

**AMENDMENT OFFERED BY MR. CASTLE
TO THE AMENDMENT IN THE NATURE
OF A SUBSTITUTE
OFFERED BY MR. GOODLING**

Page I-A-6, beginning on line 18, strike “for fiscal year” and all that follows through “necessary” on line 20 and insert the following: “\$10,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years”.

Page I-A-9, line 21, add “and” at the end.

Page I-A-10, line 2, strike “; and” at the end and insert a period.

Page I-A-10, strike lines 3 through 8 and lines 17 through 22.

Page I-A-12, line 22, strike “‘below basic’,”.

Page I-A-13, line 1, strike “4” and insert “3”.

Page I-A-13, beginning on line 8, strike “decrease the number or percentage of” and insert “change which”.

Page I-A-13, line 10, strike “that”.

Page I-A-28, line 11, strike “A State that publishes” and all that follows through the period on line 18, and insert the following: “States and local educational

agencies are required to issue report cards under this section only for local educational agencies and schools receiving funds under this part, except that if a State or local educational agency issues a report card for all students, the State or local educational agency shall include the information under this section as part of such report card.”

Page I-A-29, line 7, after “paragraph (2)” insert “through other public means”.

Page I-A-29, beginning on line 8, strike “through other public means”.

Page I-A-31, line 22, strike “AND SCHOOL”.

Page I-A-31, line 25, strike “and each school that receives funds” and all that follows through “State” on page I-A-32, line 1.

Page I-A-32, line 2, after “report card” insert “for each school that receives funds under this part”.

Page I-A-33, line 5, strike “and a school”.

Page I-A-33, line 6, strike “their” and insert “its”.

Page I-A-33, strike lines 9 through 14, and insert the following:

1 “(C) OTHER MEANS.—In the event the
2 local educational agency provides no such report
3 card, the local educational agency shall, not
4 later than the beginning of the 2001–2002
5 school year, publicly report the information de-
6 scribed in paragraph (2) through other public
7 means only for schools that receive funds under
8 this part except that if a local educational agen-
9 cy issues a report card for all students, the
10 local educational agency shall include the infor-
11 mation under this section as part of such report
12 card.”

Page I–A–33, line 24, strike “LOCAL REPORTS.—”
and insert ”LOCAL EDUCATIONAL AGENCY REPORT
CARDS.—”

Page I–A–34, line 1, after “schools” insert “, receiv-
ing funds under this part,”.

Page I–A–34, strike lines 7 through 12.

Page I–A–45, strike lines 5 through 15 and insert
the following:

13 “(A) AGENCY REQUIREMENTS.—Each local
14 educational agency that receives funds under
15 this part shall obtain informed parental consent
16 prior to the placement of a child in an English

1 language instruction program for limited
2 English proficient children funded under this
3 part which does not include classes which exclu-
4 sively or almost exclusively use the English lan-
5 guage in instruction or where instruction is not
6 tailored for limited English proficient children.
7 If written consent is not obtained, the local edu-
8 cational agency shall maintain a written record
9 that includes the date and the manner in which
10 such informed consent was obtained. If a re-
11 sponse cannot be obtained after written notice
12 and a reasonable and substantial effort has
13 been made to obtain such consent, the local
14 educational agency shall document, in writing,
15 that it has given such written notice and its
16 specific efforts made to obtain such consent.
17 The proof of documentation shall be mailed or
18 delivered in writing to the parents or guardian
19 of the child at least 10 business days prior to
20 providing any services under this part, and in-
21 clude a final notice requesting parental consent
22 for such services.

Page I-A-48, line 10, strike “and”, and page I-A-
48, after line 10, insert the following:

1 “(iii) designate and serve a school at-
2 tendance area or school that is not eligible
3 under subsection (b), but that was eligible
4 and that was served in the preceding fiscal
5 year, but only for one additional fiscal
6 year; and

Page I-A-48, line 11, strike “(iii)” and insert
“(iv)”.

Page I-A-49, line 25, strike the semicolon and in-
sert “either by grade span or for the entire local edu-
cational agency;”.

Page I-A-52, line 15, strike “1,000” and insert
“1,500”.

Page I-A-53, line 13, after “(b)(1)” insert “in rank
order”.

Page I-A-54, line 13, strike “if appropriate,”.

Page I-A-54, line 21, strike the quotation marks
and the period at the end.

Page I-A-54, after line 21, insert the following:

7 “(4) SCHOOL IMPROVEMENT RESERVATION.—A
8 local educational agency shall reserve such funds as
9 are necessary under this part to meet such agency’s

1 school improvement responsibilities under section
2 1116, including taking corrective actions under sec-
3 tion 1116(b)(9).”.

Page I–A–55, after line 1, insert the following (and
redesignate subsequent provisions accordingly):

4 “(a) PURPOSE.—The purpose of a schoolwide pro-
5 gram under this section is—
6 “(1) to enable a local educational agency to
7 consolidate funds under this part with other Federal,
8 State, and local funds, to upgrade the entire edu-
9 cational program in a high poverty school; and
10 “(2) to help ensure that all children in such a
11 school meet challenging State standards for student
12 performance, particularly those children who are
13 most at-risk of not meeting those standards.

Page I–A–56, line 16, after “Secretary” insert
“(other than formula or discretionary grant programs
under the Individuals with Disabilities Education Act, ex-
cept as provided in section 613(a)(2)(D) of such Act)”.

Page I–A–57, line 18, strike “(b)(1)(D)” and insert
“(b)(1)(E)”.

Page I–A–58, line 5, strike “on” and insert “which
includes”.

Page I-A-59, line 18, after “1119,” insert “high quality and ongoing”.

Page I-A-64, line 24, strike “or in the absence of such assessments,” and insert “and, as appropriate,”.

Page I-A-72, beginning on line 10, strike “Subsection (c)” and all that follows through line 12 and insert the following: “Section 1116 (20 U.S.C. 6317) is amended by striking subsection (b) and by redesignating subsections (c) and (d) as subsections (b) and (c), respectively, and amending them to read as follows:”.

Page I-A-75, line 17, after “public school” insert “within the local educational agency or any public school consistent with subparagraph (B)”.

Page I-A-84, strike lines 1 through 4.

Page I-A-91, after line 25, insert the following:

1 “(10) SPECIAL RULE.—Local educational agen-
2 cies, that, for at least two of the three years follow-
3 ing identification under paragraph (2), make ade-
4 quate yearly progress toward meeting the State’s
5 proficient and advanced levels of performance shall
6 no longer be identified for school improvement.”.

Page I-A-104, beginning on line 11, strike “shall” and all that follows through “sufficient” and insert “shall be necessary but not by itself sufficient”.

Page I-A-105, line 23, after “may” insert “only”.

Page I-A-106, line 22, after “reading” insert “, writing, or math”.

Page I-A-106, lines 25, after “reading” insert “, writing, or math”.

Page I-A-107, strike “unless—” on line 14 and all that follows through the end of line 19 and insert the following: “unless the hiring is to fill a vacancy created by the departure of another paraprofessional funded under this part and such new paraprofessional satisfies the requirements of subsection (b) or (c).”.

Page I-A-108, strike lines 17 and 18 and insert the following:

1 Subpart 1 of part A of title I (20 U.S.C. 6311 et
2 seq.) is amended by inserting after section 1119 the fol-
3 lowing:

Page I-A-113, line 15, strike “[section _____]” and all that follows through the period at the end and insert “section 1610.”.

Page I-A-113, line 21, add quotation marks and a period at the end.

Page I-A-116, beginning on line 24 and continuing through line 2 on page I-A-117, strike “services through a contract and which individual, association, agency, or organization may provide these services.” and insert “contract services through potential third party providers.”.

Page I-A-118, lines 6 through 7, strike “, including the consultation described in subparagraphs (F) and (G)”.

Page I-A-119, line 9, strike the bold brackets at the beginning.

Page I-A-119, line 9, strike “a child” and insert “children”.

Page I-A-119, line 10, strike “has” and insert “have”.

Page I-A-119, line 11, strike “child” and insert “children”.

Page I-A-119, line 12, strike “receives” and insert “receive”.

Page I-A-119, line 20, strike the bold brackets at the end.

Page I-A-121, line 4, strike "AREAS AND FREELY ASSOCIATED STATES.—" and insert "AREAS.—".

Page I-A-133, line 3, strike "For" and insert "(A) For".

Page I-A-133, line 9, strike "(A)" and insert "(i)".

Page I-A-133, line 12, insert "and" at the end.

Page I-A-133, line 13, strike "(B)" and insert "(ii)".

Page I-A-133, line 14, strike "; and" and insert a period.

Page I-A-133, line 15, strike "(C) the" and insert "(B) The" and insert "(ii)" after "(A)" (and adjust the margin accordingly).

Page I-A-134, strike lines 1 through 4 and insert the following:

1 “(C) If the application of subparagraph (B)
2 would result in any of the 50 States or the District
3 of Columbia receiving less under this part than it
4 recieved under this part for the preceding fiscal
5 year, the percentage in paragraph (2)(A) shall be

1 not less than the percentage used for the preceding
2 fiscal year.

Page I-A-122, line 17, strike “to those areas or”.

Page I-B-3, line 13, strike “fiscal”.

Page I-B-3, line 25, strike “and”.

Page I-B-3, after line 25, insert the following new paragraph (and redesignate the subsequent paragraphs accordingly):

3 (2) by amending subsection (b) to read as fol-
4 lows:

5 “(b) ALLOCATION TO PUERTO RICO.—

6 “(1) FISCAL YEAR 2000.—For fiscal year 2000,
7 the grant which the Commonwealth of Puerto Rico
8 shall be eligible to receive under this section shall be
9 the amount determined by multiplying the number
10 of children counted under subsection (a)(1)(A) for
11 the Commonwealth of Puerto Rico by the product
12 of—

13 “(A) the percentage which the average per
14 pupil expenditure in the Commonwealth of
15 Puerto Rico is of the lowest average per pupil
16 expenditure of any of the 50 States; and

17 “(B) 32 percent of the average per pupil
18 expenditure in the United States.

1 “(2) SUBSEQUENT FISCAL YEARS.—For each
2 fiscal year after fiscal year 2000, the grant which
3 the Commonwealth of Puerto Rico shall be eligible
4 to receive under this section shall be the amount de-
5 termined by multiplying the number of children
6 counted under subsection (a)(2)(B)(i)(I) and
7 (a)(2)(B)(i)(II) for the Commonwealth of Puerto
8 Rico during the previous fiscal year, by the product
9 of—

10 “(A) the percentage which the average per
11 pupil expenditure in the Commonwealth of
12 Puerto Rico is of the lowest average per pupil
13 expenditure of any of the 50 States; and

14 “(B) 32 percent of the average per pupil
15 expenditure in the United States.

16 “(3) MINIMUM ALLOCATION.—

17 “(A) FISCAL YEAR 2000.—The percentage
18 in paragraph (1)(A) shall not be less than 75.0
19 percent.

20 “(B) SUBSEQUENT FISCAL YEARS.—The
21 percentage in paragraph (2)(A) shall not be less
22 than—

23 “(i) for fiscal year 2001, 77.5 percent;

24 “(ii) for fiscal year 2002, 80.0 per-
25 cent;

1 “(iii) for fiscal year 2003, 82.5 per-
2 cent; and

3 “(iv) for fiscal year 2004 and succeed-
4 ing fiscal years, 85.0 percent.

5 “(4) SPECIAL RULE.—If the application of
6 paragraph (1), (2), or (3) would result in any of the
7 50 States or the District of Columbia receiving less
8 under this part than it recieved under this part for
9 the preceding fiscal year, the percentage in para-
10 graph (1)(A) shall be not less than the percentage
11 used for the preceding fiscal year.”; and

Page I–B–5, strike lines 19 and 20 and insert the
following:

12 (2) in paragraph (3)—
13 (A) by striking “appropriate”;
14 (B) by striking “out, to the extent fea-
15 sible,” and inserting “out”; and
16 (C) by striking “1118;” and inserting
17 “1118, unless extraordinary circumstances
18 make implementation impractical;”; and

Page I–B–8, line 1, strike “encourage” and insert
“assist”.

Page I–B–8, line 4, after “A”, insert “State edu-
cational agency or”.

Page I-C-1, after line 18, insert the following:

1 **SEC. ____ . ALLOCATION OF FUNDS.**

2 Section 1412(b) is amended to read as follows:

3 “(b) SUBGRANTS TO STATE AGENCIES IN PUERTO
4 RICO.—

5 “(1) IN GENERAL.—For each fiscal year, the
6 amount of the subgrant for which a State agency in
7 the Commonwealth of Puerto Rico shall be eligible
8 to receive under this part shall be the amount deter-
9 mined by multiplying the number of children count-
10 ed under subparagraph (a)(1)(A) for the Common-
11 wealth of Puerto Rico by the product of—

12 “(A) the percentage which the average per
13 pupil expenditure in the Commonwealth of
14 Puerto Rico is of the lowest average per pupil
15 expenditure of any of the 50 States; and

16 “(B) 32 percent of the average per pupil
17 expenditure in the United States.

18 “(2) MINIMUM ALLOCATION.—The percentage
19 in paragraph (1)(A) shall not be less than—

20 “(A) for fiscal year 2000, 75.0 percent;

21 “(B) for fiscal year 2001, 77.5 percent;

22 “(C) for fiscal year 2002, 80.0 percent;

23 “(D) for fiscal year 2003, 82.5 percent;

24 and

1 “(E) for fiscal year 2004 and succeeding
2 fiscal years, 85.0 percent.

3 “(3) SPECIAL RULE.—If the application of
4 paragraph (1) or (2) would result in any of the 50
5 States or the District of Columbia receiving less
6 under this part than it recieved under this part for
7 the preceding fiscal year, the percentage in para-
8 graph (1)(A) shall be not less than the percentage
9 used for the preceding fiscal year.”.

Page I-C-8, beginning on line 1, before “vocational”
insert “and”.

Page I-C-10, line 19, strike “entrepreneurial leader-
ship” and insert “curriculum-based youth entrepreneur-
ship education”.

Page I-C-11, line 23, strike “and”.

Page I-C-12, line 2, strike “entrepreneurial leader-
ship” and insert “curriculum-based youth entrepreneur-
ship education.”

Page I-C-12, line 4, strike “education and all that
follows through the period at the end and insert “edu-
cation; and”.

Page I-C-12, after line 4, insert the following:

1 “(5) programs providing mentoring and peer
2 mediation.”.

Page I-C-12, line 22, strike “entrepreneurial leadership” and insert “curriculum-based youth entrepreneurship education”.

Page 1-D-1, strike lines 3 through 5 and insert the following:

3 Title I is amended by adding at the end the following:

4 **“PART G—COMPREHENSIVE SCHOOL REFORM**

Page I-D-1, beginning on line 20, strike “one means” and insert “an important means”.

Page I-D-2, line 3, after “involvement” and insert “so that all children can meet challenging State content and performance standards”.

Page I-D-2, line 12, strike “reserve’ and all that follows through the end of line 14 and insert “reserve—”.

Page I-D-4, line 7, after “reforms” insert “that”.

Page I-D-5, line 5, after “local educational agencies” insert “receiving funds under part A.” and strike “through an equitable” and all that follows through “State.” on line 7.

Page I-D-5, line 19, after “made” insert “if schools are making substantial progress in the implementation of their reforms”.

Page I-D-5, line 24, after “improvement” insert “or corrective action”.

Page I-D-6, line 2, strike “strategy” and insert “, professional development, and other strategies”.

Page I-D-6, after line 5, insert the following and redesignate the succeeding subparagraphs accordingly:

1 “(D) GRANT CONSIDERATION.—In making
2 subgrant awards under this part, the State edu-
3 cational agency shall take into account the equi-
4 table distribution of awards to different geo-
5 graphic regions within the State, including
6 urban and rural areas, and to schools serving
7 elementary and secondary students.

Page I-D-9, line 21, strike “models” and insert “programs”.

Page I-D-10, line 5, strike “results” and insert “implementation and results”.

Page I-D-10, line 13, strike “and” and insert a comma.

Page I-D-10, line 15, strike the period and insert “, and the House and Senate Committees on Appropriations.”.

Page 1-E-1, line 15, after “teachers,” insert “para-professionals,”.

Page II-3, beginning on line 18, strike “in a highly competitive economy;” and insert “in a technology oriented society and a highly competitive economy;”.

Page II-11, line 3, after “standards” insert “or directly related to improving the students’ reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational and technical skills”.

Page IV-61, after line 9, insert the following:

1 **“SEC. 1120. FINDING AND POLICY.**

2 “(a) FINDING.—Congress finds and recognizes that
3 the Federal Government has the sole responsibility for the
4 operation and financial support of the Bureau of Indian
5 Affairs funded school system that it has established on
6 or near Indian reservations and Indian trust lands
7 throughout the Nation for Indian children.

8 “(b) POLICY.—It is the policy of the United States
9 to work in full cooperation with Indian tribes toward the
10 goal of assuring that the programs of the Bureau of In-

1 dian Affairs funded school system are of the highest qual-
2 ity and meet the unique educational and cultural needs
3 of Indian children.

Page IV-62, line 23, insert “, consortia of education organizations,” after “Education”.

Page IV-62, line 24, insert “and making the fullest use possible of other existing studies, surveys, and plans,” after “tribes,”.

Page IV-63, strike line 3 through line 5, and insert “and surveys shall take into account factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.”.

Page IV-63, line 21, insert “, tribal school boards, Bureau funded schools,” after “tribes”.

Page IV-68, line 9, insert “governing” after “tribal”.

Page IV-77, line 7, strike “and” and insert a comma.

Page IV-77, line 8, insert “and Bureau funded schools,” after “tribes,”.

Page IV-79, line 14, strike “section” and insert “part”.

Page IV-81, line 22, insert “(established by treaty, agreement, legislation, court decisions, or executive decisions and as accepted by the tribe)” after “boundaries”.

Page IV-82, line 3, strike “ares” and insert “areas”.

Page IV-83, line 18, strike “, where”

Page IV-83, strike line 19 and insert “home-living schools, including boarding schools and dormitories. At the”.

Page IV-111, line 1, strike “ACTORS” and insert “FACTORS”.

Page IV-117, line 4, insert “of the Office, through the Division,” after “Director”.

Page IV-123, line 3, insert “local” after “appropriate”.

Page IV-149, line 18, strike “2003” and insert “2002”.

Page IV-153, after line 10, insert the following:

- 1 **“SEC. 1138A. REGIONAL MEETINGS AND NEGOTIATED**
- 2 **RULEMAKING.**
- 3 **“(a) MEETINGS.—**

1 “(1) IN GENERAL.—The Secretary shall obtain
2 tribal involvement in the development of proposed
3 regulations under this part and the Tribally Con-
4 trolled Schools Act of 1988. The Secretary shall ob-
5 tain the advice of and recommendations from rep-
6 resentatives of Indian tribes with Bureau-funded
7 schools on their reservations, Indian tribes whose
8 children attend Bureau funded off-reservation board-
9 ing schools, school boards, administrators or employ-
10 ees of Bureau-funded schools, and parents and
11 teachers of students enrolled in Bureau-funded
12 schools.

13 “(2) ISSUES.—The Secretary shall provide for a
14 comprehensive discussion and exchange of informa-
15 tion concerning the implementation of this part and
16 the Tribally Controlled Schools Act of 1988 through
17 such mechanisms as regional meetings and electronic
18 exchanges of information. The Secretary shall take
19 into account the information received through such
20 mechanisms in the development of proposed regula-
21 tions and shall publish a summary of such informa-
22 tion in the Federal Register together with such pro-
23 posed regulations.

24 “(b) DRAFT REGULATIONS.—

1 “(1) IN GENERAL.—After obtaining the advice
2 and recommendations described in subsection (a)(1)
3 and before publishing proposed regulations in the
4 Federal Register, the Secretary shall prepare draft
5 regulations implementing this part and the Tribally
6 Controlled Schools Act of 1988 and shall submit
7 such regulations to a negotiated rulemaking process.
8 Participants in the negotiations process shall be cho-
9 sen by the Secretary from individuals nominated by
10 the entities described in subsection (a)(1). To the
11 maximum extent possible, the Secretary shall ensure
12 that the tribal representative membership chosen
13 pursuant to the preceding sentence reflects the pro-
14 portionate share of students from tribes served by
15 the Bureau-funded school system. The negotiation
16 process shall be conducted in a timely manner in
17 order that the final regulations may issued by the
18 Secretary no later than 18 months after enactment
19 of this section, provided that the authority of the
20 Secretary to promulgate regulations under this part
21 and the Tribally Controlled Schools Act of 1988
22 shall expire if final regulations are not promulgated
23 within the time stated in this sentence. If the Sec-
24 retary determines that an extension of the deadline
25 in the preceding sentence is necessary, the Secretary

1 may submit proposed legislation to Congress for ex-
2 tension of such deadline.

3 “(2) EXPANSION OF NEGOTIATED RULE-
4 MAKING.—All regulations pertaining to this part and
5 the Tribally Controlled Schools Act of 1988 that are
6 promulgated after the date of enactment of this sub-
7 section shall be subject to a negotiated rulemaking
8 (including the selection of the regulations to be ne-
9 gotiated), unless the Secretary determines that ap-
10 plying such a requirement with respect to given reg-
11 ulations is impracticable, unnecessary, or contrary to
12 the public interest (within the meaning of section
13 553(b)(3)(B) of title 5), and publishes the basis for
14 such determination in the Federal Register at the
15 same time as the proposed regulations in question
16 are first published. All published proposed regula-
17 tions shall conform to agreements resulting from
18 such negotiated rulemaking unless the Secretary re-
19 opens the negotiated rulemaking process or provides
20 a written explanation to the participants in that
21 process why the Secretary has decided to depart
22 from such agreements. Such negotiated rulemaking
23 shall be conducted in accordance with the provisions
24 of subsection (a), and the Secretary shall ensure
25 that a clear and reliable record of agreements

1 reached during the negotiation process is main-
2 tained.

3 “(c) APPLICABILITY OF FEDERAL ADVISORY COM-
4 MITTEE ACT.—The Federal Advisory Committee Act shall
5 apply to activities carried out under this section.

Page IV-185, line 7, strike “agency or area edu-
cation” and insert “education line”.

Page IV-197, strike lines 17 through 23 and insert
the following:

6 “(11) Section 108(c) (Model Agreements provi-
7 sions (1)(a)(5) (relating to limitations of costs),
8 (1)(a)(7) (relating to records and monitoring),
9 (1)(a)(8) (relating to property), and (a)(1)(9) (relat-
10 ing to availability of funds).

11 “(12) Section 109 (relating to reassumption).

12 “(13) Section 111 (relating to sovereign immu-
13 nity and trusteeship rights unaffected).

Page V-A-1, line 1, strike “VI” and insert “V”.

Page V-A-3, strike lines 18 through 21 and insert
the following:

14 “(1) IN GENERAL.—Subpart 2 shall be in effect
15 only for—

1 “(A) the first fiscal year for which the
2 amount appropriated to carry out this part
3 equals or exceeds \$50,000,000; and
4 “(B) all succeeding fiscal years.