

APPORTIONMENT AMONG STATES

SEC. 5. From the sums appropriated to carry out this Act for each fiscal year, the Commissioner shall apportion to each State an amount which bears the same ratio to such sums as the number of children aged three to seventeen, inclusive, in the State bears to the number of such children in all the States. To the extent that it is determined by the Commissioner that the amount apportioned by any State will not be required for grants in that State, such amount shall be available for grants in other States able to use additional grants pursuant to this Act. Such amounts for any year shall be apportioned among such other States on the same basis as the original apportionment for such year.

DEFINITIONS

SEC. 6. As used in this Act—

(a) The term "teacher aid" means assistant to teachers, library aids, school, recreation aids and other ancillary educational personnel who are under the supervision of professional members of the school staff, but the term does not include persons who are primarily responsible for the instruction of pupils.

(b) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(c) The term "institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. If the Commissioner determines that a particular category of such schools does not meet the requirements of clause (5) because there is no nationally recognized accrediting agency or association qualified to accredit schools in such category, he shall, pending the establishment of such an accrediting agency or association, appoint an advisory committee, composed of persons specially qualified to evaluate training provided by schools in such category, which shall (i) prescribe the standards of content, scope, and quality which must be met in order to qualify schools in such category to participate in teacher aid programs under this Act, and (ii) determine whether particular schools not meeting the requirements of clause (5) meet those standards. For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(d) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(e) The term "State" includes, in addition to the several States of the Union, the District of Columbia, Puerto Rico, Wake Island, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

FEDERAL CONTROL OF EDUCATION PROHIBITED

SEC. 7. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direc-