

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5, AS REPORTED
OFFERED BY MR. DUNCAN OF SOUTH CAROLINA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; PURPOSE;**
2 **DEFINITIONS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
4 “Academic Partnerships Lead Us to Success Act” or the
5 “A PLUS Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents; purpose; definitions.
- Sec. 2. Declaration of intent.
- Sec. 3. Transparency for results of public education.
- Sec. 4. Maintenance of funding levels spent by States on education.
- Sec. 5. Administrative expenses.
- Sec. 6. Equitable participation of private schools.

8 (c) **PURPOSE.**—The purposes of this Act are as fol-
9 lows:

10 (1) To give States and local communities max-
11 imum flexibility to determine how to improve aca-
12 demic achievement and implement education re-
13 forms.

14 (2) To reduce the administrative costs and com-
15 pliance burden of Federal education programs in

1 order to focus Federal resources on improving aca-
2 demic achievement.

3 (3) To ensure that States and communities are
4 accountable to the public for advancing the academic
5 achievement of all students, especially disadvantaged
6 children.

7 (d) DEFINITIONS.—

8 (1) IN GENERAL.—Except as otherwise pro-
9 vided, the terms used in this Act have the meanings
10 given the terms in section 9101 of the Elementary
11 and Secondary Education Act of 1965 (20 U.S.C.
12 7801 et seq.).

13 (2) OTHER TERMS.—In this Act:

14 (A) ACCOUNTABILITY.—The term “ac-
15 countability” means that public schools are an-
16 swerable to parents and other taxpayers for the
17 use of public funds and shall report student
18 progress to parents and taxpayers regularly.

19 (B) DECLARATION OF INTENT.—The term
20 “declaration of intent” means a decision by a
21 State, as determined by State Authorizing Offi-
22 cials or by referendum, to assume full manage-
23 ment responsibility for the expenditure of Fed-
24 eral funds for certain eligible programs for the
25 purpose of advancing, on a more comprehensive

1 and effective basis, the educational policy of
2 such State.

3 (C) STATE.—The term “State” has the
4 meaning given such term in section 1122(e) of
5 the Elementary and Secondary Education Act
6 of 1965 (20 U.S.C. 6332(e)).

7 (D) STATE AUTHORIZING OFFICIALS.—The
8 term “State Authorizing Officials” means the
9 State officials who shall authorize the submis-
10 sion of a declaration of intent, and any amend-
11 ments thereto, on behalf of the State. Such offi-
12 cials shall include not less than 2 of the fol-
13 lowing:

- 14 (i) The governor of the State.
15 (ii) The highest elected education offi-
16 cial of the State, if any.
17 (iii) The legislature of the State.

18 (E) STATE DESIGNATED OFFICER.—The
19 term “State Designated Officer” means the
20 person designated by the State Authorizing Of-
21 ficials to submit to the Secretary, on behalf of
22 the State, a declaration of intent, and any
23 amendments thereto, and to function as the
24 point-of-contact for the State for the Secretary

1 and others relating to any responsibilities aris-
2 ing under this Act.

3 **SEC. 2. DECLARATION OF INTENT.**

4 (a) IN GENERAL.—Each State is authorized to sub-
5 mit to the Secretary a declaration of intent permitting the
6 State to receive Federal funds on a consolidated basis to
7 manage the expenditure of such funds to advance the edu-
8 cational policy of the State.

9 (b) PROGRAMS ELIGIBLE FOR CONSOLIDATION AND
10 PERMISSIBLE USE OF FUNDS.—

11 (1) SCOPE.—A State may choose to include
12 within the scope of the State's declaration of intent
13 any program for which Congress makes funds avail-
14 able to the State if the program is for a purpose de-
15 scribed in the Elementary and Education Secondary
16 Act of 1965 (20 U.S.C. 6301). A State may not in-
17 clude any program funded pursuant to the Individ-
18 uals with Disabilities Education Act (20 U.S.C.
19 1400 et seq.).

20 (2) USES OF FUNDS.—Funds made available to
21 a State pursuant to a declaration of intent under
22 this Act shall be used for any educational purpose
23 permitted by State law of the State submitting a
24 declaration of intent.

1 (c) CONTENTS OF DECLARATION.—Each declaration
2 of intent shall contain—

3 (1) a list of eligible programs that are subject
4 to the declaration of intent;

5 (2) an assurance that the submission of the
6 declaration of intent has been authorized by the
7 State Authorizing Officials, specifying the identity of
8 the State Designated Officer;

9 (3) the duration of the declaration of intent;

10 (4) an assurance that the State will use fiscal
11 control and fund accounting procedures;

12 (5) an assurance that the State will meet the
13 requirements of applicable Federal civil rights laws
14 in carrying out the declaration of intent and in con-
15 solidating and using the funds under the declaration
16 of intent;

17 (6) an assurance that in implementing the dec-
18 laration of intent the State will seek to advance edu-
19 cational opportunities for the disadvantaged; and

20 (7) a description of the plan for maintaining di-
21 rect accountability to parents and other citizens of
22 the State.

23 (d) DURATION.—The duration of the declaration of
24 intent shall not exceed 5 years.

1 (e) REVIEW AND RECOGNITION BY THE SEC-
2 RETARY.—

3 (1) IN GENERAL.—The Secretary shall review
4 the declaration of intent received from the State
5 Designated Officer not more than 60 days after the
6 date of receipt of such declaration, and shall recog-
7 nize such declaration of intent unless the declaration
8 of intent fails to meet the requirements under sub-
9 section (c).

10 (2) RECOGNITION BY OPERATION OF LAW.—If
11 the Secretary fails to take action within the time
12 specified in paragraph (1), the declaration of intent,
13 as submitted, shall be deemed to be approved.

14 (f) AMENDMENT TO DECLARATION OF INTENT.—

15 (1) IN GENERAL.—The State Authorizing Offi-
16 cials may direct the State Designated Officer to sub-
17 mit amendments to a declaration of intent that is in
18 effect. Such amendments shall be submitted to the
19 Secretary and considered by the Secretary in accord-
20 ance with subsection (e).

21 (2) AMENDMENTS AUTHORIZED.—A declaration
22 of intent that is in effect may be amended to—

23 (A) expand the scope of such declaration of
24 intent to encompass additional eligible pro-
25 grams;

1 (B) reduce the scope of such declaration of
2 intent by excluding coverage of a Federal pro-
3 gram included in the original declaration of in-
4 tent;

5 (C) modify the duration of such declara-
6 tion of intent; or

7 (D) such other modifications that the
8 State Authorizing Officials deem appropriate.

9 (3) EFFECTIVE DATE.—The amendment shall
10 specify an effective date. Such effective date shall
11 provide adequate time to assure full compliance with
12 Federal program requirements relating to an eligible
13 program that has been removed from the coverage of
14 the declaration of intent by the proposed amend-
15 ment.

16 (4) TREATMENT OF PROGRAM FUNDS WITH-
17 DRAWN FROM DECLARATION OF INTENT.—Begin-
18 ning on the effective date of an amendment executed
19 under paragraph (2)(B), each program requirement
20 of each program removed from the declaration of in-
21 tent shall apply to the State's use of funds made
22 available under the program.

23 **SEC. 3. TRANSPARENCY FOR RESULTS OF PUBLIC EDU-**
24 **CATION.**

25 (a) IN GENERAL.—

1 (1) INFORMING THE PUBLIC ABOUT ASSESS-
2 MENT AND PROFICIENCY.—Each State operating
3 under a declaration of intent under this Act shall in-
4 form parents and the general public regarding the
5 student achievement assessment system, dem-
6 onstrating student progress relative to the State’s
7 determination of student proficiency, as described in
8 paragraph (2), for the purpose of accountability.

9 (2) ASSESSMENT AND STANDARDS.—Each
10 State operating under a declaration of intent under
11 this Act shall establish and implement a single sys-
12 tem of academic standards and academic assess-
13 ments, including the development of student pro-
14 ficiency goals. Such State may apply the academic
15 assessments and standards described under section
16 1111 of the Elementary and Secondary Education
17 Act of 1965 (20 U.S.C. 6311) or establish and im-
18 plement different academic assessments and stand-
19 ards.

20 (b) ACCOUNTABILITY SYSTEM.—The State shall de-
21 termine and establish an accountability system to ensure
22 accountability under this Act.

23 (c) REPORT ON STUDENT PROGRESS.—Not later
24 than 1 year after the effective date of the declaration of
25 intent, and annually thereafter, a State shall disseminate

1 widely to parents and the general public a report that de-
2 scribes student progress. The report shall include—

3 (1) student performance data disaggregated in
4 the same manner as data are disaggregated under
5 section 1111(b)(3)(C)(xiii) of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C.
7 6311(b)(3)(C)(xiii)); and

8 (2) a description of how the State has used
9 Federal funds to improve academic achievement, re-
10 duce achievement disparities between various stu-
11 dent groups, and improve educational opportunities
12 for the disadvantaged.

13 **SEC. 4. MAINTENANCE OF FUNDING LEVELS SPENT BY**
14 **STATES ON EDUCATION.**

15 (a) **IN GENERAL.**—For each State consolidating and
16 using funds pursuant to a declaration of intent under this
17 Act, for each school year of the declaration of intent, the
18 aggregate amount of funds spent by the State on elemen-
19 tary and secondary education shall be not less than 90
20 percent of the aggregate amount of funds spent by the
21 State on elementary and secondary education for the
22 school year that coincides with the date of enactment of
23 this Act.

24 (b) **EXCEPTION.**—

1 (1) STATE WAIVER CLAIM.—The requirement of
2 subsection (a) may be waived by the State Author-
3 izing Officials if the State having a declaration of in-
4 tent in effect makes a determination, supported by
5 specific findings, that uncontrollable or exceptional
6 circumstances, such as a natural disaster or extreme
7 contraction of economic activity, preclude compliance
8 for a specified period, which may be extended. Such
9 determination shall be presented to the Secretary by
10 the State Designated Officer.

11 (2) ACTION BY THE SECRETARY.—The Sec-
12 retary shall accept the State’s waiver, as described
13 in paragraph (1), if the State has presented evidence
14 to support such waiver. The Secretary shall review
15 the waiver received from the State Designated Offi-
16 cer not more than 60 days after the date of receipt.
17 If the Secretary fails to take action within that time
18 frame, the waiver, as submitted, shall be deemed to
19 be approved.

20 **SEC. 5. ADMINISTRATIVE EXPENSES.**

21 (a) IN GENERAL.—Except as provided in subsection
22 (b), the amount that a State with a declaration of intent
23 may expend for administrative expenses shall be limited
24 to 1 percent of the aggregate amount of Federal funds

1 made available to the State through the eligible programs
2 included within the scope of such declaration of intent.

3 (b) STATES NOT CONSOLIDATING FUNDS UNDER
4 PART A OF TITLE I.—If the declaration of intent does
5 not include within its scope part A of title I of the Elemen-
6 tary and Secondary Education Act of 1965 (20 U.S.C.
7 6311 et seq.), the amount spent by the State on adminis-
8 trative expenses shall be limited to 3 percent of the aggre-
9 gate amount of Federal funds made available to the State
10 pursuant to such declaration of intent.

11 **SEC. 6. EQUITABLE PARTICIPATION OF PRIVATE SCHOOLS.**

12 Each State consolidating and using funds pursuant
13 to a declaration of intent under this Act shall provide for
14 the participation of private school children and teachers
15 in the activities assisted under the declaration of intent
16 in the same manner as participation is provided to private
17 school children and teachers under section 9501 of the El-
18 ementary and Secondary Education Act of 1965 (20
19 U.S.C. 7881).

