

117TH CONGRESS
1ST SESSION

H. R. 557

To allow a State to submit a State management decision to the Secretary of Education to combine certain funds to improve the academic achievement of students.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2021

Mrs. LESKO (for herself, Mr. GOSAR, Mr. BIGGS, and Mr. SCHWEIKERT) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To allow a State to submit a State management decision to the Secretary of Education to combine certain funds to improve the academic achievement of students.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; PURPOSE; DEFINITIONS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Make Education Local Act of 2021”.

6 (b) PURPOSE.—The purposes of this Act are as fol-
7 lows:

8 (1) To give States and local communities added
9 flexibility and control to determine how to improve

1 academic achievement and implement education pol-
2 icy.

3 (2) To reduce the administrative costs and com-
4 pliance burden of Federal education programs in
5 order to focus Federal resources on improving aca-
6 demic achievement.

7 (3) To ensure that States and communities are
8 accountable to the public and to parents for advanc-
9 ing the academic achievement of all students, espe-
10 cially disadvantaged children.

11 (c) DEFINITIONS.—

12 (1) IN GENERAL.—Except as otherwise pro-
13 vided, the terms used in this Act have the meanings
14 given the terms in section 8101 of the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C.
16 7801 et seq.).

17 (2) OTHER TERMS.—In this Act:

18 (A) ACCOUNTABILITY.—The term “ac-
19 countability” means that public schools are an-
20 swerable to parents and other taxpayers for the
21 use of public funds and shall report student
22 academic progress to parents and taxpayers
23 regularly.

24 (B) STATE.—The term “State” has the
25 meaning given such term in section 1122(e) of

1 the Elementary and Secondary Education Act
2 of 1965 (20 U.S.C. 6332(e)).

3 (C) STATE MANAGEMENT DECISION.—The
4 term “State management decision” means a de-
5 cision by a State, as determined by State Au-
6 thorizing Officials or by referendum, to assume
7 full management responsibility for the expendi-
8 ture of Federal funds for certain eligible pro-
9 grams for the purpose of advancing, on a more
10 comprehensive and effective basis, the edu-
11 cational policy of such State.

12 (D) STATE AUTHORIZING OFFICIALS.—The
13 term “State Authorizing Officials” means the
14 State officials who shall authorize the submis-
15 sion of a State management decision, and any
16 amendments thereto, on behalf of the State.
17 Such officials shall include not less than two of
18 the following:

19 (i) The Governor of the State.

20 (ii) The highest elected education offi-
21 cial of the State, if any.

22 (iii) The legislature of the State.

23 (E) STATE DESIGNATED OFFICER.—The
24 term “State Designated Officer” means the
25 person designated by the State Authorizing Of-

1 officials to submit to the Secretary, on behalf of
2 the State, a State management decision, and
3 any amendments thereto, and to function as the
4 point-of-contact for the State for the Secretary
5 and others relating to any responsibilities arising
6 under this Act.

7 **SEC. 2. STATE MANAGEMENT DECISION.**

8 (a) IN GENERAL.—Each State is authorized to submit
9 to the Secretary a State management decision permitting
10 the State to receive Federal funds on a consolidated
11 basis to manage the expenditure of such funds to advance
12 the educational policy of the State.

13 (b) PROGRAMS ELIGIBLE FOR CONSOLIDATION AND
14 PERMISSIBLE USE OF FUNDS.—

15 (1) SCOPE.—A State may choose to include
16 within the scope of the State management decision
17 of the State any program for which Congress makes
18 funds available to the State if the program is for a
19 purpose described in the Elementary and Education
20 Secondary Act of 1965 (20 U.S.C. 6301). A State
21 may not include any program funded pursuant to
22 the Individuals with Disabilities Education Act (20
23 U.S.C. 1400 et seq.).

24 (2) USES OF FUNDS.—Funds made available to
25 a State pursuant to a State management decision

1 under this Act shall be used for any educational pur-
2 pose permitted by State law of the State submitting
3 a State management decision.

4 (3) REMOVAL OF FISCAL AND ACCOUNTING
5 BARRIERS.—Each State educational agency that op-
6 erates under a State management decision under
7 this Act may modify or eliminate State fiscal and ac-
8 counting barriers that prevent local educational
9 agencies and schools from easily consolidating funds
10 from other eligible Federal, State, and local sources
11 in order to improve educational opportunities and re-
12 duce unnecessary fiscal and accounting require-
13 ments.

14 (c) CONTENTS OF DECISION.—Each State manage-
15 ment decision shall contain—

16 (1) a list of eligible programs that are subject
17 to the State management decision;

18 (2) an assurance that the submission of the
19 State management decision has been authorized by
20 the State Authorizing Officials, specifying the iden-
21 tity of the State Designated Officer;

22 (3) the duration of the State management deci-
23 sion;

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

1 (5) an assurance that the State will meet the
2 requirements of applicable Federal civil rights laws
3 in carrying out the State management decision and
4 in consolidating and using the funds under the State
5 management decision;

6 (6) an assurance that in implementing the
7 State management decision the State will seek to ad-
8 vance educational opportunities for the disadvan-
9 taged;

10 (7) a description of the plan for maintaining di-
11 rect accountability to parents and other citizens of
12 the State;

13 (8) an assurance that in implementing the
14 State management decision, the State will seek to
15 use Federal funds to supplement, rather than sup-
16 plant, State education funding; and

17 (9) a description of how the State will address
18 persistently failing public schools.

19 (d) MINIMUM DURATION.—The duration of the State
20 management decision shall—

21 (1) be greater than or equal to 5 years; and

22 (2) be less than or equal to 10 years.

23 (e) REVIEW, IMPLEMENTATION, AND RECOGNITION
24 BY THE SECRETARY.—

1 (1) IN GENERAL.—The Secretary shall review
2 the State management decision received from the
3 State Designated Officer not more than 60 days
4 after the date of receipt of such decision, and shall
5 approve, with respect to permitting the State to re-
6 ceive the funds described in subsection (a), such
7 State management decision unless the State man-
8 agement decision fails to meet the requirements
9 under subsection (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 State management
13 decision, as submitted, shall be deemed to be ap-
14 proved.

15 (f) AMENDMENT TO STATE MANAGEMENT DECISION.—
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17 (1) IN GENERAL.—The State Authorizing Offi-
18 cials may direct the State Designated Officer to sub-
19 mit amendments to a State management decision
20 that is in effect. Such amendments shall be sub-
21 mitted to the Secretary and considered by the Sec-
22 retary in accordance with subsection (e).

23 (2) AMENDMENTS AUTHORIZED.—A State man-
24 agement decision that is in effect may be amended
25 to—

1 (A) expand the scope of such State man-
2 agement decision to encompass additional eligi-
3 ble programs;

4 (B) reduce the scope of such State man-
5 agement decision by excluding coverage of a
6 Federal program included in the original State
7 management decision;

8 (C) modify the duration of such State
9 management decision; or

10 (D) achieve such other modifications as the
11 State Authorizing Officials deem appropriate.

12 (3) EFFECTIVE DATE.—The amendment shall
13 specify an effective date. Such effective date shall
14 provide adequate time to assure full compliance with
15 Federal program requirements relating to an eligible
16 program that has been removed from the coverage of
17 the State management decision by the proposed
18 amendment.

19 (4) TREATMENT OF PROGRAM FUNDS WITH-
20 DRAWN FROM STATE MANAGEMENT DECISION.—Be-
21 ginning on the effective date of an amendment exe-
22 cuted under paragraph (2)(B), each program re-
23 quirement of each program removed from the State
24 management decision shall apply to the State's use
25 of funds made available under the program.

1 **SEC. 3. TRANSPARENCY FOR RESULTS OF PUBLIC EDU-**
2 **CATION.**

3 (a) IN GENERAL.—Each State operating under a
4 State management decision under this Act shall inform
5 parents and the general public regarding the student
6 achievement assessment system, demonstrating student
7 progress relative to the State’s determination of student
8 proficiency, as described in paragraph (2), for the purpose
9 of public accountability to parents and taxpayers.

10 (b) ACCOUNTABILITY SYSTEM.—

11 (1) IN GENERAL.—The State shall determine
12 and establish an accountability system to ensure ac-
13 countability under this Act.

14 (2) ACADEMIC ACHIEVEMENT.—Any account-
15 ability system established by a State pursuant to
16 paragraph (1) shall—

17 (A) be focused on the academic achieve-
18 ment of students; and

19 (B) include a system, as determined by the
20 State, of evaluating the academic achievement
21 and progress of students.

22 (c) REPORT ON STUDENT PROGRESS.—Not later
23 than 1 year after the effective date of the State manage-
24 ment decision, and annually thereafter, a State shall, in
25 a format acceptable to such State, disseminate widely to

1 parents and the general public a report that describes stu-
2 dent progress. The report shall include—

3 (1) student performance data disaggregated by
4 various student groups, as determined by the State;

5 (2) a description of other high-quality school
6 options available to parents in the State; and

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

11 **SEC. 4. ADMINISTRATIVE EXPENSES.**

12 (a) IN GENERAL.—Except as provided in subsection
13 (b), the amount that a State with a State management
14 decision may expend for administrative expenses shall be
15 limited to 1 percent of the aggregate amount of Federal
16 funds made available to the State through the eligible pro-
17 grams included within the scope of such State manage-
18 ment decision.

19 (b) STATES NOT CONSOLIDATING FUNDS UNDER
20 PART A OF TITLE I.—If the State management decision
21 does not include within its scope part A of title I of the
22 Elementary and Secondary Education Act of 1965 (20
23 U.S.C. 6311 et seq.), the amount spent by the State on
24 administrative expenses shall be limited to 3 percent of

1 the aggregate amount of Federal funds made available to
2 the State pursuant to such State management decision.

3 **SEC. 5. EQUITABLE PARTICIPATION OF PRIVATE SCHOOLS.**

4 Each State consolidating and using funds pursuant
5 to a State management decision under this Act shall pro-
6 vide for the participation of private school children and
7 teachers in the activities assisted under the State manage-
8 ment decision in the same manner as participation is pro-
9 vided to private school children and teachers under section
10 8501 of the Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 7881).

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