

HR 2187 RFS

111th CONGRESS  
1st Session  
**H. R. 2187**  
**IN THE SENATE OF THE UNITED STATES**

**May 18, 2009**

Received; read twice and referred to the Committee on Health,  
Education, Labor, and Pensions

---

**AN ACT**

To direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

- (a) Short Title- This Act may be cited as the '21st Century Green High-Performing Public School Facilities Act'.  
(b) Table of Contents- The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

**TITLE I--GRANTS FOR MODERNIZATION, RENOVATION,  
OR REPAIR OF PUBLIC SCHOOL FACILITIES**

- Sec. 101. Purpose.  
Sec. 102. Allocation of funds.  
Sec. 103. Allowable uses of funds.  
Sec. 104. Priority projects.

**TITLE II--SUPPLEMENTAL GRANTS FOR LOUISIANA,  
MISSISSIPPI, AND ALABAMA**

- Sec. 201. Purpose.  
Sec. 202. Allocation to local educational agencies.

Sec. 203. Allowable uses of funds.

### **TITLE III--GENERAL PROVISIONS**

Sec. 301. Impermissible uses of funds.

Sec. 302. Supplement, not supplant.

Sec. 303. Prohibition regarding State aid.

Sec. 304. Maintenance of effort.

Sec. 305. Special rule on contracting.

Sec. 306. Use of American iron, steel, and manufactured goods.

Sec. 307. Labor standards.

Sec. 308. Charter schools.

Sec. 309. Green schools.

Sec. 310. Reporting.

Sec. 311. Authorization of appropriations.

Sec. 312. Special rules.

Sec. 313. Youthbuild programs.

Sec. 314. Evaluation.

Sec. 315. Advisory Council on Green, High-Performing Schools.

Sec. 316. Job Corps.

Sec. 317. Junior and community college students.

Sec. 318. GAO study.

Sec. 319. Education regarding projects.

### **SEC. 2. DEFINITIONS.**

In this Act:

(1) The term `Bureau-funded school' has the meaning given to such term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

(2) The term `charter school' has the meaning given such term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221).

(3) The term `CHPS Criteria' means the green building rating program developed by the Collaborative for High Performance Schools.

(4) The term `Energy Star' means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(5) The term `Green Globes' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(6) The term `LEED Green Building Rating System' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as LEED Green Building Rating System.

(7) The term `local educational agency'--

(A) has the meaning given to that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), and shall also include the Recovery School District of Louisiana and the New Orleans Public Schools; and

(B) includes any public charter school that constitutes a local educational agency under State law.

(8) The term `outlying area'--

(A) means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(9) The term `public school facilities' means an existing public school facility, including a public charter school facility, or another existing facility planned for adaptive reuse as such a school facility.

(10) The term `State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

## **TITLE I--GRANTS FOR MODERNIZATION, RENOVATION, OR REPAIR OF PUBLIC SCHOOL FACILITIES**

### **SEC. 101. PURPOSE.**

Grants under this title shall be for the purpose of modernizing, renovating, or repairing public school facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

### **SEC. 102. ALLOCATION OF FUNDS.**

(a) Reservation-

(1) IN GENERAL- From the amount appropriated to carry out this title for each fiscal year pursuant to section

311(a), the Secretary shall reserve 2 percent of such amount, consistent with the purpose described in section 101--

- (A) to provide assistance to the outlying areas; and
- (B) for payments to the Secretary of the Interior to provide assistance to Bureau-funded schools.

(2) USE OF RESERVED FUNDS- In each fiscal year, the amount reserved under paragraph (1) shall be divided between the uses described in subparagraphs (A) and (B) of such paragraph in the same proportion as the amount reserved under section 1121(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331(a)) is divided between the uses described in paragraphs (1) and (2) of such section 1121(a) in such fiscal year.

(3) DISTRESSED AREAS AND NATURAL DISASTERS- From the amount appropriated to carry out this title for each fiscal year pursuant to section 311(a), the Secretary shall reserve 5 percent of such amount for grants to--

- (A) local educational agencies serving geographic areas with significant economic distress, to be used consistent with the purpose described in section 101 and the allowable uses of funds described in section 103; and
- (B) local educational agencies serving geographic areas recovering from a natural disaster, to be used consistent with the purpose described in section 201 and the allowable uses of funds described in section 203.

(b) Allocation to States-

(1) STATE-BY-STATE ALLOCATION- Of the amount appropriated to carry out this title for each fiscal year pursuant to section 311(a), and not reserved under subsection (a), each State shall be allocated an amount in proportion to the amount received by all local educational agencies in the State under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in every State under such part for such fiscal year.

(2) STATE ADMINISTRATION- A State may reserve up to 1 percent of its allocation under paragraph (1) to carry out its responsibilities under this title, which include--

- (A) providing technical assistance to local educational agencies;

(B) developing an online, publicly searchable database that includes an inventory of public school facilities in the State, including for each, its design, condition, modernization, renovation and repair needs, usage, utilization, energy use, and carbon footprint; and

(C) creating voluntary guidelines for high-performing school buildings, including guidelines concerning the following:

(i) Site location, storm water management, outdoor surfaces, outdoor lighting, and transportation (location near public transit and easy access for pedestrians and bicycles).

(ii) Outdoor water systems, landscaping to minimize water use, including elimination of irrigation systems for landscaping, and indoor water use reduction.

(iii) Energy efficiency (including minimum and superior standards, such as for heating, ventilation, and air conditioning systems), use of alternative energy sources, commissioning, and training.

(iv) Use of durable, sustainable materials and waste reduction.

(v) Indoor environmental quality, such as day lighting in classrooms, lighting quality, indoor air quality (including with reference to reducing the incidence and effects of asthma and other respiratory illnesses), acoustics, and thermal comfort.

(vi) Operations and management, such as use of energy efficient equipment, indoor environmental management plan, maintenance plan, and pest management.

(3) GRANTS TO LOCAL EDUCATIONAL AGENCIES-

(A) IN GENERAL- From the amount allocated to a State under paragraph (1), each eligible local educational agency in the State shall receive an amount in proportion to the amount received by such local educational agency under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the previous fiscal year relative to the total amount received by all local educational agencies in the State under such part for

such fiscal year, except that no local educational agency that received funds under title I of that Act for such fiscal year shall receive a grant of less than \$5,000 in any fiscal year under this title.

(B) ELIGIBLE LOCAL EDUCATIONAL AGENCY- For purposes of subparagraph (A), the term `eligible local educational agency' means a local educational agency that--

(i) meets the requirements for--

(I) a local educational agency plan under section 1112(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6312(a));

(II) public school choice under section 1116(b)(1)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(1)(E));

(III) transportation funding for public school choice under section 1116(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(9));

(IV) supplemental educational services funding under section 1116(b)(10) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(10));

(V) supplemental educational services under section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e));

(VI) private school participation under section 9501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881); and

(VII) armed forces recruiter access under section 9528 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908); and

(ii) conducts an independent audit by a third-party entity, and is certified by the State, substantiating the overall condition of the public school facilities and the need for modernization, renovation, or repair.

(4) SPECIAL RULE- Section 1122(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332(c)(3)) shall not apply to paragraph (1) or (3).

(c) Special Rules-

(1) DISTRIBUTIONS BY SECRETARY- The Secretary shall make and distribute the reservations and allocations described in subsections (a) and (b) not later than 30 days after an appropriation of funds for this title is made.

(2) DISTRIBUTIONS BY STATES- A State shall make and distribute the allocations described in subsection (b)(3) within 30 days of receiving such funds from the Secretary.

### **SEC. 103. ALLOWABLE USES OF FUNDS.**

A local educational agency receiving a grant under this title shall use the grant for modernization, renovation, or repair of public school facilities, including, where applicable, early learning facilities, including--

(1) repairing, replacing, or installing roofs, including extensive, intensive or semi-intensive green roofs, electrical wiring, water supply and plumbing systems, sewage systems, storm water runoff systems, lighting systems, or components of such systems, building envelope, windows, ceilings, flooring, or doors, including security doors;

(2) repairing, replacing, or installing heating, ventilation, air conditioning systems, or components of such systems (including insulation), including indoor air quality assessments;

(3) bringing public schools into compliance with fire, health, seismic, and safety codes, including professional installation of fire/life safety alarms, including modernizations, renovations, and repairs that ensure that schools are prepared for emergencies, such as improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that schools are able to respond to emergencies such as acts of terrorism, campus violence, and natural disasters;

(4) modifications necessary to make public school facilities accessible to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

- (5) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards;
- (6) measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution;
- (7) modernizations, renovations, or repairs necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water;
- (8) upgrading or installing educational technology infrastructure to ensure that students have access to up-to-date educational technology;
- (9) modernization, renovation, or repair of science and engineering laboratory facilities, libraries, and career and technical education facilities, including those related to energy efficiency and renewable energy, and improvements to building infrastructure to accommodate bicycle and pedestrian access;
- (10) renewable energy generation and heating systems, including solar, photovoltaic, wind, geothermal, or biomass, including wood pellet, woody biomass, waste-to-energy, and solar-thermal systems or components of such systems, and energy audits;
- (11) measures designed to reduce or eliminate human exposure to airborne particles such as dust, sand, and pollens;
- (12) creating greenhouses, gardens (including trees), and other facilities for environmental, scientific, or other educational purposes, or to produce energy savings;
- (13) upgrading or installing recreational structures, including physical education facilities for students, made from post consumer recovered materials in accordance with the comprehensive procurement guidelines prepared by the Administrator of the Environmental Protection Agency under section 6002(e) of the Solid Waste Disposal Act (42 U.S.C. 6962(e));
- (14) other modernization, renovation, or repair of public school facilities to--
  - (A) improve teachers' ability to teach and students' ability to learn;
  - (B) ensure the health and safety of students and staff;
  - (C) make them more energy efficient; or
  - (D) reduce class size; and

(15) required environmental remediation related to public school modernization, renovation, or repair described in paragraphs (1) through (14).

## **SEC. 104. PRIORITY PROJECTS.**

In selecting a project under section 103, a local educational agency may give priority to projects involving the abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, lead-based hazards, including lead-based paint hazards, or a proven carcinogen.

## **TITLE II--SUPPLEMENTAL GRANTS FOR LOUISIANA, MISSISSIPPI, AND ALABAMA**

### **SEC. 201. PURPOSE.**

Grants under this title shall be for the purpose of modernizing, renovating, repairing, or constructing public school facilities, including, where applicable, early learning facilities, based on their need for such improvements, to be safe, healthy, high-performing, and up-to-date technologically.

### **SEC. 202. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.**

(a) In General- Of the amount appropriated to carry out this title for each fiscal year pursuant to section 311(b), the Secretary shall allocate to local educational agencies in Louisiana, Mississippi, and Alabama an amount equal to the infrastructure damage inflicted on public school facilities in each such district by Hurricane Katrina or Hurricane Rita in 2005 relative to the total of such infrastructure damage so inflicted in all such districts, combined.

(b) Distribution by Secretary- The Secretary shall determine and distribute the allocations described in subsection (a) not later than 60 days after an appropriation of funds for this title is made.

### **SEC. 203. ALLOWABLE USES OF FUNDS.**

A local educational agency receiving a grant under this title shall use the grant for one or more of the activities described in section 103, except that an agency receiving a grant under this

title also may use the grant for the construction of new public school facilities.

### **TITLE III--GENERAL PROVISIONS**

#### **SEC. 301. IMPERMISSIBLE USES OF FUNDS.**

No funds received under this Act may be used for--

- (1) payment of maintenance costs;
- (2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;
- (3) improvement or construction of facilities the purpose of which is not the education of children, including central office administration or operations or logistical support facilities; or
- (4) purchasing carbon offsets.

#### **SEC. 302. SUPPLEMENT, NOT SUPPLANT.**

A local educational agency receiving a grant under this Act shall use such Federal funds only to supplement and not supplant the amount of funds that would, in the absence of such Federal funds, be available for modernization, renovation, repair, and construction of public school facilities.

#### **SEC. 303. PROHIBITION REGARDING STATE AID.**

A State shall not take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

#### **SEC. 304. MAINTENANCE OF EFFORT.**

- (a) In General- A local educational agency may receive a grant under this Act for any fiscal year only if either the combined fiscal effort per student or the aggregate expenditures of the agency and the State involved with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.
- (b) Reduction in Case of Failure To Meet Maintenance of Effort Requirement-

(1) IN GENERAL- The State educational agency shall reduce the amount of a local educational agency's grant in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency).

(2) SPECIAL RULE- No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

(c) Waiver- The Secretary shall waive the requirements of this section if the Secretary determines that a waiver would be equitable due to--

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the local educational agency.

### **SEC. 305. SPECIAL RULE ON CONTRACTING.**

Each local educational agency receiving a grant under this Act shall ensure that, if the agency carries out modernization, renovation, repair, or construction through a contract, the process for any such contract ensures the maximum number of qualified bidders, including local, small, minority, and women- and veteran-owned businesses, through full and open competition.

### **SEC. 306. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.**

(a) In General- None of the funds appropriated or otherwise made available by this Act may be used for a project for the modernization, renovation, repair or construction of a public school facility unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) Exceptions- Subsection (a) shall not apply in any case or category of cases in which the Secretary finds that--

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and

reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) Publication of Justification- If the Secretary determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the Secretary shall publish in the Federal Register a detailed written justification of the determination.

(d) Construction- This section shall be applied in a manner consistent with United States obligations under international agreements.

### **SEC. 307. LABOR STANDARDS.**

The grant programs under this Act are applicable programs (as that term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)) subject to section 439 of such Act (20 U.S.C. 1232b).

### **SEC. 308. CHARTER SCHOOLS.**

(a) In General- A local educational agency receiving an allocation under this Act shall reserve an amount of that allocation for charter schools within its jurisdiction for modernization, renovation, repair, and construction of charter school facilities.

(b) Determination of Reserved Amount- The amount to be reserved by a local educational agency under subsection (a) shall be determined based on the combined percentage of students eligible under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in the schools of the agency who--

(1) are enrolled in charter schools; and

(2) the local educational agency, in consultation with the authorized public chartering agency, expects to be enrolled, during the year with respect to which the reservation is made, in charter schools that are scheduled to commence operation during such year.

(c) School Share- Individual charter schools shall receive a share of the amount reserved under subsection (a) based on the need of each school for modernization, renovation, repair, or construction, as determined by the local educational agency in consultation with charter school administrators.

(d) Excess Funds- After the consultation described in subsection (c), if the local educational agency determines that the amount of funds reserved under subsection (a) exceeds the modernization, renovation, repair, and construction needs of charter schools within the local educational agency's jurisdiction, the agency may use the excess funds for other public school facility modernization, renovation, repair, or construction consistent with this Act and is not required to carry over such funds to the following fiscal year for use for charter schools.

## **SEC. 309. GREEN SCHOOLS.**

(a) In General- In a given fiscal year, a local educational agency shall use not less than the applicable percentage (described in subsection (b)) of funds received under this Act for public school modernization, renovation, repairs, or construction that are certified, verified, or consistent with any applicable provisions of-

-

- (1) the LEED Green Building Rating System;
- (2) Energy Star;
- (3) the CHPS Criteria;
- (4) Green Globes; or
- (5) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency, which shall include a verifiable method to demonstrate compliance with such program.

(b) Applicable Percentages- The applicable percentage described in subsection (a) is--

- (1) in fiscal year 2010, 50 percent;
- (2) in fiscal year 2011, 60 percent;
- (3) in fiscal year 2012, 70 percent;
- (4) in fiscal year 2013, 80 percent;
- (5) in fiscal year 2014, 90 percent; and
- (6) in fiscal year 2015, 100 percent.

(c) Rule of Construction- Nothing in this section shall be construed to prohibit a local educational agency from using sustainable, domestic hardwood lumber as ascertained through the forest inventory and analysis program of the Forest Service of the Department of Agriculture under the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) for public school modernization, renovation, repairs, or construction.

(d) Technical Assistance- The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental

Protection Agency, shall provide outreach and technical assistance to States and local educational agencies concerning the best practices in school modernization, renovation, repair, and construction, including those related to student academic achievement, student and staff health, energy efficiency, and environmental protection.

## **SEC. 310. REPORTING.**

(a) Reports by Local Educational Agencies- Local educational agencies receiving a grant under this Act shall annually compile a report describing the projects for which such funds were used, including--

- (1) the number of public schools in the agency, including the number of charter schools, and for each, in the aggregate, the number of students from low-income families;
- (2) the total amount of funds received by the local educational agency under this Act and the amount of such funds expended, including the amount expended for modernization, renovation, repair, or construction of charter schools;
- (3) the number of public schools in the agency with a metro-centric locale code of 41, 42, or 43 as determined by the National Center for Education Statistics and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools;
- (4) the number of public schools in the agency that are eligible for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and the percentage of funds received by the agency under title I or title II of this Act that were used for projects at such schools;
- (5) for each project--
  - (A) the cost;
  - (B) the standard described in section 309(a) with which the use of the funds complied or, if the use of funds did not comply with a standard described in section 309(a), the reason such funds were not able to be used in compliance with such standards and the agency's efforts to use such funds in an environmentally sound manner;
  - (C) if flooring was installed, whether--

- (i) it was low- or no-VOC (Volatile Organic Compounds) flooring;
    - (ii) it was made from sustainable and renewable materials; and
    - (iii) use of flooring described in clause (i) or (ii) was cost-effective; and
  - (D) any demonstrable or expected benefits as a result of the project (such as energy savings, improved indoor environmental quality, student and staff health (including with reference to reducing the incidence and effects of asthma and other respiratory illnesses), improved climate for teaching and learning, etc.); and
  - (6) the total number and amount of contracts awarded, and the number and amount of contracts awarded to local, small, minority, women, and veteran-owned businesses.
- (b) Availability of Reports- A local educational agency shall--
- (1) submit the report described in subsection (a) to the State educational agency, which shall compile such information and report it annually to the Secretary; and
  - (2) make the report described in subsection (a) publicly available, including on the agency's website.
- (c) Reports by Secretary- Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and make available on the Department of Education's website, a report on grants made under this Act, including the information described in subsection (b)(1), the types of modernization, renovation, repair, and construction funded, and the number of students impacted, including the number of students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

## **SEC. 311. AUTHORIZATION OF APPROPRIATIONS.**

- (a) Title I- To carry out title I, there are authorized to be appropriated \$6,400,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2015.
- (b) Title II- To carry out title II, there are authorized to be appropriated \$100,000,000 for each of fiscal years 2010 through 2015.
- (c) Prohibition on Earmarks- None of the funds appropriated under this section may be used for a Congressional earmark as

defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

### **SEC. 312. SPECIAL RULES.**

Notwithstanding any other provision of this Act, none of the funds authorized by this Act may be--

- (1) used to employ workers in violation of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a); or
- (2) distributed to a local educational agency that does not have a policy that requires a criminal background check on all employees of the agency.

### **SEC. 313. YOUTHBUILD PROGRAMS.**

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this Act to promote appropriate opportunities for participants in a YouthBuild program (as defined in section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a)) to gain employment experience on modernization, renovation, repair, and construction projects funded under this Act.

### **SEC. 314. EVALUATION.**

(a) Evaluation-

(1) IN GENERAL- The Secretary shall enter into an agreement with the Institute of Educational Sciences of the Department of Education to evaluate the impact of projects funded under this Act on student academic achievement, including a comparison of students attending public schools receiving funding under this Act with students attending public schools that are not receiving such funding.

(2) RESEARCH DESIGN; DISSEMINATION- The Secretary, through a grant, contract, or cooperative agreement, shall-

-

(A) ensure that the evaluation described in paragraph (1) is conducted using the strongest possible research design for determining the effectiveness of the projects funded under this Act; and

(B) disseminate information on the impact of the projects in increasing the academic achievement of students.

(b) Report- Not later than 1 year after the final year for which a grant is made under this Act, the Secretary shall submit to the Committee on Appropriations, and the Committee on Education and Labor, of the House of Representatives, and the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions, of the Senate, a report on the results of the evaluation described in subsection (a).

(c) Public Availability- Following the submission of the report under subsection (b), all reports and underlying data gathered pursuant to this section shall be made available, in a timely manner, to the public upon request.

(d) Rule of Construction- Nothing in this section shall be construed to permit the disclosure of any personally identifiable information regarding a student, except to the parents of the student.

(e) Limit on Amount Expended- The amount expended by the Secretary to carry out this section for a fiscal year shall not exceed 0.5 percent of the total amount appropriated to carry out this Act for such fiscal year.

## **SEC. 315. ADVISORY COUNCIL ON GREEN, HIGH-PERFORMING SCHOOLS.**

(a) Establishment of Advisory Council- The Secretary shall establish an advisory council to be known as the `Advisory Council on Green, High-Performing Schools' (in this section referred to as the `Advisory Council') which shall be composed of--

- (1) appropriate officials from the Department of Education;
- (2) representatives of the academic, architectural, business, education, engineering, environmental, labor and scientific communities; and
- (3) such other representatives as the Secretary deems appropriate.

(b) Duties of Advisory Council-

(1) ADVISORY DUTIES- The Advisory Council shall advise the Secretary on the impact of green, high-performing schools, on--

- (A) teaching and learning;
- (B) health;
- (C) energy costs;

- (D) environmental impact; and
  - (E) other areas that the Secretary and the Advisory Council deem appropriate.
- (2) OTHER DUTIES- The Advisory Council shall assist the Secretary in--
- (A) making recommendations on Federal policies to increase the number of green, high-performing schools;
  - (B) identifying Federal policies that are barriers to helping States and local educational agencies make schools green and high-performing;
  - (C) providing technical assistance and outreach to States and local educational agencies under section 309(c) ; and
  - (D) providing the Secretary such other assistance as the Secretary deems appropriate.
- (c) Consultation- In carrying out its duties under subsection (b), the Advisory Council shall consult with the Chair of the Council on Environmental Quality and the heads of appropriate Federal agencies, including the Secretary of Commerce, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Labor, the Administrator of the Environmental Protection Agency, and the Administrator of the General Services Administration (through the Office of Federal High-Performance Green Buildings).

## **SEC. 316. JOB CORPS.**

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this Act to promote appropriate opportunities for individuals enrolled in the Job Corps program carried out under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.) to gain employment experience on modernization, renovation, repair, and construction projects funded under this Act.

## **SEC. 317. JUNIOR AND COMMUNITY COLLEGE STUDENTS.**

The Secretary of Education, in consultation with the Secretary of Labor, shall work with recipients of funds under this Act to promote appropriate opportunities for individuals enrolled in a junior or community college (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1088(f))) certificate or

degree program relating to projects described in section 309(a) to gain employment experience working on such projects funded under this Act.

**SEC. 318. GAO STUDY.**

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to determine, and report to the Congress on, the extent and types of projects in keeping with the uses of funds authorized under this Act being undertaken in schools around the United States, the geographic distribution of green, high-performing schools in the United States, including by urban, suburban, and rural areas, and the relative access to such schools of the demographic groups described in section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 USC 6311(b)(2)(C)(v)).

**SEC. 319. EDUCATION REGARDING PROJECTS.**

A local educational agency receiving funds under this Act may encourage schools at which projects are undertaken with such funds to educate students about the project, including, as appropriate, the functioning of the project and its environmental, energy, sustainability, and other benefits.

Passed the House of Representatives May 14, 2009.

Attest:

LORRAINE C. MILLER,

Clerk.

*END*