Page 481, after line 22, insert the following new subpart:

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“Subpart 4—Restoration of State Sovereignty Over Public Education and Parental Rights Over the Education of Their Children

“SEC. 5561. STATES TO RETAIN RIGHTS AND AUTHORITIES THEY DO NOT EXPRESSLY WAIVE.

“(a) Retention of Rights and Authorities.—No officer, employee, or other authority of the Secretary shall enforce against an authority of a State, nor shall any authority of a State have any obligation to obey, any requirement imposed as a condition of receiving assistance under a grant program established under this Act, nor shall such program operate within a State, unless the legislature of that State shall have by law expressly approved that program and, in doing so, have waived the State’s rights and authorities to act inconsistently with any requirement that might be imposed by the Secretary as a condition of receiving that assistance.
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“(b) Amendment of Terms of Receipt of Federal Financial Assistance.—An officer, employee, or other authority of the Secretary may release assistance under a grant program established under this Act to a State only after the legislature of the State has by law expressly approved the program (as described in subsection (a)). This approval may be accomplished by a vote to affirm a State budget that includes the use of such Federal funds and any such State budget must expressly include any requirement imposed as a condition of receiving assistance under a grant program established under this Act so that by approving the budget, the State legislature is expressly approving the grant program and, in doing so, waiving the State’s rights and authorities to act inconsistently with any requirement that might be imposed by the Secretary as a condition of receiving that assistance.

“(c) Special Rule for States With Biennial Legislatures.—In the case of a State with a biennial legislature—

“(1) during a year in which the State legislature does not meet, subsections (a) and (b) shall not apply; and

“(2) during a year in which the State legislature meets, subsections (a) and (b) shall apply, and, with respect to any grant program established under
this Act during the most recent year in which the
State legislature did not meet, the State may by law
expressly disapprove the grant program, and, if such
disapproval occurs, an officer, employee, or other au-
thority of the Secretary may not release any addi-
tional assistance to the State under that grant pro-
gram.

“(d) DEFINITION OF STATE AUTHORITY.—As used
in this section, the term ‘authority of a State’ includes
any administering agency of the State, any officer or em-
ployee of the State, and any local government authority
of the State.

“(e) EFFECTIVE DATE.—This section applies in each
State beginning on the 90th day after the end of the first
regular session of the legislature of that State that begins
5 years after the date of the enactment of the Student
Success Act and shall continue to apply in subsequent
years until otherwise provided by law.

“SEC. 5562. DEDICATION OF SAVINGS TO DEFICIT REDUC-
TION.

“Notwithstanding any formula reallocations stipu-
lated under the Student Success Act, any funds under
such Act not allocated to a State because a State did not
affirmatively agree to the receipt of such funds shall not
be reallocated among the States.
``SEC. 5563. DEFINITION OF STATE WITH BIENNIAL LEGISLATURE.

``In this Act, the term ‘State with a biennial legislature’ means a State the legislature of which meets every other year.

``SEC. 5564. INTENT OF CONGRESS.

``It is the intent of Congress that other than the terms and conditions expressly approved by State law under the terms of this subpart, control over public education and parental rights to control the education of their children are vested exclusively within the autonomous zone of independent authority reserved to the States and individual Americans by the United States Constitution, other than the Federal Government’s undiminishable obligation to enforce minimum Federal standards of equal protection and due process.”.

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