 AGENCIES” and inserting “ELIGIBLE ENTI-
9 TIES”;

10 (B) by striking “Each State educational
11 agency” and inserting “Each eligible entity”;

12 (C) by striking “this subpart” and insert-
13 ing “this section”; and

14 (D) by inserting “reasonably” after
15 “may”;

16 (2) in subsection (b)—

17 (A) in the heading, by striking “A STATE
18 EDUCATIONAL AGENCY ”;

19 (B) in paragraph (1)—

20 (i) by striking “State educational
21 agency’s” both places the term appears
22 and inserting “eligible entity’s”; and

23 (ii) by striking “State educational
24 agency” and inserting “eligible entity”;

25 (C) in paragraph (2)—

1 (i) by striking “State educational
2 agency” and inserting “eligible entity”;

3 (ii) in subparagraph (A), by striking
4 “in the State” and inserting “served or au-
5 thORIZED by the eligible entity”; and

6 (iii) in subparagraph (B)—

7 (I) by inserting “such” after
8 “that each”;

9 (II) by striking “in the State”;

10 and

11 (III) by striking “and” after the
12 semicolon; and

13 (iv) by adding at the end the fol-
14 lowing:

15 “(D) will establish and use criteria to
16 award subgrants to eligible applicants to ensure
17 the development and operation of high-quality
18 charter schools;”;

19 (D) by redesignating paragraph (3) as
20 paragraph (4);

21 (E) by inserting after paragraph (2) the
22 following:

23 “(3) give assurances that the eligible entity pro-
24 vides for periodic review and evaluation by an au-
25 thORIZED public chartering agency of each charter

1 school served or authorized by the eligible entity not
2 less often than once every 5 years;”;

3 (F) in paragraph (4), as redesignated by
4 subparagraph (D)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “that the” and all
7 that follows through “containing” and in-
8 serting “that the eligible entity will require
9 each eligible applicant desiring to receive a
10 subgrant to submit an application to the
11 eligible entity containing”;

12 (ii) in subparagraph (G), by inserting
13 “or regulations” after “local rules”;

14 (iii) in subparagraph (H)—

15 (I) by striking “or grant funds”;

16 and

17 (II) by inserting “, and how such
18 funds will be used for planning and
19 program design, including for the ini-
20 tial implementation of a charter
21 school” after “Secretary”;

22 (iv) in subparagraph (I)(ii), by insert-
23 ing “, including a description of how the
24 eligible applicant will hold a lottery if the

1 number of applying students exceeds the
2 number of seats available” after “school”;

3 (v) in subparagraph (J), by striking
4 “State educational agency” and inserting
5 “eligible entity”;

6 (vi) in subparagraph (K), by striking
7 “State educational agency” and inserting
8 “eligible entity”;

9 (vii) in subparagraph (L), by striking
10 “sections 613(a)(5) and 613(e)(1)(B)” and
11 inserting “subsections (a)(5) and (e)(1)(B)
12 of section 613”;

13 (viii) by striking subparagraph (M)
14 and inserting the following:

15 “(M) information demonstrating support of
16 the application from the State’s charter school
17 community and other appropriate entities;
18 and”; and

19 (ix) in subparagraph (N), by striking
20 “Secretary” and all that follows through
21 the period and inserting “Secretary, the
22 State educational agency, and the eligible
23 entity may reasonably require; and”; and
24 (G) by adding at the end the following:

1 “(5) a description of how the eligible entity will
2 ensure that grants go to a variety of applicants.”;
3 and

4 (3) by striking subsection (d) and inserting the
5 following:

6 “(d) CONTENTS OF ELIGIBLE APPLICANT APPLICA-
7 TION.—Each application submitted pursuant to subsection
8 (c) shall contain—

9 “(1) the information and assurances described
10 in subparagraphs (A) through (N) of subsection
11 (b)(4), except that for purposes of this subsection,
12 subparagraphs (J) and (K) of such subsection shall
13 be applied by striking ‘and the eligible entity’ each
14 place such term appears, and subparagraph (N)
15 shall be applied by striking ‘, the State educational
16 agency, and the eligible entity’;

17 “(2) assurances that the State educational
18 agency—

19 “(A) will grant, or will obtain, waivers of
20 State statutory or regulatory requirements; and

21 “(B) will assist each grantee in the State
22 in receiving a waiver under section 5204(f); and

23 “(3) assurances that the eligible applicant has
24 provided its authorized public chartering agency
25 timely notice, and a copy, of the application, except

1 that the Secretary may waive the requirement of this
2 paragraph in the case of an application for a
3 precharter planning grant if the authorized public
4 chartering agency to which a charter school proposal
5 will be submitted has not been determined at the
6 time the grant application is submitted.”.

7 **SEC. 525. ADMINISTRATION.**

8 Section 5204 (20 U.S.C. 7 221c) is amended to read
9 as follows:

10 **“SEC. 5204. ADMINISTRATION.**

11 “(a) SELECTION CRITERIA FOR ELIGIBLE ENTI-
12 TIES.—The Secretary shall award grants to eligible enti-
13 ties under section 5202 on the basis of the quality of the
14 applications submitted under section 5203(b), after taking
15 into consideration such factors as—

16 “(1) the contribution that the proposed charter
17 schools grant program will make to assisting educa-
18 tionally disadvantaged and other students in meeting
19 State academic content standards and State student
20 academic achievement standards;

21 “(2) the degree of flexibility afforded by the
22 State educational agency to charter schools under
23 the State’s charter schools law;

24 “(3) the ambitiousness of the objectives for the
25 proposed charter school grant program;

1 “(4) the quality of the strategy for assessing
2 achievement of those objectives;

3 “(5) the likelihood that the proposed charter
4 school grant program will meet those objectives and
5 improve educational results for students; and

6 “(6) the number of high-quality charter schools
7 proposed to be created under this subpart by the eli-
8 gible entity.

9 “(b) AWARD REQUIREMENTS FOR PUBLIC CHAR-
10 TERING AGENCIES.—In addition to the criteria described
11 in subsection (a), the Secretary may award a grant to an
12 eligible entity that is an authorized public chartering agen-
13 cy only if the Secretary determines that—

14 “(1) the agency has the capacity to make sub-
15 grants effectively;

16 “(2) the agency publishes the general criteria it
17 uses in decisions to grant, renew, fail to renew, or
18 revoke a charter; and

19 “(3) making the grant would benefit charter
20 schools in the State.

21 “(c) SELECTION CRITERIA FOR ELIGIBLE APPLI-
22 CANTS.—The Secretary shall award grants to eligible ap-
23 plicants under section 5202 on the basis of the quality
24 of the applications submitted under section 5203(c), after
25 taking into consideration such factors as—

1 “(1) the quality of the proposed curriculum and
2 instructional practices;

3 “(2) the degree of flexibility afforded by the
4 State educational agency and, if applicable, the local
5 educational agency to the charter school;

6 “(3) the extent of community support for the
7 application;

8 “(4) the ambitiousness of the objectives for the
9 charter school;

10 “(5) the quality of the strategy for assessing
11 achievement of those objectives;

12 “(6) the likelihood that the charter school will
13 meet those objectives and improve educational re-
14 sults for students;

15 “(7) the degree to which the eligible applicant
16 will serve students in areas with large numbers of
17 schools that have failed to make adequate yearly
18 progress, as described in section 1111(c), for 2 or
19 more consecutive years; and

20 “(8) in the case of an eligible applicant that
21 proposes to use grant funds to support dissemina-
22 tion activities under section 5205(b), the quality of
23 those activities and the likelihood that those activi-
24 ties will improve student achievement.

1 “(d) PEER REVIEW.—The Secretary, and each eligi-
2 ble entity receiving a grant under section 5202, shall use
3 a peer-review process to review applications for assistance
4 under section 5202.

5 “(e) DIVERSITY OF PROJECTS.—The Secretary and
6 each eligible entity receiving a grant under section 5202,
7 shall award grants and subgrants under section 5202 and
8 subsection (g), as applicable, in a manner that, to the ex-
9 tent possible, ensures that such grants and subgrants—

10 “(1) are distributed throughout different areas
11 of the Nation and each State, including urban and
12 rural areas; and

13 “(2) will assist charter schools representing a
14 variety of educational approaches, such as ap-
15 proaches designed to reduce school size.

16 “(f) WAIVERS.—The Secretary may waive any statu-
17 tory or regulatory requirement over which the Secretary
18 exercises administrative authority except any such require-
19 ment relating to the elements of a charter school described
20 in section 5210, if—

21 “(1) the waiver is requested in an approved ap-
22 plication under section 5203; and

23 “(2) the Secretary determines that granting
24 such a waiver will promote the purpose of this sub-
25 part.

1 “(g) USE OF FUNDS.—

2 “(1) ELIGIBLE ENTITIES.—

3 “(A) IN GENERAL.—Each eligible entity
4 receiving a grant under section 5202 shall use
5 such grant funds to award subgrants to eligible
6 applicants who submit high-quality applications,
7 to enable each such applicant to plan and im-
8 plement a charter school in accordance with
9 this subpart. Each eligible entity shall make an
10 effort to award subgrants to a variety of eligible
11 applicants.

12 “(B) RESERVATION.—Each eligible entity
13 receiving a grant under section 5202 may re-
14 serve a total of not more than 10 percent of the
15 grant funds to make payments associated with
16 improving authorizing policies and practices in
17 the State, such as hiring outside consultants or
18 improving and expanding authorizers’ charter
19 school review capacity, which may include in-
20 creased collection and analysis of student
21 achievement data.

22 “(2) ELIGIBLE APPLICANTS.—Each eligible ap-
23 plicant receiving funds from the Secretary or an eli-
24 gible entity under section 5202 or this subsection, as
25 applicable, shall use such funds to plan and imple-

1 ment a charter school, or to disseminate information
2 about the charter school and successful practices in
3 the charter school, in accordance with this subpart.

4 “(3) ALLOWABLE ACTIVITIES.—An eligible ap-
5 plicant receiving a grant or subgrant under section
6 5202 or this subsection, as applicable, may use the
7 grant or subgrant funds only for—

8 “(A) post-award planning and design of
9 the educational program, which may include—

10 “(i) refinement of the desired edu-
11 cational results and of the methods for
12 measuring progress toward achieving those
13 results; and

14 “(ii) professional development of
15 teachers and other staff who will work in
16 the charter school; and

17 “(B) initial implementation of the charter
18 school, which may include—

19 “(i) informing the community about
20 the school;

21 “(ii) acquiring necessary equipment
22 and educational materials and supplies;

23 “(iii) acquiring or developing cur-
24 riculum materials; and

1 “(iv) other initial operational costs
2 that cannot be met from State or local
3 sources.

4 “(4) ADMINISTRATIVE EXPENSES.—

5 “(A) ELIGIBLE ENTITY ADMINISTRATIVE
6 EXPENSES.—Each eligible entity receiving a
7 grant under section 5202 may reserve not more
8 than 5 percent of such grant funds for adminis-
9 trative expenses associated with the charter
10 school grant program assisted under this sub-
11 part.

12 “(B) LOCAL ADMINISTRATIVE EX-
13 PENSES.—A local educational agency may not
14 deduct funds for administrative fees or expenses
15 from a subgrant awarded to an eligible appli-
16 cant, unless the eligible applicant enters volun-
17 tarily into a mutually agreed upon arrangement
18 for administrative services with the relevant
19 local educational agency. Absent such approval,
20 the local educational agency shall distribute all
21 such subgrant funds to the eligible applicant
22 without delay.

23 “(5) REVOLVING LOAN FUNDS.—Each eligible
24 entity receiving a grant under section 5202 may re-
25 serve not more than 10 percent of the grant funds

1 for the establishment of a revolving loan fund. Such
2 fund may be used to make loans to eligible appli-
3 cants that have received a subgrant under this sub-
4 section, under such terms as may be determined by
5 the eligible entity, for the initial operation of the
6 charter school grant program of the eligible appli-
7 cant until such time as the recipient begins receiving
8 ongoing operational support from State or local fi-
9 nancing sources.”.

10 **SEC. 526. NATIONAL ACTIVITIES.**

11 Section 5205 (20 U.S.C.7221d) is amended—

12 (1) in subsection (a)—

13 (A) in the matter preceding paragraph (1),
14 by striking “the greater of” and all that follows
15 through “activities:” and inserting “the greater
16 of 5 percent of the amount appropriated to
17 carry out this subpart or \$5,000,000, except
18 that in no fiscal year shall the total amount so
19 reserved exceed \$10,000,000, to carry out sub-
20 section (b) and the following activities:”;

21 (B) in paragraph (1), by striking “State
22 educational agencies” and inserting “eligible en-
23 tities”;

24 (C) in paragraph (3)—

25 (i) in subparagraph (A)—

1 (I) by inserting “eligible” before
2 “applicants”; and

3 (II) by striking “this subpart”
4 and inserting “section 5202 or section
5 5204(g)”; and

6 (ii) in subparagraph (B)—

7 (I) by inserting “eligible” before
8 “applicants”; and

9 (II) by striking “this subpart”
10 and inserting “section 5202 or section
11 5204(g)”; and

12 (D) by redesignating paragraph (5) as
13 paragraph (6); and

14 (E) by inserting after paragraph (4) the
15 following:

16 “(5) To develop and disseminate recommended
17 best practices for authorized public chartering agen-
18 cies, or to evaluate the quality of such agencies.”;

19 (2) by redesignating subsections (b) and (c) as
20 subsections (c) and (d), respectively;

21 (3) by inserting after subsection (a) the fol-
22 lowing:

23 “(b) DISSEMINATION GRANTS.—

24 “(1) IN GENERAL.—The Secretary may make
25 grants, on a competitive basis, to entities described

1 in paragraph (4) for dissemination activities de-
2 signed to increase the number of high-quality char-
3 ter schools nationally by carrying out such activities
4 as—

5 “(A) assisting individuals and organiza-
6 tions in the planning and start-up of new char-
7 ter schools;

8 “(B) assisting charter and other public
9 schools in adapting and implementing the effec-
10 tive practices of successful charter schools;

11 “(C) developing curriculum materials, as-
12 sessments, and other materials that promote in-
13 creased student achievement and are based on
14 the effective practices used by successful char-
15 ter schools; and

16 “(D) conducting evaluations and devel-
17 oping materials that document the effective
18 practices of successful charter schools.

19 “(2) APPLICATION.—An entity desiring a grant
20 under paragraph (1) shall submit an application to
21 the Secretary at such time, in such manner, and
22 containing such information as the Secretary may
23 reasonably require, which application shall include—

24 “(A) a description of the dissemination ac-
25 tivities the entity proposes to undertake; and

1 “(B) how such activities will involve char-
2 ter schools and other public schools, local edu-
3 cational agencies, and potential developers.

4 “(3) CRITERIA.—The Secretary shall award
5 grants under this subsection after taking into con-
6 sideration—

7 “(A) the quality of the application;

8 “(B) the potential scale of impact of the
9 proposed program; and

10 “(C) the likelihood that such program will
11 improve student academic achievement.

12 “(4) ELIGIBILITY.—An entity eligible for a
13 grant under this subsection shall—

14 “(A) be a charter school, local educational
15 agency, State educational agency, authorized
16 public chartering agency, charter support orga-
17 nization, or a consortium of such entities; and

18 “(B) have a demonstrated record of sup-
19 porting or starting high-quality charter schools.

20 “(5) LIMITATION.—An entity may receive not
21 more than 1 grant under this subsection.”; and

22 (4) in subsection (c), as redesignated by para-
23 graph (2)—

24 (A) in paragraph (2)(A)—

1 (i) by striking “subsection under
2 paragraphs (2) and (3)(B) of section
3 5211(b)” and inserting “subpart”; and

4 (ii) by striking “shall” and inserting
5 “may”;

6 (B) in paragraph (4)(B)—

7 (i) in clause (i), by striking “and”
8 after the semicolon;

9 (ii) in clause (ii), by striking the pe-
10 riod at the end and inserting “; or”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(iii) provides funding for operations,
14 capital costs, and interest for charter
15 schools in the State in an amount that, on
16 a per-pupil basis, is equal to or greater
17 than the amount the State provides for
18 those per-pupil costs to public elementary
19 schools and secondary schools in the State
20 that are not charter schools.”; and

21 (C) in paragraph (6), by striking “para-
22 graph (2)” and all that follows through the pe-
23 riod and inserting “section 5202(e).”.

1 **SEC. 527. RECORDS TRANSFER; DEFINITIONS; AUTHORIZA-**
2 **TION OF APPROPRIATIONS.**

3 Subpart 1 of part B of title V (20 U.S.C. 7221 et
4 seq.) is amended—

5 (1) in section 5208, by striking “State edu-
6 cational agencies and local educational agencies”
7 and inserting “Each State educational agency and
8 local educational agency”;

9 (2) in section 5210—

10 (A) by redesignating paragraphs (1), (2),
11 (3), and (4), as paragraphs (2), (4), (5), and
12 (1), respectively;

13 (B) in paragraph (2), as redesignated by
14 subparagraph (A), by striking subparagraphs
15 (C) through (L) and inserting the following:

16 “(C) has an independent governing board
17 that enters into a performance-based contract
18 with an authorized public chartering agency in
19 the State that includes a description of—

20 “(i) the criteria for the renewal or
21 revocation of the charter, which criteria
22 shall include the use of assessments that
23 measure student academic achievement;
24 and

25 “(ii) how student performance will be
26 measured in charter schools pursuant to

1 State assessments that are required of
2 other schools and pursuant to any other
3 assessments mutually agreeable to the au-
4 thorized public chartering agency and the
5 charter school;

6 “(D) operates in pursuit of a specific set
7 of educational objectives determined by the
8 school’s developer and agreed to by the author-
9 ized public chartering agency;

10 “(E) provides a program of elementary or
11 secondary education, or both;

12 “(F) is nonsectarian in its programs, ad-
13 missions policies, employment practices, and all
14 other operations, and is not affiliated with a
15 sectarian school or religious institution;

16 “(G) does not charge tuition;

17 “(H) complies with the Age Discrimination
18 Act of 1975, title VI of the Civil Rights Act of
19 1964, title IX of the Education Amendments of
20 1972, section 504 of the Rehabilitation Act of
21 1973, and part B of the Individuals with Dis-
22 abilities Education Act;

23 “(I) is a school—

24 “(i) to which parents choose to send
25 their children;

1 “(ii) that does not give admissions
2 preference to any student on the basis of
3 prior academic achievement; and

4 “(iii) that admits students on the
5 basis of a lottery, if more students apply
6 for admission than can be accommodated;

7 “(J) agrees to comply with the same Fed-
8 eral and State audit requirements as do other
9 elementary schools and secondary schools in the
10 State, unless such requirements are specifically
11 waived for the purpose of this program;

12 “(K) meets all applicable Federal, State,
13 and local health and safety requirements; and

14 “(L) operates in accordance with State
15 law.”;

16 (C) by inserting after paragraph (2) the
17 following:

18 “(3) CHARTER SUPPORT ORGANIZATION.—The
19 term ‘charter support organization’ means a public
20 or private nonprofit organization that provides as-
21 sistance to developers during the planning, program
22 design, and initial implementation of a charter
23 school.”;

24 (D) in paragraph (4), as redesignated by
25 subparagraph (A), by inserting “that intends to

1 develop a charter school” after “carried out”;
2 and

3 (E) by striking paragraph (5), as redesignated by subparagraph (A), and inserting the
4 following:
5

6 “(5) ELIGIBLE APPLICANT.—The term ‘eligible
7 applicant’ means a developer that has applied to an
8 authorized public chartering agency to operate a
9 charter school, and provided adequate and timely notice to that agency under subsection (b)(4)(N)(ii) or
10 (d)(3) of section 5203.
11

12 “(6) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—
13

14 “(A) a State educational agency; or

15 “(B) an authorized public chartering agency.”; and
16

17 (3) in section 5211—

18 (A) in subsection (a)—

19 (i) by striking “\$300,000,000” and
20 inserting [“\$300,000,000”]; and

21 (ii) by striking “2002” and inserting
22 “2008”; and

23 (B) in subsection (b)—

1 (i) in paragraph (1), by striking
2 “5205(b); and” and inserting “5205(c);”;
3 and

4 (ii) by striking “5205(b)” each place
5 it appears and inserting “5205(c)”.

6 **SEC. 528. CREDIT ENHANCEMENT INITIATIVES TO ASSIST**
7 **CHARTER SCHOOL FACILITY ACQUISITION,**
8 **CONSTRUCTION, AND RENOVATION.**

9 Subpart 2 of part B of title V (20 U.S.C. 7223 et
10 seq.) is amended—

11 (1) in section 5223(b)(4), by inserting “, in-
12 cluding how the applicant will offer a combination of
13 rates and terms more favorable than those that a
14 charter school could receive without assistance under
15 this subpart” after “schools”; and

16 (2) in section 5231—

17 (A) by striking “2002” and inserting
18 “2008”; and

19 (B) by striking “2003” and inserting
20 “2009”.

21 **SEC. 529. VOLUNTARY PUBLIC SCHOOL CHOICE PRO-**
22 **GRAMS.**

23 Subpart 3 of part B of title V (20 U.S.C. 7225 et
24 seq.) is amended to read as follows:

1 **“Subpart 3—Voluntary Public School Choice**
2 **Programs**

3 **“SEC. 5241. GRANTS.**

4 “(a) AUTHORIZATION.—From funds made available
5 under section 5248 to carry out this subpart, the Sec-
6 retary shall award grants, on a competitive basis, to eligi-
7 ble entities to enable the entities to establish or expand
8 an interdistrict program of public school choice (referred
9 to in this subpart as a ‘program’) in accordance with this
10 subpart.

11 “(b) SPECIAL RULE.—Notwithstanding subsection
12 (a), the Secretary may waive the requirement that a pro-
13 gram be an interdistrict program if the eligible entity, in
14 its application—

15 “(1) describes how it is not practicable for such
16 entity to participate in an interdistrict choice pro-
17 gram because of geographical considerations; and

18 “(2) demonstrates that the proposed program
19 would reduce concentrations of low-income students
20 in schools served by the program.

21 “(c) DURATION.—Grants awarded under subsection
22 (a) may be awarded for a period of not more than 5 years.

23 **“SEC. 5242. USES OF FUNDS.**

24 “(a) REQUIRED USE OF FUNDS.—An eligible entity
25 that receives a grant under this subpart shall use the
26 grant funds to provide students selected to participate in

1 the program with transportation services or the cost of
2 transportation to and from the public elementary schools
3 and secondary schools, including charter schools, that the
4 students choose to attend under the program.

5 “(b) PERMISSIBLE USES OF FUNDS.—An eligible en-
6 tity that receives a grant under this subpart may use the
7 grant funds for—

8 “(1) planning or designing a program (for not
9 more than 1 year);

10 “(2) the cost of making tuition transfer pay-
11 ments to public elementary schools or secondary
12 schools to which students transfer under the pro-
13 gram;

14 “(3) the cost of capacity-enhancing activities
15 that enable high-demand public elementary schools
16 or secondary schools to accommodate transfer re-
17 quests under the program;

18 “(4) the cost of carrying out public education
19 campaigns to inform students and parents about the
20 program; and

21 “(5) other costs reasonably necessary to imple-
22 ment the program.

23 “(c) NONPERMISSIBLE USES OF FUNDS.—An eligible
24 entity that receives a grant under this subpart may not
25 use the grant funds for school construction.

1 “(d) ADMINISTRATIVE EXPENSES.—The eligible enti-
2 ty may use not more than 5 percent of the funds made
3 available through the grant for any fiscal year for adminis-
4 trative expenses.

5 **“SEC. 5243. APPLICATIONS.**

6 “(a) SUBMISSION.—An eligible entity that desires a
7 grant under this subpart shall submit an application to
8 the Secretary at such time, in such manner, and con-
9 taining such information as the Secretary may require.

10 “(b) CONTENTS.—An application submitted under
11 subsection (a) shall include—

12 “(1) a description of the program for which the
13 eligible entity seeks funds, and the goals for such
14 program;

15 “(2) a description of how and when parents of
16 students will be given the notice required under sec-
17 tion 5245(a)(2);

18 “(3) a description of how students will be se-
19 lected for the program;

20 “(4) a description of how the program will be
21 coordinated with, and will complement and enhance,
22 other related Federal and non-Federal projects;

23 “(5) if the program is to be carried out by a
24 partnership, the name of each partner and a descrip-
25 tion of the partner’s responsibilities;

1 “(6) an assurance that in selecting students for
2 participation in the program, the eligible entity shall
3 accord priority to students who are eligible for trans-
4 fer from low-performing schools, but who are not
5 served within the local educational agency because of
6 **【**documented lack of capacity and a failure to reach
7 a cooperative agreement with other local educational
8 agencies under section 1116(b)**】**; and

9 “(7) such other information as the Secretary
10 may require.

11 **“SEC. 5244. PRIORITIES.**

12 “In awarding grants under this subpart, the Sec-
13 retary shall give priority to an eligible entity—

14 “(1) whose program would provide the widest
15 variety of choices to all students in participating
16 schools;

17 “(2) whose program would, through various
18 choice options, have the most impact in allowing stu-
19 dents in low-performing schools to attend higher-per-
20 forming schools;

21 “(3) whose program would, through various
22 choice options, have the most impact in reducing
23 high concentrations of low-income students in indi-
24 vidual schools; and

1 “(4) that is a partnership that seeks to imple-
2 ment an interdistrict approach to carrying out a pro-
3 gram.

4 **“SEC. 5245. REQUIREMENTS AND VOLUNTARY PARTICIPA-**
5 **TION.**

6 “(a) PARENT AND COMMUNITY INVOLVEMENT AND
7 NOTICE.—In carrying out a program under this subpart,
8 an eligible entity shall—

9 “(1) develop the program with—

10 “(A) the involvement of parents and others
11 in the community to be served; and

12 “(B) individuals who will carry out the
13 program, including administrators, teachers,
14 principals, and other staff; and

15 “(2) provide to parents of students in the area
16 to be served by the program with prompt notice of—

17 “(A) the existence of the program;

18 “(B) the program’s availability; and

19 “(C) a clear explanation of how the pro-
20 gram will operate.

21 “(b) SELECTION OF STUDENTS.—

22 “(1) PRIORITY.—If more students apply for ad-
23 mission to participate in a program under this sub-
24 part than can be accommodated, the eligible entity

1 shall give priority to students attending low-per-
2 forming schools.

3 “(2) LOTTERY.—In the case of a program
4 under this subpart that still has openings for stu-
5 dents after the eligible entity gives the priority de-
6 scribed in paragraph (1) to the appropriate students,
7 the eligible entity shall select the remaining students
8 for participation in the program on the basis of a
9 lottery. Such lottery may be operated in a way that
10 is consistent with the priority described in section
11 5244(3).

12 “(c) VOLUNTARY PARTICIPATION.—Student partici-
13 pation in a program funded under this subpart shall be
14 voluntary.

15 **“SEC. 5246. EVALUATIONS.**

16 “(a) IN GENERAL.—From the amount made avail-
17 able to carry out this subpart for any fiscal year, the Sec-
18 retary may reserve not more than 5 percent—

19 “(1) to carry out evaluations;

20 “(2) to provide technical assistance; and

21 “(3) to disseminate information.

22 “(b) EVALUATIONS.—In carrying out the evaluations
23 under subsection (a), the Secretary shall, at a minimum,
24 address—

1 “(1) how, and the extent to which, the pro-
2 grams promote educational equity and excellence;

3 “(2) the characteristics of the students partici-
4 pating in the programs; and

5 “(3) the effect of the programs on—

6 “(A) the academic achievement of students
7 participating in the programs, particularly stu-
8 dents who move from schools identified under
9 section 1116 to schools not so identified and
10 students who move from high-poverty schools to
11 low-poverty schools; and

12 “(B) the overall quality of participating
13 schools and districts.

14 **“SEC. 5247. DEFINITIONS.**

15 “In this subpart:

16 “(1) CHARTER SCHOOL.—The term ‘charter
17 school’ has the meaning given such term in section
18 5210.

19 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means—

21 “(A) 1 or more State educational agencies;

22 “(B) 1 or more local educational agencies;

23 or

24 “(C) a partnership of—

25 “(i) 1 or more—

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1 “(I) State educational agencies;
2 and

3 “(II) local educational agencies
4 or other public, for-profit, or nonprofit
5 entities; or

6 “(ii) 1 or more—

7 “(I) local educational agencies;
8 and

9 “(II) public, for-profit, or non-
10 profit entities.

11 “(3) LOW-PERFORMING SCHOOL.—The term
12 ‘low-performing school’ means a public elementary
13 school or secondary school that has failed to make
14 adequate yearly progress, as described in section
15 1111(c), for 2 or more consecutive years.

16 “(4) LOW-POVERTY SCHOOL.—The term ‘low-
17 poverty school’ means a school in which 40 percent
18 of the students or fewer are eligible for free and re-
19 duced price lunch under the Richard B. Russell Na-
20 tional School Lunch Act.

21 **“SEC. 5248. AUTHORIZATION OF APPROPRIATIONS.**

22 “**【**There are authorized to be appropriated to carry
23 out this subpart \$100,000,000 for fiscal year 2008 and
24 each of the 5 succeeding fiscal years.**】**”.

1 (I) by striking “continue with”
2 and inserting “make a successful
3 transition into”; and

4 (II) by inserting “in a competi-
5 tive global economy” after “productive
6 employment”;

7 (2) in section 5302—

8 (A) in the heading, by inserting “**OF MAG-**
9 **NET SCHOOL**” before the period at the end;
10 and

11 (B) by inserting “or ethnic” after “racial”;

12 (3) in section 5305(b)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A), by striking
15 “programs” and inserting “program”; and

16 (ii) in subparagraph (D)(i), by strik-
17 ing “programs” and inserting “program”;
18 and

19 (B) in paragraph (2)—

20 (i) in subparagraph (D), by striking
21 “and” after the semicolon;

22 (ii) by redesignating subparagraph
23 (E) as subparagraph (F); and

24 (iii) by inserting after subparagraph
25 (D) the following:

1 “(E) not use assessments of academic
2 achievement in the selection of students for ad-
3 mission to the magnet school program; and”;

4 (4) in section 5306—

5 (A) in paragraph (2), by striking “and”
6 after the semicolon;

7 (B) by redesignating paragraph (3) as
8 paragraph (4); and

9 (C) by inserting after paragraph (2) the
10 following:

11 “(3) propose to encourage the recruitment of
12 students from diverse socioeconomic backgrounds;
13 and”;

14 (5) in section 5309(c), by adding at the end the
15 following: “The Secretary shall give full consider-
16 ation to any application that meets the requirements
17 of this part, including those which request more
18 than \$4,000,000 for each year of the 3-year grant
19 period.”;

20 (6) in section 5310(b)—

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

23 (B) by redesignating paragraph (4) as
24 paragraph (5); and

1 (C) by inserting after paragraph (3) the
2 following:

3 “(4) the extent to which magnet school pro-
4 grams lead to the elimination, reduction, or preven-
5 tion of concentrations of poverty in elementary
6 schools and secondary schools with substantial pro-
7 portions of low-income students; and”;

8 (7) section 5311(a) is amended by striking
9 “2002” and inserting “2008”.

10 **PART D—FUND FOR THE IMPROVEMENT OF**
11 **EDUCATION**

12 **SEC. 541. STUDIES OF NATIONAL SIGNIFICANCE.**

13 Section 5414(a) (20 U.S.C. 7243c(a)) is amended by
14 adding at the end the following:

15 “(4) REPRESENTATIONS OF GIRLS.—A study
16 regarding how exposure to representations of girls
17 results in effects on girls’ health, cognitive perform-
18 ance, and academic achievement, and regarding the
19 promise of media literacy programs to moderate
20 those effects.”.

21 **SEC. 542. ELEMENTARY AND SECONDARY SCHOOL COUN-**
22 **SELING PROGRAMS.**

23 Section 5421 (20 U.S.C. 7245) is amended—

24 (1) in subsection (b)(2)—

1 (A) by redesignating subparagraphs (C)
2 through (H) as subparagraphs (D) through (I),
3 respectively;

4 (B) by inserting after subparagraph (B)
5 the following:

6 “(C) describe how the local educational
7 agency will address the need for early inter-
8 vening services that improve the school climate
9 for learning, such as through schoolwide posi-
10 tive behavior supports;” and

11 (C) in subparagraph (I) (as redesignated
12 by subparagraph (B)), by inserting before the
13 period the following: “, accounting for the over-
14 all emotional and physical well-being of stu-
15 dents”; and

16 (2) in subsection (c)(2)—

17 (A) in subparagraph (A), by inserting be-
18 fore the semicolon the following: “and be a sys-
19 temic school counseling program that promotes
20 collaboration between teachers, principals, and
21 school counselors”;

22 (B) in subparagraph (C), by inserting be-
23 fore the semicolon the following: “, particularly
24 in schools failing to make adequate yearly
25 progress for 2 or more consecutive years”;

1 (C) in subparagraph (E), by inserting
2 “emotional and physical well-being,” after
3 “work and self,”;

4 (D) in subparagraph (K)—

5 (i) by striking “recommended by the
6 American School Health Association”; and

7 (ii) by striking “and” at the end;

8 (E) in subparagraph (L), by striking the
9 period at the end and inserting a semicolon;
10 and

11 (F) by adding at the end the following:

12 “(M) support professional development for
13 school counselors, focusing on strategies to im-
14 prove the provision of school counseling and re-
15 lated services to students; and

16 【“(N) build systemic school counseling
17 programs that promote collaboration among
18 teachers, principals, and school counselors on
19 issues of teaching and learning.”.】

20 **SEC. 543. PARTNERSHIPS IN CHARACTER EDUCATION PRO-**
21 **GRAM.**

22 Section 5431 (20 U.S.C. 7247) is amended—

23 (1) in subsection (a)(1)(A)—

24 (A) by inserting “comprehensively” after
25 “integrated”;

- 1 (B) by inserting “each grade level of” after
2 “into”; and
- 3 (C) by inserting “and process” after “in-
4 struction”;
- 5 (2) in subsection (b)—
- 6 (A) in paragraph (1)—
- 7 (i) by striking subparagraph (A);
- 8 (ii) by redesignating subparagraphs
9 (B) and (C) as subparagraphs (A) and
10 (B), respectively;
- 11 (iii) by striking “for the purposes of—
12 ” and inserting “for the purposes of evalu-
13 ating the program for which the assistance
14 is made available, by—”; and
- 15 (iv) in subparagraph (A), as redesign-
16 nated under subparagraph (B)—
- 17 (I) by inserting “, classroom ac-
18 tivities,” after “curriculum”; and
- 19 (II) by inserting “in each grade
20 level” after “methods”; and
- 21 (B) in paragraph (2)—
- 22 (i) in subparagraph (A), by inserting
23 “and principal” after “teacher”; and
- 24 (ii) in subparagraph (B)—

1 (I) by inserting “schoolwide”
2 after “education”; and

3 (II) by inserting “, classroom ac-
4 tivities,” after “curricula”;

5 (3) in subsection (c)(2)—

6 (A) by redesignating subparagraph (H) as
7 subparagraph (I); and

8 (B) by inserting after subparagraph (G)
9 the following:

10 “(H) Tolerance.”;

11 (4) in subsection (d)(2)(D), by inserting “re-
12 search, and” before “evaluation”;

13 (5) in subsection (e)(2)—

14 (A) in subparagraph (C)—

15 (i) in clause (i), by inserting “school
16 administrators, principals, teachers,” after
17 “parents,”; and

18 (ii) in clause (ii), by inserting “com-
19 prehensive, schoolwide” before “cur-
20 riculum”; and

21 (B) in subparagraph (F), in the matter
22 preceding clause (i), by inserting **【**“use re-
23 search-based methods to”**】** before “evaluate”;

24 (6) in subsection (f)(2)—

1 (A) in subparagraph (B), by inserting “ad-
2 ministrator, teacher,” after “student,”;

3 (B) in subparagraph (C)—

4 (i) by striking “quality of the plan
5 for” and inserting “scientific quality of the
6 proposed research design for research”;
7 and

8 (ii) by striking “and” at the end;

9 (C) in subparagraph (D), by striking the
10 period and inserting “; and”; and

11 (D) by adding at the end the following:

12 “(E) the extent to which the program will
13 incorporate an awareness of the diverse back-
14 grounds of students **【utilizing】** the elements of
15 character listed in subsection (c)(2).”;

16 (7) in subsection (h)—

17 (A) in paragraph (1), in the matter pre-
18 ceding subparagraph (A), by inserting “(includ-
19 ing a description of the use of scientifically
20 based research)” after “assisted under this sec-
21 tion”;

22 (B) in paragraph (2)(B)(iv)—

23 (i) in subclause (I), by inserting
24 “shown to work through rigorous scientific
25 studies” before the semicolon;

1 (ii) in subclause (II), by inserting “for
2 programs that have shown positive results
3 through rigorous scientific studies” before
4 the semicolon; and

5 (iii) in subclause (III), by inserting
6 “and evaluation results” before “in the
7 area”; and

8 (C) in paragraph (3), by adding at the end
9 the following:

10 “(H) The development of elements of char-
11 acter listed in subsection (c)(2).”; and

12 (8) by adding at the end the following:

13 “(j) DEFINITION.—In this section, the term ‘char-
14 acter education’ means the learning process that enables
15 students and adults in a school community to understand,
16 care about, and act on core ethical values consistent with
17 the elements listed in subsection (c)(2), [and that may
18 include social-emotional learning.]”.

19 **SEC. 544. INEXPENSIVE BOOK DISTRIBUTION PROGRAM**
20 **FOR READING MOTIVATION.**

21 Section 5451 (20 U.S.C. 7251) is amended—

22 (1) in subsection (c)—

23 (A) in paragraph (1), by striking “sec-
24 ondary school age” and inserting “high school”;
25 and

1 (B) in paragraph (3)—

2 (i) by striking the matter that follows
3 “Migrant children.” and precedes subpara-
4 graph (H), and inserting the following:

5 “(G) Children without access to libraries.”;

6 and

7 (ii) by adding at the end the fol-
8 lowing:

9 “(J) English language learners.”; and

10 (2) in subsection (g), by inserting “not more
11 than” before “75 percent”.

12 **SEC. 545. GIFTED AND TALENTED STUDENTS.**

13 (a) COMPETITIVE GRANT PROGRAMS.—Section 5464
14 (20 U.S.C. 7253c) is amended—

15 (1) by striking the section heading and insert-
16 ing the following:

17 **“SEC. 5464. COMPETITIVE GRANT PROGRAM FOR GIFTED
18 AND TALENTED STUDENTS.”;**

19 (2) in subsection (a)—

20 (A) by redesignating paragraphs (1) and
21 (2) as paragraphs (2) and (3), respectively;

22 (B) by inserting after the subsection head-
23 ing the following:

24 “(1) APPLICATION OF SECTION.—This section
25 shall apply in any fiscal year for which the amount

1 of the funds appropriated and made available to
2 carry out this subpart is less than
3 **【\$500,000,000.】**”;

4 (C) in paragraph (2), as redesignated by
5 subparagraph (A), by striking “IN GENERAL.—
6 The” and inserting “COMPETITIVE GRANTS.—
7 Subject to subsection (e), the”; and

8 (D) in paragraph (3), as redesignated by
9 subparagraph (A), by striking “this subpart”
10 and inserting “this section”;

11 (3) in subsection (b)—

12 (A) in paragraph (2), by inserting “and
13 regular classroom teachers” after “leadership
14 personnel”; and

15 (B) in paragraph (3)—

16 (i) by striking “and operating”;

17 (ii) by striking “programs for serv-
18 ing” and inserting “programs that empha-
19 size enrichment for”; and

20 (iii) by inserting “, particularly meth-
21 ods for use in secondary schools,” after
22 “methods”; and

23 (4) in subsection (c), by striking “funds appro-
24 priated” and inserting “funds appropriated and
25 made available”.

1 (b) ALLOTMENT PROGRAM.—Subpart 6 of part D of
2 title V (20 U.S.C. 7253 et seq.) is amended by inserting
3 after section 5464 the following:

4 **“SEC. 5464A. ALLOTMENT PROGRAM FOR GIFTED AND TAL-**
5 **ENTED STUDENTS.**

6 “(a) ESTABLISHMENT OF PROGRAM.—

7 “(1) APPLICATION OF SECTION.—This section
8 shall apply in any fiscal year for which the amount
9 of the funds appropriated and made available to
10 carry out this subpart (referred to in this section as
11 the ‘allotment funds’ equals or exceeds
12 **【\$500,000,000.】**

13 “(2) FORMULA GRANTS TO STATES.—

14 “(A) GRANTS.—The Secretary may use the
15 allotment funds to award grants to State edu-
16 cational agencies, from allotments made under
17 subsection (b).

18 “(B) GENERAL USES.—The Secretary may
19 award the grants to enable the State edu-
20 cational agencies—

21 “(i) to carry out State activities de-
22 scribed in subsection (d); and

23 “(ii) to award grants to local edu-
24 cational agencies under subsection (e) for
25 developing or expanding gifted and tal-

1 ented education programs, through activi-
2 ties such as providing direct educational
3 services and materials.

4 “(b) ALLOTMENTS TO STATES.—

5 “(1) RESERVATION OF FUNDS.—From the al-
6 lotment funds for a fiscal year, the Secretary shall
7 reserve $\frac{1}{2}$ of 1 percent for the Secretary of the Inte-
8 rior for programs or projects authorized under this
9 section, for teachers, other staff, and administrators
10 in schools operated or funded by the Bureau of In-
11 dian Affairs.

12 “(2) STATE ALLOTMENTS.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the Secretary shall allot the
15 allotment funds made available for a fiscal year
16 and not reserved under paragraph (1) to the
17 States on the basis of the States’ relative popu-
18 lations of individuals age 5 through 17 who are
19 from families with incomes below the poverty
20 line, as determined by the Secretary on the
21 basis of the most recent satisfactory data.

22 “(B) MINIMUM GRANT AMOUNT.—No
23 State receiving an allotment under subpara-
24 graph (A) may receive less than $\frac{1}{2}$ of 1 percent

1 of the total amount allotted under such sub-
2 paragraph.

3 “(3) REALLOTMENT.—If any State does not
4 apply for an allotment under this section for any fis-
5 cal year, then the Secretary shall reallocate the amount
6 involved to the remaining States in accordance with
7 paragraph (2).

8 “(c) STATE APPLICATION.—

9 “(1) IN GENERAL.—To be eligible to receive a
10 grant under this section, a State educational agency
11 shall submit an application to the Secretary at such
12 time, in such manner, and containing such informa-
13 tion as the Secretary may reasonably require.

14 “(2) CONTENTS.—Each application under this
15 section shall include assurances that—

16 “(A) the funds received under this section
17 will be used to identify and support gifted and
18 talented students, including gifted and talented
19 students from all economic, ethnic, and racial
20 backgrounds, English language learners who
21 are gifted and talented students, and gifted and
22 talented students who are children with disabili-
23 ties;

24 “(B) the funds not retained by the State
25 educational agency shall be used for the pur-

1 pose of making, in accordance with subsection
2 (e), grants to local educational agencies;

3 “(C) the funds received under this section
4 will be used to supplement, and not supplant,
5 the amount of State and local funds expended
6 for the education of, and related services for,
7 gifted and talented students;

8 “(D) for the programs and projects to be
9 assisted under this section, the State edu-
10 cational agency will make available, in cash or
11 in kind, non-Federal contributions in an
12 amount equal to not less than \$1 for every \$9
13 of Federal funds provided under the grant; and

14 “(E) the State educational agency shall de-
15 velop and implement program assessment mod-
16 els to ensure program accountability and to
17 evaluate educational effectiveness.

18 “(3) APPROVAL.—To the extent allotment
19 funds are made available for a fiscal year, the Sec-
20 retary shall approve an application of a State if such
21 application meets the requirements of this section.

22 “(d) STATE ACTIVITIES.—

23 “(1) STATE USE OF FUNDS.—A State edu-
24 cational agency receiving a grant under this section

1 may not use more than 5 percent of the grant funds
2 for—

3 “(A) dissemination of general program and
4 project information;

5 “(B) providing technical assistance under
6 this section;

7 “(C) monitoring and evaluation of pro-
8 grams assisted under this section;

9 “(D) providing support for parental edu-
10 cation; or

11 “(E) creating a State advisory board on
12 gifted and talented education.

13 “(2) ADMINISTRATIVE COSTS.—A State edu-
14 cational agency receiving a grant under this section
15 may use not more than 2 percent of the grant funds
16 for administrative costs.

17 “(e) DISTRIBUTIONS TO LOCAL EDUCATIONAL
18 AGENCIES.—

19 “(1) GRANT COMPETITION.—A State edu-
20 cational agency shall use a portion, but not less than
21 90 percent, of the funds made available to the State
22 educational agency under this section for a fiscal
23 year to award, on a competitive basis, grants to local
24 educational agencies (including consortia of local
25 educational agencies) to enable the local educational

1 agencies to carry out the programs and projects de-
2 scribed in subsection (g).

3 “(2) COMPETITIVE PROCESS.—In awarding the
4 grants, the State educational agency shall distribute
5 that portion of the funds to local educational agen-
6 cies in the State through a competitive process
7 that—

8 “(A) results in an equitable distribution
9 within the State; and

10 “(B) takes into account each local edu-
11 cational agency’s relative need for new or ex-
12 panded services for gifted and talented stu-
13 dents.

14 “(3) SIZE OF GRANT.—A State educational
15 agency shall award a grant under paragraph (1) for
16 any fiscal year in an amount sufficient to meet the
17 needs of the students to be served under the grant.

18 “(f) LOCAL APPLICATIONS.—

19 “(1) APPLICATION.—To be eligible to receive a
20 grant under this section, a local educational agency
21 (including a consortium of local educational agen-
22 cies) shall submit an application to the State edu-
23 cational agency.

24 “(2) CONTENTS.—Each application under this
25 section shall include—

1 “(A) an assurance that the funds received
2 under this section will be used to identify and
3 support gifted and talented students, including
4 gifted and talented students from all economic,
5 ethnic, and racial backgrounds, English lan-
6 guage learners who are gifted and talented stu-
7 dents, and gifted and talented students who are
8 children with disabilities;

9 “(B) a description of how the local edu-
10 cational agency will meet the educational needs
11 of gifted and talented students, including meet-
12 ing the needs through the training of personnel
13 in the education of gifted and talented students;
14 and

15 “(C) an assurance that funds received
16 under this section will be used to supplement,
17 and not supplant, the amount of funds ex-
18 pended by the local educational agency for the
19 education of, and related services for, gifted
20 and talented students.

21 “(g) LOCAL ACTIVITIES.—

22 “(1) AUTHORIZED ACTIVITIES.—Grant funds
23 provided under subsection (e) shall be used to carry
24 out 1 or more of—

1 “(A) the programs or projects described in
2 paragraphs (2), (4), (6), and (7) of section
3 5464(b); or

4 “(B) a program or project to provide direct
5 educational services and materials to gifted and
6 talented students, which may include **【**a com-
7 pacted curriculum,**】** a modified or adapted cur-
8 riculum, accelerated study, independent study,
9 and a dual enrollment option.

10 “(2) LIMITATIONS ON USE OF FUNDS.—Grant
11 funds provided under subsection (e) that are used
12 for programs or projects described in section
13 5464(b)(7) may be used for programs or projects
14 that include development of curriculum packages,
15 compensation of distance-learning educators, or
16 other relevant activities, but grant funds provided
17 under this section may not be used for the purchase
18 or upgrading of technological hardware.

19 “(h) ANNUAL REPORTING.—For each fiscal year for
20 which allotment funds are allotted to a State under this
21 section, beginning 1 year after the date of enactment of
22 the **【**short title to be supplied**】**, the State educational
23 agency shall prepare and submit to the Secretary a report
24 that describes the number of students served and the pro-
25 grams or projects supported with funds provided under

1 this section. The report shall include a description of the
2 measures taken to comply with subparagraphs (A) and
3 (D) of subsection (c)(2).

4 “(i) DEFINITION.—In this section, the term ‘State’
5 means each of the 50 States, the District of Columbia,
6 and the Commonwealth of Puerto Rico.”.

7 (c) SERVICE PRIORITY.—Section 5465(b) (20 U.S.C.
8 7253d(b)) is amended by striking “section 5464(a)(2)”
9 and inserting “section 5464(a)(3)”.

10 (d) GENERAL PROVISIONS.—Section 5466(c) (20
11 U.S.C. 7253e(c)) is amended—

12 (1) in paragraph (3), by striking “and” at the
13 end;

14 (2) in paragraph (4)—

15 (A) by striking “shall disseminate, and
16 consult on,” and inserting “consult on”; and

17 (B) by striking the semicolon and inserting
18 “and disseminate the information to other of-
19 fices within the Department and to the public;
20 and”; and

21 (3) by adding at the end the following:

22 “(5) every 3 years, prepare and submit to the
23 Committee on Education and Labor of the House of
24 Representatives and the Committee on Health, Edu-
25 cation, Labor, and Pensions of the Senate a report

1 on the program outcomes of the programs funded
2 under this subpart, and the promising practices de-
3 veloped through programs or projects funded under
4 this subpart.”.

5 **SEC. 546. READY TO TEACH.**

6 (a) GRANTS.—Section 5481 (20 U.S.C. 7257) is
7 amended—

8 (1) in subsection (a)—

9 (A) by striking “a nonprofit telecommuni-
10 cations entity, or partnership of such entities”
11 and inserting “an eligible entity described in
12 subsection (b)”;

13 (B) by striking “telecommunications-
14 based”; and

15 (C) by striking “achieve” and inserting
16 “meet”; and

17 (2) by striking subsection (b) and inserting the
18 following:

19 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
20 a grant under this section, an entity shall be a national
21 nonprofit membership organization that acquires and dis-
22 tributes programming to noncommercial educational tele-
23 vision broadcasters through the national public television
24 interconnection system that it manages and operates.”.

1 (b) APPLICATION REQUIRED.—Section 5482 (20
2 U.S.C. 7257a) is amended to read as follows:

3 **“SEC. 5482. APPLICATION REQUIRED.**

4 “(a) IN GENERAL.—To be eligible to receive a grant
5 under section 5481, an eligible entity shall submit an ap-
6 plication to the Secretary. Each such application shall—

7 “(1) demonstrate that the applicant will use the
8 public broadcasting infrastructure, and other high-
9 tech delivery platforms, to deliver educational con-
10 tent and services in an integrated service to provide
11 professional development on the use of materials and
12 learning technologies for achieving challenging State
13 academic content and student academic achievement
14 standards;

15 “(2) ensure that such integrated service will be
16 conducted in cooperation with appropriate State
17 educational agencies, local educational agencies, and
18 **【State or local affiliates of the eligible entities;】**

19 “(3) ensure, in partnership with local television
20 public broadcast stations, that a significant portion
21 of the benefits of such integrated service will be
22 available to local educational agencies that have high
23 percentages of children counted under section
24 1124(c), particularly those schools that have failed

1 to make adequate yearly progress for 2 or more con-
2 secutive years under section 1111(c); and

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

5 “(b) SITES.—In approving applications under sub-
6 section (a), the Secretary shall ensure that the program
7 authorized under section 5481 is conducted at elementary
8 school and secondary school served by local educational
9 agencies described in subsection (a)(3) throughout the
10 United States.”.

11 (c) REPORTS AND EVALUATION.—Section 5483 (20
12 U.S.C. 7257b) is amended—

13 (1) by striking “An entity” and inserting “(a)
14 IN GENERAL.—An entity”;

15 (2) in paragraph (1)—

16 (A) by striking “core curriculum areas”
17 and inserting “curriculum core academic sub-
18 jects”;

19 (B) by striking “core curriculum area” and
20 inserting “curriculum core academic subject”;
21 and

22 (C) by striking “and” after the semicolon;

23 (3) by redesignating paragraph (2) as para-
24 graph (3);

1 (4) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) the impact of the program on the academic
4 achievement of all children served, particularly chil-
5 dren in schools identified for school improvement
6 under 1116;”;

7 (5) in paragraph (3) (as redesignated by para-
8 graph (3)), by striking the period at the end and in-
9 serting “; and”; and

10 (6) by adding at the end the following:

11 “(4) the percentage of elementary school and
12 secondary school teachers who had access to and uti-
13 lized the program funded under this part, including
14 the percentage of teachers in schools that have failed
15 to make adequate yearly progress for 2 or more con-
16 secutive years under section 1111(c);

17 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 such sums as may be necessary for fiscal year 2008 and
20 each of the 5 succeeding fiscal years.”.

21 (d) DIGITAL EDUCATIONAL PROGRAMMING
22 GRANTS.—Section 5484 (20 U.S.C. 7257c) is amended to
23 read as follows:

1 **“SEC. 5484. DIGITAL EDUCATIONAL PROGRAMMING**
2 **GRANTS.**

3 “(a) IN GENERAL.—The Secretary is authorized to
4 award grants, on a competitive basis, to eligible entities
5 (described in subsection (b)) for the purpose of developing,
6 disseminating, and providing training through high-quality,
7 innovative educational digital content and services
8 based on challenging State academic content and student
9 academic achievement standards.

10 “(b) ELIGIBLE ENTITIES.—To be eligible to receive
11 a grant under this section, an entity shall—

12 “(1) be—

13 “(A) a television public broadcast station
14 as defined in section 397(6) of the Communica-
15 tions Act of 1934 (47 U.S.C. 397(6));

16 “(B) a partnership of entities described in
17 subparagraph (A); or

18 “(C) a partnership among entities de-
19 scribed in subparagraph (A) and a national
20 nonprofit membership organization that ac-
21 quires and distributes programming to non-
22 commercial educational television broadcasters
23 through the national public television inter-
24 connection system that it manages and operates
25 that demonstrates a capacity for the develop-
26 ment and distribution of high-quality, innova-

1 tive educational digital content and services in
2 core curriculum content areas;

3 “(2) partner with a State educational agency or
4 a local educational agency (or a consortium of such
5 agencies) that receives funds under part A of title I;
6 and

7 “(3) partner with a high-quality academic re-
8 search and evaluation entity to ensure that the con-
9 tent developed pursuant to this section effectively
10 address the needs of teachers and students and de-
11 livers a positive impact on student academic achieve-
12 ment in core curriculum content areas.

13 “(c) APPLICATION.—An eligible entity that desires to
14 receive a grant under this section shall submit an applica-
15 tion to the Secretary at such time, in such manner, and
16 accompanied by such information as the Secretary may
17 reasonably require.

18 “(d) REQUIRED USE OF FUNDS.—An eligible entity
19 that receives a grant under this section shall—

20 “(1) develop and use innovative, high-quality
21 tools, products, and educational digital content and
22 services that—

23 “(A) include built-in teacher utilization
24 and support components to ensure that teachers
25 can understand and easily use the content of

1 the programming either for group instruction or
2 individual student use; and

3 “(B) are created for, or adaptable to, chal-
4 lenging State academic content standards and
5 student academic achievement standards;

6 “(2) provide professional development for teach-
7 ers in the use of the content developed in paragraph
8 (1);

9 “(3) conduct an evaluation as described in sub-
10 section (g); and

11 “(4) provide age-appropriate programs, train-
12 ing, materials, and access to technology that build
13 the critical and higher-order thinking skills of stu-
14 dents in elementary schools and secondary schools
15 that are capable of distribution through digital
16 broadcasting and school digital networks.

17 “(e) MATCHING REQUIREMENT.—An eligible entity
18 that receives a grant under this section shall contribute,
19 to the activities assisted under such grant, non-Federal
20 matching funds in an amount equal to not less than 100
21 percent of the amount of the grant. Such matching funds
22 may include funds provided for the transition to digital
23 broadcasting, as well as in-kind contributions.

24 “(f) DURATION.—A grant under this section shall be
25 awarded for a period of 3 years in order to provide a suffi-

1 cient period of time for the creation of a substantial body
2 of significant content.

3 “(g) REPORTS AND EVALUATION.—An eligible entity
4 that receives a grant under this section shall prepare and
5 submit to the Secretary an annual report that contains
6 such information as the Secretary may require. At a min-
7 imum, such report shall describe the program activities
8 undertaken with funds received under the grant, includ-
9 ing—

10 “(1) the effectiveness of the comprehensive,
11 high-quality program to improve the curriculum core
12 academic subjects, including mathematics, science,
13 and technology teaching and learning in elementary
14 schools and secondary schools; and

15 “(2) the success of professional development in
16 the use of materials described in subsection (d)(1).

17 **【“(h) AUTHORIZATION OF APPROPRIATIONS.—There**
18 **are authorized to be appropriated to carry out this section**
19 **\$15,000,000 for fiscal year 2008 and such sums as may**
20 **be necessary for each of the 5 succeeding fiscal years.”.】**

21 **【(e) NATIONAL ON-DEMAND DIGITAL EDUCATION**
22 **MEDIA SERVICE.—Subpart 8 of part D of title V (20**
23 **U.S.C. 7257 et seq.) is amended by inserting after section**
24 **5484 the following:】**

1 **["SEC. 5484A. NATIONAL ON-DEMAND DIGITAL EDUCATION**
2 **MEDIA SERVICE.]**

3 **["(a) PURPOSE.—**It is the purpose of this section to
4 develop and operate a national on-demand digital edu-
5 cation media service that provides high-quality educational
6 digital content, programming, professional development,
7 lessons, and other support available to all educators, par-
8 ents, institutions of higher education, research institu-
9 tions, States, local educational agencies, and the public at
10 low or no cost.]

11 **["(b) GRANTS AUTHORIZED.—**The Secretary shall
12 award grants under this section to eligible entities to en-
13 able such entities to develop and operate a national on-
14 demand digital education media service.]

15 **["(c) ELIGIBLE ENTITIES.—**To be eligible to receive
16 a grant under this section, an entity shall—]

17 **["(1)** be a television public broadcasting entity,
18 as defined in section 397(11) of the Communications
19 Act of 1934, or a consortium of such entities, that
20 is able to demonstrate a capacity for the develop-
21 ment, operation, management, and marketing of a
22 new national on-line, on-demand digital education
23 media service; and]

24 **["(2)** have the capacity to establish and coordi-
25 nate an advisory committee to advise on the develop-
26 ment and implementation of the national media serv-

1 ice to ensure that such service meets the needs of
2 communities, schools, educators, and providers,
3 which members shall include not less than 1 of each
4 of the following:】

5 【“(A) A representative of television public
6 broadcast stations that are not grantees under
7 this subpart.】

8 【“(B) A representative of a State edu-
9 cational agency or a local educational agency.】

10 【“(C) A representative of the Corporation
11 for Public Broadcasting.】

12 【“(D) A representative of the national or-
13 ganization representing the licensees and per-
14 mittees of noncommercial broadcast television
15 stations.】

16 【“(E) A representative of a national non-
17 profit membership organization that acquires
18 and distributes programming to noncommercial
19 educational television broadcasters through the
20 national public television interconnection system
21 that it manages and operates.】

22 【“(F) A teacher, principal, and adminis-
23 trator.】

24 【“(G) A parent.】

1 【“(H) An early education provider, such
2 as a Head Start program.】

3 【“(I) A community based organization ad-
4 dressing family literacy.】

5 【“(J) An expert in evaluation and research
6 in best practices in education, early education,
7 and family literacy.】

8 【“(K) An expert in the use of media and
9 technology.】

10 【“(L) A for-profit content provider.】

11 【“(d) APPLICATIONS.—An eligible entity that desires
12 to receive a grant under this section shall submit an appli-
13 cation to the Secretary at such time, in such manner, and
14 accompanied by such information as the Secretary may
15 require. Each application shall—】

16 【“(1) describe the plan for how such entity will
17 develop and operate the service in accordance with
18 this section;】

19 【“(2) describe the advisory committee that the
20 entity will use and the plan for ensuring active par-
21 ticipation by the committee to ensure that the media
22 service will be high quality and serve the needs of
23 schools, parents, and communities;】

24 【“(3) describe how the entity will ensure that
25 the programs and materials available on the service

1 will be high-quality, easily accessible to educators
2 and parents, and available at low or no cost;】

3 【“(4) describe how the service funded under
4 this section will provide products, materials, and
5 services that will help all children, including students
6 with disabilities and English language learners, meet
7 challenging State academic content standards and
8 student academic achievement standards;】

9 【“(5) describe how the service funded under
10 this section will provide products, materials, and
11 services that will help all children, including students
12 with disabilities and English language learners, come
13 to school ready to learn;】

14 【“(6) describe how the service funded under
15 this section will provide products, materials, and
16 services that will help all adults, including English
17 language learners, meet their literacy and work force
18 needs;】

19 【“(7) describe how the service funded under
20 this section will provide products, materials, and
21 services that will help all children, including students
22 with disabilities and English language learners,
23 achieve in mathematics, science, and technology;】

24 【“(8) describe how the service funded under
25 this section will provide products, materials, and

1 services that will help engage parents and commu-
2 nities in improving education for all children;】

3 【“(9) describe how the entity will continuously
4 evaluate and improve the service to continuously
5 meet the needs of the public and educators;】

6 【“(10) describe how the entity will develop and
7 deliver the service so that the service will integrate
8 into, or be interoperable with, existing local and
9 State educational portals already in use by schools
10 and State agencies;】

11 【“(11) describe how other leading nonprofit or
12 for-profit content providers will be engaged in the ef-
13 fort and how such providers’ content resources may
14 be accessed through or referenced within the serv-
15 ice;】

16 【“(12) describe how the entity will leverage
17 public broadcasting’s distribution infrastructure, in-
18 cluding on-air digital broadcast channels and local
19 community outreach mechanisms, to raise awareness
20 about the availability of the service and support the
21 successful adoption and implementation of the serv-
22 ice;】

23 【“(13) describe the fair and balanced process
24 that the entity will use to establish the advisory
25 committee, how it will coordinate the advisory com-

1 mittee, and how the entity will ensure that it takes
2 into account the advice of the advisory committee in
3 planning and implementing an effective service;
4 and】

5 【“(14) contain such additional assurances as
6 the Secretary may reasonably require.】

7 【“(e) REQUIRED USES OF FUNDS.—An eligible enti-
8 ty that receives a grant under this section shall use the
9 grant funds for—】

10 【“(1) the development and operation of a na-
11 tional on-line, on-demand digital education media
12 service;】

13 【“(2) professional development and training of
14 teachers and staff to use the service;】

15 【“(3) the evaluation, as described in subsection
16 (g);】

17 【“(4) outreach and marketing activities, par-
18 ticularly to schools in need of improvement pursuant
19 to section 1116, and disadvantaged schools and com-
20 munities;】

21 【“(5) quality control of the service and its con-
22 tents;】

23 【“(6) coordination and engagement with the
24 advisory committee;】

1 【“(7) digitization of appropriate analog con-
2 tent; and】

3 【“(8) other activities as needed to meet the
4 purpose of this section.】

5 【“(f) DURATION.—A grant under this section shall
6 be awarded for a period of 10 years.】

7 【“(g) REPORTS AND EVALUATION.—An eligible enti-
8 ty that receives a grant under this section shall prepare
9 and submit to the Secretary an annual report that con-
10 tains such information as the Secretary may require. At
11 a minimum, such report shall describe the program activi-
12 ties undertaken with funds received under the grant, in-
13 cluding—】

14 【“(1) the quality, breadth, and depth of the
15 content provided by the service;】

16 【“(2) the use of the program by educators, par-
17 ents, and communities, particularly in the most dis-
18 advantaged communities and by schools that have
19 failed to make adequate yearly progress for 2 or
20 more consecutive years under section 1111(c);】

21 【“(3) the effectiveness of the service and the
22 availability of effective, low or no-cost resources;】

23 【“(4) the effectiveness of the outreach and
24 marketing activities in reaching a wide audience,
25 particularly in the most disadvantaged communities

1 and in schools in need of improvement pursuant to
2 section 1116; and】

3 【“(5) the impact and effectiveness of the advi-
4 sory committee on the service.】

5 【“(h) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this section
7 \$15,000,000 for fiscal year 2008 and such sums as may
8 be necessary for each of the 5 succeeding fiscal years.”.】

9 **SEC. 547. FOREIGN LANGUAGE ASSISTANCE PROGRAM.**

10 Subpart 9 of part D of title V of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C. 7259 et
12 seq.) is amended to read as follows:

13 **“Subpart 9—Foreign Language Assistance Program**

14 **“SEC. 5491. SHORT TITLE.**

15 “This subpart may be cited as the ‘Foreign Language
16 Assistance Program Act’.

17 **“SEC. 5492. PROGRAM AUTHORIZED.**

18 “(a) PROGRAM AUTHORITY.—The Secretary is au-
19 thorized to award grants, on a competitive basis, to State
20 educational agencies or local educational agencies to en-
21 able such agencies to support innovative model programs
22 providing for the establishment, improvement, or expan-
23 sion of foreign language study for elementary school and
24 secondary school students.

1 “(b) SPECIAL RULE.—Not less than 75 percent of
2 the funds made available under this subpart shall be used
3 to carry out section 5494.

4 “(c) PAYMENTS.—The Secretary shall determine the
5 amount of a grant under this subpart based on the ex-
6 pected impact of the program on students and teachers
7 and the activities to be offered.

8 “(d) EVALUATION RESERVATION.—The Secretary
9 may reserve not more than 5 percent of funds made avail-
10 able under this subpart to evaluate the efficacy of pro-
11 grams assisted under this subpart.

12 “(e) PRIORITY; ELIGIBLE FOREIGN LANGUAGE.—

13 “(1) PRIORITY.—In awarding grants under this
14 subpart, the Secretary—

15 “(A) shall give priority to high utility lan-
16 guages; and

17 “(B) may set aside not more than 20 per-
18 cent of grant funds for programs that support
19 critical foreign languages.

20 “(2) ELIGIBLE FOREIGN LANGUAGES.—The
21 Secretary may award a grant under this subpart to
22 a program that supports any foreign language.

23 “(f) DEFINITIONS.—In this subpart:

24 “(1) ADVANCED LEVEL OF PROFICIENCY.—The
25 term ‘advanced level of proficiency’ means the ad-

1 vanced level as measured by the American Council
2 for Teachers of Foreign Languages, or level 2 as
3 measured by the Federal Interagency Language
4 Roundtable or by other nationally recognized meas-
5 ures of advanced standards of proficiency.

6 “(2) **ARTICULATED.**—The term ‘articulated’
7 means a process whereby each grade level of a for-
8 eign language program is designed to sequentially
9 expand on the student achievement of the previous
10 level with a goal toward achieving an established
11 level of language proficiency. Such a program may
12 begin with a commonly taught language in early
13 grades and proceed to a critical foreign language in
14 later grades.

15 “(3) **CRITICAL FOREIGN LANGUAGE.**—The term
16 ‘critical foreign language’ means each of the lan-
17 guages contained in the list of critical languages des-
18 ignated by the Secretary in the Federal Register on
19 August 2, 1985 (50 Fed. Reg. 149, 31413; enacted
20 under the authority of section 212(d) of the Edu-
21 cation for Economic Security Act (repealed by sec-
22 tion 2303 of the Augustus F. Hawkins-Robert T.
23 Stafford Elementary and Secondary School Improve-
24 ment Amendments of 1988)), except that in the im-
25 plementation of this definition with respect to this

1 subpart the Secretary may set priorities according to
2 the purposes of such subpart and the national secu-
3 rity, economic competitiveness, and educational
4 needs of the United States.

5 “(4) HIGH UTILITY LANGUAGE.—The term
6 ‘high utility language’ means a commonly taught
7 foreign language or a foreign language widely used
8 in international business, commerce, trade, diplo-
9 macy and other similar, common international com-
10 munication situations.

11 **“SEC. 5493. GRANTS TO STATE EDUCATIONAL AGENCIES.**

12 “(a) IN GENERAL.—The Secretary shall award
13 grants under this section to State educational agencies to
14 support programs that promote systemic approaches to
15 improving foreign language learning in the State.

16 “(b) DURATION.—Each grant awarded under this
17 section shall be awarded for a period of 3 years.

18 “(c) APPLICATION.—

19 “(1) IN GENERAL.—Any State educational
20 agency desiring a grant under this section shall sub-
21 mit an application to the Secretary at such time, in
22 such manner, and containing such information and
23 assurances as the Secretary may require.

1 “(2) SPECIAL CONSIDERATION.—The Secretary
2 shall give special consideration to applications de-
3 scribing programs that—

4 “(A) provide professional development ac-
5 tivities for teachers;

6 “(B) promote the articulated study of for-
7 eign languages for students beginning in ele-
8 mentary schools; or

9 “(C) promote development and implemen-
10 tation of innovative activities, such as foreign
11 language immersion, partial foreign language
12 immersion, or contextual instruction.

13 “(d) USE OF FUNDS.—Grants awarded under this
14 section—

15 “(1) shall be used—

16 “(A) to design programs and teaching
17 strategies informed by best practices, recog-
18 nized by the field or based on available re-
19 search;

20 “(B) to develop curriculum materials based
21 on an articulated framework or approach to
22 bring students to advanced levels of proficiency
23 in not less than 1 foreign language by grade 12;
24 and

1 “(C) to carry out teacher in-service and
2 professional development programs, including
3 summer institutes, that support activities car-
4 ried out under this section; and

5 “(2) may be used—

6 “(A) to develop rigorous foreign language
7 assessments for kindergarten through grade 12
8 if such assessments do not exist; and

9 “(B) to enhance existing kindergarten
10 through grade 12 foreign language assessments.

11 “(e) MATCHING FUNDS.—

12 “(1) IN GENERAL.—A State educational agency
13 that receives a grant under this section shall provide
14 matching funds, toward the cost of carrying out the
15 activities supported by the grant, from non-Federal
16 sources, in an amount equal to 50 percent of the
17 amount of the grant awarded under this section.

18 “(2) IN-KIND OR IN CASH.—The amount re-
19 quired under paragraph (1) may be provided in cash
20 or in kind.

21 “(f) REPORT.—

22 “(1) IN GENERAL.—A State educational agency
23 that receives a grant under this section shall prepare
24 and submit to the Secretary an annual report that

1 contains such information that the Secretary may
2 require.

3 “(2) MINIMUM REQUIREMENTS.—At a min-
4 imum, the report under paragraph (1) shall describe
5 the program activities undertaken with funds re-
6 ceived under the grant.

7 **“SEC. 5494. KINDERGARTEN THROUGH GRADE 12 FOREIGN**
8 **LANGUAGE INCENTIVE PROGRAM.**

9 “(a) IN GENERAL.—The Secretary shall award
10 grants under this section to local educational agencies to
11 support innovative model programs providing for the es-
12 tablishment, improvement, or continuation of foreign lan-
13 guage study for elementary school and secondary school
14 students and that—

15 “(1) show the promise of being continued be-
16 yond the grant period;

17 “(2) demonstrate approaches that can be dis-
18 seminated and duplicated in other local educational
19 agencies; and

20 “(3) include a professional development compo-
21 nent.

22 “(b) DURATION.—Each grant awarded under this
23 section shall be awarded for a period of not more than
24 4 years with possible renewal. For programs involving crit-
25 ical foreign languages, the initial 4-year grant period may

1 include a planning and development period of not more
2 than 2 years.

3 “(c) PARTNERSHIPS.—A local educational agency
4 may apply for a grant under this section in partnership
5 with multiple actors, including State agencies and institu-
6 tions of higher education, including departments of foreign
7 language and schools of education.

8 “(d) APPLICATION.—

9 “(1) IN GENERAL.—Any local educational agen-
10 cy desiring a grant under this section shall submit
11 an application to the Secretary at such time, in such
12 manner, and containing such information and assur-
13 ances as the Secretary may require.

14 “(2) SPECIAL CONSIDERATION.—The Secretary
15 shall give special consideration to applications de-
16 scribing programs that—

17 “(A) provide professional development ac-
18 tivities for teachers;

19 “(B) promote the articulated study of a
20 foreign language for students, beginning in ele-
21 mentary schools; or

22 “(C) promote innovative activities, such as
23 foreign language immersion, partial foreign lan-
24 guage immersion, or contextual instruction.

1 “(e) USE OF FUNDS.—Grants awarded under this
2 section—

3 “(1) shall be used—

4 “(A) to design programs and teaching
5 strategies informed by best practices, recog-
6 nized by the field or based on available re-
7 search;

8 “(B) to develop curriculum materials based
9 on an articulated framework or approach to
10 bring students to advanced levels of proficiency
11 in not less than 1 foreign language by grade 12;
12 and

13 “(C) to carry out teacher in-service and
14 professional development programs, including
15 summer institutes, that support activities car-
16 ried out under this section; and

17 “(2) may be used—

18 “(A) to develop rigorous foreign language
19 assessments for kindergarten through grade 12
20 if such assessments do not exist for the lan-
21 guage of the program;

22 “(B) to enhance existing kindergarten
23 through grade 12 foreign language assessments
24 for the language of the program;

1 “(C) to provide opportunities for maximum
2 language exposure for students, such as cre-
3 ation of dual language immersion programs, im-
4 mersion environments in a school, and weekend
5 or summer immersion experiences;

6 “(D) to provide opportunities for special
7 tutoring and academic support;

8 “(E) to provide multiple entry points for
9 the studying of the language;

10 “(F) to incorporate effective and innova-
11 tive uses of technology to enhance student
12 learning and teaching; and

13 “(G) to recruit or appoint a language su-
14 pervisor to oversee and coordinate the progress
15 of the articulated foreign language program
16 across grade levels in the local educational
17 agency.

18 “(f) MATCHING FUNDS.—

19 “(1) IN GENERAL.—A local educational agency
20 that receives a grant under this section shall provide
21 matching funds, toward the cost of carrying out the
22 activities supported by the grant, from non-Federal
23 sources, in an amount equal to—

1 “(A) 20 percent of the amount of the
2 grant payment for the first year for which a
3 grant payment is made;

4 “(B) 30 percent of the amount of the
5 grant program for the second such year;

6 “(C) 40 percent of the amount of the
7 grant payment for the third such year; and

8 “(D) 50 percent of the amount of the
9 grant payment for the fourth or any subsequent
10 year, including renewal years where applicable.

11 “(2) NON-FEDERAL SHARE.—The amount re-
12 quired under paragraph (1) may be provided in cash
13 or in kind.

14 “(3) WAIVER.—The Secretary may waive, in
15 whole or in part, the matching requirement under
16 paragraph (1) for any year if the local educational
17 agency demonstrates hardship and the waiver will
18 best serve the purposes of this section.

19 “(g) REPORT.—

20 “(1) IN GENERAL.—A local educational agency
21 receiving a grant under this section shall prepare
22 and submit to the Secretary an annual report that
23 contains such information that the Secretary may
24 require.

1 “(2) MINIMUM REQUIREMENTS.—At a min-
2 imum, the report under paragraph (1) shall describe
3 the program activities undertaken with funds re-
4 ceived under the grant, including—

5 “(A) the number of students that receive
6 services;

7 “(B) the number of teachers involved in in-
8 struction;

9 “(C) the activities that have been under-
10 taken; and

11 “(D) where applicable, students’ results on
12 State or national assessments.

13 “(3) REPORT BY THE SECRETARY.—The Sec-
14 retary shall issue, and widely disseminate, an annual
15 report that compiles, in the aggregate, reports sub-
16 mitted under paragraph (1).

17 “(h) SUPPLEMENT NOT SUPPLANT.—Funds made
18 available under this section shall be used to supplement
19 and not supplant any other language programs that are
20 available to students in the local educational agencies.”.

21 **SEC. 548. PHYSICAL EDUCATION.**

22 (a) PROGRAM AUTHORIZATION.—Section 5503 (20
23 U.S.C. 7261b) is amended—

24 (1) in subsection (a)—

1 (A) by striking “and the Young” and in-
2 serting “the Young”; and

3 (B) by striking “(YMCA) and” and insert-
4 ing “(YMCA), **【Girls Inc.,】** and the”; and
5 (2) in subsection (b)—

6 (A) by redesignating paragraph (6) as
7 paragraph (7); and

8 (B) by inserting after paragraph (5) the
9 following:

10 “(6) Activities that promote lifelong fitness, nu-
11 trition, and health by engaging parents and guard-
12 ians.”.

13 (b) REQUIREMENTS.—Section 5505(a)(1) (20 U.S.C.
14 7261d(a)(1)) is amended by inserting before the semicolon
15 the following: “, including describing how adequate phys-
16 ical education classes and access to facilities and equip-
17 ment were provided to all students”.

18 (c) ADMINISTRATIVE PROVISIONS.—Section 5506(c)
19 (20 U.S.C. 7261e(c)) is amended by striking “Not later
20 than June 1, 2003,” and inserting “Not later than 2 years
21 after the date of enactment of the **【short title to be pro-
22 vided】**”.

23 **SEC. 549. ARTS IN EDUCATION.**

24 Section 5551 (20 U.S.C. 7271) is amended—

1 (1) in subsection (d)(8), by striking “Very Spe-
2 cial Arts” and inserting “VSA Arts (formerly Very
3 Special Arts)”; and

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

5 “(h) DISSEMINATION.—The Secretary shall, every 3
6 years, prepare and submit to the Committee on Education
7 and Labor of the House of Representatives and the Com-
8 mittee on Health, Education, Labor, and Pensions of the
9 Senate a report on the programmatic outcomes resulting
10 from activities described in subsection (d), including eval-
11 uation results, of model school-based arts education pro-
12 grams and model professional development programs sup-
13 ported by grants received under this subpart.”.

14 **SEC. 550. PARENTAL ASSISTANCE AND LOCAL FAMILY IN-**
15 **FORMATION CENTERS.**

16 Subpart 16 of part D of title V (20 U.S.C. 7273 et
17 seq.) is amended—

18 (1) in section 5561(5), by inserting “, title III,”
19 after “1118”;

20 (2) in section 5563(b)(11), by inserting “,
21 through activities such as a school-parent compact,”
22 after “parents”;

23 (3) in section 5564—

24 (A) in subsection (a)—

1 (i) in paragraph (1), in the matter
2 preceding subparagraph (A), by striking
3 “such as” and inserting “including”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(7) To provide information about State and
7 local standards and measures of student and school
8 academic achievement results to parents in a man-
9 ner and a language the family can understand, **【to**
10 **the maximum extent practicable】**.

11 “(8) To coordinate the efforts of Federal, State,
12 and local parent education and family involvement
13 initiatives.”; and

14 (B) in subsection (b)—

15 (i) by striking paragraphs (3) and (4);

16 (ii) by redesignating paragraph (5) as
17 paragraph (3); and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(4) Providing information about State and
21 local high school graduation requirements, college
22 entrance requirements, and Federal and State finan-
23 cial assistance for postsecondary education.

24 “(5) Providing information about options for
25 public school choice and supplemental educational

1 services for students enrolled in schools identified for
2 improvement under section 1116.”.

3 (4) in section 5565(b)(1)(E), by inserting “, co-
4 ordinating activities under this subpart with paren-
5 tal involvement initiatives funded under section 1118
6 and title III,” after “involvement”.

7 **SEC. [551. HEALTHY, HIGH-PERFORMANCE SCHOOLS.**

8 (a) CHAPTER.—Subpart 18 of part D of title V (20
9 U.S.C. 7277 et seq.) is amended—

10 (1) by inserting before section 5581 the fol-
11 lowing:

12 **“CHAPTER 1—HEALTHY, HIGH-PERFORM-
13 ANCE SCHOOL BUILDING PROJECTS”;**

14 and

15 (2) by striking “this subpart” each place it ap-
16 pears and inserting “this chapter”.

17 (b) STATE USES OF FUNDS.—Section 5582(a) (20
18 U.S.C. 7277a(a)) is amended by adding at the end the
19 following:

20 “(4) COLLABORATION; ADDITIONAL REQUIRE-
21 MENTS.—A State educational agency receiving a
22 grant under this chapter shall work in collaboration
23 with the State agency with responsibilities relating
24 to environmental regulation and the State agency

1 with responsibilities relating to health in order to–

2 –

3 “(A) determine which local educational
4 agencies will receive subgrants under this sub-
5 section, or which schools will receive funding
6 through the subgrants;

7 “(B) develop requirements for the award-
8 ing of subgrants under this subsection, includ-
9 ing a requirement that applicants for the sub-
10 grants agree to incorporate the Tools For
11 Schools Program of the Environmental Protec-
12 tion Agency to address indoor air quality prob-
13 lems at the schools involved; and

14 “(C) establish a model program for the use
15 of subgrant funds under this chapter that local
16 educational agencies or schools may adopt.”.

17 **SEC. 552. GEOGRAPHY EDUCATION.**

18 Part D of title V (20 U.S.C. 7241 et seq.) is amended
19 by adding at the end the following:

20 **“Subpart 22—Geography Education**

21 **“SEC. 5621. PURPOSES AND OBJECTIVES.**

22 “(a) PURPOSE.—The purpose of this subpart is to
23 promote geographic literacy and improved understanding
24 of global cultures among kindergarten through grade 12
25 students by expanding programs that employ the geo-

1 graphic knowledge and expertise of faculty members in in-
2 stitutions of higher education for the benefit of kinder-
3 garten through grade 12 teachers and to otherwise ad-
4 vance geographic literacy.

5 “(b) OBJECTIVES.—The objectives of this subpart
6 are the following:

7 “(1) To increase students’ knowledge of, and
8 achievement in, geography to enable the students to
9 become better informed and more productive citi-
10 zens.

11 “(2) To increase the number of highly qualified
12 teachers of United States and world geography and
13 to enable the teachers—

14 “(A) to improve student mastery of geo-
15 graphic principles; and

16 “(B) to increase practical applications of
17 those principles.

18 “(3) To encourage geographic education re-
19 search, to develop and disseminate effective instruc-
20 tional materials, and to promote replication of best
21 practices and exemplary programs that foster geo-
22 graphic literacy.

23 “(4) To leverage and expand private and public
24 support for geography education partnerships at na-
25 tional, State, and local levels.

1 **“SEC. 5622. GRANT PROGRAM AUTHORIZED.**

2 “The Secretary is authorized to award a grant to a
3 national nonprofit education organization or a consortium
4 of national nonprofit education organizations (hereafter in
5 this subpart referred to as the ‘grantee’) that has as its
6 primary purpose the improvement of the quality of student
7 understanding of geography through effective teaching of
8 geography in the Nation’s classrooms.

9 **“SEC. 5623. USE OF FUNDS.**

10 “(a) DIRECT ACTIVITIES.—The grantee shall use not
11 more than 25 percent of the funds made available through
12 the grant for a fiscal year—

13 “(1) to strengthen and expand the grantee’s re-
14 lationships with institutions of higher education, and
15 with State and local agencies and other public and
16 private organizations with a commitment to geog-
17 raphy education and the benefits of geography edu-
18 cation;

19 “(2) to support and promote **【research-based】**
20 training of teachers of geography and related dis-
21 ciplines in kindergarten through grade 12 as a
22 means of broadening student knowledge of the
23 world, including the dissemination of information on
24 effective practices and research findings concerning
25 the teaching of geography;

1 “(3) to support research on effective geography
2 teaching practices and the development of assess-
3 ment instruments and strategies to document stu-
4 dent understanding of geography;

5 “(4) to convene national conferences on geog-
6 raphy education to assess the current state of geo-
7 graphic literacy and to identify strategies for im-
8 provement; and

9 “(5) to develop and disseminate appropriate
10 **【research-based】** materials to foster geographic lit-
11 eracy.

12 “(b) SUBGRANTS.—

13 “(1) IN GENERAL.—The grantee shall use not
14 more than 75 percent of the funds made available
15 through the grant for a fiscal year to award sub-
16 grants to eligible recipients.

17 “(2) ELIGIBLE RECIPIENT DEFINED.—In this
18 subpart the term ‘eligible recipient’ means an insti-
19 tution of higher education associated with—

20 “(A) a State geographic alliance;

21 “(B) a nonprofit educational organization;

22 “(C) a State educational agency or local
23 educational agency; or

1 “(D) a partnership between or among an
2 alliance, organization, or agency described in
3 subparagraph (A), (B) or (C).

4 “(3) SUBGRANT USES OF FUNDS.—Eligible re-
5 cipients shall use the subgrant funds for 1 or more
6 of the following purposes:

7 “(A) Conducting teacher training pro-
8 grams that use effective and **research-based**
9 approaches to the teaching of geography at the
10 kindergarten through grade 12 level.

11 “(B) Applying Geographic Information
12 System (GIS) or other geographic technological
13 tools to the teaching of geography.

14 “(C) Applying Internet and other distance
15 learning technology to the teaching of geography
16 or to the continuing education of teachers.

17 “(D) Promoting rigorous academic stand-
18 ards and assessment techniques to guide and
19 measure student performance in geography.

20 “(E) Promoting research in geography
21 education, emphasizing research that leads to
22 improving student achievement.

23 “(F) Carrying out local, field-based activi-
24 ties for teachers and students to improve their
25 knowledge of the concepts and tools of geog-

1 raphy while enhancing understanding of their
2 home region.

3 “(G) Promoting comparative studies of
4 world cultures, economies, and environments.

5 “(H) Encouraging replication of best prac-
6 tices and model programs to promote geo-
7 graphic literacy.

8 “(I) Developing and disseminating effec-
9 tive, research-based geography learning mate-
10 rials.

11 “(J) Convening State-based conferences to
12 assess the state of geographic literacy and to
13 identify strategies for improvement.

14 “(4) PRIORITY.—

15 “(A) STATES.—In carrying out the activi-
16 ties under subsection (a) and this subsection,
17 the grantee shall ensure that priority is given to
18 carrying out such activities in a State—

19 “(i) that is participating in the trial
20 State academic assessments of student
21 achievement in geography described in sec-
22 tion 303(b)(3)(A)(iv) of the National As-
23 sessment of Educational Progress Author-
24 ization Act; and

1 **【**“(ii) with respect to which more than
2 50 percent of the students in the State
3 performed below proficient on the National
4 Assessment of Educational Progress as-
5 sessments in geography.**】**

6 “(B) TEACHERS.—In selecting teachers to
7 participate in teacher training activities and
8 State-based conferences under paragraph
9 (3)(J), the grantee shall ensure that priority is
10 given to teachers from schools with high per-
11 centages of children counted under section
12 1124(c) and located in a State—

13 “(i) that is participating in the trial
14 State academic assessments of student
15 achievement described in section
16 303(b)(3)(A)(iv) of the National Assess-
17 ment of Educational Progress Authoriza-
18 tion Act; and

19 **【**“(ii) with respect to which more than
20 50 percent of students in the State per-
21 formed below proficient on the National
22 Assessment of Educational Progress as-
23 sessments in geography.**】**

1 **“SEC. 5624. APPLICATIONS.**

2 “(a) GRANTEE APPLICATIONS.—To be eligible to re-
3 ceive a grant under this subpart, the grantee shall submit
4 to the Secretary an application at such time, in such man-
5 ner, and accompanied by such information as the Sec-
6 retary may require.

7 “(b) ELIGIBLE RECIPIENT APPLICATIONS.—To be el-
8 ible to receive a subgrant under this subpart, an eligible
9 recipient shall submit an application to the grantee at
10 such time, in such manner, and accompanied by such in-
11 formation as the grantee may require.

12 **“SEC. 5625. REQUIREMENTS.**

13 “(a) ADMINISTRATIVE COSTS.—The grantee receiv-
14 ing a grant under this subpart for a fiscal year, and each
15 eligible recipient receiving a subgrant under this subpart
16 for a fiscal year, may use not more than 15 percent of
17 the funds made available through the grant or subgrant,
18 respectively, for administrative costs.

19 “(b) MATCHING REQUIREMENTS.—

20 “(1) IN GENERAL.—In order to be eligible to
21 receive a subgrant under this subpart an eligible re-
22 cipient shall agree in the application submitted
23 under section 5624(b) to provide matching funds to-
24 wards the costs of the activities assisted under the
25 subgrant.

1 “(2) AMOUNT.—An eligible recipient shall pro-
2 vide matching funds in an amount equal to 10 per-
3 cent of the subgrant funds received under this sub-
4 part for the second and each succeeding fiscal year
5 for which subgrant payments are made.

6 “(3) MATCHING REQUIREMENT.—A grantee
7 that receives a grant under this subpart and an eli-
8 gible recipient that receives a subgrant under this
9 subpart shall provide, toward the costs of the activi-
10 ties assisted under the grant or subgrant from non-
11 Federal sources, an amount equal to 50 percent of
12 the grant or subgrant, as appropriate.”.