“SEC. 2368. EFFECTIVE DATE.

“(a) IN GENERAL.—This subpart shall take effect 90 days after the date of enactment of the No Child Left Behind Act of 2001.

“(b) APPLICATION.—This subpart applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the No Child Left Behind Act of 2001 without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

“PART D—ENHANCING EDUCATION THROUGH TECHNOLOGY

“SEC. 2401. SHORT TITLE.

“This part may be cited as the ‘Enhancing Education Through Technology Act of 2001’.

“SEC. 2402. PURPOSES AND GOALS.

“(a) PURPOSES.—The purposes of this part are the following:

“(1) To provide assistance to States and localities for the implementation and support of a comprehensive system that effectively uses technology in elementary schools and secondary schools to improve student academic achievement.

“(2) To encourage the establishment or expansion of initiatives, including initiatives involving public-private partnerships, designed to increase access to technology, particularly in schools served by high-need local educational agencies.

“(3) To assist States and localities in the acquisition, development, interconnection, implementation, improvement, and maintenance of an effective educational technology infrastructure in a manner that expands access to technology for students (particularly for disadvantaged students) and teachers.

“(4) To promote initiatives that provide school teachers, principals, and administrators with the capacity to in-
egrate technology effectively into curricula and instruction that are aligned with challenging State academic content and student academic achievement standards, through such means as high-quality professional development programs.

“(5) To enhance the ongoing professional development of teachers, principals, and administrators by providing constant access to training and updated research in teaching and learning through electronic means.

“(6) To support the development and utilization of electronic networks and other innovative methods, such as distance learning, of delivering specialized or rigorous academic courses and curricula for students in areas that would not otherwise have access to such courses and curricula, particularly in geographically isolated regions.

“(7) To support the rigorous evaluation of programs funded under this part, particularly regarding the impact of such programs on student academic achievement, and ensure that timely information on the results of such evaluations is widely accessible through electronic means.

“(8) To support local efforts using technology to promote parent and family involvement in education and communication among students, parents, teachers, principals, and administrators.

“(b) GOALS.—

“(1) PRIMARY GOAL.—The primary goal of this part is to improve student academic achievement through the use of technology in elementary schools and secondary schools.

“(2) ADDITIONAL GOALS.—The additional goals of this part are the following:

“(A) To assist every student in crossing the digital divide by ensuring that every student is technologically literate by the time the student finishes the eighth grade, regardless of the student’s race, ethnicity, gender, family income, geographic location, or disability.
“(B) To encourage the effective integration of technology resources and systems with teacher training and curriculum development to establish research-based instructional methods that can be widely implemented as best practices by State educational agencies and local educational agencies.

“SEC. 2403. DEFINITIONS.

“In this part:

“(1) Eligible local entity.—The term ‘eligible local entity’ means—

“(A) a high-need local educational agency; or

“(B) an eligible local partnership.

“(2) Eligible local partnership.—The term ‘eligible local partnership’ means a partnership that—

“(A) shall include at least one high-need local educational agency and at least one—

“(i) local educational agency that can demonstrate that teachers in schools served by the agency are effectively integrating technology and proven teaching practices into instruction, based on a review of relevant research, and that the integration results in improvement in—

“(I) classroom instruction in the core academic subjects; and

“(II) the preparation of students to meet challenging State academic content and student academic achievement standards;

“(ii) institution of higher education that is in full compliance with the reporting requirements of section 207(f) of the Higher Education Act of 1965 and that has not been identified by its State as low-performing under section 208 of such Act;

“(iii) for-profit business or organization that develops, designs, manufactures, or produces technology products or services, or has substantial ex-
pertise in the application of technology in instruction; or

“(iv) public or private nonprofit organization
with demonstrated experience in the application of
educational technology to instruction; and

“(B) may include other local educational agencies,
educational service agencies, libraries, or other edu-
cational entities appropriate to provide local programs.

“(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The
term ‘high-need local educational agency’ means a local
educational agency that—

“(A) is among the local educational agencies in a
State with the highest numbers or percentages of chil-
dren from families with incomes below the poverty line;
and

“(B)(i) operates one or more schools identified
under section 1116; or

“(ii) has a substantial need for assistance in ac-
quiring and using technology.

“SEC. 2404. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appro-
priated to carry out subparts 1 and 2 $1,000,000,000 for fiscal
year 2002, and such sums as may be necessary for each of the
5 succeeding fiscal years.

“(b) ALLOCATION OF FUNDS BETWEEN STATE AND
LOCAL AND NATIONAL INITIATIVES.—The amount of funds
made available under subsection (a) for a fiscal year shall be
allocated so that—

“(1) not less than 98 percent is made available to
carry out subpart 1; and

“(2) not more than 2 percent is made available to
carry out subpart 2.

“(c) ALLOCATION OF FUNDS FOR STUDY.—Of the total
amount of funds allocated under subsection (b)(2) for fiscal
years 2002 through 2007, not more than $15,000,000 may be
used to carry out section 2421(a).
“(d) LIMITATION.—Of the amount of funds made available to a recipient of funds under this part for a fiscal year, not more than 5 percent may be used by the recipient for administrative costs or technical assistance, of which not more than 60 percent may be used by the recipient for administrative costs.

“Subpart 1—State and Local Technology Grants

“SEC. 2411. ALLOTMENT AND REALLOTMENT.

“(a) RESERVATIONS AND ALLOTMENT.—From the amount made available to carry out this subpart under section 2404(b)(1) for a fiscal year—

“(1) the Secretary shall reserve—

“(A) ¾ of 1 percent for the Secretary of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs;

“(B) ½ of 1 percent to provide assistance under this subpart to the outlying areas; and

“(C) such sums as may be necessary for continuation awards on grants awarded under section 3136 prior to the date of enactment of the No Child Left Behind Act of 2001; and

“(2) from the remainder of such amount and subject to subsection (b), the Secretary shall make grants by allotting to each eligible State educational agency under this subpart an amount that bears the same relationship to such remainder for such year as the amount received under part A of title I for such year by such State educational agency bears to the amount received under such part for such year by all State educational agencies.

“(b) MINIMUM ALLOTMENT.—The amount of any State educational agency’s allotment under subsection (a)(2) for any fiscal year may not be less than ½ of 1 percent of the amount made available for allotments to States under this part for such year.

“(c) REALLOTMENT OF UNUSED FUNDS.—If any State educational agency does not apply for an allotment under this subpart for a fiscal year, or does not use its entire allotment
under this subpart for that fiscal year, the Secretary shall
reallot the amount of the State educational agency’s allotment,
or the unused portion of the allotment, to the remaining State
educational agencies that use their entire allotments under this
subpart in accordance with this section.

“(d) State Educational Agency Defined.—In this
section, the term ‘State educational agency’ does not include an
agency of an outlying area or the Bureau of Indian Affairs.

“Sec. 2412. Use of Allotment by State.

“(a) In General.—Of the amount provided to a State
educational agency (from the agency’s allotment under section
2411(a)(2)) for a fiscal year—

“(1) the State educational agency may use not more
than 5 percent to carry out activities under section 2415;
and

“(2) the State educational agency shall distribute the
remainder as follows:

“(A) From 50 percent of the remainder, the State
educational agency shall award subgrants by allocating
to each eligible local educational agency that has sub-
mitted an application to the State educational agency
under section 2414, for the activities described in sec-
tion 2416, an amount that bears the same relationship
to 50 percent of the remainder for such year as the
amount received under part A of title I for such year
by such local educational agency bears to the amount
received under such part for such year by all local edu-
cational agencies within the State.

“(B) From 50 percent of the remainder and sub-
ject to subsection (b), the State educational agency
shall award subgrants, through a State-determined
competitive process, to eligible local entities that have
submitted applications to the State educational agency
under section 2414, for the activities described in sec-
tion 2416.

“(b) Sufficient Amounts.—
“(1) SPECIAL RULE.—In awarding a subgrant under subsection (a)(2)(B), the State educational agency shall—

“(A) determine the local educational agencies that—

“(i) received allocations under subsection (a)(2)(A) that are not of sufficient size to be effective, consistent with the purposes of this part; and

“(ii) are eligible local entities;

“(B) give priority to applications submitted by eligible local educational agencies described in subparagraph (A); and

“(C) determine the minimum amount for awards under subsection (a)(2)(B) to ensure that subgrants awarded under that subsection are of sufficient size to be effective.

“(2) SUFFICIENCY.—In awarding subgrants under subsection (a)(2)(B), each State educational agency shall ensure that each subgrant is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.

“(3) DISTRIBUTION.—In awarding subgrants under subsection (a)(2)(B), each State educational agency shall ensure an equitable distribution of assistance under this subpart among urban and rural areas of the State, according to the demonstrated need of those local educational agencies serving the areas.

“(c) FISCAL AGENT.—If an eligible local partnership receives a subgrant under subsection (a)(2)(B), a local educational agency in the partnership shall serve as the fiscal agent for the partnership.

“(d) TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under section 2411(a) shall—

“(1) identify the local educational agencies served by the State educational agency that—
“(A) have the highest numbers or percentages of children from families with incomes below the poverty line; and

“(B) demonstrate to such State educational agency the greatest need for technical assistance in developing an application under section 2414; and

“(2) offer the technical assistance described in paragraph (1)(B) to those local educational agencies.

“SEC. 2413. STATE APPLICATIONS.

“(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency shall submit to the Secretary, at such time and in such manner as the Secretary may specify, an application containing a new or updated statewide long-range strategic educational technology plan (which shall address the educational technology needs of local educational agencies) and such other information as the Secretary may reasonably require.

“(b) CONTENTS.—Each State application submitted under subsection (a) shall include each of the following:

“(1) An outline of the State educational agency’s long-term strategies for improving student academic achievement, including technology literacy, through the effective use of technology in classrooms throughout the State, including through improving the capacity of teachers to integrate technology effectively into curricula and instruction.

“(2) A description of the State educational agency’s goals for using advanced technology to improve student academic achievement, and how those goals are aligned with challenging State academic content and student academic achievement standards.

“(3) A description of how the State educational agency will take steps to ensure that all students and teachers in the State, particularly students and teachers in districts served by high-need local educational agencies, have increased access to technology.
“(4) A description of the process and accountability measures that the State educational agency will use to evaluate the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction.

“(5) A description of how the State educational agency will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for those areas of the State that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.

“(6) An assurance that financial assistance provided under this subpart will supplement, and not supplant, State and local funds.

“(7) A description of how the plan incorporates teacher education, professional development, and curriculum development, and how the State educational agency will work to ensure that teachers and principals in a State receiving funds under this part are technologically literate.

“(8) A description of—

“(A) how the State educational agency will provide technical assistance to applicants under section 2414, especially to those applicants serving the highest numbers or percentages of children in poverty or with the greatest need for technical assistance; and

“(B) the capacity of the State educational agency to provide such assistance.

“(9) A description of technology resources and systems that the State will provide for the purpose of establishing best practices that can be widely replicated by State educational agencies and local educational agencies in the State and in other States.
“(10) A description of the State’s long-term strategies for financing technology to ensure that all students, teachers, and classrooms have access to technology.

“(11) A description of the State’s strategies for using technology to increase parental involvement.

“(12) A description of how the State educational agency will ensure that each subgrant awarded under section 2412(a)(2)(B) is of sufficient size and duration, and that the program funded by the subgrant is of sufficient scope and quality, to carry out the purposes of this part effectively.

“(13) A description of how the State educational agency will ensure ongoing integration of technology into school curricula and instructional strategies in all schools in the State, so that technology will be fully integrated into the curricula and instruction of the schools by December 31, 2006.

“(14) A description of how the local educational agencies in the State will provide incentives to teachers who are technologically literate and teaching in rural or urban areas, to encourage such teachers to remain in those areas.

“(15) A description of how public and private entities will participate in the implementation and support of the plan.

“(c) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this part.

“(d) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.
“(c) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this part, the Secretary shall—

“(1) give the State educational agency notice and an opportunity for a hearing; and

“(2) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

“(A) cite the specific provisions in the application that are not in compliance; and

“(B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.

“(f) RESPONSE.—If the State educational agency responds to the Secretary’s notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

“(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(2) the expiration of the 120-day period described in subsection (c).

“(g) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary’s notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

“SEC. 2414. LOCAL APPLICATIONS.

“(a) IN GENERAL.—To be eligible to receive a subgrant from a State educational agency under this subpart, a local educational agency or eligible local entity shall submit to the State educational agency an application containing a new or updated local long-range strategic educational technology plan that is consistent with the objectives of the statewide educational technology plan described in section 2413(a), and such
other information as the State educational agency may reasonably require, at such time and in such manner as the State educational agency may require.

"(b) CONTENTS.—The application shall include each of the following:

"(1) A description of how the applicant will use Federal funds under this subpart to improve the student academic achievement, including technology literacy, of all students attending schools served by the local educational agency and to improve the capacity of all teachers teaching in schools served by the local educational agency to integrate technology effectively into curricula and instruction.

"(2) A description of the applicant’s specific goals for using advanced technology to improve student academic achievement, aligned with challenging State academic content and student academic achievement standards.

"(3) A description of the steps the applicant will take to ensure that all students and teachers in schools served by the local educational agency involved have increased access to educational technology, including how the agency would use funds under this subpart (such as combining the funds with funds from other sources), to help ensure that—

"(A) students in high-poverty and high-needs schools, or schools identified under section 1116, have access to technology; and

"(B) teachers are prepared to integrate technology effectively into curricula and instruction.

"(4) A description of how the applicant will—

"(A) identify and promote curricula and teaching strategies that integrate technology effectively into curricula and instruction, based on a review of relevant research, leading to improvements in student academic achievement, as measured by challenging State academic content and student academic achievement standards; and
“(B) provide ongoing, sustained professional development for teachers, principals, administrators, and school library media personnel serving the local educational agency, to further the effective use of technology in the classroom or library media center, including, if applicable, a list of the entities that will be partners with the local educational agency involved in providing the ongoing, sustained professional development.

“(5) A description of the type and costs of technologies to be acquired under this subpart, including services, software, and digital curricula, and including specific provisions for interoperability among components of such technologies.

“(6) A description of how the applicant will coordinate activities carried out with funds provided under this subpart with technology-related activities carried out with funds available from other Federal, State, and local sources.

“(7) A description of how the applicant will integrate technology (including software and other electronically delivered learning materials) into curricula and instruction, and a timeline for such integration.

“(8) A description of how the applicant will encourage the development and utilization of innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, including distance learning technologies, particularly for those areas that would not otherwise have access to such courses and curricula due to geographical isolation or insufficient resources.

“(9) A description of how the applicant will ensure the effective use of technology to promote parental involvement and increase communication with parents, including a description of how parents will be informed of the technology being applied in their child’s education so that the parents
are able to reinforce at home the instruction their child rec-

“(10) A description of how programs will be developed,

where applicable, in collaboration with adult literacy service

providers, to maximize the use of technology.

“(11) A description of the process and accountability

measures that the applicant will use to evaluate the extent
to which activities funded under this subpart are effective
in integrating technology into curricula and instruction, in-
creasing the ability of teachers to teach, and enabling stu-
dents to meet challenging State academic content and stu-
dent academic achievement standards.

“(12) A description of the supporting resources (such

as services, software, other electronically delivered learning
materials, and print resources) that will be acquired to en-
sure successful and effective uses of technology.

“(c) COMBINED APPLICATIONS.—A local educational agen-
cy that is an eligible local entity and submits an application to
the State educational agency under this section for funds
awarded under section 2412(a)(2)(A) may combine the agen-
cy’s application for funds awarded under that section with an
application for funds awarded under section 2412(a)(2)(B).

“(d) SPECIAL RULE.—

“(1) CONSORTIUM APPLICATIONS.—

“(A) IN GENERAL.—For any fiscal year, a local
educational agency applying for financial assistance de-
scribed in section 2412(a)(2)(A) may apply as part of
a consortium that includes other local educational
agencies, institutions of higher education, educational
service agencies, libraries, or other educational entities
appropriate to provide local programs.

“(B) FISCAL AGENT.—If a local educational agen-
cy applies for and receives financial assistance de-
scribed in section 2412(a)(2)(A) as part of a consort-
tium, the local educational agency shall serve as the fis-
cal agent for the consortium.
“(2) State educational agency assistance.—At
the request of a local educational agency, a State edu-
cational agency may assist the local educational agency in
the formation of a consortium described in paragraph (1)
to provide services for the teachers and students served by
the local educational agency.

“Sec. 2415. State activities.

“From funds made available under section 2412(a)(1), a
State educational agency shall carry out activities and assist
local efforts to carry out the purposes of this part, which may
include the following activities:

“(1) Developing, or assisting applicants or recipients
of funds under this subpart in the development and utiliz-
ation of, innovative strategies for the delivery of specialized
or rigorous academic courses and curricula through the use
of technology, including distance learning technologies, and
providing other technical assistance to such applicants or
recipients throughout the State, with priority given to high-
need local educational agencies.

“(2) Establishing or supporting public-private initia-
tives (such as interest-free or reduced-cost loans) for the
acquisition of educational technology for high-need local
educational agencies and students attending schools served
by such agencies.

“(3) Assisting recipients of funds under this subpart
in providing sustained and intensive, high-quality profes-
sional development based on a review of relevant research
in the integration of advanced technologies, including
emerging technologies, into curricula and instruction and in
using those technologies to create new learning environ-
ments, including training in the use of technology to—

“(A) access data and resources to develop cur-
ricula and instructional materials;

“(B) enable teachers—
“(i) to use the Internet and other technology 

to communicate with parents, other teachers, prin-
cipals, and administrators; and

“(ii) to retrieve Internet-based learning re-

sources; and

“(C) lead to improvements in classroom instruc-
tion in the core academic subjects, that effectively pre-
pare students to meet challenging State academic con-
tent standards and student academic achievement 

standards.

“(4) Assisting recipients of funds under this subpart 
in providing all students (including students with disabil-
ities and students with limited English proficiency) and 
teachers with access to educational technology.

“(5) Developing performance measurement systems to 
determine the effectiveness of educational technology pro-
grams funded under this subpart, particularly in deter-
mining the extent to which activities funded under this sub-
part are effective in integrating technology into curricula 
and instruction, increasing the ability of teachers to teach, 
and enabling students to meet challenging State academic 
content and student academic achievement standards.

“(6) Collaborating with other State educational agen-
cies on distance learning, including making specialized or 
rigorous academic courses and curricula available to stu-
dents in areas that would not otherwise have access to such 
courses and curricula.

“SEC. 2416. LOCAL ACTIVITIES.

“(a) PROFESSIONAL DEVELOPMENT.—

“(1) IN GENERAL.—A recipient of funds made avail-
able under section 2412(a)(2) shall use not less than 25 
percent of such funds to provide ongoing, sustained, and 
intensive, high-quality professional development. The recipi-
ent shall provide professional development in the integra-
tion of advanced technologies, including emerging tech-
nologies, into curricula and instruction and in using those
technologies to create new learning environments, such as professional development in the use of technology—

“(A) to access data and resources to develop curricula and instructional materials;

“(B) to enable teachers—

“(i) to use the Internet and other technology to communicate with parents, other teachers, principals, and administrators; and

“(ii) to retrieve Internet-based learning resources; and

“(C) to lead to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State academic content standards, including increasing student technology literacy, and student academic achievement standards.

“(2) WAIVERS.—Paragraph (1) shall not apply to a recipient of funds made available under section 2412(a)(2) that demonstrates, to the satisfaction of the State educational agency involved, that the recipient already provides ongoing, sustained, and intensive, high-quality professional development that is based on a review of relevant research, to all teachers in core academic subjects in the integration of advanced technologies, including emerging technologies, into curricula and instruction.

“(b) OTHER ACTIVITIES.—In addition to the activities described in subsection (a), a recipient of funds made available by a State educational agency under section 2412(a)(2) shall use such funds to carry out other activities consistent with this subpart, which may include the following:

“(1) Establishing or expanding initiatives, particularly initiatives involving public-private partnerships, designed to increase access to technology for students and teachers, with special emphasis on the access of high-need schools to technology.
“(2) Adapting or expanding existing and new applications of technology to enable teachers to increase student 
academic achievement, including technology literacy—

“(A) through the use of teaching practices that 
are based on a review of relevant research and are de-
dsigned to prepare students to meet challenging State 
academic content and student academic achievement 
standards; and

“(B) by the development and utilization of innova-
tive distance learning strategies to deliver specialized or 
rigorous academic courses and curricula to areas that 
would not otherwise have access to such courses and 
curricula.

“(3) Acquiring proven and effective courses and cur-
ricula that include integrated technology and are designed 
to help students meet challenging State academic content 
and student academic achievement standards.

“(4) Utilizing technology to develop or expand efforts 
to connect schools and teachers with parents and students 
to promote meaningful parental involvement, to foster in-
creased communication about curricula, assignments, and 
assessments between students, parents, and teachers, and 
to assist parents to understand the technology being ap-
plied in their child’s education, so that parents are able to 
reinforce at home the instruction their child receives at 
school.

“(5) Preparing one or more teachers in elementary 
schools and secondary schools as technology leaders who 
are provided with the means to serve as experts and train 
other teachers in the effective use of technology, and pro-
viding bonus payments to the technology leaders.

“(6) Acquiring, adapting, expanding, implementing, 
repairing, and maintaining existing and new applications of 
technology, to support the school reform effort and to im-
prove student academic achievement, including technology 
literacy.
“(7) Acquiring connectivity linkages, resources, and services (including the acquisition of hardware and software and other electronically delivered learning materials) for use by teachers, students, academic counselors, and school library media personnel in the classroom, in academic and college counseling centers, or in school library media centers, in order to improve student academic achievement.

“(8) Using technology to collect, manage, and analyze data to inform and enhance teaching and school improvement efforts.

“(9) Implementing performance measurement systems to determine the effectiveness of education technology programs funded under this subpart, particularly in determining the extent to which activities funded under this subpart are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

“(10) Developing, enhancing, or implementing information technology courses.

**Subpart 2—National Technology Activities**

**SEC. 2421. NATIONAL ACTIVITIES.**

“(a) STUDY.—Using funds made available under section 2404(b)(2), the Secretary—

“(1) shall conduct an independent, long-term study, utilizing scientifically based research methods and control groups or control conditions—

“(A) on the conditions and practices under which educational technology is effective in increasing student academic achievement; and

“(B) on the conditions and practices that increase the ability of teachers to integrate technology effectively into curricula and instruction, that enhance the learning environment and opportunities, and that increase student academic achievement, including technology literacy;