~~SEC.~~Sec. 1001. ~~[20 U.S.C. 6301] STATEMENT OF PURPOSE.~~

Purpose.—The purpose of this title is to ensure that ~~all children have~~every child has a fair, equal~~,~~ and significant opportunity to obtain a high~~-~~ quality education, succeed from the earliest grades, and ~~reach, at a minimum, proficiency on challenging State academic achievement standards~~graduate from high school ready for college, career, and ~~state academic assessments.~~citizenship. This purpose can be accomplished by—:

~~(1) ensuring that~~

1) Setting high expectations for children to graduate from high school college and career ready;
2) Supporting high-quality ~~academic~~teaching that uses student achievement data, professional collaboration, meaningful feedback, effective technologies, student engagement, [positive behavioral supports, universal design for learning,] and other evidence-based practices to continuously improve instruction and encourage new models of teaching and learning.
3) Removing barriers to and encouraging state and local innovation and leadership in education based on evaluation of success and continuous improvement, especially in providing excellent instruction, high quality assessments, meaningful accountability ~~systems, teacher preparation and training, curriculum, and instructional materials are aligned with challenging State academic standards so that~~, evidence-based supports and interventions in underperforming schools, highly effective educators, a well-rounded education, and other key factors for success;

Providing additional resources and supports to meet the needs of disadvantaged students, ~~teachers, parents, and administrators can measure progress against common expectations for student academic achievement;~~

~~1)~~4) ~~(2) meeting the educational needs of low-achieving~~ including children ~~in our Nation's highest~~from low-income families and those attending high-poverty schools, ~~limited~~ English ~~proficient children~~learners, migratory children, children with disabilities, Indian children, and neglected or delinquent children~~, and young children in need of reading assistance~~;

~~2)~~5) ~~(3)~~ Focusing on increasing student achievement and closing ~~the~~ achievement ~~gap between high- and low-performing children~~, especially ~~the~~ achievement gaps between minority and nonminority students~~,~~ and between disadvantaged children and their more advantaged peers;

~~(4) holding schools, local educational agencies, and States accountable for improving the academic achievement of all students, and identifying and turning around low-performing schools that have failed to provide a high-quality education to their students, while providing alternatives to students in such schools to enable the students to receive a high-quality education;~~

~~(5) distributing and targeting resources sufficiently to make a difference to local educational agencies and schools where needs are greatest;~~

~~(6) improving and strengthening accountability, teaching, and learning by using State assessment systems designed to ensure that students are meeting challenging State academic achievement and content standards and increasing achievement overall, but especially for the disadvantaged;~~

~~(7) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance;~~

~~(8) providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time;~~

~~(9) promoting schoolwide reform and ensuring the access of children to effective, scientifically based instructional strategies and challenging academic content;~~

~~(10) significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;~~

~~(11) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with other agencies providing services to youth, children, and families; and~~

~~(12) affording parents substantial and meaningful opportunities to participate in the education of their children.~~

6) Removing barriers and promoting integration across all levels of education, and across federal education programs;
7) Streamlining federal requirements to reduce burden on states, districts, schools, and educators; and
8) Strengthening parental engagement and coordination of student, family, and community supports to promote student success.

SEC. ~~1004~~1002. [20 U.S.C. 6304] STATE ADMINISTRATION AND STATE ACCOUNTABILITY AND SUPPORT.

(a) State Administration.—

(1) IN GENERAL.—Except as provided in ~~subsection~~ paragraph (~~1~~b2), to carry out administrative duties assigned under parts A, C, and D of this title, each State may reserve the greater of—

(~~1~~A) 1 percent of the amounts received under such parts; or

(~~2~~B) $400,000 ($50,000 in the case of each outlying area).

(~~b~~2) EXCEPTION.—If the sum of the amounts appropriated for parts A, C, and D of this title is equal to or greater than $14,000,000,000, then the reservation described in ~~subsection (a)(1)~~ paragraph (1)(A) shall not exceed 1 percent of the amount the State would receive, if $14,000,000,000 were allocated among the States for parts A, C, and D of this title.

"(b) Accountability and Support.—

"(1) IN GENERAL.—Each State may reserve 4 percent of the amount the State receives under subpart 2 of part A to carry out paragraph (2) and to carry out the State and local educational agency responsibilities under sections 1116, which may include carrying out a statewide system of technical assistance and support for local educational agencies.

"(2) USES.—Of the amount reserved under paragraph (1) for any fiscal year, the State educational agency—

"(A) shall use not less than 90 percent of that amount by allocating such sums directly to local educational agencies for activities required under section 1116; or

"(B) may, with the approval of the local educational agency, directly provide for such activities or arrange for their provision through other entities such as educational service agencies.

"(3) PRIORITY.—The State educational agency, in allocating funds to local educational agencies under this subsection, shall give priority to local educational agencies that—

"(A) serve the lowest-achieving schools, including schools identified under subsection (b) or (c) of section 1116;

"(B) demonstrate the greatest need for such funds; and

"(C) demonstrate the strongest commitment to ensuring that such funds are used to enable the lowest-achieving schools to improve student achievement and outcomes.

"(4) UNUSED FUNDS.—If, after consultation with local educational agencies in the State, the State educational agency determines that the amount of funds reserved to carry out this subsection is greater than the amount needed to provide the assistance described in this subsection, the State educational agency shall allocate the excess amount to local educational agencies in accordance with—

"(A) the relative allocations the State educational agency made to those agencies for

that fiscal year under subpart 2 of part A; or

"(B) section 1126(c).

"(5) SPECIAL RULE.—Notwithstanding any other provision of this subsection, the amount of funds reserved by the State educational agency under this subsection in any fiscal year shall not decrease the amount of funds each local educational agency receives under subpart 2 below the amount received by such local educational agency under such subpart for the preceding fiscal year.

"(6) REPORTING.—Each State educational agency shall make publicly available a list of those schools that have received funds or services pursuant to this subsection and the percentage of students from each such school from families with incomes below the poverty line.".

"SEC. 1111. ~~[20 U.S.C. 6311]~~ STATE ~~PLANS~~AND LOCAL REQUIREMENTS.

~~(a) PLANS REQUIRED.—~~

~~(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators (including administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act.~~

~~(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 9302.~~

~~(b~~"(a) Academic Standards, Academic Assessments, and Accountability Requirements.—

~~(~~"(1) ~~CHALLENGING ACADEMIC~~REQUIREMENTS FOR COLLEGE AND CAREER READY STATE STANDARDS.—

~~(A) IN GENERAL.—Each State plan shall demonstrate that the State has adopted challenging academic content standards and challenging student academic achievement standards that will be used by the State, its local educational agencies, and its schools~~In order to ~~carry out this part, except that~~ receive a ~~State shall not be required to submit such standards to the Secretary.~~

~~(B) SAME STANDARDS.—The academic standards required by subparagraph (A) shall be the same academic standards that the State applies to all schools and children in the State.~~

~~(C) SUBJECTS.—The State shall have such academic standards for all public elementary school and secondary school children, including children served~~grant under this part, ~~in subjects determined by the State, but including at least~~ each State shall demonstrate that the State meets the following requirements:

"(A) COLLEGE AND CAREER READY ALIGNED STANDARDS FOR READING OR LANGUAGE ARTS AND MATHEMATICS~~;~~.—

"(i) IN GENERAL.—The State shall—

"(I) not later than December 31, 2013, adopt college and career ready academic content standards in reading or language arts, and ~~(~~mathematics, that meet the requirements of clauses (ii) and (iii); and

"(II) not later than the beginning of the 2015–2016 school year, adopt college and career ready student academic achievement standards in reading or language arts, and mathematics, that meet the requirements of clauses (ii) and (iv).

~~(D) CHALLENGING ACADEMIC~~"(ii) ALIGNMENT OF COLLEGE AND CAREER READY STANDARDS.—~~Standards under this paragraph~~Each State plan shall ~~include—~~

~~(i) challenging~~demonstrate that the State has adopted college and career ready academic content standards ~~in academic subjects that—~~

~~(I) specify what children are expected to know and be able to do;~~

~~(II) contain coherent and rigorous content; and~~

~~(III) encourage the teaching of advanced skills;~~ college and

~~(ii) challenging~~ career ready student academic achievement standards that are aligned with—

~~("~~(I) ~~are aligned with the State's~~ academic ~~content standards;~~

~~(II) describe two levels~~coursework, without the need for remediation, at public institutions of ~~high achievement (proficient and advanced) that determine how well children are mastering the material~~higher education in the State;

"(II) relevant State career and technical education standards; and

"(III) appropriate career skills.

"(iii) REQUIREMENTS FOR ACADEMIC CONTENT STANDARDS.—College and career ready academic content standards~~; and~~ shall—

~~(III) describe a third level of achievement (basic) to provide complete information about the progress of the lower-achieving children toward mastering the proficient and advanced levels of achievement.~~

~~(E) INFORMATION.—For the subjects in which students will be served under this part, but for which a State is not required by subparagraphs (A), (B), and (C) to develop, and has not otherwise developed, such academic standards, the State plan shall describe a strategy for ensuring that students are taught the same knowledge and skills in such subjects and held to the same expectations as are all children.~~

~~(F) EXISTING STANDARDS.—Nothing in this part shall prohibit a State from revising, consistent with this section, any standard adopted under this part before or after the date of enactment of the No Child Left Behind Act of 2001.~~

~~(2) ACCOUNTABILITY.—~~

~~(A) IN GENERAL.—Each State plan shall demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that all~~"(I) be used by the State, and by local educational agencies, public elementary schools, and public secondary schools ~~make adequate yearly progress as defined under this paragraph. Each State accountability system shall—~~in the State to carry out the requirements of this part;

~~(i) be based on the academic standards and academic assessments adopted under paragraphs (1) and (3), and other academic indicators consistent with subparagraph (C)(vi) and (vii), and shall take into account the achievement of all~~

~~public elementary school and secondary school students;~~

~~(ii) be the same accountability system the State uses for all public elementary schools and secondary schools or all local educational agencies in the State, except that public elementary schools, secondary schools, and local educational agencies not participating under this part are not subject to the requirements of section 1116; and~~

~~(iii) include sanctions and rewards, such as bonuses and recognition, the State will use to hold local educational agencies and public elementary schools and secondary schools accountable~~"(II) be the same standards that the State applies to all public elementary and secondary schools and students in the State;

"(III) include the same knowledge, skills, and levels of achievement expected of all elementary and secondary school students in the State; and

"(IV) be evidence-based and include rigorous content and skills.

"(iv) REQUIREMENTS FOR STUDENT ~~achievement and for ensuring that they make adequate yearly progress in accordance with the State's definition under subparagraphs (B) and (C).~~

~~(B) ADEQUATE YEARLY PROGRESS.—Each State plan shall demonstrate, based on academic assessments described in paragraph (3), and in accordance with this paragraph, what constitutes adequate yearly progress of the State, and of all public elementary schools, secondary schools, and local educational agencies in the State, toward enabling all public elementary school and secondary school students to meet the State's~~ ACADEMIC ACHIEVEMENT STANDARDS.—College and career ready student academic achievement standards~~, while working toward the goal of narrowing the achievement gaps in the State, local educational agencies, and schools.~~ for a subject shall—

~~(C) DEFINITION.—"Adequate yearly progress" shall~~ "(I) be ~~defined by the State in a manner that—~~

~~(i) applies the same high~~aligned with the State's academic content standards ~~of academic achievement to all public elementary school and secondary school students in the State;~~described in clause (iii); and

~~(ii) is statistically valid and reliable;~~

~~(iii) results in continuous and substantial academic improvement for all students;~~

~~(iv) measures the progress of public elementary schools, secondary schools and local educational agencies and the State based primarily on the academic assessments described in paragraph (3);~~

~~(v) includes separate measurable annual objectives for continuous and substantial improvement for each of the following:~~

~~(I) The achievement of all public elementary school and secondary school students.~~

(II) The achievement of—

(aa) economically disadvantaged students;

(bb) students from major racial and ethnic groups;

(cc) students with disabilities; and

(dd) students with limited English proficiency;

except that disaggregation of data under subclause (II) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student;

(vi) in accordance with subparagraph (D), includes graduation rates for public secondary school students (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years) and at least one other academic indicator, as determined by the State for all public elementary school students; and

(vii) in accordance with subparagraph (D), at the State's discretion, may also include other academic indicators, as determined by the State for all public school students, measured separately for each group described in clause (v), such as achievement on additional State or locally administered assessments, decreases in grade-to-grade retention rates, attendance rates, and changes in the percentages of students completing gifted and talented, advanced placement, and college preparatory courses.

(D) REQUIREMENTS FOR OTHER INDICATORS.—In carrying out subparagraph (C)(vi) and (vii), the State—

(i) shall ensure that the indicators described in those provisions are valid and reliable, and are consistent with relevant, nationally recognized professional and technical standards, if any; and

(ii) except as provided in subparagraph (I)(i), may not use those indicators to reduce the number of, or change, the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if those additional indicators were not used, but may use them to identify additional schools for school improvement or in need of corrective action or restructuring.

(E) STARTING POINT.—Each State, using data for the 2001–2002 school year, shall establish the starting point for measuring, under subparagraphs (G) and (H), the percentage of students meeting or exceeding the State's proficient level of academic achievement on the State assessments under paragraph (3) and pursuant to the timeline described in subparagraph (F). The starting point shall be, at a minimum, based on the higher of the percentage of students at the proficient level who are in—

(i) the State's lowest achieving group of students described in subparagraph (C)(v)(II); or

(ii) the school at the 20th percentile in the State, based on enrollment, among all schools ranked by the percentage of students at the proficient level.

~~(F) TIMELINE.—Each State shall establish a timeline for adequate yearly progress. The timeline shall ensure that~~ "(II) establish levels of performance (basic, on-track, and advanced) that determine how well students are mastering the material in the State academic content standards.

"(v) METHOD.—A State may meet the requirements in this subparagraph individually or through a consortium with 1 or more other States.

"(vi) NO REQUIREMENT TO SUBMIT STANDARDS TO THE SECRETARY.—A State shall not be required to submit the State's college and career ready academic content standards or the State's college and career ready student academic achievement standards to the Secretary for review or approval.

"(B) SCIENCE STANDARDS.—A State—

"(i) shall demonstrate that the State has adopted statewide academic content standards and student academic achievement standards in science that are aligned with the knowledge and skills needed to be college and career ready, as described in subparagraph (A)(ii);

"(ii) shall not be required to submit such standards to the Secretary; and

"(iii) may choose to use such standards as part of the State's accountability system under paragraph (3), if such standards meet the requirements of clauses (ii) through (iv) of subparagraph (A).

"(C) STANDARDS FOR OTHER SUBJECTS.—If a State adopts high-quality academic content standards and student academic achievement standards in subjects other than reading or language arts, mathematics, and science, such State may choose to use such standards as part of the State's accountability system, consistent with section 1116.

"(D) ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—The State may, through a documented and validated standards-setting process, adopt alternate academic achievement standards in any subject included in the State's accountability system under paragraph (3) for students with the most significant cognitive disabilities, if—

"(i) the determination about whether the achievement of an individual student should be measured against such standards is made separately for each student in each subject being assessed; and

"(ii) such alternate academic achievement standards—

"(I) are aligned with the State academic content standards required under this paragraph for the subject;

"(II) promote access to the general curriculum and the student academic achievement standards required under this paragraph for such subject; and

"(III) reflect professional judgment as to the highest possible standards achievable by such student.

"(E) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—A State shall, not later than December 31, 2014, adopt high-quality English language proficiency standards that—

"(i) are aligned with the State's academic content standards in reading or language arts under subparagraph (A) so that achieving English language proficiency, as measured by the State's English language proficiency standards, indicates a sufficient knowledge of English to allow the State to validly and reliably measure the student's achievement on the State's reading or language arts student academic achievement standards;

"(ii) ensure proficiency in English for each of the domains of speaking, listening, reading, and writing;

"(iii) address the different proficiency levels of English learners; and

"(iv) are updated, not later than ~~12 years~~1 year after the ~~end of the 2001–2002 school year, all students in each group described in subparagraph (C)(v) will meet or exceed the State's proficient level of academic achievement on the~~ State ~~assessments under paragraph (3).~~

~~(G) MEASURABLE OBJECTIVES.—Each State shall establish statewide annual measurable objectives, pursuant to subparagraph (C)(v), for meeting the requirements of this paragraph, and which—~~

~~(i) shall be set separately for the assessments of mathematics and~~ adopts any new academic content standards in reading or language arts under ~~subsection (a)(3)\1\;~~

~~\1\So in law. The reference to "subsection (a)(3)" in subparagraph (G)(i) probably should be "subsection (b)(3)".~~

~~(ii) shall be the same for all schools and local educational agencies in the State;~~

~~(iii) shall identify a single minimum percentage of students who are required to meet or exceed the proficient level on the academic assessments that applies separately to each group of students described in subparagraph (C)(v);~~

~~(iv) shall ensure that all students will meet or exceed the State's proficient level of academic achievement on the State assessments within the State's timeline under subparagraph (F); and~~

~~(v) may be the same for more than 1 year, subject to the requirements of subparagraph (H).~~

~~(H) INTERMEDIATE GOALS FOR ANNUAL YEARLY PROGRESS.—Each State shall establish intermediate goals for meeting the requirements, including the measurable objectives in subparagraph (G), of this paragraph and that shall—~~

~~(i) increase in equal increments over the period covered by the State's timeline under subparagraph (F);~~

~~(ii) provide for the first increase to occur in not more than 2 years; and~~

~~(iii) provide for each following increase~~this paragraph, in order to ~~occur in not more than 3 years.~~

~~(I) ANNUAL IMPROVEMENT FOR SCHOOLS.—Each year, for a school to make adequate yearly progress under this paragraph—~~

~~(i) each group of students described in subparagraph (C)(v) must meet or exceed the objectives set by the State under subparagraph (G), except that if any group described in subparagraph (C)(v) does not meet those objectives in any particular year, the school shall be considered to have made adequate yearly progress if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments under paragraph (3) for that year decreased by 10 percent of that percentage from the preceding school year and that group made progress on one or more of the academic indicators described in subparagraph (C)(vi) or (vii); and~~

~~(ii) not less than 95 percent of each group of students described in subparagraph (C)(v) who are enrolled in the school are required to take the assessments, consistent with paragraph (3)(C)(xi) and with accommodations, guidelines, and alternative assessments provided in the same manner as those provided under section 612(a)(16)(A) of the Individuals~~align the English language proficiency standards with ~~Disabilities Education Act and paragraph (3), on which adequate yearly progress is based (except that the 95 percent requirement described in this clause shall not apply in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).~~the new content standards.

~~(J) UNIFORM AVERAGING PROCEDURE.—For the purpose of determining whether schools are making adequate yearly progress, the State may establish a uniform procedure for averaging data which includes one or more of the following:~~

~~(i) The State may average data from the school year for which the determination is made with data from one or two school years immediately preceding that school year.~~

~~(ii) Until the assessments described in paragraph (3) are administered in such manner and time to allow for the implementation of the uniform procedure for averaging data described in clause (i), the State may use the academic assessments that were required under paragraph (3) as that paragraph was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001, provided that nothing in this clause shall be construed to undermine or delay the determination of adequate yearly progress, the requirements of section 1116, or the implementation of assessments under this section.~~

~~(iii) The State may use data across grades in a school.~~

~~(K) ACCOUNTABILITY FOR CHARTER SCHOOLS.—The accountability provisions under this Act shall be overseen for charter schools in accordance with State charter school law.~~

~~(3~~"(F) NO FEDERAL CONTROL.—Nothing in this section shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's academic content standards or student academic achievement standards developed in accordance with this section.

"(2) ACADEMIC ASSESSMENTS.—

~~(A) IN GENERAL.—Each~~"(A) STATE ASSESSMENTS.—The State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, ~~has implemented a set of high-quality, yearly student academic assessments that include, at a minimum, academic assessments in mathematics, reading or language arts, and science that will be used as the primary means of determining the yearly performance of the State and of each local educational agency and school in the State in enabling all children to meet the State's challenging student academic achievement standards, except that no State shall be required to meet the requirements of this part relating to science assessments until the beginning of the 2007–2008 school year.~~shall, beginning not later than the beginning of the 2015–2016 school year, adopt and implement statewide assessments that—

~~(B) USE OF~~ "(i) include statewide assessments~~.—Each~~ in reading or language arts, and mathematics, annually for grades 3 through 8 and not less frequently than once during grades 10 through 12, that—

"(I) are aligned with the State's academic content standards in such subjects under paragraph (1)(A);

"(II) are administered to all public elementary and secondary school students in the State~~educational agency~~;

"(III) measure individual academic achievement;

"(IV) in the case of a State described in subsection (b)(1)(B), measure individual academic growth for students, including measuring whether students are making adequate student growth; and

"(V) may~~incorporate~~, at the ~~data from the~~ State's choosing—

"(aa) be administered through a single summative assessment each year; or

"(bb) be administered through multiple statewide assessments during the course of the year if the State can demonstrate to the Secretary's satisfaction that the results of these multiple assessments, taken in their totality, provide a summative score that provides valid and reliable information on whether students are on track to college and career readiness in reading or language arts, and mathematics;

"(ii) include statewide assessments in science, not less than once during each of the grade spans of grades 3 through 5, 6 through 9, and 10 through 12, that measure—

"(I) student achievement relative to the State's science student academic achievement standards under paragraph (1)(B);

"(II) individual academic achievement; and

"(III) in the case of a State described in subsection (b)(1)(B), individual academic growth for students, including measuring whether students are making adequate student growth;

"(iii) include the English language proficiency assessments and any alternate

assessments described in subparagraphs (D) and (E), respectively; and

"(iv) at the discretion of the State, measure the proficiency of students in the other academic subjects for which the State has adopted academic content standards and student academic achievement standards under paragraph (1)(C).

"(B) REQUIREMENTS FOR ASSESSMENTS.—The assessments administered under this paragraph ~~into a State-developed longitudinal data system that links student test scores, length of enrollment, and graduation records over time.~~shall—

~~(C) REQUIREMENTS.—Such assessments shall—~~

~~(~~"(i) be the same academic assessments used to measure the achievement of all ~~children~~students;

~~(ii) be aligned with the State's challenging academic content and student academic achievement standards, and provide coherent information about student attainment of such standards;~~

~~(iii)~~ "(ii) be used only for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards;

~~(iv~~"(iii) be used only if the State educational agency provides to the Secretary evidence ~~from the test publisher or other relevant sources~~ that the assessments used are of adequate technical quality for each purpose required under this Act and are consistent with the requirements of this section, ~~and such~~which evidence ~~is made public by~~ the Secretary ~~upon request~~may make public;

~~(v)(I) except as otherwise provided for grades 3 through 8 under clause vii, measure the proficiency of students in, at a minimum, mathematics and reading or language arts, and be administered not less than once during—~~

~~(aa) grades 3 through 5;~~

~~(bb) grades 6 through 9; and~~

~~(cc) grades 10 through 12;~~

~~(II) beginning not later than school year 2007–2008, measure the proficiency of all students in science and be administered not less than one time during—~~

~~(aa) grades 3 through 5;~~

~~(bb) grades 6 through 9; and~~

~~(cc) grades 10 through 12;~~

~~(vi~~"(iv) involve multiple ~~up-to-date~~ measures of student academic achievement, including measures that assess higher-order thinking skills and understanding;

~~(vii) beginning not later than school year 2005–2006, measure the achievement of students against the challenging State academic content and student academic achievement standards in each of grades 3 through 8 in, at a minimum, mathematics, and reading or language arts, except that the Secretary may provide the State 1 additional year if the State demonstrates that exceptional or~~

~~uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of the academic assessments by that deadline and that the State will complete implementation within the additional 1-year period;~~

~~(viii) at the discretion of the State, measure the proficiency of students in academic subjects not described in clauses (v), (vi), (vii) in which the State has adopted challenging academic content and academic achievement standards;~~

~~(ix) provide for—~~

~~(~~"(v) provide for—

"(I) the participation in such assessments of all students;

~~(~~"(II) the reasonable adaptations and valid and reliable accommodations for ~~students~~children with disabilities (as defined under section 602(3) of the Individuals with Disabilities Education Act) necessary to measure the academic achievement of such ~~students~~children in a subject, relative to the State academic content standards and State student academic achievement standards under paragraph (1) for such subject; and

~~(~~"(III) the inclusion of ~~limited~~ English ~~proficient students~~learners, who shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such students under this paragraph, including, to the extent practicable, assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency as determined under ~~paragraph (7);~~subparagraph (D), except that the State may exempt any English learner at the lowest levels of English language proficiency from the reading or language arts assessment for not more than 2 years following the date of the student's first enrollment in a school in the United States;

~~(x~~"(vi) notwithstanding ~~subclause (~~clause (v)(III)~~\1\,~~), include the academic assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (not including Puerto Rico) for ~~three~~3 or more consecutive school years, except that, if the local educational agency determines, on a case-by-case individual basis, that academic assessments in another language or form would likely yield more accurate and reliable information on what such student knows and can do, the local educational agency may make a determination to assess such student in the appropriate language other than English for a period that does not exceed ~~two~~2 additional consecutive years, ~~provided that~~if such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on tests (written in English) of reading or language arts;

~~\1\So in law. The reference to "subclause (III)" in clause (x) probably should be to "clause (ix)(III)".~~

~~(xi~~"(vii) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full

academic year~~, except that the performance of students who have attended more than 1 school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;~~ ;

~~(xii~~"(viii) produce individual student interpretive, descriptive, and diagnostic reports~~, consistent with clause (iii)~~ that allow parents, teachers, and principals to understand and address the specific academic needs of students~~,~~ and include information regarding achievement on the academic assessments aligned with State academic achievement standards, and that are provided to parents, teachers, and principals~~, as soon as is practicably possible after the assessment is given, in an understandable and uniform format, and to the extent practicable, in a language that parents can understand;~~ —

~~(xiii~~"(I) as soon as is practicably possible after the assessment is given;

"(II) in an understandable and uniform format; and

"(III) to the extent practicable, in a language that parents can understand;

"(ix) enable results to be disaggregated within ~~each~~the State, local educational agency, and school by gender, by each major racial and ethnic group, by English language proficiency status, by migrant status, by ~~students~~status as a student with ~~disabilities as compared to nondisabled students~~a disability, and by economically disadvantaged ~~students as compared to students who are not economically disadvantaged~~status, except that, in the case of a local educational agency or a school, such disaggregation shall not be required in a case in which the ~~number of students in a category is insufficient to yield statistically reliable information or the~~ results would reveal personally identifiable information about an individual student;

~~(xiv~~"(x) be consistent with widely accepted professional testing standards~~,~~ and objectively measure academic achievement, knowledge, and skills~~, and be tests that do~~;

"(xi) not evaluate or assess personal or family beliefs and attitudes~~,~~ or publicly disclose personally identifiable information;~~ and~~

~~(xv~~"(xii) enable itemized score analyses to be produced and reported, consistent with clause (~~iii~~ii), to local educational agencies and schools, so that parents, teachers, principals, and administrators can interpret and address the specific academic needs of students as indicated by the students' achievement on assessment items~~.~~;

~~(D) DEFERRAL.—A State may defer the commencement, or suspend the administration, but not cease the development, of the assessments described in this paragraph, that were not required prior to the date of enactment of the No Child Left Behind Act of 2001, for 1 year for each year for which the amount appropriated for grants under section 6113(a)(2) is less than —~~

~~(i) $370,000,000 for fiscal year 2002;~~

~~(ii) $380,000,000 for fiscal year 2003;~~

~~(iii) $390,000,000 for fiscal year 2004; and~~

~~(iv) $400,000,000 for fiscal years 2005 through 2007.~~

~~(4) SPECIAL RULE.—Academic assessment measures in addition to those in paragraph (3) that do not meet the requirements of such paragraph may be included in the assessment under paragraph (3) as additional measures, but may not be used in lieu of the academic assessments required under paragraph (3). Such additional assessment measures may not be used to reduce the number of or change, the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used, but may be used to identify additional schools for school improvement or in need of corrective action or restructuring except as provided in paragraph (2)(I)(i).~~

~~(5) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt curriculum content and student academic achievement standards, and academic assessments aligned with such academic standards, which will be applicable to all students enrolled in the State's public elementary schools and secondary schools, then the State educational agency may meet the requirements of this subsection by—~~

~~(A) adopting academic standards and academic assessments that meet the requirements of this subsection, on a statewide basis, and limiting their applicability to students served under this part; or~~

~~(B) adopting and implementing policies that ensure that each local educational agency in the State that receives grants under this part will adopt curriculum content and student academic achievement standards, and academic assessments aligned with such standards, which—~~

~~(i) meet all of the criteria in this subsection and any regulations regarding such standards and assessments that the Secretary may publish; and~~

~~(ii) are applicable to all students served by each such local educational agency.~~

~~(6) LANGUAGE ASSESSMENTS.—Each State plan~~"(xiii) produce student achievement and other student data that can be used to inform determinations of individual principal and teacher effectiveness for purposes of evaluation and for determining the needs of principals and teachers for professional development and support; and

"(xiv) be administered to not less than 95 percent of all students, and not less than 95 percent of each subgroup of students described in clause (ix), who are enrolled in the school.

"(C) LANGUAGES OF ASSESSMENTS.—The State shall identify the languages other than English that are present in the participating student population in the State and indicate, in the State's plan under subsection (b), the languages for which yearly student academic assessments included in the State's accountability system under paragraph (3) are not available and are needed. The State shall make every effort to develop ~~such~~ assessments in such languages and may request assistance from the

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Secretary if linguistically accessible academic ~~assessment measures~~assessments are needed. Upon request, the Secretary shall assist with the identification of appropriate academic ~~assessment measures~~assessments in ~~the needed~~such languages, but shall not mandate a specific academic assessment or mode of instruction.

~~(7) ACADEMIC ASSESSMENTS~~"(D) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

"(i) IN GENERAL.—Each State plan shall demonstrate that local educational agencies in the State will, ~~beginning~~ not later than the beginning of the 2015–2016 school year~~ 2002–2003~~, provide for ~~an~~the annual assessment of English proficiency ~~(measuring students' oral language, reading, and writing skills in English)~~ of all ~~students with limited~~ English ~~proficiency~~ learners in the schools served by the State educational agency~~, except that the Secretary~~ .

"(ii) REQUIREMENTS.—The English language proficiency assessment described in clause (i) shall—

"(I) be aligned with the State's English language proficiency standards under paragraph (1)(E);

"(II) be designed to measure, in a valid and reliable manner, student progress toward, and attainment of, English language proficiency; and

"(III) reflect the academic language that is required for success on the State's academic assessments, consistent with paragraph (1)(E)(iv).

"(E) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—A State may provide ~~the State 1 additional year~~alternate assessments that are aligned with alternate academic achievement standards described in paragraph (1)(D) for students with the most significant cognitive disabilities, if the State ~~demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full —~~

"(i) establishes and monitors implementation of ~~this paragraph by~~clear and appropriate guidelines for individualized education program teams (as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act) to apply in determining when a child's significant cognitive disability justifies assessment based on alternate academic achievement standards;

"(ii) ensures that ~~deadline and~~parents of the students whom the State plans to assess using alternate assessments are informed that ~~the State~~their child's academic achievement will ~~complete implementation within the additional 1 year period.~~be measured against alternate academic achievement standards and whether participation in such assessment precludes the student from completing the requirements for a regular high school diploma, as determined by the State;

~~(8) REQUIREMENT. Each State plan shall describe —~~

~~(A)~~"(iii) provides evidence that students with the most significant cognitive disabilities are, to the extent practicable, included in the general curriculum and in assessments aligned with such curriculum;

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"(iv) certifies that the State's regular academic assessments described in subparagraphs (A), (C), and (D) are accessible to students with all forms of disabilities, including sensory, physical, and intellectual disabilities, through the provision of reasonable adaptations and valid and reliable accommodations that produce valid results;

"(v) develops, disseminates information about, makes available, and promotes the use of reasonable adaptations and valid and reliable accommodations to increase the number of students with the most significant cognitive disabilities participating in grade-level academic instruction and assessments that are aligned with grade-level academic standards, and promotes the use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who are tested against grade-level academic achievement standards;

"(vi) takes steps to ensure that regular and special education teachers and other appropriate staff know how to administer assessments, including how to make appropriate use of reasonable adaptations and valid and reliable accommodations for such assessments, for students with the most significant cognitive disabilities; and

"(vii) requires separate determinations about whether a student should be assessed using an alternate assessment for each subject assessed.

"(F) MANAGING AND UPDATING ASSESSMENTS.—The State shall include, in the State ~~educational agency~~ plan under subsection (b), a description of how the State will ~~assist each~~ regularly conduct an inventory of State and local educational agency ~~and school affected by the State plan to~~ student assessments, including an analysis of assessment and accommodations practice and use, and reduce duplicative assessment.

"(3) STATE-DESIGNED ACCOUNTABILITY SYSTEMS.—

"(A) ACCOUNTABILITY SYSTEM.—Each State plan shall, not later than the beginning of the 2013–14 school year, demonstrate that the State educational agency has developed and is implementing a single, statewide accountability system that—

"(i) annually measures and reports on—

"(I) the achievement of students in all public elementary schools and secondary schools and local educational agencies in the State on the assessments described in paragraph (2); and

"(II) for high schools in the State, graduation rates;

"(ii) expects the continuous improvement of all public schools in the State in the academic achievement and outcomes of all students, including the subgroups of students described in paragraph (2)(B)(ix);

"(iii) annually identifies schools and local educational agencies that need supports and interventions to prepare college and career ready students;

"(iv) provides for the improvement, through supports and interventions that address student needs, of all schools that are not identified under section 1116(b)

but are low-performing or have low-performing categories of the students described in section 1116(b)(1)(B);

"(v) develops the capacity of local educational agencies and schools to effectively educate their students and continuously improve;

"(vi) recognizes and replicates the practices of local educational agencies and schools that are successful in effecting significant student achievement or student academic growth; and

"(vii) meets the requirements of section 1116.

"(B) SUBJECTS COVERED.—The State shall include in the accountability system the subjects of reading or language arts, mathematics, and science, and may include any other subject that the State chooses through its State plan, if the State has adopted academic content standards and student academic achievement standards under paragraph (1)(C) and assessments under paragraph (2)(B) for the subject.

"(C) ACCOUNTABILITY FOR CHARTER SCHOOLS.—The accountability provisions under this Act shall be overseen for public charter schools in accordance with State charter school law.

"(D) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In determining the percentage of students who are on track to college and career readiness or, if applicable, making adequate student growth, for a subject for any purpose under this section, section 1116, or section 1117, a State educational agency may include, for all schools in the State, the performance of the State's students with the most significant cognitive disabilities on alternate assessments as described in subsection (a)(2)(E) in the subjects included in the State's accountability system, if the total number of those students in all grades assessed and for each subject in the accountability system who are on track to college and career readiness, according to those alternate assessments, does not exceed 1 percent of all students in the State in the grades assessed in each subject.

"(4) TRANSITION PROVISIONS.—The Secretary shall take such steps as are necessary to provide for the orderly transition between the accountability systems required under section 1111(b)(2), as such section was in effect on the day before the date of enactment of the [Act of], and the new accountability systems required under this subsection.

"(5) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State to develop ~~the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(b), and 1115(c) that is applicable to such agency or school;~~and implement the academic assessments, academic content standards, and student academic achievement standards required under this section.

~~(B) how~~ "(b) State Plans.—

"(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State educational agency ~~will assist each local~~ shall submit to the Secretary a plan, developed by the State educational agency ~~and school affected~~in consultation with local educational agencies, teachers, principals, specialized instructional support personnel, administrators, other staff, and parents, that—

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"(A) demonstrates the State's compliance with this section;

["(B) if the State chooses to use student growth as a measure of academic progress and to determine if students are on track to college and career readiness in accordance with section 9101(52)(B), demonstrates how the State will measure student growth in accordance with this section;]

"(C) is coordinated with the State plans required by ~~the State plan to provide additional educational assistance to individual students assessed as needing help to achieve the State's challenging academic achievement standards~~other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Head Start Act, and the Adult Education and Family Literacy Act;

~~(C) the specific steps the State educational agency will take to ensure that both schoolwide programs and targeted assistance schools provide instruction by highly qualified instructional staff as required by sections 1114(b)(1)(C) and 1115(c)(1)(E), including steps that the State educational agency will take to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers, and the measures that the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such steps;~~

~~("~~(D) provides an assurance that the State ~~educational agency will assist local educational agencies in developing or identifying high-quality effective curricula aligned with State~~ will continue to administer the academic ~~achievement standards and how the State educational agency will disseminate such curricula to each local educational agency and school within the State; and~~

~~(E) such other factors the State educational agency determines appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging academic content standards adopted by the State.~~

~~(9) FACTORS AFFECTING STUDENT ACHIEVEMENT.—Each State plan shall include an assurance that the State educational agency will coordinate and collaborate, to the extent feasible and necessary as determined by the State educational agency, with agencies providing services to children, youth, and families, with respect to local educational agencies within the State that are identified under section 1116 and that request assistance with addressing major factors that have significantly affected the academic achievement of students in the local educational agency or schools served by such agency.~~

~~(10) USE OF ACADEMIC ASSESSMENT RESULTS TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT.—Each State plan shall describe how the State educational agency will ensure that the results of the State~~ assessments ~~described in~~ required under paragraph (3~~)~~—

~~(A) will be promptly provided to local educational agencies, schools, and teachers in a manner that is clear and easy to understand, but not later than before the beginning of the next school year; and~~

~~(~~)(B) ~~be used by those local educational agencies, schools, and teachers to improve the educational achievement of individual students.~~

~~(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—~~

~~(1) the State educational agency will meet the requirements of~~ and (7) of subsection (~~b)(1) and, beginning with the 2002–2003 school year, will produce the annual State report cards described in such subsection, except that the Secretary may provide the State educational agency 1 additional year if the State educational agency demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State, prevented full implementation of this paragraph by that deadline and that the State will complete implementation within the additional 1-year period;~~

~~(2) the State will, beginning in school year 2002–2003, participate in biennial State academic~~ b), as such paragraphs were in effect on the day before the date of enactment of the [Act of], and to include the results of such assessments ~~of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act if the Secretary pays the costs of administering such~~ in the State's accountability system, until the State has implemented the assessments~~;~~ required under subsection (a)(2);

~~(3)~~ "(E) describes the State ~~educational agency, in consultation with the Governor, will include, as a component of~~ accountability system under subsection (a)(3) and section 1117 (if the State ~~plan, a plan~~chooses to carry out section 1117);

"(F) describes the ~~responsibilities of~~ process the State ~~under sections 1116 and 1117~~will utilize to review local educational agency plans submitted pursuant to section 1112, including ~~carrying out~~the parent and family engagement plan described in section 1118 and other provisions related to parent and family engagement;

"(G) describes the ~~State educational agency's statewide system of technical assistance and~~ support ~~for~~ the State will provide to local educational agencies for the education of homeless children and youths, and how such support is consistent with the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act;

~~(4) the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools, including technical assistance in providing professional development under section 1119, technical assistance under section 1117, and technical assistance relating to parental involvement under section 1118;~~

~~(5)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and~~

~~(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;~~

~~(6) the State educational agency will notify local educational agencies and the public of the content and student academic achievement standards and academic assessments~~

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~~developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;~~

~~(7) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;~~

~~(8) the State educational agency will inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for student academic achievement;~~

~~(9) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;~~

~~(10) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;~~

~~(11)~~["(H) describes how the State educational agency has involved the committee of practitioners established under section 1903(b) in developing the plan and monitoring its implementation; and]

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~~(12)~~"(I) describes the following:

"(i) How the State educational agency will ~~inform~~, not later than 1 year after the date of enactment of the [Act of], provide for the equitable distribution of teachers and principals within local educational agencies and the State as a whole, so that low-income and minority students are not taught at higher rates than other children by teachers in the ~~State of the local educational agency's authority~~lowest rating category, consistent with section 2123(b).

"(ii) How, until the State can ensure that all local educational agencies meet the requirements for evaluating teachers consistent with section 2123(b), the State educational agency will measure the equitable distribution of teachers by using data on the percentage and distribution of more than 1, or an index that incorporates more than 1, of the following types of teachers as transitional measures of teacher quality:

"(I) Teachers who are classified as highly qualified teachers.

"(II) Teachers who are inexperienced.

"(III) Teachers who have not completed a teacher preparation program.

"(IV) Teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

"(iii) How, during the period in which the transitional measures described in clause (ii) are used, the State will report to ~~transfer funds~~the Secretary the percentage and distribution of teachers in the State, based on the transitional measures used in the State, for each quartile of schools based on school poverty

level, for high-minority schools, and for low-minority schools.

"(2) COMPREHENSIVE PLAN.—A State plan submitted under ~~title VI, to obtain waivers~~ paragraph (1) may be submitted as part of the comprehensive plan under ~~part D of title IX, and, if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;~~section 9302.

~~(13)~~ "(3) DURATION OF ~~A~~THE ~~State educational agency will coordinate activities funded~~ PLAN.—

"(A) IN GENERAL.—Each State plan shall—

"(i) remain in effect for the duration of the State's participation under this part ~~with other Federal activities as appropriate~~; and

~~(14) the State educational agency will encourage local educational agencies and individual schools participating in a program assisted under this part to offer family literacy services (using funds under this part), if the agency or school determines that a substantial number of students served under this part by the agency or school have parents who do not have a secondary school diploma or its recognized equivalent or who have low levels of literacy.~~

~~(d) PARENTAL INVOLVEMENT.—Each~~ "(ii) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State's strategies and programs under this part.

"(B) ADDITIONAL INFORMATION.—

"(i) REVISED PLANS.—If a State makes significant changes to its plan ~~shall describe how the~~, such as adopting new State ~~educational agency will support the collection and dissemination to local educational agencies and schools of effective parental involvement practices. Such practices shall—~~

~~(1) be based on the most current research that meets the highest professional and technical~~academic content standards, ~~on effective parental involvement that fosters~~new State student achievement ~~to high~~ standards ~~for all children; and~~, or new academic assessments under subsection (a), the State shall submit a revised plan to the Secretary.

~~(2) be geared toward lowering barriers to greater participation by parents in school planning, review, and improvement experienced.~~

~~(e~~"(ii) REVIEW OF REVISED PLANS.—The Secretary shall review the information submitted under clause (i) and may, notwithstanding paragraph (4), approve or disapprove changes to the State plan without undertaking the peer-review or hearing process described in such paragraph.

"(4) PEER ~~REVIEW~~REVIEW AND ~~SECRETARIAL APPROVAL~~SECRETARIAL APPROVAL.—

~~(1~~"(A) SECRETARIAL DUTIES.—The Secretary shall—

~~(A~~"(i) establish a peer-review process to assist in the review of State plans;

~~(B~~"(ii) appoint expert individuals to the peer-review process who—

"(I) represent a regionally diverse cross-section of States;

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"(II) are representative of parents, teachers, State educational agencies, and local educational agencies~~,~~; and ~~who~~

"(III) are familiar with educational standards, assessments, accountability, the needs of persistently low-~~performing~~achieving schools~~,~~ as described in section 1116(c)(2), and other educational needs of students;

~~(C~~"(iii) ensure that the peer review process provides timely feedback from the peer review panel to the States, and that such feedback shall be made publicly available, including through electronic means;

"(iv) not decline approval of a State plan before—

"(I) offering the State an opportunity to revise the State plan;

"(II) providing technical assistance to the State to meet the requirements of this subsection and subsections (a) and (c); and

"(III) upon the request of a State, providing a hearing;

"(v) have the authority to disapprove a State plan for not meeting the requirements of this part, and may deny approval to a State plan under this subsection that was recommended by the peer review panel by making available written findings of the cause for such disapproval;

"(vi) approve a State plan ~~within~~ not later than 120 days ~~of~~after its submission unless the Secretary determines that the plan does not meet the requirements of this section;

~~(D~~"(vii) if the Secretary determines that the State plan does not meet the requirements of this subsection ~~(a), (b), or~~and subsection (c), immediately notify the State in writing of such determination and the reasons for such determination; and

~~(E) not decline to approve a State's plan before—~~

~~(i) offering the State an opportunity to revise its plan;~~

~~(ii) providing technical assistance in order to assist the State to meet the requirements of subsections (a), (b), and (c); and~~

~~(iii) providing a hearing; and~~

~~(F) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall~~"(viii) not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's academic content standards or to use specific academic assessment instruments or items.

~~(2~~"(B) STATE REVISIONS.—A State plan shall be revised by the State educational agency if ~~it is~~ necessary to satisfy the requirements of this section.

~~(f) DURATION OF THE PLAN.—~~

~~(1) IN GENERAL.—Each State plan shall—~~

~~(A) remain in effect for the duration of the State's~~ "(c) Parent and Family Engagement.—Each

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State plan shall include a description of how the State will strengthen engagement of the parents and families in education (referred to in this subsection as the 'parent and family engagement plan') in accordance with the following:

"(1) STATEWIDE PARENT AND FAMILY ENGAGEMENT STRATEGY.—The parent and family engagement plan shall demonstrate how the State plans to increase and enhance the engagement of parents and family members in education throughout the State, through the implementation and replication of evidence-based or promising practices and strategies, in order to—s

"(A) increase student academic achievement and college and career readiness (as measured by the State academic content and student academic achievement standards);

"(B) provide parents and family members with the skills and opportunities necessary to become full partners in their child's education;

"(C) improve child development;

"(D) strengthen relationships and partnerships among school personnel (including educators and administrators) and parents and family members, to support student achievement and college and career readiness;

"(E) improve the ability of local educational agencies and schools to increase the participation of parents and family members in school improvement strategies; and

"(F) focus the activities described in subparagraphs (A) through (E) in high-need local educational agencies and high-need schools.

"(2) COORDINATION; COLLECTION; DISSEMINATION.—The parent and family engagement plan shall describe how the State will—

"(A) ensure maximum coordination and minimum duplication of efforts (which may include the designation of a parent and family engagement coordinator) among, at a minimum—

"(i) Federal, State and local programs;

"(ii) the State Advisory Councils on Early Childhood Education and Care;

"(iii) the parent and family information and resource centers established under ~~this~~ subpart 16 of part D of title V; and

~~(B) be periodically reviewed and revised as necessary by the State educational agency to reflect changes in the State's strategies and programs under this part.~~

~~(2) ADDITIONAL INFORMATION.—If significant changes are made to a State's plan, such as the adoption of new State academic content standards and State student achievement standards, new academic assessments, or a new definition of adequate yearly progress, such information shall be submitted to the Secretary.~~

~~(g) PENALTIES.—~~

~~(1) FAILURE TO MEET DEADLINES ENACTED IN 1994.—~~

~~(A) IN GENERAL.—If a State fails to meet the deadlines established by the Improving America's Schools Act of 1994 (or under any waiver granted by the Secretary or under~~

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~~any compliance agreement with the Secretary) for demonstrating that the State has in place challenging academic content standards and student achievement standards, and a system for measuring and monitoring adequate yearly progress, the Secretary shall withhold 25 percent of the funds that would otherwise be available to the State for State administration and activities under this part in each year until the Secretary determines that the State meets those requirements.~~

~~(B) NO EXTENSION.—Notwithstanding any other provision of law, 90 days after the date of enactment of the No Child Left Behind Act of 2001 the Secretary shall not grant any additional waivers of, or enter into any additional compliance agreements to extend, the deadlines described in subparagraph (A) for any State.~~

~~(2) FAILURE TO MEET REQUIREMENTS ENACTED IN 2001.—If a State fails to meet any of the requirements of this section, other than the requirements described in paragraph (1), then the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.~~

~~(h) REPORTS.—~~

~~(1) ANNUAL STATE REPORT CARD.—~~

~~(A) IN GENERAL.—Not later than the beginning of the 2002–2003 school year, unless the State has received a 1-year extension pursuant to subsection (c)(1), a~~"(iv) appropriate non-Federal entities (such as community-based and philanthropic organizations); and

"(B) collect and disseminate best practices and research on parent and family engagement strategies to—

"(i) local educational agencies, including high-need local educational agencies, and high-need schools in the State, such as through parent and family engagement academies and other leadership development strategies; and

"(ii) institutions of higher education and other organizations with a demonstrated record of success in increasing the engagement of parents and family members in education.

"(3) TECHNICAL ASSISTANCE, TRAINING, AND CAPACITY-BUILDING.—The State parent and family engagement plan shall describe the evidence-based technical assistance, professional development, or other capacity-building strategies that the State will provide to, at a minimum, high-need local educational agencies and high-need schools, which—

"(A) shall include the provision of technical assistance to local educational agencies that serve schools identified under subsection (b) or (c)(2) of section 1116;

"(B) shall include partnering with the appropriate parent and family information and resource centers; and

"(C) may include assistance in developing, revising, or implementing the local educational agency plans submitted pursuant to section 1112, as such plans relate to supporting parent and family engagement.

"(4) LEVERAGING RESOURCES.—Each State plan may include a description of how the State will leverage resources of employers, business leaders, philanthropic and non-profit

organizations, and other community members committed to improving student achievement and development to increase and strengthen parent and family engagement.

"(d) Annual State Report Cards.—

"(1) IN GENERAL.—A State that receives ~~assistance~~a grant under this part shall prepare and disseminate an annual ~~State report card~~report card for each public elementary school and secondary school in the State, each local educational agency in the State, and the State as a whole.

~~(B) IMPLEMENTATION.—The State report card shall be—~~

~~(i)~~ "(2) REQUIREMENTS FOR ALL REPORT CARDS.—The State shall ensure that the school, local educational agency, and State report cards required under this subsection shall—

"(A) be uniform across the State;

"(B) be concise; ~~and~~

~~(ii)~~ "(C) be presented in ~~an~~a format that is easily understandable and ~~uniform format and~~, to the extent practicable, provided in a language that ~~the~~ parents can understand~~.~~; and

~~(C) REQUIRED INFORMATION.—The State~~"(D) be accessible to the public, which shall include ~~in its annual—~~

"(i) making the State report card~~—~~ and all local educational agency, and school report cards available on a single webpage of the State's website;

~~(i) information~~"(ii) placing, on the website of each local educational agency and, where applicable, each school, a link that provides access to the report card for the school or local educational agency, respectively; and

"(iii) providing a copy of a school's report card to the parents of each student enrolled in the school each year.

"(3) REQUIRED STUDENT INFORMATION FOR SCHOOL REPORT CARDS.—Each school report card required under paragraph (1) shall include the following:

"(A) A clear and concise description of the State's accountability system under subsection (a)(3), including a description of the criteria by which the State evaluates school performance, and the criteria that the State has established to determine the status of schools.

"(B) Information on each of the following, in the aggregate~~, on student achievement at each proficiency level on the State academic assessments described in subsection (b)(3) (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged,~~ and disaggregated by the subgroups described in subsection (a)(2)(B)(ix) (except that such disaggregation shall not be required in a case in which the ~~number of students in a category is insufficient to yield statistically reliable information or the~~ results would reveal personally identifiable information about an individual student~~);~~):

~~(ii) information that provides a comparison between the actual~~"(i) Student achievement ~~levels of~~at each ~~group of students described in subsection~~

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~~(b)(2)(C)(v) and the State's annual measurable objectives for each such group of students~~proficiency level on ~~each of~~ the State academic assessments ~~required~~that are included in the State's accountability system under ~~this part;~~subsection (a)(3).

~~(iii) the~~ "(ii) The percentage of students ~~not tested (disaggregated by the same categories and subject to the same exception described in clause (i));~~who do not take the State academic assessments.

~~(iv) the~~"(iii) The most recent ~~2~~3-year trend in student achievement in each subject area, and for each grade level, for ~~which~~such assessments ~~under this section are required;~~.

~~(v) aggregate information on any other indicators used by the State to determine the adequate yearly progress of students in achieving State academic achievement standards;~~

~~(vi) graduation rates for secondary~~"(iv) A comparison of the school's student academic assessment data to the State average for each tested subject.

"(v) In the case of a school ~~students consistent with~~ in a State described in subsection (b)(~~2)(C)(vi);~~1)(B)—

~~(~~"(I) the number and percentage of students who are making adequate student growth for each subject area and grade level; and

"(II) the most recent 3-year trend in student academic growth in each subject area, and for each grade level, for the State academic assessments.

"(vi) The number and percentages of students with the most significant cognitive disabilities that take the alternate assessment under subsection (a)(2)(E).

"(vii) ~~information on the~~ The number of students who are English learners, and the performance of ~~local educational agencies in the State regarding making adequate yearly progress,~~such students, on the State's English language proficiency assessments under subsection (a)(2)(D), including the ~~number~~students' attainment of, and ~~names of~~progress toward, higher levels of English language proficiency.

"(viii) For each high school ~~identified for~~ —

"(I) student graduation rates, including—

"(aa) the 4-year adjusted cohort graduation rate defined in section 1110(3)(A); and

"(bb) the cumulative graduation rate defined in section 1110(3)(B); and

"(II) not later than the beginning of the 2012–2013 school year, the rate of enrollment at which students who graduated from the high school in the preceding year enrolled in institutions of higher education by the beginning of the next school year; and

"(III) not later than the beginning of the 2013–2014 school year, the rate of student remediation, in the aggregate, for high school graduates who

enroll in public institutions of higher education in the State or in other institutions of higher education (to the extent obtaining the data regarding other institutions is practicable).

"(ix) The school's categorization, if applicable, in the State school accountability and improvement system under section 1116~~; and~~.

~~(viii) the professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools which, for the purpose of this clause, means schools in the top quartile of poverty and the bottom quartile of poverty in the State.~~

~~(D~~"(C) The most recently available academic achievement results in grades 4 and 8 of the State's students on the National Assessment of Educational Progress in reading and mathematics, including the percentage of students at each achievement level in the aggregate and by the groups described in section 303(b)(2)(G) of the National Assessment of Educational Progress Authorization Act (20 U.S.C. 9622(b)(2)(G)).

"(4) OPTIONAL INFORMATION.—~~The~~A State may include in ~~its annual State~~each school report card such other information as the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary ~~schools~~ and ~~public~~ secondary schools. Such information may include ~~information regarding~~ —

~~(i) school attendance rates;~~

~~(ii)~~ "(A) the percentage of students passing examinations related to coursework acceptable for postsecondary credit at institutions of higher education, such as Advanced Placement or International Baccalaureate examinations;

"(B) the average class size ~~in each~~, by grade;

~~(iii) academic achievement and gains in English proficiency of limited English proficient students;~~

~~(iv~~"(C) the incidence of school violence, bullying, drug abuse, alcohol abuse, student suspensions, student detentions, and student expulsions;

~~(v) the extent and type~~"(D) indicators of ~~parental involvement in the schools;~~

~~(vi) the percentage of students completing advanced placement courses, and the rate of passing of advanced placement tests; and~~

~~(vii) a clear and concise description of the State's accountability system, including a description of the criteria by which the State evaluates~~ school ~~performance, and the criteria that the State has established, consistent with subsection (b)(2), to determine the status of schools regarding school improvement, corrective action, and restructuring.~~climate;

~~(2) ANNUAL LOCAL~~"(E) student attendance; and

"(F) school readiness of students in kindergarten.

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"(5) LOCAL EDUCATIONAL AGENCY AND STATE REPORT CARDS.—

~~(A) REPORT CARDS.—~~

~~(i) IN GENERAL.—Not later than the beginning of the 2002–2003 school year, a local educational agency that receives assistance under this part shall prepare and disseminate an annual~~Each local educational agency report card~~, except that the State educational agency may provide the local educational agency 1 additional year if the local educational agency demonstrates that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency, prevented full implementation of this paragraph by that deadline and that the local educational agency will complete implementation within the additional 1-year period.~~ and State report card required under paragraph (1)—

~~(ii) SPECIAL RULE.—If a State educational agency has received an extension pursuant to subsection (c)(1), then a local educational agency within that State~~"(A) shall ~~not be required to~~ include the ~~information required under paragraph (1)(C) in such report card during such extension.~~

~~(B) MINIMUM REQUIREMENTS.—The State educational agency shall ensure that each local educational agency collects appropriate~~ data ~~and includes in~~ described in clauses (i) through (viii) of paragraph (3) for the local educational ~~agency's annual report the~~agency or State, respectively, as a whole and disaggregated by the subgroups described in subsection (a)(2)(B)(ix); and

"(B) may include any optional information described in paragraph (~~1)(C) as applied to~~ 4) for the local educational agency ~~and each~~ or State, respectively.

"(6) DATA.—A State shall only include in a school ~~served by the local educational agency, and—~~

~~(i) in the case of a local educational agency—~~

~~(I) the number and percentage of schools identified for school improvement under section 1116(c) and how long the schools have been so identified; and~~

~~(II) information that shows how students served by the local educational agency achieved on the statewide academic assessment compared to students in the State as a whole; and~~

~~(ii) in the case of a school—~~

~~(I) whether the school has been identified for school improvement; and~~

~~(II) information that shows how the school's students achievement on the statewide academic assessments and other indicators of adequate yearly progress compared to students in the local educational agency and the State as a whole.~~

~~(C) OTHER INFORMATION.—A local educational agency may include in its annual~~report card or local educational agency report card ~~any other appropriate information, whether or not such information is included in the annual State report card.~~

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~~(D) DATA.—A local educational agency or school shall only include in its annual local educational agency report card,~~ data that ~~are sufficient to yield statistically reliable information, as determined by the State, and that~~ do not reveal personally identifiable information about an individual student.

~~(E) PUBLIC DISSEMINATION.—The local educational agency shall, not later than the beginning of the 2002–2003 school year, unless the local educational agency has received a 1-year extension pursuant to subparagraph (A), publicly disseminate the information described in this paragraph to all schools in the school district served by the local educational agency and to all parents of students attending those schools in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand, and make the information widely available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.~~

~~(3~~"(7) PREEXISTING REPORT CARDS.—A State educational agency or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State prior to the date of enactment of the ~~No Child Left Behind~~[_____ Act of ~~2001~~___], may use those report cards for the purpose of this subsection~~, so~~ as long as any such report card is modified, as may be needed, to contain the information required by this subsection.

~~(4) ANNUAL STATE REPORT TO THE SECRETARY.—Each State educational agency receiving~~"(8) COST REDUCTION.—Each State educational agency and local educational agency receiving assistance under this part shall, wherever possible, take steps to reduce data collection costs and duplication of effort by obtaining the information required under this subsection through existing data collection efforts.

"(e) Reporting.—

"(1) ANNUAL STATE REPORT.—Each State educational agency that receives assistance under this part shall report annually to the Secretary, and make widely available within the State—

~~(A) beginning with school year 2002–2003,~~"(A) information on the State's progress in developing and implementing the academic assessments described in subsection (~~b~~)(~~3~~a)(2);

~~(B) beginning not later than school year 2002–2003,~~"(B) information on the achievement of students, in terms of being on ~~the~~ track to college and career readiness and, for States described in subsection (b)(1)(B), in terms of making adequate student growth, on such academic assessments ~~required by subsection (b)(3),~~ including ~~the~~ results disaggregated ~~results for the categories of students identified~~by the subgroups described in subsection (~~b~~a)(2)(~~C~~)(~~v~~B)(ix);

~~(~~"(C) in any year before the State begins to provide the information described in subparagraph (B), information on the results of student academic assessments (including results disaggregated ~~results~~)by the subgroups described in subsection (a)(2)(B)(ix)) required under this section;

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~~(D) beginning not later than school year 2002–2003, unless the State has received an extension pursuant to subsection (c)(1),~~"(D) information on the acquisition of English language proficiency by ~~children with limited~~students who are English ~~proficiency;~~learners; and

~~("~~"(E) the number of schools, and ~~names~~the name of each school, identified ~~for school improvement~~ under section 1116(c)~~)\1\, the reason why each school was so identified, and the measures taken to address the achievement problems of such schools;~~

~~\1\So in law. The reference to ")~~(2) or section ~~1116(c)" in paragraph (4)(E) probably should be to "section 1116(b)".~~1117.

~~(F) the number of students and schools that participated in public school choice and supplemental service programs and activities under this title; and~~

~~(G) beginning not later than the 2002–2003 school year, information on the quality of teachers and the percentage of classes being taught by highly qualified teachers in the State, local educational agency, and school.~~

~~(5) REPORT TO CONGRESS.—The Secretary shall transmit annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor,~~"(2) SECRETARY'S REPORT CARD AND BIENNIAL EVALUATION REPORT.—

"(A) SECRETARY'S REPORT CARD.—Not later than July 1, 2013, and annually thereafter, the Secretary shall prepare and submit to the authorizing committees a national report card on the status of elementary and secondary education in the United States. Such report shall—

"(i) analyze existing data from State reports required under this Act, the Individuals with Disabilities Education Act, and the Carl D. Perkins Career and Technical Education Act of 2006, and summarize major findings from such reports;

"(ii) analyze data from the National Assessment of Educational Progress and international assessments, including the Third International Mathematics and ~~Pensions~~Science Survey;

"(iii) identify trends in student achievement, student performance, and high school graduation rates, by analyzing and reporting on the status and performance of subgroups of students, including subgroups based on race, ethnicity, and socioeconomic status and the subgroups of children with disabilities and English learners;

"(iv) compare the performance of students across States and local educational agencies across the United States;

"(v) identify and report on promising practices, areas of greatest improvement in student achievement and educational attainment, and other examples worthy of national attention;

"(vi) identify and report on areas of educational concern that warrant national

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attention; and

"(vii)(I) analyze existing data, as of the ~~Senate~~time of the report, on Federal, State, and local expenditures on education, including per pupil spending, teacher salaries and pension obligations, school level spending, and other financial data publicly available; and

"(II) report on current trends and major findings resulting from the analysis.

"(B) BIENNIAL REPORT.—The Secretary shall transmit biennially to the authorizing committees a report that provides national and State-level data on the information collected under paragraph (~~4~~1).

~~(6) PARENTS RIGHT~~"(f) Penalties.—If a State that receives a grant under this part fails to meet any requirement of this part, the Secretary may withhold funds for State administration under this part until the Secretary determines that the State has fulfilled those requirements.

"(g) Parents' Right-to-know.—

~~(A~~"(1) QUALIFICATIONS.—At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

~~(i~~"(A) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

~~(ii~~"(B) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

~~(iii~~"(C) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

~~(iv~~"(D) Whether the ~~child~~student is provided services by paraprofessionals and, if so, their qualifications.

~~(B~~"(2) ADDITIONAL INFORMATION.—In addition to the information that parents of students may request under ~~subparagraph (A~~paragraph (1), a school that receives funds under this part shall provide to each individual parent, with respect to the student—

~~(i~~"(A) information on the level of achievement of the ~~parent's child~~student in each of the State academic assessments as required under this part; and

~~(ii~~"(B) timely notice that the ~~parent's child~~student has been assigned, or has been taught for ~~four~~4 or more consecutive weeks by, a teacher who is not highly qualified.

~~(C~~"(3) FORMAT.—The notice and information provided to parents under this ~~paragraph~~subsection shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

~~(i~~"(h) Privacy.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

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~~(i~~"(i) Technical Assistance.—The Secretary shall provide a State educational agency, at the State educational agency's request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality academic assessments, the setting of State standards, the development of ~~measures of adequate yearly progress that are valid and reliable~~State accountability systems, the minimum number of students in a subgroup needed to protect confidentiality, and other relevant areas.

~~(k) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State to develop and implement the academic assessments and standards required under this section.~~

~~(l~~"(j) Construction.—Nothing in this part shall be construed to prescribe the use of the academic assessments described in this part for student promotion or graduation purposes.

~~(m~~"(k) Special Rule With Respect to Bureau-~~FUNDED~~ funded Schools.—In determining the assessments to be used by each school operated or funded by ~~BIA school receiving~~the Bureau of Indian Education of the Department of Interior that receives funds under this part, the following shall apply:

~~(1)~~ "(1) STATE ACCREDITED SCHOOLS.—Each such school that is accredited by the State in which it is operating shall use the assessments the State has developed and implemented to meet the requirements of this section, or such other appropriate assessment as approved by the Secretary of the Interior.

~~(~~"(2) REGIONALLY ACCREDITED SCHOOLS.—Each such school that is accredited by a regional accrediting organization shall adopt ~~an~~ appropriate ~~assessment~~assessments, in consultation with and with the approval of, the Secretary of the Interior and consistent with assessments adopted by other schools in the same State or region, that meets the requirements of this section.

~~(3)~~ "(3) TRIBALLY ACCREDITED SCHOOLS.—Each such school that is accredited by a tribal accrediting agency or tribal division of education shall use ~~an assessment~~assessments developed by such agency or division, except that the Secretary of the Interior shall ensure that such ~~assessment meets~~assessments meet the requirements of this section~~.~~.".

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SEC. 1116. ~~[20 U.S.C. 6316] ACADEMIC ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND~~ SCHOOL ~~IMPROVEMENT~~PERFORMANCE.

~~(a) LOCAL REVIEW.—~~

~~(1) IN GENERAL.—Each local educational agency receiving funds under this part shall—~~

~~(A) use~~ (a) School Accountability and Improvement System.—

(1) IN GENERAL.—Each State receiving a grant under this part shall, as part of the accountability system required under section 1111(a)(3), establish a school accountability and improvement system to differentiate public elementary and secondary schools by levels of performance, in accordance with subsections (b) through (e), and to provide such schools with intervention, as needed.

(2) APPROVAL AND PEER REVIEW OF SYSTEM.—

(A) IN GENERAL.—Not later than the beginning of the 2013–2014 school year, a State receiving a grant under this part shall develop a school accountability and improvement system that includes—

(i) the identification of the public schools in the State that are achievement gap schools and persistently low-achieving schools, and the school improvement strategies or other consequences to be used for such schools in accordance with this section; and

(ii) the implementation of the State-designed accountability system, as described in section 1111(a)(3).

(B) REVIEW AND APPROVAL.—The State shall include information describing the school accountability and improvement system in the State plan under section 1111(b), which shall be subject to peer review and approval by the Secretary as part of the State plan, in accordance with such section.

(b) Achievement Gap Schools.—

(1) IDENTIFICATION OF ACHIEVEMENT GAP SCHOOLS.—

(A) IN GENERAL.—Each State receiving a grant under this part shall define the category of achievement gap schools for the State as part of its State plan, and shall identify annually, beginning in the 2013–2014 school year, the schools in the category. A State shall include in its achievement gap schools the 5 percent of public high schools in the State, and the 5 percent of public elementary schools and secondary schools in the State that are not high schools, that have the largest achievement gap among any of the categories of students described in subparagraph (B), or that have the lowest performance by students in such categories in the State, with respect to—

(i) being on track to career and college readiness in the subjects included in the State accountability system under section 1111(a)(3); and

(ii) in the case of high schools, the graduation rate.

(B) CATEGORIES OF STUDENTS.—The categories described in this subparagraph shall be obtained by disaggregating students enrolled in a school by each major racial and ethnic group, by English proficiency status, by status as a child with a disability, and by economically disadvantaged status.

(2) STATE AND LOCAL STRATEGIES.—

(A) IMPROVEMENT STRATEGIES.—For each achievement gap school identified under paragraph (1), the local educational agency serving the school shall, in accordance with the State accountability system described in section 1111(a)(3), develop and implement a measurable and data-driven correction plan to improve the performance of low-achieving subgroups in the school in order to close achievement gaps.

(B) FAILURE TO IMPROVE PERFORMANCE AFTER 3 YEARS.—Notwithstanding any other provision of law, any local educational agency serving an achievement gap school that has been identified as such for a period of more than 3 consecutive years shall not be eligible for any priority, preference, or special consideration for any grant, subgrant, or other program funded under this Act.

(c) Persistently Low-achieving Schools.—

(1) LOWEST-ACHIEVING SCHOOLS IN THE STATE.—

(A) IN GENERAL.—Each State receiving a grant under this part shall, beginning in the 2013–2014 school year and every year thereafter, determine the lowest-achieving schools in the State, which shall include—

(i) the lowest-achieving 5 percent of public high schools, and the lowest-achieving 5 percent of public elementary schools and secondary schools that are not high schools, in the State, based on—

(I) student performance on the State academic assessments ~~and other indicators described in the State plan to review annually the progress of each school~~ in reading or language arts, and mathematics, including student absolute performance and, for a State described in section 1111(b)(1)(B), growth (defined, for the purposes of this section, as the percentage of students who are on track to college and career readiness in a subject);

(II) in the case of high schools, graduation rates; and

(III) if the State so chooses—

(aa) schoolwide gains; and

(bb) absolute student performance and, in the case of a State described in section 1111(b)(1)(B), student growth, on other statewide assessments; and

(ii) the public high schools in the State that have less than a 60 percent graduation rate.

(B) DATA RULE.—In identifying the lowest-achieving schools under this paragraph, a State shall—

(i) use data for the most recent year for which data are available; or

(ii) average data for the most recent 2- to 3-year period for which data are available.

(C) PARENTAL NOTIFICATION.—Each year, a State shall provide timely notification to all parents of students enrolled in each school identified under subparagraph (A) that the school is one of the State's lowest-achieving schools for such year.

(D) LIST OF TARGETED LOW-ACHIEVING SCHOOLS.—Each year, the State shall—

(i) compile a list of the schools identified under subparagraph (A) that—

(I) receive assistance under this part;

(II) are public high schools for which not less than 50 percent of each school's students are from low-income families, as determined by the local educational agency under section 1113; or

(III) are public high schools that have less than a 60 percent graduation rate;

(ii) submit the list described in clause (i) to the Secretary;

(iii) distribute the list described in clause (i) to the local educational agencies, elementary schools, and secondary schools in the State; and

(iv) make such list publicly available, including through the Internet.

(2) IDENTIFICATION AS PERSISTENTLY LOW-ACHIEVING.—

(A) IDENTIFICATION.—For the 2013–2014 school year, each State receiving a grant under this part shall identify each school included on the list under paragraph (1)(D)(i) for the preceding school year as a persistently low-achieving school. For the 2014–2015 school year, and each subsequent school year, each such State shall identify each school that has been included on the list under such paragraph for the 2 preceding consecutive school years as a persistently low-achieving school.

(B) 5-YEAR PERIOD.—A school that is identified by the State under subparagraph (A) shall be a persistently low-achieving school for the 5-year period following the school's identification, except as provided in paragraph (7).

(3) STATE WAIVER.—If a State determines that a school that would otherwise be considered to be in the lowest-achieving 5 percent of schools under paragraph (1)(A)(i) is actually performing at a satisfactory level of performance based on the measures used by the State to identify persistently low-achieving schools, the State may apply to the Secretary to waive the requirements of this section for the school.

(4) NEEDS ANALYSIS.—Each local educational agency receiving assistance under this part shall conduct a data-driven needs analysis, which may involve an external partner with expertise in conducting such needs analysis, of each school identified under paragraph (2) by the State to determine the most appropriate school improvement strategies to improve student performance. Such needs analysis shall include—

(A) a diagnostic review of data related to students and instructional staff;

(B) an analysis of the school governance, curriculum, instruction, student supports, [conditions for learning], and parent and family engagement practices relative to the needs of the student population; and

(C) the resources, which may include community-based supports and early childhood education and care, available at the school, local educational agency, and community levels to meet student needs and support improved student achievement and outcomes and the implementation of any school improvement strategy.

(5) STATE AND LOCAL RESPONSIBILITIES.—

(A) STATE RESPONSIBILITIES.—Each State receiving a grant under this part shall ensure that a local educational agency receiving assistance carries out the requirements of subparagraph (B) for each persistently low-achieving school in the State.

(B) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency receiving assistance under this part shall, consistent with the State's accountability system under section 1111(a)(3), for each school identified under paragraph (2) that it serves—

(i) establish a process for selecting an appropriate school improvement strategy for the school that uses information from the needs analysis under paragraph (4);

(ii) select the school improvement strategy to be used in each identified school and the timeline for implementing the selected school improvement strategy in such school;

(iii) develop a detailed budget covering the 5-year identification period, including planned expenditures at the school level for activities supporting full and effective implementation of the selected school improvement strategy;

(iv) select and implement a school improvement strategy at the school in accordance with the requirements of paragraph (6);

(v) use appropriate measures to monitor the effectiveness of the implementation;

(vi) review and select turnaround partners to assist in implementing school improvement strategies;

(vii) align other Federal, State, and local resources with the school improvement strategy;

(viii) provide the school with the operational flexibility, including autonomy over staffing, time, and budget, needed to enable full and effective implementation of the selected strategy, including through the modification of practices or policies, if necessary;

(ix) collect and use data on an ongoing basis to adjust implementation of the school improvement strategy to improve student achievement;

(x) provide an assurance that the implementation of the selected school improvement strategy addresses the needs of all the categories of students described in subsection (b)(1)(B) in the school;

(xi) take steps to sustain successful reforms and practices after the school is no longer identified under paragraph (2); and

(xii) provide technical assistance and other support to ensure effective implementation of the school improvement strategy in the school, which may include assistance in—

(I) data collection and analysis;

(II) recruiting and retaining staff;

(III) teacher and principal evaluation;

(IV) professional development;

(V) parent and family engagement;

(VI) coordination of services with early childhood education and care providers;

(VII) coordination of services to address students' social, emotional, and health needs; and

(VIII) monitoring the implementation of the school improvement strategy selected under paragraph (6).

(C) STATE AS LOCAL EDUCATIONAL AGENCY.—A State may take over a persistently low-achieving school and act as the local educational agency for purposes of this subsection, if permitted under State law.

(6) SCHOOL IMPROVEMENT STRATEGIES.—

(A) REQUIRED ACTIVITIES FOR ALL SCHOOL IMPROVEMENT STRATEGIES.—A local educational agency implementing any strategies under this paragraph for a school shall—

(i) provide staff at the school with ongoing professional development, consistent with the needs analysis described in paragraph (4);

(ii) conduct regular evaluations for the teachers and principals at the school that provide specific feedback on areas of strength and in need of improvement, consistent with section 2123(b);

(iii) provide time for collaboration among instructional staff at the school to improve student achievement;

(iv) give the school sufficient operational flexibility in staffing, budgeting, and time to fully implement a comprehensive strategy to improve student achievement and, if applicable, graduation rates;

(v) provide instructional staff at the school with timely access to student data to inform instruction and meet the academic needs of individual students, which may include, in elementary school, school readiness data;

(vi) collaborate with parents, the community, teachers, and other school personnel at the school on the selection and implementation of the strategy;

(vii) use data to identify and implement a research-based instructional program that—

(I) analyzes student progress and performance and develops appropriate interventions for students who are not making adequate progress; and

(II) provides differentiated instruction and related instructional supports;

(viii) in the case of an elementary school with kindergarten entry, consider the issue of school readiness in such school by—

(I) examining factors that contribute to school readiness as part of the needs analysis conducted under paragraph (4); and

(II) if school readiness is identified in the needs analysis as an area in need of improvement—

(aa) coordinating with appropriate early childhood programs, such as programs under the Child Care Development and Block Grant Act of 1990, the Head Start Act, prekindergarten programs, and other similar Federal, State, and local programs, in order to align instruction to better prepare students for elementary school; and

(bb) developing a plan to improve or expand early childhood options which may include the use of funds under this part for such purposes;

(ix) provide ongoing mechanisms for parent and family engagement;

(x) provide appropriate services and supports for students as identified in the school's needs analysis; and

(xi) ensure that the school receives ongoing, intensive technical assistance and related support from the State educational agency, the local educational agency, or a turnaround partner.

(B) STRATEGIES.—A local educational agency shall identify a school improvement strategy for a school described in paragraph (5)(A) from among the following strategies:

(i) TRANSFORMATION STRATEGY.—A local educational agency implementing a transformation strategy in a school shall—

(I) replace the principal if the principal has served in that role at the school for more than 2 years;

(II) require existing instructional staff and school leadership to reapply for their positions;

(III) require that all instructional staff and school leadership hiring be done at the school through mutual consent; and

(IV) ensure that other schools served by the local educational agency are not forced to accept teachers displaced from the school in which the transformation strategy is implemented.

(ii) STRATEGIC STAFFING STRATEGY.—A local educational agency

implementing a strategic staffing initiative as a strategy for a school shall—

(I) if the principal has served in that role at the school for more than 2 years, replace the principal with a principal with a demonstrated record of success in increasing student achievement;

(II) require that the principal be allowed to staff the school with a school turnaround team of the principal's choosing from among individuals with a demonstrated record of success in increasing student achievement, which team shall include key leadership positions in the school and—

(aa) in the case of a school that is an elementary school, not more than 5 teachers; or

(bb) in the case of a school that is a secondary school, not more than 20 teachers; and

(III) provide incentives to the principal and teachers to participate in the initiative.

(iii) TURNAROUND STRATEGY.—A local educational agency implementing a turnaround model as a strategy for a school shall—

(I) replace the principal if the principal has served in that role at the school for more than 2 years; and

(II) screen all teachers in the school and retain not more than 65 percent of them.

(iv) WHOLE SCHOOL REFORM STRATEGY.—A local educational agency implementing a whole school reform strategy for a school shall implement an evidence-based strategy that ensures whole school reform. The strategy shall be undertaken in partnership with a strategy developer offering a school reform program that is based on at least a moderate level of evidence that the program will have a statistically significant effect on student outcomes, which evidence includes more than 1 well-designed or well-implemented experimental or quasi-experimental study.

(v) RESTART STRATEGY.—A local educational agency implementing a restart strategy in a school shall carry out the following:

(I)(aa) Convert the school into a public charter school, or close and reopen the school as a public charter school in partnership with a nonprofit charter school operator, a nonprofit charter management organization, or a nonprofit education management organization, that has a demonstrated record of improving student achievement for students similar to those served by the school; or

(bb) convert the school to a magnet school or create a new, innovative school, as defined by the State.

(II) Ensure that the new school—

(aa) serves the same grade levels as the original school for which the

strategy is being implemented; and

(bb) enrolls any former student of the original school who requests to attend the school and then, after all such students are enrolled, admits additional students, using a random lottery system if more students apply for admission than can be accommodated.

(vi) SCHOOL CLOSURE STRATEGY.—A local educational agency implementing a school closure strategy for a school—

(I) shall close the school and enroll the students who attended the school in other schools, including charter schools, served by the local educational agency that are within reasonable proximity to the closed school, as determined by the local education agency, and that are higher-performing than the school that is being closed;

(II) shall provide transportation, or shall pay for the provision of transportation, for each such student to the student's new school, consistent with State law and local educational agency policy;

(III) shall provide information about high-quality educational options, as well as transition and support services to students, who attended the closed school and the students' parents; and

(IV) may use school improvement funds provided under subsection (d) to pay for the expenses of—

(aa) transitioning students from the school that is being closed to the new school;

(bb) supporting the new school; and

(cc) expanding and offering student supports and services within the new school, which may include high-quality prekindergarten programs and services.

(C) RURAL FLEXIBILITY.—Notwithstanding any other provision of this paragraph, a local educational agency that is eligible for services under subpart 1 or 2 of title VI, as determined by the Secretary, may modify not more than 1 of the elements or activities required under subparagraph (A) of a school improvement strategy selected for a school described in paragraph (5)(A), in order to better meet the needs of students in such school.

(7) IMPROVEMENT.—If, at any time during the 5-year period for which a school is identified as a persistently low-achieving school under paragraph (2), the State determines, based on the most current data, that the school has improved and is no longer one of the State's persistently low-achieving schools, then—

(A) the State educational agency shall no longer identify the school as a persistently low-achieving school for any remainder of the 5-year period; and

(B) if the local educational agency was receiving school improvement funds under subsection (d) for such school, the local educational agency shall continue to receive such grant funds, and use such funds to carry out the grant activities in such school, for

the full period of such grant.

(8) REPEATED CLASSIFICATION AS PERSISTENTLY LOW-ACHIEVING.—For each public school identified under paragraph (2) for any portion of a 5-year period and that is reidentified under such paragraph for the subsequent time period, the local educational agency shall carry out the requirements of this subsection for the subsequent period by implementing, with respect to such school, the restart strategy or school closure strategy under clause (v) or (vi) of paragraph (6)(B).

(d) School Improvement Funds.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—the term "eligible entity" means—

(i) a local educational agency that receives funds under this part and serves at least 1 eligible school;

(ii) a consortium of such local educational agencies; or

(iii) an educational service agency that serves at least 1 local educational agency described in clause (i).

(B) ELIGIBLE SCHOOL.—The term "eligible school" means a school identified under subsection (b) or paragraph (1) or (2) of subsection (c).

(2) ALLOTMENTS TO STATES.—

(A) IN GENERAL.—From the funds made available to carry out this subsection under section [1002(a)(2)] for a fiscal year, the Secretary shall provide States that submit an application described in paragraph (3) with school improvement funds through an allotment, as determined under subparagraph (B) and in addition to the amounts made available to States under subpart 2, to enable the States to award subgrants and carry out the activities described in this subsection to assist eligible schools.

(B) ALLOTMENTS TO STATES.—From the funds made available to carry out this subsection under [section 1002(a)(2)] for a fiscal year, the Secretary shall allot to each State with an approved application an amount that bears the same relation to such funds as the amount that the State received under subpart 2 for the preceding fiscal year bears to the amount that all States receive under such subpart for such fiscal year.

(3) STATE APPLICATION.—A State that desires to receive school improvement funds under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include a description of—

(A) the process and the criteria that the State will use to award subgrants under paragraph (5)(A)(i);

(B) the process and the criteria the State will use to determine whether the ~~school is making adequate yearly progress as defined in section 1111(b)(2~~eligible entity's proposal for each eligible school meets the requirements of paragraphs (4), (5)(B), and (6) of subsection (c);

~~(B) at the local educational agency's discretion, use any academic assessments or~~

any other academic indicators described in the local educational agency's plan under section 1112(b)(1)(A) and (B) to review annually the progress of each school served under this part to determine whether the school is making adequate yearly progress as defined in section 1111(b)(2), except that the local educational agency may not use such indicators (other than as provided for in section 1111(b)(2)(I)) if the indicators reduce the number or change the schools that would otherwise be subject to school improvement, corrective action, or restructuring under section 1116 if such additional indicators were not used, but may identify additional schools for school improvement or in need of corrective action or restructuring;

(C) publicize and disseminate the results of the local annual review described in paragraph (1) to parents, teachers, principals, schools, and the community so that the teachers, principals, other staff, and schools can continually refine, in an instructionally useful manner, the program of instruction to help all children served under this part meet the challenging State student academic achievement standards established under section 1111(b)(1); and

(D) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement, professional development, and other activities assisted under this part.

(2) AVAILABLE RESULTS.—The State educational agency shall ensure that the results of State academic assessments administered in that school year are available to the local educational agency before the beginning of the next school year.

(b) SCHOOL IMPROVEMENT.—

(1) GENERAL REQUIREMENTS.—

(A) IDENTIFICATION.—Subject to subparagraph (C), a local educational agency shall identify for school improvement any elementary school or secondary school served under this part that fails, for 2 consecutive years, to make adequate yearly progress as defined in the State's plan under section 1111(b)(2).

(B) DEADLINE.—The identification described in subparagraph (A) shall take place before the beginning of the school year following such failure to make adequate yearly progress.

(C) APPLICATION.—Subparagraph (A) shall not apply to a school if almost every student in each group specified in section 1111(b)(2)(C)(v) enrolled in such school is meeting or exceeding the State's proficient level of academic achievement.

(D) TARGETED ASSISTANCE SCHOOLS.—To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified for school improvement, corrective action, or restructuring under this section, a local educational agency may choose to review the progress of only the students in the school who are served, or are eligible for services, under this part.

(E) PUBLIC SCHOOL CHOICE.—

(i) IN GENERAL.—In the case of a school identified for school improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, provide all students enrolled

in the school with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law.

(ii) RULE.—In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1).

(F) TRANSFER.—Students who use the option to transfer under subparagraph (E) and paragraph (5)(A), (7)(C)(i), or (8)(A)(i) or subsection (c)(10)(C)(vii) shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.

(2) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE; TIME LIMIT.—

(A) IDENTIFICATION.—Before identifying an elementary school or a secondary school for school improvement under paragraphs (1) or (5)(A), for corrective action under paragraph (7), or for restructuring under paragraph (8), the local educational agency shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.

(B) EVIDENCE.—If the principal of a school proposed for identification under paragraph (1), (5)(A), (7), or (8) believes, or a majority of the parents of the students enrolled in such school believe, that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which shall consider that evidence before making a final determination.

(C) FINAL DETERMINATION.—Not later than 30 days after a local educational agency provides the school with the opportunity to review such school-level data, the local educational agency shall make public a final determination on the status of the school with respect to the identification.

(3) SCHOOL PLAN.—

(A) REVISED PLAN.—After the resolution of a review under paragraph (2), each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency serving the school, and outside experts, for approval by such local educational agency. The school plan shall cover a 2-year period and—

(i) incorporate strategies based on scientifically based research that will strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement, and may include a strategy for the implementation of a comprehensive school reform model that includes each of the components described in part F;

(ii) adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all groups of students specified

~~in section 1111(b)(2)(C)(v) and enrolled in the school will meet the State's proficient level of achievement on the State academic assessment described in section 1111(b)(3) not later than 12 years after the end of the 2001–2002 school year;~~

~~(iii) provide an assurance that the school will spend not less than 10 percent of the funds made available to the school under section 1113 for each fiscal year that the school is in school improvement status, for the purpose of providing to the school's teachers and principal high-quality professional development that—~~

~~(I) directly addresses the academic achievement problem that caused the school to be identified for school improvement;~~

~~(II) meets the requirements for professional development activities under section 1119; and~~

~~(III) is provided in a manner that affords increased opportunity for participating in that professional development;~~

~~(iv) specify how the funds described in clause (iii) will be used to remove the school from school improvement status;~~

~~(v) establish specific annual, measurable objectives for continuous and substantial progress by each group of students specified in section 1111(b)(2)(C)(v) and enrolled in the school that will ensure that all such groups of students will, in accordance with adequate yearly progress as defined in section 1111(b)(2), meet the State's proficient level of achievement on the State academic assessment described in section 1111(b)(3) not later than 12 years after the end of the 2001–2002 school year;~~

~~(vi) describe how the school will provide written notice about the identification to parents of each student enrolled in such school, in a format and, to the extent practicable, in a language that the parents can understand;~~

~~(vii) specify the responsibilities of the school, the local educational agency, and the State educational agency serving the school under the plan, including the technical assistance to be provided by the local educational agency under paragraph (4) and the local educational agency's responsibilities under section 1120A;~~

~~(viii) include strategies to promote effective parental involvement in the school;~~

~~(ix) incorporate, as appropriate, activities before school, after school, during the summer, and during any extension of the school year; and~~

~~(x) incorporate a teacher mentoring program.~~

~~(B) CONDITIONAL APPROVAL.—The local educational agency may condition approval of a school plan~~(C) how the State will ensure geographic diversity in making subgrants;

(D) how the State will set priorities in awarding subgrants to eligible entities approved to serve schools identified under subsection (b), if funds are available to do so;

(E) how the State will monitor and evaluate the implementation of school improvement strategies by eligible entities, including how the State will use the results of the evaluation to improve State strategies for supporting schools identified under subsection (b) or (c); and

(F) how the State will reduce barriers for schools in the implementation of school improvement strategies, including operational flexibility that would enable complete implementation of the selected school improvement strategy.

(4) STATE ADMINISTRATION AND TECHNICAL ASSISTANCE.—A State that receives an allotment under this subsection may reserve not more than a total of 5 percent of such allotment for the administration of this subsection, which may include activities aimed at building State capacity to support the local educational agency and school improvement, such as providing technical assistance and other support (including regular site visits to monitor implementation of selected school improvement strategies to eligible entities serving schools identified under subsection (c)(2)), either directly or through educational service agencies or other public or private organizations.

(5) SCHOOL IMPROVEMENT ACTIVITIES.—

(A) IN GENERAL.—A State that receives school improvement funds under this subsection shall use not less than 95 percent of such allotment to carry out school improvement activities for eligible schools by—

(i) awarding subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the activities described in subparagraph (D) for eligible schools; or

(ii) if the State chooses and the local educational agency serving an eligible school agrees, directly providing the activities described in clauses (i) through (iii) of subparagraph (D) to the eligible school and the local educational agency, or arranging for other entities, such as school support teams or educational service agencies, to provide such activities to the school.

(B) PRIORITY.—In distributing grant funds under this paragraph, a State shall assist the schools identified under paragraph (1) or (2) of subsection (c), including such schools that have improved as provided for in subsection (c)(7), in the State before assisting eligible schools that are identified under subsection (b).

(C) SUBGRANTS.—

(i) APPLICATIONS.—An eligible entity that desires a subgrant under this paragraph shall submit an application to the State at such time, in such manner, and including such information as the State shall require. The application shall include a description of how the eligible entity will carry out the requirements of paragraphs (4), (5)(B), and (6) of subsection (c) for each eligible school to be served by the grant.

(ii) DEMONSTRATION OF ADDITIONAL RESPONSIBILITIES.—Each eligible entity that desires a subgrant under this paragraph shall demonstrate in its application that the eligible entity has—

(I) adopted human resource policies that prioritize the recruitment,

retention, and placement of effective staff in eligible schools;

(II) ensured that eligible schools have access to resources to implement the school improvement strategies described in subsection (c)(6), such as facilities, professional development, and technology;

(III) identified opportunities to reduce duplication, increase efficiency, and assist eligible schools in complying with reporting requirements of State and Federal programs;

(IV) developed an early warning indicator system that monitors school-level data, and alerts the eligible school when a student indicates slowed progress toward high school graduation, so that the school can provide appropriate student interventions; and

(V) facilitated alignment and coordination between early childhood education and care programs and services serving students who will attend eligible schools that are elementary schools, and teachers and principals of such eligible schools.

(iii) SUBGRANT SIZE.—A State shall award subgrants under this paragraph of sufficient size to enable subgrant recipients to fully and effectively implement the selected school improvement strategies.

(iv) SUBGRANT PERIOD.—Each subgrant awarded under this paragraph shall be for a 5-year period.

(v) WITHHOLDING FINAL FUNDING.—In order for a State to award subgrant funds to an eligible entity for the final 2 years of the subgrant cycle, the eligible entity shall demonstrate that the schools receiving funds under this paragraph have made significant progress on the leading indicators, as defined in section 1110.

(D) USE OF SUBGRANT FUNDS.—An eligible entity that receives a subgrant under this paragraph ~~on~~shall use the subgrant funds to—

~~(i) inclusion of one or more of the corrective actions specified in paragraph~~ (i) carry out the requirements of paragraphs (4), (5)(B), and (6) of subsection (c) in an eligible school that has been identified under subsection (c)(2) as of the date of the grant award, which may include a maximum 1-year planning period;

(ii) if all eligible schools identified under subsection (c)(2) in the State have received funds under this subsection, apply, and carry out, the requirements of such paragraphs at other eligible schools as if such schools had been identified under subsection (c)(2);

(iii) carry out activities at the local educational agency level that directly support such implementation, such as—

(I) assistance in data collection and analysis;

(II) recruiting and retaining staff;

(III) teacher and principal evaluation;

(IV) professional development;

(V) coordination of services to address students' social, emotional, and health needs; and

(VI) progress monitoring.

(E) SUPPLEMENT, NOT SUPPLANT.—An eligible entity or State shall use Federal funds received under this subsection only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs funded under this subsection.

(F) INTERVENTION BY STATE.—In the case of a State educational agency that has taken over a school or local educational agency, the State may use an amount of funds under this subsection similar to the amount that the school or local educational agency would receive, under this subsection, in order to carry out the activities described in clauses (i) through (iii) of subparagraph (D) for the school and local educational agency, either directly or through an eligible entity designated by the State educational agency.

(6) NATIONAL ACTIVITIES.—From amounts appropriated and reserved for this paragraph under section 1002(a)(2), the Secretary shall carry out the following national activities:

(A) Activities focused on building State and local educational agency capacity to turn around schools identified under subsection (c)(2) and schools in rural areas through activities such as—

(i) identifying and disseminating effective school improvement strategies, including in rural areas;

(ii) making available targeted technical assistance, including planning and implementation tools; and

(iii) expanding the availability of turnaround partners capable of assisting in turning around schools identified under subsection (c)(2), including in rural areas.

(B) Activities focused on building capacity to turn around schools identified under subsection (c)(2), including in rural areas.

(C) The use of data, research, and evaluation to—

(i) identify schools that are implementing school improvement strategies effectively;

(ii) identify effective school improvement strategies; and

(iii) collect and disseminate that information to States and local educational agencies in a manner that facilitates replication of effective practices.

(D) Other activities designed to support State and local efforts to improve eligible schools.

(7)~~)(C)(iv); or~~

~~(ii) feedback on the school improvement plan from parents and community leaders.~~

~~(C) PLAN IMPLEMENTATION.—Except as provided in subparagraph (D), a school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the next full school year following the identification under paragraph (1).~~

~~(D) PLAN APPROVED DURING SCHOOL YEAR.—Notwithstanding subparagraph (C), if a plan is not approved prior to the beginning of a school year, such plan shall be implemented immediately upon approval.~~

~~(E) LOCAL EDUCATIONAL AGENCY APPROVAL.—The local educational agency, within 45 days of receiving a school plan, shall—~~

~~(i) establish a peer review process to assist with review of the school plan; and~~

~~(ii) promptly review the school plan, work with the school as necessary, and approve the school plan if the plan meets the requirements of this paragraph.~~

~~(4) TECHNICAL ASSISTANCE.—~~

~~(A) IN GENERAL.—For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall ensure the provision of technical assistance as the school develops and implements the school plan under paragraph (3) throughout the plan's duration.~~

~~(B) SPECIFIC ASSISTANCE.—Such technical assistance—~~

~~(i) shall include assistance in analyzing data from the assessments required under section 1111(b)(3), and other examples of student work, to identify and address problems in instruction, and problems if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan, and to identify and address solutions to such problems;~~

~~(ii) shall include assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement;~~

~~(iii) shall include assistance in analyzing and revising the school's budget so that the school's resources are more effectively allocated to the activities most likely to increase student academic achievement and to remove the school from school improvement status; and~~

~~(iv) may be provided—~~

~~(I) by the local educational agency, through mechanisms authorized under section 1117; or~~

~~(II) by the State educational agency, an institution of higher education (that is in full compliance with all the reporting provisions of title II of the Higher)~~ EVALUATION.—The Director of the Institute of Education ~~Act of 1965), a private not-for-profit organization or for-profit organization, an~~

educational service agency, or another entity with experience in helping schools improve academic achievement.

(C) SCIENTIFICALLY BASED RESEARCH.—Technical assistance provided under this section by a local educational agency or an entity approved by that agency shall be based on scientifically based research.

(5) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS AFTER IDENTIFICATION.—In the case of any school served under this part that fails to make adequate yearly progress, as set out in the State's plan under section 1111(b)(2), by the end of the first full school year after identification under paragraph (1), the local educational agency serving such school—

(A) shall continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency in accordance with subparagraphs (E) and (F)\1\;

\1\The reference to "subparagraphs (E) and (F)" probably should be a reference to "paragraph (1)(E) and (F)".

(B) shall make supplemental educational services available consistent with subsection (e)(1); and

(C) shall continue to provide technical assistance.

(6) NOTICE TO PARENTS.—A local educational agency shall promptly provide to a parent or parents (in an understandable and uniform format and, to the extent practicable, in a language the parents can understand) of each student enrolled in an elementary school or a secondary school identified for school improvement under paragraph (1), for corrective action under paragraph (7), or for restructuring under paragraph (8)—

(A) an explanation of what the identification means, and how the school compares in terms of academic achievement to other elementary schools or secondary schools served by the local educational agency and the State educational agency involved;

(B) the reasons for the identification;

(C) an explanation of what the school identified for school improvement is doing to address the problem of low achievement;

(D) an explanation of what the local educational agency or State educational agency is doing to help the school address the achievement problem;

(E) an explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and

(F) an explanation of the parents' option to transfer their child to another public school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(10)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child, in accordance with subsection (e).

(7) CORRECTIVE ACTION.—

(A) IN GENERAL.—In this subsection, the term "corrective action" means action, consistent with State law, that—

(i) substantially and directly responds to—

(I) the consistent academic failure of a school that caused the local educational agency to take such action; and

(II) any underlying staffing, curriculum, or other problems in the school; and

(ii) is designed to increase substantially the likelihood that each group of students described in 1111(b)(2)(C)\1\ enrolled in the school identified for corrective action will meet or exceed the State's proficient levels of achievement on the State academic assessments described in section 1111(b)(3).

\1\So in law. The reference to "1111(b)(2)(C)" in paragraph (7)(A)(ii) probably should be to "section 1111(b)(2)(C)(v)".

(B) SYSTEM.—In order to help students served under this part meet challenging State student academic achievement standards, each local educational agency shall implement a system of corrective action in accordance with subparagraphs (C) through (E).

(C) ROLE OF LOCAL EDUCATIONAL AGENCY.—In the case of any school served by a local educational agency under this part that fails to make adequate yearly progress, as defined by the State under section 1111(b)(2), by the end of the second full school year after the identification under paragraph (1), the local educational agency shall—

(i) continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, in accordance with paragraph (1)(E) and (F);

(ii) continue to provide technical assistance consistent with paragraph (4) while instituting any corrective action under clause (iv);

(iii) continue to make supplemental educational services available, in accordance with subsection (e), to children who remain in the school; and

(iv) identify the school for corrective action and take at least one of the following corrective actions:

(I) Replace the school staff who are relevant to the failure to make adequate yearly progress.

(II) Institute and fully implement a new curriculum, including providing appropriate professional development for all relevant staff, that is based on scientifically based research and offers substantial promise of improving educational achievement for low-achieving students and enabling the school to make adequate yearly progress.

(III) Significantly decrease management authority at the school level.

(IV) Appoint an outside expert to advise the school on its progress toward making adequate yearly progress, based on its school plan under paragraph (3).

(V) Extend the school year or school day for the school.

(VI) Restructure the internal organizational structure of the school.

(D) DELAY.—Notwithstanding any other provision of this paragraph, the local educational agency may delay, for a period not to exceed 1 year, implementation of the requirements under paragraph (5), corrective action under this paragraph, or restructuring under paragraph (8) if the school makes adequate yearly progress for 1 year or if its failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.

(E) PUBLICATION AND DISSEMINATION.—The local educational agency shall publish and disseminate information regarding any corrective action the local educational agency takes under this paragraph at a school—

(i) to the public and to the parents of each student enrolled in the school subject to corrective action;

(ii) in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and

(iii) through such means as the Internet, the media, and public agencies.

(8) RESTRUCTURING.—

(A) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS.—If, after 1 full school year of corrective action under paragraph (7), a school subject to such corrective action continues to fail to make adequate yearly progress, then the local educational agency shall—

(i) continue to provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, in accordance with paragraph (1)(E) and (F);

(ii) continue to make supplemental educational services available, in accordance with subsection (e), to children who remain in the school; and

(iii) prepare a plan and make necessary arrangements to carry out subparagraph (B).

(B) ALTERNATIVE GOVERNANCE.—Not later than the beginning of the school year following the year in which the local educational agency implements subparagraph (A), the local educational agency shall implement one of the following alternative governance arrangements for the school consistent with State law:

(i) Reopening the school as a public charter school.

(ii) Replacing all or most of the school staff (which may include the principal) who are relevant to the failure to make adequate yearly progress.

(iii) Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school.

(iv) Turning the operation of the school over to the State educational agency, if permitted under State law and agreed to by the State.

(v) Any other major restructuring of the school's governance arrangement that makes fundamental reforms, such as significant changes in the school's staffing and governance, to improve student academic achievement in the school and that has substantial promise of enabling the school to make adequate yearly progress as defined in the State plan under section 1111(b)(2). In the case of a rural local educational agency with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools have a School Locale Code of 7 or 8, as determined by the Secretary, the Secretary shall, at such agency's request, provide technical assistance to such agency for the purpose of implementing this clause.

(C) PROMPT NOTICE.—The local educational agency shall—

(i) provide prompt notice to teachers and parents whenever subparagraph (A) or (B) applies; and

(ii) provide the teachers and parents with an adequate opportunity to—

(I) comment before taking any action under those subparagraphs; and

(II) participate in developing any plan under subparagraph (A)(iii).

(9) TRANSPORTATION.—In any case described in paragraph (1)(E) for schools described in paragraphs (1)(A), (5), (7)(C)(i), and (8)(A), and subsection (c)(10)(C)(vii), the local educational agency shall provide, or shall pay for the provision of, transportation for the student to the public school the student attends.

(10) FUNDS FOR TRANSPORTATION AND SUPPLEMENTAL EDUCATIONAL SERVICES.—

(A) IN GENERAL.—Unless a lesser amount is needed to comply with paragraph (9) and to satisfy all requests for supplemental educational services under subsection (e), a local educational agency shall spend an amount equal to 20 percent of its allocation under subpart 2, from which the agency shall spend—

(i) an amount equal to 5 percent of its allocation under subpart 2 to provide, or pay for, transportation under paragraph (9);

(ii) an amount equal to 5 percent of its allocation under subpart 2 to provide supplemental educational services under subsection (e); and

(iii) an amount equal to the remaining 10 percent of its allocation under subpart 2 for transportation under paragraph (9), supplemental educational services under subsection (e), or both, as the agency determines.

(B) TOTAL AMOUNT.—The total amount described in subparagraph (A)(ii) is the maximum amount the local educational agency shall be required to spend under this part on supplemental educational services described in subsection (e).

(C) INSUFFICIENT FUNDS.—If the amount of funds described in subparagraph (A)(ii) or (iii) and available to provide services under this subsection is insufficient to provide supplemental educational services to each child whose parents request the services, the

~~local educational agency shall give priority to providing the services to the lowest-achieving children.~~

~~(D) PROHIBITION.—A local educational agency shall not, as a result of the application of this paragraph, reduce by more than 15 percent the total amount made available under section 1113(c) to a school described in paragraph (7)(C) or (8)(A) of subsection (b).~~

~~(11) COOPERATIVE AGREEMENT.—In any case described in paragraph (1)(E), (5)(A), (7)(C)(i), or (8)(A)(i), or subsection (c)(10)(C)(vii) if all public schools served by the local educational agency to which a child may transfer are identified for school improvement, corrective action or restructuring, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for a transfer.~~

~~(12) DURATION.—If any school identified for school improvement, corrective action, or restructuring makes adequate yearly progress for two consecutive school years, the local educational agency shall no longer subject the school to the requirements of school improvement, corrective action, or restructuring or identify the school for school improvement for the succeeding school year.~~

~~(13) SPECIAL RULE.—A local educational agency shall permit a child who transferred to another school under this subsection to remain in that school until the child has completed the highest grade in that school. The obligation of the local educational agency to provide, or to provide for, transportation for the child ends at the end of a school year if the local educational agency determines that the school from which the child transferred is no longer identified for school improvement or subject to corrective action or restructuring.~~

~~(14) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—~~

~~(A) make technical assistance under section 1117 available to schools identified for school improvement, corrective action, or restructuring under this subsection consistent with section 1117(a)(2);~~

~~(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this subsection, take such corrective actions as the State educational agency determines to be appropriate and in compliance with State law;~~

~~(C) ensure that academic assessment results under this part are provided to schools before any identification of a school may take place under this subsection; and~~

~~(D) for local educational agencies or schools identified for improvement~~ Sciences shall conduct an evaluation of the programs carried out under this subsection~~, notify the Secretary of major factors that were brought to the attention of the State educational agency under section 1111(b)(9) that have significantly affected student academic achievement~~.

(~~e~~e) State ~~REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—~~

~~(1) IN GENERAL.—A State shall—~~

~~(A) annually review the progress of each local~~ Responsibilities.—Consistent with section 1111(a)(3)(A)(iv), a State educational agency receiving ~~funds under this part to~~

~~determine whether schools receiving~~ assistance under this part ~~are making adequate yearly progress as defined in section 1111(b)(2) toward meeting the State's student academic achievement standards and to determine if each local educational agency is carrying out its responsibilities under this section and sections 1117, 1118, and 1119; and~~

~~(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review, including statistically sound disaggregated results, as required by section 1111(b)(2).~~

~~(2) REWARDS.—In the case of a local educational agency that, for 2 consecutive years, has exceeded adequate yearly progress as defined in the State plan under section 1111(b)(2), the State may make rewards of the kinds described under section 1117 to the agency.~~

~~(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—A State shall identify for improvement any local educational agency that, for 2 consecutive years, including the period immediately prior to the date of enactment of the No Child Left Behind Act of 2001, failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2).~~

~~(4) TARGETED ASSISTANCE SCHOOLS.—When reviewing targeted assistance schools served by a local educational agency, a State educational agency may choose to review the progress of only the students in such schools who are served, or are eligible for services, under this part.~~

~~(5) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—~~

~~(A) REVIEW.—Before identifying a local educational agency for improvement under paragraph (3) or corrective action under paragraph (10), a State educational agency~~ shall provide ~~the local educational agency with an opportunity to review the data, including academic assessment data, on which the proposed identification is based.~~

~~(B) EVIDENCE.—If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, the agency may provide supporting evidence to the State educational agency, which shall consider the evidence before making a final determination~~ support for the improvement of all schools that are not ~~later than 30 days after the State educational agency provides the local educational agency with the opportunity to review such data under subparagraph (A).~~

~~(6) NOTIFICATION TO PARENTS.—The State educational agency shall promptly provide to the parents (in a format and, to the extent practicable, in a language the parents can understand) of each student enrolled in a school served by a local educational agency~~ identified ~~for improvement, the results of the review under paragraph (1) and, if the agency is identified for improvement, the reasons for that identification and how parents can participate in upgrading the quality of the local educational agency.~~

~~(7) LOCAL EDUCATIONAL AGENCY REVISIONS.—~~

~~(A) PLAN.—Each local educational agency identified under paragraph (3) shall, not later than 3 months after being so identified, develop or revise a local educational agency plan, in consultation with parents, school staff, and others. Such plan shall—~~

(i) incorporate scientifically based research strategies that strengthen the core academic program in schools served by the local educational agency;

(ii) identify actions that have the greatest likelihood of improving the achievement of participating children in meeting the State's student academic achievement standards;

(iii) address the professional development needs of the instructional staff serving the agency by committing to spend not less than 10 percent of the funds received by the local educational agency under subpart 2 for each fiscal year in which the agency is identified for improvement for professional development (including funds reserved for professional development under subsection (b)(3)(A)(iii)),) or (c)(2) but excluding funds reserved for professional development under section 1119;

(iv) include specific measurable achievement goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2)(C)(v), consistent with adequate yearly progress as defined under section 1111(b)(2);

(v) address the fundamental teaching and learning needs in the schools of that agency, and the specific academic problems of are low-achieving students, including a determination of why the local educational agency's prior plan failed to bring about increased student academic achievement;

(vi) incorporate, as appropriate, activities before school, after school, during the summer, and during an extension of the school year;

(vii) specify the responsibilities of the State educational agency and the local educational agency under the plan, including specifying the technical assistance to be provided by the State educational agency under paragraph (9) and the local educational agency's responsibilities under section 1120A; and

(viii) include strategies to promote effective parental involvement in the school.

(B) IMPLEMENTATION.—The local educational agency shall implement the plan (including a revised plan) expeditiously, but not later than the beginning of the next school year after the school year in which the agency was identified for improvement.

(9)\1\ STATE EDUCATIONAL AGENCY RESPONSIBILITY.—

\1\So in law. There is no paragraph (8) performing or have low-performing categories of students described in subsection (eb)(1)(B).

(A) TECHNICAL OR OTHER ASSISTANCE.—For each local educational agency identified under paragraph (3), the State educational agency shall provide technical or other assistance if requested, as authorized under section 1117, to better enable the local educational agency to—

(i) develop and implement the local educational agency's plan; and

(ii) work with schools needing improvement.

(B) METHODS AND STRATEGIES.—Technical assistance provided under this section

by the State educational agency or an entity authorized by such agency shall be supported by effective methods and instructional strategies based on scientifically based research. Such technical assistance shall address problems, if any, in implementing the parental involvement activities described in section 1118 and the professional development activities described in section 1119.

(10) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State student academic achievement standards, each State shall implement a system of corrective action in accordance with the following:

(A) DEFINITION.—As used in this paragraph, the term "corrective action" means action, consistent with State law, that—

(i) substantially and directly responds to the consistent academic failure that caused the State to take such action and to any underlying staffing, curricular, or other problems in the agency; and

(ii) is designed to meet the goal of having all students served under this part achieve at the proficient and advanced student academic achievement levels.

(B) GENERAL REQUIREMENTS.—After providing technical assistance under paragraph (9) and subject to subparagraph (E), the State—

(i) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (3);

(ii) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, by the end of the second full school year after the identification of the agency under paragraph (3); and

(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

(C) CERTAIN CORRECTIVE ACTIONS REQUIRED.—In the case of a local educational agency identified for corrective action, the State educational agency shall take at least one of the following corrective actions:

(i) Deferring programmatic funds or reducing administrative funds.

(ii) Instituting and fully implementing a new curriculum that is based on State and local academic content and achievement standards, including providing appropriate professional development based on scientifically based research for all relevant staff, that offers substantial promise of improving educational achievement for low-achieving students.

(iii) Replacing the local educational agency personnel who are relevant to the failure to make adequate yearly progress.

(iv) Removing particular schools from the jurisdiction of the local educational agency and establishing alternative arrangements for public governance and supervision of such schools.

(v) Appointing, through the State educational agency, a receiver or trustee to

~~administer the affairs of the local educational agency in place of the superintendent and school board.~~

~~(vi) Abolishing or restructuring the local educational agency.~~

~~(vii) Authorizing students to transfer from a school operated by the local educational agency to a higher-performing public school operated by another local educational agency in accordance with subsections (b)(1)(E) and (F), and providing to such students transportation (or the costs of transportation) to such schools consistent with subsection (b)(9), in conjunction with carrying out not less than one additional action described under this subparagraph.~~

~~(D) HEARING.—Prior to implementing any corrective action under this paragraph, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.~~

~~(E) NOTICE TO PARENTS.—The State educational agency shall publish, and disseminate to parents and the public, information on any corrective action the State educational agency takes under this paragraph through such means as the Internet, the media, and public agencies.~~

~~(F) DELAY.—Notwithstanding subparagraph (B)(ii), a State educational agency may delay, for a period not to exceed 1 year, implementation of corrective action under this paragraph if the local educational agency makes adequate yearly progress for 1 year or its failure to make adequate yearly progress is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency. No such period shall be taken into account in determining the number of consecutive years of failure to make adequate yearly progress.~~

~~(11) SPECIAL RULE.—If a local educational agency makes adequate yearly progress for two consecutive school years beginning after the date of identification of the agency under paragraph (3), the State educational agency need no longer identify the local educational agency for improvement or subject the local educational agency to corrective action for the succeeding school year.~~

~~(d~~(f) Construction.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

~~(e) SUPPLEMENTAL EDUCATIONAL SERVICES.—~~

~~(1) SUPPLEMENTAL EDUCATIONAL SERVICES.—In the case of any school described in paragraph (5), (7), or (8) of subsection (b), the local educational agency serving such school shall, subject to this subsection, arrange for the provision of supplemental educational services to eligible children in the school from a provider with a demonstrated record of effectiveness, that is selected by the parents and approved for that purpose by the State educational agency in accordance with reasonable criteria, consistent with paragraph (5),~~

that the State educational agency shall adopt.

(2) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency subject to this subsection shall—

(A) provide, at a minimum, annual notice to parents (in an understandable and uniform format and, to the extent practicable, in a language the parents can understand) of—

(i) the availability of services under this subsection;

(ii) the identity of approved providers of those services that are within the local educational agency or whose services are reasonably available in neighboring local educational agencies; and

(iii) a brief description of the services, qualifications, and demonstrated effectiveness of each such provider;

(B) if requested, assist parents in choosing a provider from the list of approved providers maintained by the State;

(C) apply fair and equitable procedures for serving students if the number of spaces at approved providers is not sufficient to serve all students; and

(D) not disclose to the public the identity of any student who is eligible for, or receiving, supplemental educational services under this subsection without the written permission of the parents of the student.

(3) AGREEMENT.—In the case of the selection of an approved provider by a parent, the local educational agency shall enter into an agreement with such provider. Such agreement shall—

(A) require the local educational agency to develop, in consultation with parents (and the provider chosen by the parents), a statement of specific achievement goals for the student, how the student's progress will be measured, and a timetable for improving achievement that, in the case of a student with disabilities, is consistent with the student's individualized education program under section 614(d) of the Individuals with Disabilities Education Act;

(B) describe how the student's parents and the student's teacher or teachers will be regularly informed of the student's progress;

(C) provide for the termination of such agreement if the provider is unable to meet such goals and timetables;

(D) contain provisions with respect to the making of payments to the provider by the local educational agency; and

(E) prohibit the provider from disclosing to the public the identity of any student eligible for, or receiving, supplemental educational services under this subsection without the written permission of the parents of such student.

(4) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—A State educational agency shall—

(A) in consultation with local educational agencies, parents, teachers, and other interested members of the public, promote maximum participation by providers to

ensure, to the extent practicable, that parents have as many choices as possible;

(B) develop and apply objective criteria, consistent with paragraph (5), to potential providers that are based on a demonstrated record of effectiveness in increasing the academic proficiency of students in subjects relevant to meeting the State academic content and student achievement standards adopted under section 1111(b)(1);

(C) maintain an updated list of approved providers across the State, by school district, from which parents may select;

(D) develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved providers under this subsection, and for withdrawing approval from providers that fail, for 2 consecutive years, to contribute to increasing the academic proficiency of students served under this subsection as described in subparagraph (B); and

(E) provide annual notice to potential providers of supplemental educational services of the opportunity to provide services under this subsection and of the applicable procedures for obtaining approval from the State educational agency to be an approved provider of those services.

(5) CRITERIA FOR PROVIDERS.—In order for a provider to be included on the State list under paragraph (4)(C), a provider shall agree to carry out the following:

(A) Provide parents of children receiving supplemental educational services under this subsection and the appropriate local educational agency with information on the progress of the children in increasing achievement, in a format and, to the extent practicable, a language that such parents can understand.

(B) Ensure that instruction provided and content used by the provider are consistent with the instruction provided and content used by the local educational agency and State, and are aligned with State student academic achievement standards.

(C) Meet all applicable Federal, State, and local health, safety, and civil rights laws.

(D) Ensure that all instruction and content under this subsection are secular, neutral, and nonideological.

(6) AMOUNTS FOR SUPPLEMENTAL EDUCATIONAL SERVICES.—The amount that a local educational agency shall make available for supplemental educational services for each child receiving those services under this subsection shall be the lesser of—

(A) the amount of the agency's allocation under subpart 2, divided by the number of children from families below the poverty level counted under section 1124(c)(1)(A); or

(B) the actual costs of the supplemental educational services received by the child.

(7) FUNDS PROVIDED BY STATE EDUCATIONAL AGENCY.—Each State educational agency may use funds that the agency reserves under this part, and part A of title V, to assist local educational agencies that do not have sufficient funds to provide services under this subsection for all eligible students requesting such services.

(8) DURATION.—The local educational agency shall continue to provide supplemental educational services to a child receiving such services under this subsection until the end of

the school year in which such services were first received.

(9) PROHIBITION.—Nothing contained in this subsection shall permit the making of any payment for religious worship or instruction.

(10) WAIVER.—

(A) REQUIREMENT.—At the request of a local educational agency, a State educational agency may waive, in whole or in part, the requirement of this subsection to provide supplemental educational services if the State educational agency determines that—

(i) none of the providers of those services on the list approved by the State educational agency under paragraph (4)(C) makes those services available in the area served by the local educational agency or within a reasonable distance of that area; and

(ii) the local educational agency provides evidence that it is not able to provide those services.

(B) NOTIFICATION.—The State educational agency shall notify the local educational agency, within 30 days of receiving the local educational agency's request for a waiver under subparagraph (A), whether the request is approved or disapproved and, if disapproved, the reasons for the disapproval, in writing.

(11) SPECIAL RULE.—If State law prohibits a State educational agency from carrying out one or more of its responsibilities under paragraph (4) with respect to those who provide, or seek approval to provide, supplemental educational services, each local educational agency in the State shall carry out those responsibilities with respect to its students who are eligible for those services.

(12) DEFINITIONS.—In this subsection—

(A) the term "eligible child" means a child from a low-income family, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1);

(B) the term "provider" means a non-profit entity, a for-profit entity, or a local educational agency that—

(i) has a demonstrated record of effectiveness in increasing student academic achievement;

(ii) is capable of providing supplemental educational services that are consistent with the instructional program of the local educational agency and the academic standards described under section 1111; and

(iii) is financially sound; and

(C) the term "supplemental educational services" means tutoring and other supplemental academic enrichment services that are—

(i) in addition to instruction provided during the school day; and

(ii) are of high quality, research-based, and specifically designed to increase the academic achievement of eligible children on the academic assessments required

under section 1111 and attain proficiency in meeting the State's academic achievement standards.

(f) SCHOOLS AND LEAS PREVIOUSLY IDENTIFIED FOR IMPROVEMENT OR CORRECTIVE ACTION.—

(1) SCHOOLS.—

(A) SCHOOL IMPROVEMENT.—

(i) SCHOOLS IN SCHOOL-IMPROVEMENT STATUS BEFORE DATE OF ENACTMENT.—Any school that was in the first year of school improvement status under this section on the day preceding the date of enactment of the No Child Left Behind Act of 2001 (as this section was in effect on such day) shall be treated by the local educational agency as a school that is in the first year of school improvement status under paragraph (1).

(ii) SCHOOLS IN SCHOOL-IMPROVEMENT STATUS FOR 2 OR MORE YEARS BEFORE DATE OF ENACTMENT.—Any school that was in school improvement status under this section for two or more consecutive school years preceding the date of enactment of the No Child Left Behind Act of 2001 (as this section was in effect on such day) shall be treated by the local educational agency as a school described in subsection (b)(5).

(B) CORRECTIVE ACTION.—Any school that was in corrective action status under this section on the day preceding the date of enactment of the No Child Left Behind Act of 2001 (as this section was in effect on such day) shall be treated by the local educational agency as a school described in paragraph (7).

(2) LEAS.—

(A) LEA IMPROVEMENT.—A State shall identify for improvement under subsection (c)(3) any local educational agency that was in improvement status under this section as this section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001.

(B) CORRECTIVE ACTION.—A State shall identify for corrective action under subsection (c)(10) any local educational agency that was in corrective action status under this section as this section was in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001.

(C) SPECIAL RULE.—For the schools and other local educational agencies described under paragraphs (1) and (2), as required, the State shall ensure that public school choice in accordance with subparagraphs (b)(1)(E) and (F) and supplemental education services in accordance with subsection (e) are provided not later than the first day of the 2002–2003 school year.

(D) TRANSITION.—With respect to a determination that a local educational agency has for 2 consecutive years failed to make adequate yearly progress as defined in the State plan under section 1111(b)(2), such determination shall include in such 2-year period any continuous period of time immediately preceding the date of enactment of the No Child Left Behind Act of 2001 during which the agency has failed to make such progress.

(g) SCHOOLS FUNDED BY THE BUREAU OF INDIAN AFFAIRS.—

(1) ADEQUATE YEARLY PROGRESS FOR BUREAU FUNDED SCHOOLS.—

(A) DEVELOPMENT OF DEFINITION.—

(i) DEFINITION.—The Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, using the process set out in section 1138(b) of the Education Amendments of 1978, shall define adequate yearly progress, consistent with section 1111(b), for the schools funded by the Bureau of Indian Affairs on a regional or tribal basis, as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools.

(ii) USE OF DEFINITION.—The Secretary of the Interior, consistent with clause (i), may use the definition of adequate yearly progress that the State in which the school that is funded by the Bureau is located uses consistent with section 1111(b), or in the case of schools that are located in more than one State, the Secretary of the Interior may use whichever State definition of adequate yearly progress that best meets the unique circumstances and needs of such school or schools and the students the schools serve.

(B) WAIVER.—The tribal governing body or school board of a school funded by the Bureau of Indian Affairs may waive, in part or in whole, the definition of adequate yearly progress established pursuant to paragraph (A) where such definition is determined by such body or school board to be inappropriate. If such definition is waived, the tribal governing body or school board shall, within 60 days thereafter, submit to the Secretary of Interior a proposal for an alternative definition of adequate yearly progress, consistent with section 1111(b), that takes into account the unique circumstances and needs of such school or schools and the students served. The Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, shall approve such alternative definition unless the Secretary determines that the definition does not meet the requirements of section 1111(b), taking into account the unique circumstances and needs of such school or schools and the students served.

(C) TECHNICAL ASSISTANCE.—The Secretary of Interior shall, in consultation with the Secretary if the Secretary of Interior requests the consultation, either directly or through a contract, provide technical assistance, upon request, to a tribal governing body or school board of a school funded by the Bureau of Indian Affairs that seeks to develop an alternative definition of adequate yearly progress.

(2) ACCOUNTABILITY FOR BIA SCHOOLS.—For the purposes of this section, schools funded by the Bureau of Indian Affairs shall be considered schools subject to subsection (b), as specifically provided for in this subsection, except that such schools shall not be subject to subsection (c), or the requirements to provide public school choice and supplemental educational services under subsections (b) and (e).

(3) SCHOOL IMPROVEMENT FOR BUREAU SCHOOLS.—

(A) CONTRACT AND GRANT SCHOOLS.—For a school funded by the Bureau of Indian Affairs which is operated under a contract issued by the Secretary of the Interior

pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.) or under a grant issued by the Secretary of the Interior pursuant to the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), the school board of such school shall be responsible for meeting the requirements of subsection (b) relating to development and implementation of any school improvement plan as described in subsections (b)(1) through (b)(3), and subsection (b)(5), other than subsection (b)(1)(E). The Bureau of Indian Affairs shall be responsible for meeting the requirements of subsection (b)(4) relating to technical assistance.

(B) BUREAU OPERATED SCHOOLS.—For schools operated by the Bureau of Indian Affairs, the Bureau shall be responsible for meeting the requirements of subsection (b) relating to development and implementation of any school improvement plan as described in subsections (b)(1) through (b)(5), other than subsection (b)(1)(E).

(4) CORRECTIVE ACTION AND RESTRUCTURING FOR BUREAU-FUNDED SCHOOLS.—

(A) CONTRACT AND GRANT SCHOOLS.—For a school funded by the Bureau of Indian Affairs which is operated under a contract issued by the Secretary of the Interior pursuant to the Indian Self-Determination Act (25 U.S.C. 450 et seq.) or under a grant issued by the Secretary of the Interior pursuant to the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), the school board of such school shall be responsible for meeting the requirements of subsection (b) relating to corrective action and restructuring as described in subsection (b)(7) and (b)(8). Any action taken by such school board under subsection (b)(7) or (b)(8) shall take into account the unique circumstances and structure of the Bureau of Indian Affairs-funded school system and the laws governing that system.

(B) BUREAU OPERATED SCHOOLS.—For schools operated by the Bureau of Indian Affairs, the Bureau shall be responsible for meeting the requirements of subsection (b) relating to corrective action and restructuring as described in subsection (b)(7) and (b)(8). Any action taken by the Bureau under subsection (b)(7) or (b)(8) shall take into account the unique circumstances and structure of the Bureau of Indian Affairs-funded school system and the laws governing that system.

(5) ANNUAL REPORT.—On an annual basis, the Secretary of the Interior shall report to the Secretary of Education and to the appropriate committees of Congress regarding any schools funded by the Bureau of Indian Affairs which have been identified for school improvement. Such report shall include—

(A) the identity of each school;

(B) a statement from each affected school board regarding the factors that lead to such identification; and

(C) an analysis by the Secretary of the Interior, in consultation with the Secretary if the Secretary of Interior requests the consultation, as to whether sufficient resources were available to enable such school to achieve adequate yearly progress.

(h) OTHER AGENCIES.—After receiving the notice described in subsection (b)(14)(D), the Secretary may notify, to the extent feasible and necessary as determined by the Secretary, other relevant Federal agencies regarding the major factors that were determined by the State educational agency to have significantly affected student academic achievement.

“SEC. 1117. ~~[20 U.S.C. 6317] SCHOOL SUPPORT AND RECOGNITION~~BLUE RIBBON SCHOOLS.

~~(~~“(a) ~~SYSTEM FOR SUPPORT.—~~

~~(1) IN GENERAL.—Each State shall establish a statewide system of intensive~~Program Purpose.—It is the purpose of this section to assist States and ~~sustained support and improvement for~~ local educational agencies ~~and schools receiving funds under this part, in order to increase the opportunity for all students served by those agencies and schools to meet the State's academic content standards and student academic achievement standards~~in identifying and rewarding high-performing public schools.

“(b) Blue Ribbon Schools.—

“(1) IDENTIFICATION OF BLUE RIBBON SCHOOLS.—Each State receiving a grant under this part may—

“(A) define the category of blue ribbon schools, consistent with paragraph (2~~)~~ ~~PRIORITIES.—~~), for the State as part of its State plan in section 1111(b); and

“(B) identify, for each school year, the schools in the State that are blue ribbon schools for such year.

“(2) BLUE RIBBON SCHOOL CRITERIA.—

“(A) IN ~~carrying~~GENERAL.—If a State elects to carry out this subsection, ~~a State~~ the State's blue ribbon schools shall consist of the top 5 percent of the State's public elementary schools and secondary schools, as designated by the State based on—

~~(A) first,~~“(i) the percentage of students who are on track to college and career readiness for English or language arts, and mathematics;

“(ii) in the case of high schools, the school's graduation rate;

“(iii) the performance of each category of students described in section 1116(b)(1)(B);

“(iv) if the State chooses to measure student growth in accordance with section 1111(b)(1)(B), the percentage of students making adequate student growth; and

“(v) school gains.

“(B) NONELIGIBILITY FOR BLUE RIBBON STATUS.—A school identified under subsection (b) or (c)(2) of section 1116 for a year shall not be eligible for blue ribbon school status for the same year.

“(c) Rewards for Blue Ribbon Schools.—

“(1) IN GENERAL.—Each State that defines and identifies blue ribbon schools under subsection (b)(1) for a school year may—

“(A) provide ~~support and assistance to~~ each blue ribbon school in the State with increased autonomy over the school's budget, staffing, and time;

“(B) allow each blue ribbon school to have flexibility in the use of any funds

provided to the school under this Act for any purpose allowed under this Act (notwithstanding any other provision of this Act), as long as such use is consistent with the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and part B of the Individuals with Disabilities Education Act; and

"(C) reserve not more than .5 percent of the funds allotted to the State under subpart 2 and use such reserved amounts to distribute rewards, on a competitive basis, to local educational agencies that serve 1 or more blue ribbon schools identified under subsection (b) that receive funds under subpart 2 to enable the local educational agencies ~~with schools subject to corrective action under section 1116 and assist those schools, in accordance with section 1116(b)(11), for which~~ to provide awards to such blue ribbon schools that receive funds under such subpart.

"(2) USE OF REWARDS.—As a condition of receiving an award from a local educational agency ~~has failed to carry out its responsibilities under paragraphs (7) and (8) of section 1116(b);~~under this subsection, a blue ribbon school shall agree to use the award funds to—

~~(B) second, provide support and assistance to other local educational agencies with schools identified as in need of improvement under section 1116(b); and~~

~~(C) third,~~"(A) improve student achievement; and

"(B) provide ~~support and assistance to other local educational agencies and schools participating under this part that need that support and assistance in order to achieve the purpose of this part.~~

~~(3) REGIONAL CENTERS.—Such a statewide system shall, to the extent practicable, work with and receive support and assistance from regional educational laboratories established under part D of the Education Sciences Reform Act of 2002 and comprehensive centers established under the Educational Technical Assistance Act of 2002 and the comprehensive regional~~ technical assistance ~~centers and the regional educational laboratories under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002), or other providers of technical assistance.~~

~~(4) STATEWIDE SYSTEM.—~~

~~(A) In order to achieve the purpose described in paragraph (1), the statewide system shall include, at a minimum, the following approaches:~~

~~(i) Establishing school support teams~~to the lowest-achieving schools in the State that have characteristics similar to the blue ribbon school, in accordance with ~~subparagraph (C)\1\ for assignment to, and working in, schools in the State that are described in paragraph (2).~~

~~\1\So in law. The reference to "subparagraph (C)" in paragraph (4)(A)(i) probably should be to "paragraph (5)".~~

~~(ii) Providing such support as the State educational agency determines necessary and available in order to ensure the effectiveness of such teams.~~

~~(iii) Designating and using distinguished teachers and principals who are~~

~~chosen from schools served under this part that have been especially successful in improving academic achievement.~~

~~(iv) Devising additional approaches to providing the assistance described in paragraph (1), such as providing assistance through institutions of higher education and educational service agencies or other local consortia, and private providers of scientifically based technical assistance.~~

~~(B) PRIORITY.—The State educational agency shall give priority to the approach described in clause (i) of subparagraph (A).~~

~~(5) SCHOOL SUPPORT TEAMS.—~~

~~(A) COMPOSITION.—Each school support team established under this section shall be composed of persons knowledgeable about scientifically based research and practice on teaching and learning and about successful schoolwide projects, school reform, and improving educational opportunities for low-achieving students, including—~~

~~(i) highly qualified or distinguished teachers and principals;~~

~~(ii) pupil services personnel;~~

~~(iii) parents;~~

~~(iv) representatives of institutions of higher education;~~

~~(v) representatives of regional educational laboratories or comprehensive regional technical assistance centers;~~

~~(vi) representatives of outside consultant groups; or~~

~~(vii) other individuals as the State educational agency, in consultation with the local educational agency, may determine appropriate.~~

~~(B) FUNCTIONS.—Each school support team assigned to a school~~ the State plan under ~~this section shall—~~

~~(i) review and analyze all facets of the school's operation, including the design and operation of the instructional program, and assist the school in developing recommendations for improving student performance in that school;~~

~~(ii) collaborate with parents and school staff and the local educational agency serving the school in the design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to improve student performance and help the school meet its goals for improvement, including adequate yearly progress under section 1111(b)(2)(B);~~

~~(iii) evaluate, at least semiannually, the effectiveness of school personnel assigned to the school, including identifying outstanding teachers and principals, and make findings and recommendations to the school, the local educational agency, and, where appropriate, the State educational agency; and~~

~~(iv) make additional recommendations as the school implements the plan described in clause (ii) to the local educational agency and the State educational agency concerning additional assistance that is needed by the school or the school~~

support team.

(C) CONTINUATION OF ASSISTANCE.—After one school year, from the beginning of the activities, such school support team, in consultation with the local educational agency, may recommend that the school support team continue to provide assistance to the school, or that the local educational agency or the State educational agency, as appropriate, take alternative actions with regard to the school.

(b) STATE RECOGNITION.—

(1) ACADEMIC ACHIEVEMENT AWARDS PROGRAM.—

(A) IN GENERAL.—Each State receiving a grant under this part—

(i) shall establish a program for making academic achievement awards to recognize schools that meet the criteria described in subparagraph (B); and

(ii) as appropriate and as funds are available under subsection (c)(2)(A), may financially reward schools served under this part that meet the criteria described in clause (ii).

(B) CRITERIA.—The criteria referred to in subparagraph (A) are that a school—

(i) significantly closed the achievement gap between the groups of students described in section 1111(b)(2); or

(ii) exceeded their adequate yearly progress, consistent with section 1111(b)(2), for 2 or more consecutive years.

(2) DISTINGUISHED SCHOOLS.—Of those schools meeting the criteria described in paragraph (2), each State shall designate as distinguished schools those schools that have made the greatest gains in closing the achievement gap as described in subparagraph (B)(i) or exceeding adequate yearly progress as described in subparagraph (B)(ii). Such distinguished schools may serve as models for and provide support to other schools, especially schools identified for improvement under section 1116, to assist such schools in meeting the State's academic content standards and student academic achievement standards.

(3) AWARDS TO TEACHERS.—A State program under paragraph (1) may also recognize and provide financial awards to teachers teaching in a school described in such paragraph that consistently makes significant gains in academic achievement in the areas in which the teacher provides instruction, or to teachers or principals designated as distinguished under subsection (a)(4)(A)(iii).

(c) FUNDING.—

(1) IN GENERAL.—Each State—

(A) shall use funds reserved under section 1003(a) and may use funds made available under section 1003(g) for the approaches described under subsection (a)(4)(A); and

(B) shall use State administrative funds authorized under section 1004(a) to establish the statewide system of support described under subsection (a).

(2) RESERVATIONS OF FUNDS BY STATE.—

~~(A) AWARDS PROGRAM.—For the purpose of carrying out subsection (b)(~~1~~), each State receiving a grant under this part may reserve, from the amount (if any) by which the funds received by the State under subpart 2 for a fiscal year exceed the amount received by the State under that subpart for the preceding fiscal year, not more than 5 percent of such excess amount.~~)(E).".

~~(B) TEACHER AWARDS.—For the purpose of carrying out subsection (b)(3), a State educational agency may reserve such funds as necessary from funds made available under section 2113\1\.~~

~~\1\So in law. The reference to "section 2113" in paragraph (2)(B) probably should be to "section 2111".~~

~~(3) USE WITHIN 3 YEARS.—Notwithstanding any other provision of law, the amount reserved under subparagraph (A) by a State for each fiscal year shall remain available to the State until expended for a period not exceeding 3 years receipt of funds.~~

~~(4) SPECIAL ALLOCATION RULE FOR SCHOOLS IN HIGH-POVERTY AREAS.—~~

~~(A) IN GENERAL.—Each State shall distribute not less than 75 percent of any amount reserved under paragraph (2)(A) for each fiscal year to schools described in subparagraph (B), or to teachers in those schools consistent with subsection (b)(3).~~

~~(B) SCHOOL DESCRIBED.—A school described in subparagraph (A) is a school whose student population is in the highest quartile of schools statewide in terms of the percentage of children from low income families.~~

“SEC. 1118. ~~[20 U.S.C. 6318] PARENTAL INVOLVEMENT~~PARENT AND FAMILY ENGAGEMENT.

~~(~~“~~(~~a) Local Educational Agency ~~POLICY~~Parent and Family Engagement Plan.—

~~(~~“~~(~~1) IN GENERAL.—A local educational agency may receive funds under this part only if such agency develops and implements ~~programs, activities, and procedures for the involvement~~a strategic, evidence-based plan to support meaningful engagement of parents and family members in ~~programs assisted under this part consistent with~~ education (referred to in this section~~.~~ as the ‘parent and family engagement plan’). Such ~~programs, activities, and procedures~~ plan shall be aligned through incorporation into the local educational agency’s plan developed under section 1112 and shall include strategies (especially in high-need schools) that are planned and implemented ~~with~~ in meaningful consultation with—

“(A) parents and family members of participating children~~.~~, including districtwide parent advisory committees, where applicable;

~~(~~“(B) to the greatest extent practicable, individuals with expertise in effectively engaging parents and family members in education; and

“(C) organizations that have a demonstrated record of effectiveness in assisting students in becoming college and career ready.

“(2) ~~WRITTEN POLICY~~CONSULTATION AND DISSEMINATION.—Each local educational agency that receives funds under this part shall—

“(A) develop and implement the parent and family engagement plan jointly with~~,~~ ~~agree on with, and distribute to,~~ parents and family members of participating children ~~a written parent involvement policy.~~ and, where applicable, with a districtwide parent advisory committee; and

“(B) develop a template for schools to use in communicating—

“(i) parent and family engagement strategies; and

“(ii) the content of the compact described in subsection (e).

“(3) CONTENTS OF THE LOCAL EDUCATIONAL AGENCY PARENT AND FAMILY ENGAGEMENT PLAN.—

“(A) REQUIRED ELEMENTS.—The ~~policy shall be incorporated into the local educational agency’s plan developed under section 1112,~~parent and family engagement plan shall—

“(i) establish the local educational agency’s expectations for ~~parent involvement, and~~ , and commitment to support, meaningful engagement strategies;

“(ii) describe the process through which the local educational agency will equip parents and family members, with particular attention to economically disadvantaged parents and family members, to—

“(I) act in partnership with school personnel to improve the academic

achievement and development of their children;

"(II) participate in school improvement strategies; and

"(III) communicate effectively with educators and administrators, such as through the establishment of a districtwide parent advisory committee, if such committee does not already exist;

"(iii) describe how the local educational agency will—

~~(A) involve parents in the joint development of the plan under section 1112, and the process of school review and improvement under section 1116;~~

~~(B)~~ provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent ~~involvement activities to improve student academic achievement and school performance;~~and family engagement strategies, such as—

~~(C) build~~ "(I) making facilities of the ~~schools' and parents' capacity for strong parental involvement~~local educational agency available, as appropriate; and

"(II) utilizing the expertise of, and developing strategies with, organizations that have a demonstrated record of success in supporting parent and family engagement; and

"(iv) describe how the local educational agency will use data (including data collected through the evaluation described in subsection (~~e);~~b), [a conditions for learning measurement system [as defined in section ___]], and surveys of parent and family engagement) to continuously improve and increase engagement strategies.

~~(D) coordinate and integrate parental involvement strategies under this part with parental involvement strategies under other programs, such as the Head Start program, Reading First program, Early Reading First program, Even Start program, Parents as Teachers program, and Home Instruction Program for Preschool Youngsters, and State-run preschool programs;~~

~~(E)~~"(B) OPTIONAL ELEMENTS.—The parent and family engagement plan may include, in addition to the requirements described in subparagraph (A), a description of how the local educational agency plans to involve employers, business leaders, philanthropic and nonprofit organizations, and other community members committed to improving student achievement and development in order to increase and strengthen parent and family engagement.

"(b) Evaluation.—The local educational agency shall conduct, with the involvement of parents and family members, an annual evaluation of the ~~content and~~ effectiveness of the ~~parental involvement policy~~parent and family engagement plan in—

"(1) improving ~~the~~ student academic ~~quality of the schools served under this part, including identifying~~achievement and development;

"(2) improving the college and career readiness of children; and

"(3) reducing barriers to greater participation ~~by parents~~ in the activities ~~authorized by~~ described in this section ~~(~~by parents and family members, with particular attention to parents and family members who are economically disadvantaged~~, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background), and use the findings of such evaluation to design strategies for more effective parental involvement, and to revise, if necessary, the parental involvement policies described in this section; and~~.

~~(F) involve parents in the activities of the schools served under this part.~~

~~(3~~"(c) Reservation and Use of Funds.—

~~(A~~"(1) IN GENERAL.—Each local educational agency shall reserve not less than 1 percent of such agency's allocation under subpart 2 ~~of this part to carry out this section, including promoting family literacy and parenting skills, except that this paragraph shall not apply if 1 percent of such agency's allocation under subpart 2 of this part for the fiscal year for which the determination is made is $5,000 or less~~to carry out the activities described in this section.

~~(B) PARENTAL INPUT.—Parents of children receiving services~~"(2) EXCEPTION.—The reservation requirement under ~~this part~~ paragraph (1) shall ~~be involved in the decisions regarding how funds~~not apply if 1 percent of the local educational agency's allocation under subpart 2 for the fiscal year for which the determination is made is equal to or less than $5,000.

"(3) USE OF FUNDS.—Funds reserved under ~~subparagraph (A) are allotted for parental involvement~~ paragraph (1) may be used to carry out systemic, evidence-based parent and family engagement strategies, consistent with the local educational agency parent and family engagement plan described in subsection (a), such as the following:

"(A) Designating or establishing a dedicated office or dedicated personnel for parent and family engagement.

"(B) Providing subgrants to schools working in partnership with an organization with a demonstrated record of success in improving and increasing parent and family engagement.

"(C) Professional development for school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, school leaders, and parents and family members.

"(D) Districtwide or school-based leadership training for parents and family members and other evidence-based leadership development strategies.

"(E) Adult education and family literacy activities, as defined in section 203 of the Adult Education and Family Literacy Act.

~~(C~~"(F) Home visitation programs.

"(G) Volunteerism programs.

"(H) Other evidence-based or promising strategies for improving and increasing parent and family engagement.

"(I) Conducting the evaluation described in subsection (b).

"(J) Disseminating information on best practices (such as implementation, replication, impact studies, and evaluations) focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members.

"(K) Coordinating parent and family engagement strategies conducted by the local educational agency and schools within the local educational agency with local early learning programs, career and technical education programs, and postsecondary education programs.

"(4) DISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—Not less than 95 percent of the funds reserved under ~~subparagraph (A)~~ this subsection shall be distributed to schools served under this part.

~~(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—~~

~~(1) IN GENERAL.—Each school served under this part shall jointly develop with, and distribute to, parents of participating children a written parental involvement policy, agreed on by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Parents shall be notified of the policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.~~

~~(2) SPECIAL RULE.—If the school has a parental involvement policy that applies to all parents, such school may amend that policy, if necessary, to meet the requirements of this subsection.~~

~~(3) AMENDMENT.—If the local educational agency involved has a school district-level parental involvement policy that applies to all parents, such agency may amend that policy, if necessary, to meet the requirements of this subsection.~~

~~(4) PARENTAL COMMENTS.—If the~~ "(B) PRIORITY.—In allocating the funds described in subparagraph (A), each local educational agency shall give priority to high-need schools.

"(C) DISTRICTWIDE ACTIVITIES.—Funds used to implement leadership training for parents and family members or other districtwide parent and family engagement initiatives with a demonstrated record of effectiveness that may be cost effective and that directly benefit parents and family members, may be considered funds distributed to schools.

"(d) Family Member Engagement.—Each school served under this part shall—

"(1) regularly convene, at not less than 1 time during each academic year, a meeting at a convenient time, to which parents and family members of participating children shall be invited and encouraged to attend, in order to—

"(A) review the parent and family engagement compact described in subsection (e);

"(B) inform parents and family members of opportunities for engagement in their

child's education; and

"(C) explain to parents and family members the right of the parents and family members to be involved, and the benefits of meaningful engagement;

"(2) use multiple methods to involve and collaborate with parents and family members (in an organized, ongoing, and timely way, including through electronic means) in the planning, development, review, implementation, and improvement of school improvement plans and strategies, including in developing the schoolwide program plan under section ~~1112 is not satisfactory to the~~ 1114(b)(2) or a similar school improvement plan;

"(3) at a minimum, provide parents and family members with—

"(A) opportunities to develop the knowledge and skills to engage as full partners in supporting academic achievement, child development, and school improvement;

"(B) a description and explanation of ~~participating children,~~ the forms of academic assessment used to measure student progress, the proficiency levels students are expected to meet, and opportunities to promote learning and college and career readiness during out-of-school time;

"(C) opportunities to develop leadership skills and to engage school and local educational agency ~~shall submit any parent comments with such plan when such~~staff in decisions relative to the education of their children; and

"(D) opportunities to increase their ability to engage effectively with educators and administrators in formal and structured settings, such as parent-teacher conferences, local educational agency ~~submits the plan to the~~meetings, disciplinary hearings, and the school budgeting process;

"(4) make the school welcoming to parents and family members;

"(5) provide professional development and other evidence-based support to school staff regarding effective parent and family engagement;

"(6) collaborate with community-based organizations, employers, or other entities to accomplish the purposes of this section;

"(7) to the extent feasible and appropriate, coordinate and integrate parent and family engagement programs and strategies with other Federal, State~~.~~, and local programs; and

~~(c) POLICY INVOLVEMENT~~"(8) provide such other support for parent and family engagement strategies under this section as parents and family members may request, to the extent practicable.

"(e) Shared Responsibilities for College and Career Readiness.—Each school served under this part shall— jointly develop with parents and family members, for all children served under this part, a parent and family engagement compact. Such compact shall—

~~(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain the requirements of this part, and the right of the parents to be involved;~~

~~(2) offer a flexible number of meetings, such as meetings in the morning or evening, and~~

may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;

(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the planning, review, and improvement of the school parental involvement policy and the joint development of the schoolwide program plan under section 1114(b)(2), except that if a school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents of participating children;

(4) provide parents of participating children—

(A) timely information about programs under this part;

(B) a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and

(C) if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible; and

(5) if the schoolwide program plan under section 1114(b)(2) is not satisfactory to the parents of participating children, submit any parent comments on the plan when the school makes the plan available to the local educational agency.

(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT ACADEMIC ACHIEVEMENT.—As a component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—

(1) describe the school's responsibility to provide "(1) describe the activities the school will take in accordance with subsection (d);

"(2) describe the school's responsibility to—

"(A) provide a rigorous curriculum and effective instruction in a supportive, safe, and healthy learning environment;

"(B) inform parents and family members (with attention to economically disadvantaged parents and family members) of opportunities to participate in school improvement or governance councils, engage in the development of discipline and suspension and other school policies, and access the parent and family resource and information centers under section [___]; and

"(C) to the greatest extent practicable—

"(i) communicate with parents and family members when children are chronically absent from school or when children are suspended or expelled, which may include through home visits;

"(ii) refer parents and family members to adult education and family literacy activities, social services, or other programs and services designed to support parent and family engagement; and

"(iii) offer evidence-based mentoring programs to students;

"(3) describe the responsibilities of parents and family members to be full partners in the education of their child, which may include—

"(A) communicating high~~-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student~~ expectations for their child's academic achievement ~~standards, and the ways in which each parent will be responsible for supporting their children's learning, such as~~ and college and career readiness;

"(B) reading to their child, promoting the use of libraries, facilitating access to cultural events, parks, and recreational services, encouraging community service and leadership, and planning for entry and success in institutions of higher education and careers;

"(C) monitoring their child's school attendance, homework, course completion, ~~and television watching; volunteering in their child's classroom; and~~academic achievement, and progress toward college and career readiness; and

"(D) participating, as appropriate, in decisions relating to school improvement, decisions regarding the education of their children, and positive use of ~~extracurricular~~out-of-school time; and

~~(2~~"(4) address the importance of communication between teachers~~ and ~~, parents, and family members on an ongoing basis through, at a minimum—

~~(~~"(A) regular parent-teacher conferences~~ in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement~~;

~~(~~"(B) frequent reports to family members on—

"(i) their children's progress; and

"(ii) opportunities to be involved at school, including opportunities to support school improvement; and

"(C) providing parents ~~on their children's progress; and~~and family members with—

~~(C~~"(i) reasonable access to staff~~,~~;

"(ii) opportunities to volunteer and participate ~~in their child's class,~~at school; and

"(iii) as appropriate, observation of classroom activities~~.~~ and school-based activities; and

~~(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of~~ "(5) describe the process through which school personnel communicate effectively with parents and ~~to support a partnership among the school involved, parents, and the community to improve student academic achievement, each school and local educational agency assisted under this~~

~~part—~~

~~(1) shall provide assistance to parents of children served by the school or local educational agency~~family members and ensure that other community stakeholders are engaged, as appropriate, in ~~understanding such topics as the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;~~

~~(2) shall provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;~~

~~(3) shall educate teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;~~

~~(4) shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children;~~

~~(5) shall ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand;~~

~~(6) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;~~

~~(7) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such training;~~

~~(8) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;~~

~~(9) may train parents to enhance the involvement of other parents;~~

~~(10) may arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;~~

~~(11) may adopt and implement model approaches to improving parental involvement;~~

~~(12) may establish a districtwide parent advisory council to provide advice on all matters related to parental involvement in programs supported under this section;~~

~~(13) may develop appropriate roles for community-based organizations and businesses in parent involvement activities; and~~

~~(14) shall provide such other reasonable support for parental involvement activities under this section as parents may request.~~

~~(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 in a format and, to the extent practicable, in a language such parents understand.~~

~~(g) INFORMATION FROM PARENTAL INFORMATION AND RESOURCE CENTERS.—In a State where a parental information and resource center is established to provide training, information, and support to parents and individuals who work with local parents, local educational agencies, and schools receiving assistance under this part, each local educational agency or~~ supporting school ~~that receives assistance under this part and is located in the State shall assist parents and parental organizations by informing such parents and organizations of the existence and purpose of such centers.~~improvement.".

~~(h) REVIEW.—The State educational agency shall review the local educational agency's parental involvement policies and practices to determine if the policies and practices meet the requirements of this section.~~

SEC. 1119. [20 U.S.C. 6319] QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

"(a) In General.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each local educational agency receiving assistance under this part shall ensure that all teachers teaching in a program supported with funds under this part are highly qualified.

"(2) EXCEPTION.—Each local educational agency located in a State in which the State has fully implemented the requirements described in section 2112(b)(1)(A) by ensuring that all local educational agencies in the State that receive a subgrant under subpart 2 of part A of title II have fulfilled the requirements of section 2123(b), shall only be required to comply with the requirements under paragraph (1) as they relate to new teachers.~~(a) TEACHER QUALIFICATIONS AND MEASURABLE OBJECTIVES.—~~

~~(1) IN GENERAL.—Beginning with the first day of the first school year after the date of enactment of the No Child Left Behind Act of 2001, each local educational agency receiving assistance under this part shall ensure that all teachers hired after such day and teaching in a program supported with funds under this part are highly qualified.~~

~~(2) STATE PLAN.—As part of the plan described in section 1111, each State educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005–2006 school year. Such plan shall establish annual measurable objectives for each local educational agency and school that, at a minimum—~~

~~(A) shall include an annual increase in the percentage of highly qualified teachers at each local educational agency and school, to ensure that all teachers teaching in core academic subjects in each public elementary school and secondary school are highly qualified not later than the end of the 2005–2006 school year;~~

~~(B) shall include an annual increase in the percentage of teachers who are receiving high-quality professional development to enable such teachers to become highly qualified and successful classroom teachers; and~~

~~(C) may include such other measures as the State educational agency determines to be appropriate to increase teacher qualifications.~~

~~(3) LOCAL PLAN.—As part of the plan described in section 1112, each local educational agency receiving assistance under this part shall develop a plan to ensure that all teachers teaching within the school district served by the local educational agency are highly qualified not later than the end of the 2005–2006 school year~~.

~~(b) REPORTS.—~~

~~(1) ANNUAL STATE AND LOCAL REPORTS.—~~

~~(A) LOCAL REPORTS.—Each State educational agency described in subsection (a)(2) shall require each local educational agency receiving funds under this part to publicly report, each year, beginning with the 2002–2003 school year, the annual progress of the local educational agency as a whole and of each of the schools served by the~~

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~~agency, in meeting the measurable objectives described in subsection (a)(2).~~

~~(B) STATE REPORTS.—Each State educational agency receiving assistance under this part shall prepare and submit each year, beginning with the 2002–2003 school year, a report to the Secretary, describing the State educational agency's progress in meeting the measurable objectives described in subsection (a)(2).~~

~~(C) INFORMATION FROM OTHER REPORTS.—A State educational agency or local educational agency may submit information from the reports described in section 1111(h) for the purposes of this subsection, if such report is modified, as may be necessary, to contain the information required by this subsection, and may submit such information as a part of the reports required under section 1111(h).~~

~~(2) ANNUAL REPORTS BY THE SECRETARY.—Each year, beginning with the 2002–2003 school year, the Secretary shall publicly report the annual progress of State educational agencies, local educational agencies, and schools, in meeting the measurable objectives described in subsection (a)(2)~~.

(b~~e~~) NEW PARAPROFESSIONALS.—

(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals~~ hired after the date of enactment of the No Child Left Behind Act of 2001 and~~ working in a program supported with funds under this part shall have—

(A) completed at least 2 years of study at an institution of higher education;

(B) obtained an associate's (or higher) degree; or

(C) met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment—

(i) knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or

(ii) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

(2) CLARIFICATION.—The receipt of a secondary school diploma (or its recognized equivalent) shall be necessary but not sufficient to satisfy the requirements of paragraph (1)(C).

~~(d) EXISTING PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before the date of enactment of the No Child Left Behind Act of 2001, and working in a program supported with funds under this part shall, not later than 4 years after the date of enactment satisfy the requirements of subsection (c)~~.

(c~~e~~) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsection (b) ~~Subsections (c) and (d)~~ shall not apply to a paraprofessional—

(1) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

(2) whose duties consist solely of conducting parental involvement activities consistent

with section 1118.

(df) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part, regardless of the paraprofessionals' hiring date, have earned a secondary school diploma or its recognized equivalent.

(eg) DUTIES OF PARAPROFESSIONALS.—

(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.

(2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED.—A paraprofessional described in paragraph (1) may be assigned—

(A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

(B) to assist with classroom management, such as organizing instructional and other materials;

(C) to provide assistance in a computer laboratory;

(D) to conduct parental involvement activities;

(E) to provide support in a library or media center;

(F) to act as a translator; or

(G) to provide instructional services to students in accordance with paragraph (3).

(3) ADDITIONAL LIMITATIONS.—A paraprofessional described in paragraph (1)—

(A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with section 1119; and

(B) may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

(fh) USE OF FUNDS.—A local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.

(gi) VERIFICATION OF COMPLIANCE.—

(1) IN GENERAL.—In verifying compliance with this section, each local educational agency, at a minimum, shall require that the principal of each school operating a program under section 1114 or 1115 attest annually in writing as to whether such school is in compliance with the requirements of this section.

(2) AVAILABILITY OF INFORMATION.—Copies of attestations under paragraph (1)—

(A) shall be maintained at each school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and

(B) shall be available to any member of the general public on request.

(hj) COMBINATIONS OF FUNDS.—Funds provided under this part that are used for professional development purposes may be combined with funds provided under title II of this Act, other Acts, and other sources.

"(i) Special Rule.—A State educational agency may not require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part.~~(k) SPECIAL RULE.—Except as provided in subsection (l), no State educational agency shall require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part, except that this paragraph shall not apply with respect to requirements under section 1116(c)(3)\1\.~~

~~\1\The reference to "section 1116(c)(3)" in subsection (k) probably should be to "subsections (b)(3)(A)(iii) and (c)(7)(A)(iii) of section 1116".~~

~~(l) MINIMUM EXPENDITURES.—Each local educational agency that receives funds under this part shall use not less than 5 percent, or more than 10 percent, of such funds for each of fiscal years 2002 and 2003, and not less than 5 percent of the funds for each subsequent fiscal year, for professional development activities to ensure that teachers who are not highly qualified become highly qualified not later than the end of the 2005–2006 school year.~~

SEC. 1120A. FISCAL REQUIREMENTS.

(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency ~~involved~~ finds that the local educational agency has maintained the agency's fiscal effort in accordance with section 9521.

(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

(1) IN GENERAL.—A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.

(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

"(c) Comparability ~~OF SERVICES~~.—

~~("~~(1) IN GENERAL.—

~~("~~(A) ~~COMPARABLE SERVICES.—Except as provided in paragraphs (4) and (5),~~COMPARABILITY.—Beginning for the [ ] school year, a local educational agency may receive funds under this part only if the local educational agency demonstrates to the State educational agency that the combined State and local per-pupil expenditures (including actual personnel and ~~local funds will be used in schools~~actual non-personnel expenditures) in each school served under this part ~~to provide services that, taken as a whole~~, in the most recent year for which such data were available, are ~~at least comparable to services in~~ not less than the average combined State and local per-pupil expenditures for those schools that are not ~~receiving funds~~ served under this part.

~~("~~(B) ~~SUBSTANTIALLY COMPARABLE SERVICES~~ALTERNATIVE COMPARABILITY.—If the local educational agency is serving all of ~~such agency's~~the schools under its jurisdiction under this part, the agency shall demonstrate to the State educational agency that the average combined State and local per-pupil expenditures (including actual personnel and actual non-personnel expenditures) for its high-poverty schools, in the most recent year for which such ~~agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole,~~data are ~~substantially comparable in each school~~available, were not less than the average combined State and local per-pupil expenditures for its low-poverty schools.

~~("~~(C) BASIS.—A local educational agency may meet the requirements of subparagraphs (A) and (B) on a ~~grade-span by grade-span basis or a school-by-school basis.~~

~~(2) WRITTEN ASSURANCE.—~~

~~(A) EQUIVALENCE.—A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—~~

~~(i) a~~ local educational agency-wide ~~salary schedule;~~basis or a grade-span by grade-span basis.

~~(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and~~

~~(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.~~

~~(B) DETERMINATIONS~~"(D) EXCLUSION OF FUNDS.—

"(i) IN GENERAL.—For the purpose of complying with this ~~subsection, in the determination of expenditures per pupil from State and~~ paragraph, a local ~~funds, or instructional salaries per pupil from State and~~ educational agency shall exclude any State or local funds~~, staff salary differentials~~ expended in any school for ~~years—~~

"(I) excess costs of providing services to English learners;

"(II) excess costs of ~~employment shall not be included in~~providing services to children with disabilities;

"(III) capital expenditures; and

"(IV) such ~~determinations~~other expenditures as the Secretary determines appropriate.

~~(C) EXCLUSIONS~~"(ii) CHANGES AFTER THE BEGINNING OF THE SCHOOL YEAR.—A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining ~~comparability of services~~compliance under this subsection~~.~~

~~(3) PROCEDURES AND RECORDS.—Each local educational agency assisted under this part shall—~~

~~(A) develop procedures for compliance with this subsection; and~~

~~(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.~~

~~(4~~"(2) DOCUMENTATION.—A local educational agency shall demonstrate that it is meeting the requirements of paragraph (1) by submitting to the State educational agency the per-pupil expenditures, personnel expenditures, non-personnel expenditures, and total expenditures for each school served by the local educational agency.

"(3) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.

~~(5) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—~~

~~(A) language instruction educational programs; and~~

~~(B) the excess costs of providing services to children with disabilities as determined by the local educational agency.~~

~~(d) EXCLUSION OF FUNDS.—For the purpose of complying with subsections (b) and (c), a~~

"(4) PROCESS AND PROCEDURES.—

"(A) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency assisted under this part shall, by [October 31, 2014], report to the State educational agency on its compliance with the requirements of this subsection for the preceding school year, including a listing, by school, of actual combined per-pupil State and local personnel and non-personnel expenditures.

"(B) STATE EDUCATIONAL AGENCY ~~or~~ RESPONSIBILITIES.—Each State educational agency assisted under this part shall ensure that such information is made publicly available by the State or the local educational agency, including the school by school listing described in subparagraph (A).

"(C) PLAN.—A local educational agency ~~may exclude supplemental State or local funds expended in any school attendance area or school for programs that~~ that does not meet the ~~intent~~requirements of this subsection in any year shall develop and ~~purposes~~implement a plan to ensure compliance for the subsequent school year and may be required by the State educational agency to report on its progress in implementing such plan.

"(5) TRANSITION PROVISIONS.—The Secretary shall take such steps as are necessary to provide for the orderly transition between the requirements under this section, as in effect on the day before the date of enactment of ~~this part.~~[Short Title], and the new requirements under this section, as amended by [Short Title].".

SEC. 1120B. ~~[20 U.S.C. 6322]~~ COORDINATION REQUIREMENTS.

(a) In General.—Each local educational agency receiving assistance under this part shall carry out the activities described in subsection (b) with Head Start agencies, providers of services under part C of the Individuals with Disabilities Education Act, programs carried out under section 619 of the Individuals with Disabilities Education Act, and, if feasible, other entities carrying out early childhood ~~development~~education and care programs ~~such as the Early Reading First program~~and services.

(b) Activities.—The activities and services referred to in subsection (a) ~~are activities that increase coordination between the local educational agency and a Head Start agency and, if feasible, other entities carrying out early childhood development programs, such as the Early Reading First program, serving children who will attend the schools of the local educational agency, including~~include—

(1) developing and implementing a systematic procedure for ~~receiving records regarding such children, transferred~~transferring, with parental consent ~~from a Head Start program or, where applicable, another~~, early childhood ~~development program~~education and care program records for each participating child to the school in which such ~~as the Early Reading First program~~child will enroll;

(2) establishing ~~channels of~~ ongoing communication between ~~school~~ early childhood education and care program staff and their counterparts in the schools (including teachers, principals, social workers, local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act, and health staff) ~~in such Head Start agencies or other entities carrying out~~ to facilitate the coordination and alignment of programs;

(3) establishing ongoing communications between the early childhood ~~development programs such as the Early Reading First program, as~~education and care program and the local educational agency for developing continuity of developmentally appropriate~~, to facilitate coordination of programs~~ instructional programs and shared expectations for children's learning and development as children transition to school;

~~(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs such as the Early Reading First program, to discuss the developmental and other needs of individual children;~~

(4) organizing and participating in joint training, including transition-related training ~~of~~for school staff~~, Head Start program staff, Early Reading First program staff,~~ and~~, where appropriate, other~~ early childhood ~~development program staff;~~education and care programs;

(5) ~~linking the~~ establishing comprehensive transition policies and procedures that support the school readiness of children transitioning to school;

(6) conducting outreach to parents, families, and elementary school teachers to discuss the educational, developmental, and other needs of children entering school;

(7) helping parents of children who are English learners understand—

(A) the instructional and other services provided by ~~such local educational agency with~~ the school in which such child will enroll after participation in a Head Start program or other Federal early childhood care and education program; and

(B) as appropriate, the information provided to parents of English learners under section 3302;

(8) helping parents understand the instructional and other services provided by ~~local Head Start agencies and entities carrying out Early Reading First programs.~~the school in which their child will enroll after participation in a Head Start program or other Federal early childhood care and education program; and

~~(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act.~~

(9) developing and implementing a system to increase program participation of underserved populations of eligible children, especially children eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), parents of children who are English learners, and parents of children with disabilities.

~~Subpart 1—Accountability~~

~~Sec. 6111~~

Subpart 3—Grants for State Assessments and Related Activities

SEC. ~~6111. [20 U.S.C. 7301]~~1131. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.

~~The~~ (a) Grants for State Assessments.—From amounts made available to carry out this section, the Secretary shall make grants to States—

(1) to enable ~~the~~ States—

~~(1)~~ to pay the costs of ~~the development of the additional~~developing, improving, or administering State assessments and standards ~~required by~~consistent with section 1111(~~b~~a), which may include the ~~costs~~cost of working in voluntary partnerships with other States, at the sole discretion of each such State; and

(2) ~~if a State has~~in the case of States that have developed the assessments and standards ~~required by~~consistent with the requirements of section 1111(~~b~~a), to enable each such State—

(A) to administer ~~those~~such assessments; or

(B) to carry out other activities described in this ~~subpart and other activities related to ensuring that the State's schools and local educational agencies are held accountable for results, such as the following:~~section, which may include—

~~(A) Developing~~(i) developing challenging State academic content and student academic achievement standards and aligned assessments in academic subjects for which standards and assessments are not required ~~by~~under section 1111(~~b~~).a);

~~(B) Developing~~(ii) developing or improving assessments of English language proficiency necessary to comply with section 1111(~~b~~)(~~7~~).a)(2)(D);

(~~C) Ensuring the continued validity and reliability of State assessments.~~

~~(D) Refining State assessments to ensure their continued alignment with the State's academic content standards and to improve the alignment of curricula and instructional materials.~~

~~(E) Developing~~iii) developing multiple measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, to increase the reliability and validity of State assessment systems~~.~~;

~~(F) Strengthening~~(iv) developing, enhancing, or administering, in publicly funded early childhood care and education programs and elementary schools, early learning assessments (including accommodations to provide access for young children with disabilities) to improve instruction for young children;

(v) strengthening the capacity of local educational agencies and schools to provide all students with the opportunity to increase educational achievement, including carrying out professional development activities aligned with State student academic achievement standards and assessments.;

(~~C) Expanding~~vi) expanding the range, and improving the quality, of accommodations available to ~~students with limited~~ English ~~proficiency~~learners and students with disabilities to improve the ~~rates of inclusion~~use of such ~~students~~accommodations, including professional development activities ~~aligned with State academic achievement standards and assessments.~~;

~~(H) Improving~~(vii) improving the dissemination of information ~~on~~about student achievement and school performance to parents and ~~the community~~families, including the development of information and reporting systems designed to—

(I) identify best educational practices based on scientifically ~~based~~valid research; or ~~to~~

(II) assist in linking records of student achievement, length of enrollment, and graduation over time.;

~~Sec. 6112~~

~~SEC. 6112. [20 U.S.C. 7301a] GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.~~

~~(a)~~ (viii) providing instructional supports, which may include formative assessments;

(ix) developing computer-adaptive assessments that meet the requirements of section 1111(a); and

(x) developing alternate assessments, as described in section 1111(a)(2)(E), aligned to alternate achievement standards.

(b) Grants for Enhanced Assessment Systems.—

(1) GRANT ~~PROGRAM AUTHORIZED~~PROGRAM AUTHORIZED.—From ~~funds~~ amounts made available to carry out this ~~subpart~~section, the Secretary shall award, on a competitive basis, grants to State educational agencies ~~that have submitted~~to enable the State educational agencies to carry out the activities described in paragraph (3).

(2) APPLICATION.—Each State educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and ~~containing~~accompanied by such information as the Secretary may require~~, which demonstrate to the satisfaction of the Secretary,~~.

(3) AUTHORIZED ACTIVITIES.—Each State educational agency that ~~the requirements of~~receives a grant under this section ~~will be met, for~~shall use the ~~following:~~grant funds to—

(~~1) To~~A) enable States ~~(~~, or a consortia of States~~),~~ to collaborate with institutions of higher education~~, other research institutions,~~ or other organizations or agencies to improve the quality, validity, and reliability of State academic assessments beyond the

requirements for such assessments described in section 1111(~~b)(3).~~a)(2);

(~~2) To~~B) measure student academic achievement using multiple measures of student academic achievement from multiple sources~~.~~, including measures that assess higher-order thinking skills and understanding;

(~~3) To~~C) chart student progress over time~~.~~; or

(~~4) To~~D) evaluate student academic achievement through the development of comprehensive academic assessment instruments~~, such as performance and technology-based academic assessments~~.

~~(b) APPLICATION.—Each State wishing to apply for funds under this section shall include in its State plan under part A of title I such information as the Secretary may require.~~

~~(c) ANNUAL REPORT.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing its activities, and the result of those activities, under the grant.~~

~~Sec. 6113~~

~~SEC. 6113. [20 U.S.C. 7301b] FUNDING.~~

~~(a) AUTHORIZATION OF APPROPRIATIONS.—~~

~~(1) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated $72,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.~~

~~(2) STATE ASSESSMENTS AND RELATED ACTIVITIES.—For the purpose of carrying out this subpart, there are authorized to be appropriated $490,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 5 succeeding fiscal years.~~

~~(b~~(c) Allotment of Appropriated Funds.—

(1) IN GENERAL.—From amounts made available for each fiscal year [under ~~subsection (a)(2)~~section ____] that are equal to or less than the amount described in section 1111(b)(3)(D) (hereinafter in this subsection referred to as the "trigger amount"), the Secretary shall—

(A) reserve one-half of 1 percent for the Bureau of Indian Affairs;

(B) reserve one-half of 1 percent for the outlying areas; and

(C) from the remainder, allocate to each State an amount equal to—

(i) $3,000,000; and

(ii) with respect to any amounts remaining after the allocation is made under clause (i), an amount that bears the same relationship to such total remaining amounts as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(2) REMAINDER.—

(A) GRANT UNDER [SECTION ____].—Any amounts remaining for a fiscal year after the Secretary carries out paragraph (1) shall be made available ~~as follows:~~

~~(A)~~(i) ~~To~~ to award funds under [section ~~6112~~____] to States according to the quality, needs, and scope of the State application under ~~that~~such section.

~~(ii)~~ In determining the grant amount ~~under clause (i),~~ the Secretary shall ensure that a State's grant shall include an amount that bears the same relationship to the total funds available under this paragraph for the fiscal year as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

(B) REMAINING FUNDS.—Any amounts remaining after the Secretary awards funds under subparagraph (A) shall be allocated to each State that did not receive a grant under such subparagraph, in an amount that bears the same relationship to the total funds available under this subparagraph as the number of students ages 5 through 17 in the State (as determined by the Secretary on the basis of the most recent satisfactory data) bears to the total number of such students in all States.

~~(c) STATE DEFINED~~(3) DEFINITION OF STATE.—In this section, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

~~PART H—~~“Subpart 1—Improving Secondary Schools

“SEC. 1201. SECONDARY SCHOOL ~~DROPOUT PREVENTION~~REFORM.

~~Sec. 1801~~

~~SEC. 1801. [20 U.S.C. 6551] SHORT TITLE.~~

~~This~~ “(a) Purposes.—The purposes of this section are to ensure students graduate from secondary school on track to college and career readiness and to increase graduation rates by providing grants to eligible entities to provide schools with the necessary resources to implement innovative and effective secondary school reform strategies.

“(b) Definitions.—In this section:

[“(1) COMPETENCY-BASED LEARNING MODEL.—The term ‘competency-based learning model’ means an education model in which educators use explicit measurable learning objectives to assist students to advance upon mastery of the objectives as determined through relevant assessments.]

“(2) EFFECTIVE SECONDARY SCHOOL REFORM STRATEGIES.—The term ‘effective secondary school reform strategies’ means a set of programs, interventions, and activities with demonstrated effectiveness in improving the academic achievement of struggling students or dropouts.

“(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a high-need local educational agency in partnership with 1 or more external partners.

“(4) ELIGIBLE SECONDARY SCHOOL.—The term ‘eligible secondary school’ means a high school that—

“(A) is eligible for funds under part A of title I;

“(B) has a graduation rate below 75 percent;

“(C) does not receive grant funds under section 1116(d); and

“(D) is identified as low performing based on the State’s accountability system.

“(5) EXTERNAL PARTNER.—The term ‘external partner’ means a public or private nonprofit organization, public or private nonprofit institution of higher education, or nonprofit charter management organization, with a demonstrated record of successful secondary school reform.

“(6) FEEDER MIDDLE SCHOOL.—The term ‘feeder middle school’ means an elementary school or secondary school from which a majority of students go on to attend an eligible secondary school.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

“(8) STRUGGLING STUDENT.—The term ‘struggling student’ means a student who is at an increased risk for low academic achievement and is unlikely to graduate secondary school on track to college and career readiness.

"(c) Grants Authorized.—

"(1) IN GENERAL.—

"(A) RESERVATION.—From the total amount of funds appropriated to carry out this section for a fiscal year, the Secretary may reserve not more than 2.5 percent for national activities, which the Secretary shall use for technical assistance, data collection and dissemination, reporting activities.

"(B) GRANTS.—From the total amount of funds appropriated to carry out this section for a fiscal year and not reserved under subparagraph (A), the Secretary shall award grants, on a competitive basis, to eligible entities, based on the quality of the applications submitted, of which—

"(i) not more than 25 percent of grant funds shall be ~~cited as the "Dropout Prevention Act",~~used for activities described in subsection (e)(1); and

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~~Sec. 1802~~

~~SEC. 1802. [20 U.S.C. 6552] PURPOSE.~~

~~The purpose of this part is to provide for school dropout prevention and reentry and to raise academic achievement levels by providing grants that—~~

~~(1) challenge all children to attain their highest academic potential; and~~

~~(2) ensure that all students have substantial and ongoing opportunities to attain their highest academic potential through schoolwide programs proven effective in school dropout prevention and reentry.~~

~~Sec. 1803~~

~~SEC. 1803. [20 U.S.C. 6553] AUTHORIZATION OF APPROPRIATIONS.~~

~~For the purpose of carrying out this part, there are authorized to be appropriated $125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—~~

~~(1) 10 percent shall be available to carry out subpart 1 for each fiscal year; and~~

~~(2) 90 percent shall be available to carry out subpart 2 for each fiscal year.~~

~~Subpart 1—Coordinated National Strategy~~

~~Sec. 1811~~

~~SEC. 1811. [20 U.S.C. 6555] NATIONAL ACTIVITIES.~~

~~(a) IN GENERAL.—The Secretary is authorized—~~

~~(1) to collect systematic data on the effectiveness of the programs assisted under this part in reducing school dropout rates and increasing school reentry and secondary school graduation rates;~~

(2) to establish a national clearinghouse of information on effective school dropout prevention and reentry programs that shall disseminate to State educational agencies, local educational agencies, and schools —

(A) the results of research on school dropout prevention and reentry; and

(B) information on effective programs, best practices, and Federal resources to —

(i) reduce annual school dropout rates;

(“(ii) increase school reentry; and

(iii) increase secondary school graduation rates;

(3) to provide technical assistance to State educational agencies, local educational agencies, and schools in designing and implementing programs and securing resources to implement effective school dropout prevention and reentry programs;

(4) to establish and consult with an interagency working group that shall —

(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and reentry, and assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention and reentry;

(B) describe the ways in which State educational agencies and local educational agencies can implement effective school dropout prevention and reentry programs using funds from a variety of Federal programs, including the programs under this part; and

(C) examine Federal programs that may have a positive impact on secondary school graduation or school reentry;

(5) to carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates; and

(6) to use funds made available for this subpart to carry out the evaluation required under section 1830(c).

(b) RECOGNITION PROGRAM. —

(1) ESTABLISHMENT. — The Secretary shall —

(A) establish a national recognition program; and

(B) develop uniform national guidelines for the recognition program that shall be used to recognize eligible schools from nominations submitted by State educational agencies.

(2) RECOGNITION. — The Secretary shall recognize, under the recognition program established under paragraph (1), eligible schools.

(3) SUPPORT. — The Secretary may make monetary awards to an eligible school recognized under this subsection in amounts determined appropriate by the Secretary that shall be used for dissemination activities within the eligible school district or nationally.

(4) DEFINITION OF ELIGIBLE SCHOOL.—In this subsection, the term "eligible school" means a public middle school or secondary school, including a charter school, that has implemented comprehensive reforms that have been effective in lowering school dropout rates for all students—

(A) in that secondary school or charter school; or

(B) in the case of a middle school, in the secondary school that the middle school feeds students into.

(c) CAPACITY BUILDING.—

(1) IN GENERAL.—The Secretary, through a contract with one or more non-Federal entities, may conduct a capacity-building and design initiative in order to increase the types of proven strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

(2) NUMBER AND DURATION.—

(A) NUMBER.—The Secretary may award not more than five contracts under this subsection.

(B) DURATION.—The Secretary may award a contract under this subsection for a period of not more than 5 years.

(d) SUPPORT FOR EXISTING REFORM NETWORKS.—

(1) IN GENERAL.—The Secretary may provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this part.

(2) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term "eligible entity" means an entity that, prior to the date of enactment of the Dropout Prevention Act—

(A) provided training, technical assistance, and materials related to school dropout prevention or reentry to 100 or more elementary schools or secondary schools; and

(B) developed and published a specific educational program or design related to school dropout prevention or reentry for use by the schools.

Subpart 2—School Dropout Prevention Initiative

Sec. 1821

SEC. 1821. [20 U.S.C. 6561] DEFINITIONS.

In this subpart:

(1) LOW INCOME STUDENT.—The term "low-income student" means a student who is determined by a local educational agency to be from a low-income family using the measures described in section 1113(c).

(2) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau.

~~Sec. 1822~~

~~SEC. 1822. [20 U.S.C. 6561a] PROGRAM AUTHORIZED.~~

~~(a) GRANTS TO STATE EDUCATIONAL AGENCIES AND LOCAL EDUCATIONAL AGENCIES.—~~

~~(1) AMOUNT~~ less than ~~$~~75~~,000,000.—~~

~~(A) IN GENERAL.—If the amount appropriated under section 1803 for a fiscal year equals or is less than $75,000,000, then the Secretary shall use such amount to award grants, on a competitive basis, to—~~

~~(i) State educational agencies to support activities—~~

~~(I) in schools that—~~

~~(aa) serve students in grades 6 through 12; and~~

~~(bb) have annual school dropout rates that are above the State average annual school dropout rate; or~~

~~(II) in the middle schools that feed students into the schools described in subclause (I); or~~

~~(ii) local educational agencies that operate—~~

~~(I) schools that—~~

~~(aa) serve students in grades 6 through 12; and~~

~~(bb) have annual school dropout rates that are above the State average annual school dropout rate; or~~

~~(II) middle schools that feed students into the schools described in subclause (I).~~

~~(B) USE~~ percent of grant funds~~.—~~ shall be used for activities described in paragraphs (2) and (3) of subsection (e) and subsection (f).

"(2) GRANT ~~funds~~ DURATION.—Grants awarded under this ~~paragraph~~ section shall be ~~used to fund effective, sustainable~~for a period of 5 years, conditional after 3 years on satisfactory progress on the performance indicators described in subsection (d)(2)(E), as determined by the Secretary.

"(3) ANNUAL REPORT.—Each eligible entity that receives a grant under this section shall submit to the Secretary an annual report including data on the entity's progress on the performance indicators described in subsection (d)(2)(E).

"(d) Application.—

"(1) IN GENERAL.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and ~~coordinated school dropout prevention and reentry programs that~~ containing such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall include, at a minimum, a description of the following:

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"(A) How the eligible entity will use funds awarded under this section to carry out the activities described in subsection (~~b)(2), in~~ e)(1).

~~(i) schools serving students in grades 6 through 12 that have annual school dropout rates that are above the State average annual school dropout rate; or~~

~~(ii) the middle schools that feed students into the schools described in clause (i).~~

~~(2) AMOUNT LESS THAN $250,000,000 BUT MORE THAN $75,000,000.—If the amount appropriated under section 1803 for a fiscal year is less than $250,000,000 but more than $75,000,000, then the Secretary shall use such amount to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to award subgrants under subsection (b).~~

~~(3) AMOUNT EQUAL TO OR EXCEEDS $250,000,000.—If the amount appropriated under section 1803 for a fiscal year equals or exceeds $250,000,000, then the Secretary shall use such amount to award a grant to each State educational agency in an amount that bears the same relation to such appropriated amount as the amount the State educational agency received under part A for the preceding fiscal year bears to the amount received by all State educational agencies under such part for the preceding fiscal year, to enable the State educational agency to award subgrants under subsection (b).~~

~~(b) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—~~

~~(1) IN GENERAL.—From amounts made available to a State educational agency under paragraph (2) or (3) of subsection (a), the State educational agency shall award subgrants, on a competitive basis, to local educational agencies that operate public schools that serve students in grades 6 through 12 and that have annual school dropout rates that are above the State average annual school dropout rate, to enable those schools, or the middle schools that feed students into those schools, to implement effective, sustainable, and coordinated school dropout prevention and reentry programs that involve activities such as—~~

~~(A) professional development;~~

~~(B) obtaining curricular materials;~~

~~(C) release time for professional staff to obtain professional development;~~

~~(D) planning and research;~~

~~(E) remedial education;~~

~~(F) reduction in pupil-to-teacher ratios;~~

~~(G) efforts to meet State~~"(B) The external partner's capacity and record of success in secondary school reform and how the eligible entity will sustain the activities proposed, including the availability of funds from non-Federal sources and coordination with other Federal, State, and local funds.

"(C) How the eligible entity conducted a comprehensive needs analysis and capacity assessment of the eligible secondary schools served by the eligible entity to identify secondary schools proposed to be served by the grant. The needs analysis and capacity assessment shall include the following:

"(i) Examine each secondary school's data in the aggregate and disaggregated by each of the subgroups of students described in section 1111(a)(2)(B)(ix) on the following:

"(I) Graduation rate and characteristics of those students who are not graduating, including such students' attendance, behavior, suspension rates, course performance, and credit accumulation rates.

"(II) Rates of dropout recovery (re-entry).

"(III) Rates of college enrollment and remediation, in accordance with section 1111(d)(3)(B)(viii).

"(ii) Examine each eligible secondary school and feeder middle school's data in the aggregate, and disaggregated by each of the subgroups of students described in section 1111(a)(2)(B)(ix), as applicable, on the following:

"(I) Student academic achievement, including the percentage of students who have on-time credit accumulation at the end of each grade and the percent of students failing a core, credit-bearing, reading or language arts, science, or mathematics course, or failing 2 or more of any courses.

"(II) Percent of students who have an attendance rate lower than 90 percent.

"(III) Annual rates of expulsions, suspensions, school violence, harassment, and bullying, as defined under State or local laws or policies.

"(IV) Annual, average credit accumulation.

"(V) Annual, average attendance rates.

"(VI) Annual rates of students who move in and out of the school within a school year

"(VII) Curriculum alignment with college and career ready standards across all grade levels.

"(VIII) Support services to address the non-academic barriers that impact student achievement.

"(iii) Examine and include a description of each eligible secondary school's capacity to implement the school reform activities under subsection (e)(3), including—

"(I) the capacity and experience levels of administrative, instructional, and non-instructional staff; and

"(II) the budget, including how Federal, State, and local funds are being spent, as of the time of the assessment and can be better spent; and

"(III) the technical assistance, additional resources, and staff necessary to implement the activities identified in subsection (e).

"(iv) Include an assessment of the external partner capacity to provide technical assistance and resources to implement the activities described in subsection (e).

"(D) The strategies chosen to be implemented at the eligible secondary schools, including a rational for reform strategies, as described in subsection (e)(3)(F), selected for each of the eligible secondary schools, including how the chosen strategy will most effectively address the needs identified through the needs analysis.

"(E) The performance indicators and targets the eligible entity will use to assess the effectiveness of the activities implemented under this section including—

"(i) graduation rates;

"(ii) dropout recovery (re-entry) rates;

"(iii) percentage of students with less than a 90 percent attendance rate;

"(iv) percentage of students who have on-time credit accumulation at the end of each grade and the percentage of students failing a core subject course;

"(v) rates of expulsions, suspensions, school violence, harassment, and bullying, as defined under State or local laws or policies;

"(vi) annual, average attendance rates;

"(vii) annual rates of student mobility;

"(viii) college remediation, enrollment, persistence, and completion rates; and

"(ix) percentage of students successfully—

"(I) completing Advanced Placement (AP) or International Baccalaureate (IB) courses;

"(II) completing rigorous postsecondary education courses while attending a secondary school; or

"(III) enrolling in and completing, career and technical education, as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006, and registered apprenticeship programs, as defined in section 173A of the Workforce Investment Act of 1998.

"(e) Required Uses of Funds.—

"(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use the grant funds to—

"(A) implement an early warning indicator system to help high schools, and their feeder middle schools, served by the eligible entity's local educational agency, to identify struggling students and create a system of evidence-based interventions, by—

"(i) identifying and analyzing, indicators that most reliably predict dropping out of secondary school;

"(ii) analyzing the distribution of struggling students in secondary schools across all grades;

"(iii) analyzing student progress and performance on the indicators identified under clause (i);

"(iv) analyzing academic indicators to determine whether students will

graduate on track to college and career readiness;

"(v) analyzing student data to assist students in grade and school transitions; and

"(vi) developing a mechanism for regularly collecting, reporting, and making accessible to each school served by the eligible entity for each such school's students—

"(I) student-level data on the indicators identified under clause (i);

"(II) student-level progress and performance, as described in clause (iii);

"(III) student-level data on the indicators described in clause (iv); and

"(IV) information about the impact of interventions on student outcomes and progress;

"(B) provide support and credit recovery opportunities for struggling students, including those who are over-aged and under-credited, at secondary schools served by the eligible entity by offering activities, such as—

"(i) a flexible school schedule;

"(ii) competency-based learning models and performance-based assessments; and

"(iii) the provision of support services;

"(C) provide dropout recovery or re-entry programs to secondary schools that are designed to encourage and support dropouts returning to an educational system, program, or institution following an extended absence in order to graduate on track to college and career readiness;

"(D) provide evidence-based grade and school transition programs and supports, including through curricula alignment;

"(E) provide school leaders, instructional staff, non-instructional staff, students, and families with high-quality, easily accessible information about—

"(i) secondary school graduation requirements;

"(ii) postsecondary education application processes;

"(iii) postsecondary admissions processes and requirements, including public financial aid and other available private scholarship and grant aid opportunities; and

"(iv) other programs and services for increasing rates of college access and success for students from low-income families.

"(2) REQUIRED USE OF FUNDS IN FEEDER MIDDLE SCHOOLS.—An eligible entity that receives a grant under this section shall use the grant funds in feeder middle schools to improve the academic achievement ~~standards;~~ of their students and prepare them to graduate on track to college and career readiness by—

~~(H) counseling~~"(A) using early warning indicator and ~~mentoring for at-~~

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~~risk~~intervention systems described in paragraph (1)(A);

"(B) creating a personalized learning environment;

"(C) providing high-quality professional development opportunities to school leaders, teachers, and other school staff to prepare staff to—

"(i) address the academic challenges of students~~;~~ in middle grades;

~~(I~~"(ii) understand the developmental needs of students in the middle grades and how to address them in an educational setting;

"(iii) implement data-driven interventions; and

"(iv) provide academic guidance to students so that students can graduate on track to college and career readiness; and

"(D) implementing organizational practices and school schedules that allow for collaborative staff participation, team teaching, and common instructional planning time.

"(3) REQUIRED USE OF FUNDS IN ELIGIBLE SECONDARY SCHOOLS.—An eligible entity that receives a grant under this section shall use the grant funds in eligible secondary schools to implement a comprehensive approach that will—

"(A) personalize the school experience by taking steps such as—

"(i) creating opportunities for struggling students to receive personalized instruction and opportunities for credit recovery;

"(ii) implementing competency-based models; and

"(iii) providing ongoing evaluation of student academic achievement and the necessary supports so that students graduate on track to college and career readiness;

"(B) increase student engagement by providing service-learning, experiential, and work-based and other learning opportunities, such as—

"(i) contextual learning opportunities;

"(ii) internship opportunities;

"(iii) community service, learning apprenticeships, and job shadowing;

"(iv) college campus visits, and college and career counseling; and

"(v) developing an individual graduation plan for each student that defines each student's career and postsecondary education goals, and provides the individualized evidence-based interventions necessary to meet the goals;

"(C) provide school leaders with autonomy through a flexible budget and staffing authority;

"(D) implement high-quality professional development for teachers and school leaders, provide increased opportunities for teachers to work collaboratively, and improve instruction;

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"(E) improve curriculum and instruction, by—

"(i) adopting effective, evidence-based curricula and instructional materials aligned to high academic standards for all students; and

"(ii) increasing rigor through the use of Advanced Placement courses, International Baccalaureate courses, or another highly rigorous, evidence-based, postsecondary preparatory programs;

"(F) implement at least 1 of the following effective secondary school reform ~~models, such as creating~~ strategies to prepare students for college and a career, and to improve graduation rates:

"(i) Graduation Promise Academies, which include—

"(I) 9th grade academies taught by teams of teachers who work with small groups of students;

"(II) Career Academies for upper grades;

"(III) extended learning periods, such as block scheduling, to reduce the number of students for whom teachers are responsible and the number of courses students are taking at any one time;

"(IV) an after-hours credit recovery program;

"(V) curriculum coaches who provide high-quality professional development and support;

"(VI) partnerships among parents, teachers, administrators, community-based organizations, and community members focused on improving student achievement; and

"(VII) a college-going culture, including student supports and guidance.

"(ii) Career Academies, which—

"(I) establish career pathways by implementing a college and career ready curriculum that integrates rigorous academics, career and technical education, and experiential learning for high school students in high-skill, high-demand industries in collaboration with local and regional employers;

"(II) provide counseling to advance students' college and career goals;

"(III) collaborate with local employers to develop and provide work-based experiences for high schools students;

"(IV) modernize career-related equipment utilized by students; and

"(V) provide dual enrollment opportunities with college credit-bearing courses, including accelerated certificate programs with community colleges or other recognized postsecondary credentials.

"(iii) Early College Schools, which—

"(I) partner with 1 or more public or nonprofit institutions of higher education;

"(II) conduct outreach programs to ensure that middle school and high school students and their families are aware of the Early College Schools;

"(III) design curricula and sequences of courses in collaboration with teachers from the eligible secondary school and faculty from the partner institution of higher education so that students may simultaneously earn credits towards a high school diploma and either an associate degree or transferable postsecondary education credits toward a postsecondary degree;

"(IV) coordinate secondary and postsecondary support services, and academic calendars to allow students to visit and take courses at the institutions of higher education; and

"(V) provide academic and support services, including financial aid counseling for postsecondary education.

"(f) Allowable Uses of Funds.—An eligible entity that receives a grant under this section may use grant funds to—

"(1) improve parent and family engagement in the educational attainment and achievement of struggling students and dropouts to be on track to college and career readiness by—

"(A) leveraging community-based services and opportunities; and

"(B) providing parents and families with the necessary information, including data on their child's academic achievement and how to navigate the public school system;

"(2) provide extended learning opportunities, by the school day, week, or year to increase the total number of school hours to include additional time for instruction in academic subjects and enrichment activities that contribute to a well-rounded education;

"(3) increase student supports through activities such as student advisories, school counseling opportunities, and one-to-one mentoring; and

"(4) create smaller learning communities~~; and~~.

~~(J) school reentry activities.~~

~~(2) AMOUNT.—Subject to paragraph (3), a subgrant~~"(g) Matching Funds.—

"(1) IN GENERAL.—An eligible entity that receives a grant under this ~~subpart~~section shall ~~be~~provide matching funds, from non-Federal sources, in an amount equal to not less than 20 percent of the amount of grant funds awarded—

~~(A)~~ in the first 3 years of the grant, not less than 50 percent of the amount awarded in the fourth year ~~that a local educational agency receives a subgrant payment under this subpart, in an amount that is based on factors such as—~~

~~(i) the size of schools operated by the local educational agency;~~

~~(ii) costs of the model or set of prevention~~of the grant, and ~~reentry strategies being implemented; and~~

~~(iii) local cost factors such as poverty rates;~~

~~(B) in the second year, in an amount that is~~ not less than 75 percent of the amount ~~the~~

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~~local educational agency~~ awarded in the fifth year of the grant, as applicable.

"(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for a fiscal year for an eligible entity, on a case-by-case basis, if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (e).

"(h) Supplement Not Supplant.—An eligible entity shall use Federal funds received under this ~~subpart in the first such year;~~

~~(C) in the third year, in an amount that is not less than 50 percent of the amount the local educational agency received under this subpart in the first such year; and~~

~~(D) in each succeeding year, in an amount that is not less than 30 percent of the amount the local educational agency received under this subpart in the first year.~~

~~(3) DURATION.—A subgrant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 1830(a), that significant progress has been made in lowering the annual school dropout rate for secondary schools participating in the program assisted under this subpart.~~

~~Sec. 1823~~

~~SEC. 1823. [20 U.S.C. 6561b] APPLICATIONS.~~

~~(a) IN GENERAL.—To receive—~~

~~(1) a grant under this subpart, a State educational agency or local educational agency shall submit an application and plan to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and~~

~~(2) a subgrant under this subpart, a local educational agency shall submit an application and plan to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.~~

~~(b) CONTENTS.—~~

~~(1) STATE EDUCATIONAL AGENCY AND LOCAL EDUCATIONAL AGENCY.—Each application and plan submitted under subsection (a) shall—~~

~~(A) include an outline—~~

~~(i) of the State educational agency's or local educational agency's strategy for reducing the State educational agency or local educational agency's annual school dropout rate;~~

~~(ii) for targeting secondary schools, and the middle schools that feed students into those secondary schools, that have the highest annual school dropout rates; and~~

~~(iii) for assessing the effectiveness of the efforts described in the plan;~~

~~(B) contain an identification of the schools in the State or operated by the local educational agency that have annual school dropout rates that are greater than the~~

average annual school dropout rate for the State;

(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

(D) describe a budget and timeline for implementing the strategies;

(E) contain evidence of coordination with existing resources;

(F) provide an assurance that funds provided under this subpart will section only to supplement, and not supplant, other State and local the funds available for school dropout prevention and reentry programs; and

(G) describe how the activities to be assisted conform with research knowledge about school dropout prevention and reentry.

(2) LOCAL EDUCATIONAL AGENCY.—Each application and plan submitted under subsection (a) by a local educational agency shall containthat would, in addition to the requirementsabsence of paragraph (1)—

(A) an assurance that the local educational agency is committed to providing ongoing operational support for such schools to address the problem of school dropouts for a period of 5 years; and

(B) an assurance that the local educational agency will support the plan, including—

(i) provision of release time for teacher training;

(ii) efforts to coordinate activities for secondary schools and the middle schools that feed students into those secondary schools; and

(iii) encouraging other schools served by the local educational agency to participate in the plan.

Sec. 1824

SEC. 1824. [20 U.S.C. 6561c] STATE RESERVATION.

A State educational agency that receives a grant under paragraph (2) or (3) of section 1822(a) may reserve not more than 5 percent of the grantFederal funds for administrative costs and State activities related to school dropout prevention and reentry activities, of which not more than 2 percent of the grant funds may be used for administrative costs.

Sec. 1825

SEC. 1825. [20 U.S.C. 6561d] STRATEGIES AND CAPACITY BUILDING.

Each local educational agency receiving a grant or subgrant under this subpart and each State educational agency receiving a grant under this subpart shall implement scientifically based, sustainable, and widely replicated strategies for school dropout prevention and reentry. The strategies may include—

(1) specific strategies for targeted purposes, such as—

(A) effective early intervention programs designed to identify at-risk students;

(B) effective programs serving at-risk students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students , be made available from dropping out of school; and

(C) effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and

(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, and developing clear linkages to career skills and employment.

Sec. 1826

SEC. 1826. [20 U.S.C. 6561e] SELECTION OF LOCAL EDUCATIONAL AGENCIES FOR SUBGRANTS.

(a) STATE EDUCATIONAL AGENCY REVIEW AND AWARD.—The State educational agency shall review applications submitted under section 1823(a)(2) and award subgrants to local educational agencies with the assistance and advice of a panel of experts on school dropout prevention and reentry.

(b) ELIGIBILITY.—A local educational agency is eligible to receive a subgrant under this subpart if the local educational agency operates a public school (including a public alternative school)—

(1) that is eligible to receive assistance under part A; and

(2)(A) that serves students 50 percent or more of whom are low-income students; or

(B) in which a majority of the students come from feeder schools that serve students 50 percent or more of whom are low-income students.

Sec. 1827

SEC. 1827. [20 U.S.C. 6561f] COMMUNITY BASED ORGANIZATIONS.

A local educational agency that receives a grant or subgrant under this subpart and a State educational agency that receives a grant under this subpart may use the funds to secure necessary services from a community-based organization or other government agency if the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts.

Sec. 1828

SEC. 1828. [20 U.S.C. 6561g] TECHNICAL ASSISTANCE.

Notwithstanding any other provision of law, each local educational agency that receives funds under this subpart shall use the funds to provide technical assistance to secondary schools served by the agency that have not made progress toward lowering annual school dropout rates after receiving assistance under this subpart for 2 fiscal years.

Sec. 1829

SEC. 1829. [20 U.S.C. 6561h] SCHOOL DROPOUT RATE CALCULATION.

For purposes of calculating an annual school dropout rate under this subpart, a school shall use the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data.

Sec. 1830

SEC. 1830. [20 U.S.C. 6561i] REPORTING AND ACCOUNTABILITY.

(a) LOCAL EDUCATIONAL AGENCY REPORTS.—

(1) IN GENERAL.—To receive funds under this subpart for a fiscal year after the first fiscal year that a local educational agency receives funds under this subpart, the local educational agency shall provide, on an annual basis, a report regarding the status of the implementation of activities funded under this subpart, and the dropout data for students at schools assisted under this subpart, disaggregated by race and ethnicity, to the—

(A) Secretary, if the local educational agency receives a grant under section 1822(a)(1); or

(B) State educational agency, if the local educational agency receives a subgrant under paragraph (2) or (3) of section 1822(a).

(2) DROPOUT DATA.—The dropout data under paragraph (1) shall include annual school dropout rates for each fiscal year, starting with the 2 fiscal years before the local educational agency received funds under this subpart.

(b) STATE REPORT ON PROGRAM ACTIVITIES.—Each State educational agency receiving funds under this subpart shall provide to the Secretary, at such time and in such format as the Secretary may require, information on the status of the implementation of activities funded under this subpart and outcome data for students in schools assisted under this subpart.

(c) ACCOUNTABILITY.—The Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared, if feasible, to a control group using control procedures. The Secretary may use funds appropriated for subpart 1 to carry out this evaluation.

PART I—GENERAL PROVISIONS

Sec. 1901

SEC. 1901. [20 U.S.C. 6571] FEDERAL REGULATIONS.

(a) IN GENERAL.—The Secretary may issue such regulations as are necessary to reasonably ensure that there is compliance with this title.

(b) NEGOTIATED RULEMAKING PROCESS.—

(1) IN GENERAL.—Before publishing in the other Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers,

paraprofessionals, and members of local school boards and other organizations involved with the implementation and operation of programs under this title.

(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and before publishing proposed regulations, the Secretary shall—

(A) establish a negotiated rulemaking process on, at a minimum, standards and assessments;

(B) select individuals to participate in such process from among individuals or groups that provided advice and recommendations, including representation from all geographic regions of the United States, in such numbers as will provide an equitable balance between representatives of parents and students and representatives of educators and education officials; and

(C) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days before the first meeting under such process.

(4) PROCESS.—Such process—

(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than 1 year after the date of enactment of the No Child Left Behind Act of 2001; and

(B) shall not be subject to the Federal Advisory Committee Act, but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

(5) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist State educational agencies and local educational agencies with the operation of a program under this title, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and before issuing final regulations, conduct regional meetings to review such proposed regulations.

(c) LIMITATION.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as the provision of services outside the regular classroom or school program.

Sec. 1902

SEC. 1902. [20 U.S.C. 6572] AGREEMENTS AND RECORDS.

(a) AGREEMENTS.—All published proposed regulations shall conform to agreements that result from negotiated rulemaking described in section 1901 unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants involved in the process explaining why the Secretary decided to depart from, and not adhere to, such

agreements.

(b) RECORDS.—The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

Sec. 1903

SEC. 1903. [20 U.S.C. 6573] STATE ADMINISTRATION.

(a) RULEMAKING.—

(1) IN GENERAL.—Each State that receives funds under this title shall—

(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the committee of practitioners created under subsection (b) for review and comment;

(B) minimize such rules, regulations, and policies to which the State's local educational agencies and schools are subject;

(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs; and

(D) identify any such rule, regulation, or policy as a State-imposed requirement.

(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the challenging State student academic achievement standards.

(b) COMMITTEE OF PRACTITIONERS.—

(1) IN GENERAL.—Each State educational agency that receives funds under this title shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

(2) MEMBERSHIP.—Each such committee shall include—

(A) as a majority of its members, representatives from local educational agencies;

(B) administrators, including the administrators of programs described in other parts of this title;

(C) teachers, including vocational educators;

(D) parents;

(E) members of local school boards;

(F) representatives of private school children; and

(G) pupil services personnel.

(3) DUTIES.—The duties of such committee shall include a review, before publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State

~~educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation before issuance in final form.~~

~~Sec. 1904~~

~~SEC. 1904. [20 U.S.C. 6574] LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.~~

~~(a) AUDITS.—The Comptroller General of the United States shall conduct audits of not less than 6 local educational agencies that receive funds under part A in each fiscal year to determine more clearly and specifically how local educational agencies are expending~~and non-Federal sources for the activities described in this section, and not to supplant such funds~~. Such audits—~~.":

~~(1) shall be conducted in 6 local educational agencies that represent the size, ethnic, economic, and geographic diversity of local educational agencies; and~~

~~(2) shall examine the extent to which funds have been expended for academic instruction in the core curriculum and activities unrelated to academic instruction in the core curriculum, such as the payment of janitorial, utility, and other maintenance services, the purchase and lease of vehicles, and the payment for travel and attendance costs at conferences.~~

~~(b) REPORT.—Not later than 3 months after the completion of the audits under subsection (a) each year, the Comptroller General of the United States shall submit a report on each audit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.~~

~~Sec. 1905~~

~~SEC. 1905. [20 U.S.C. 6575] PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.~~

~~Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.~~

~~Sec. 1906~~

~~SEC. 1906. [20 U.S.C. 6576] RULE OF CONSTRUCTION ON EQUALIZED SPENDING.~~

~~Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.~~

~~Sec. 1907~~

~~SEC. 1907. [20 U.S.C. 6577] STATE REPORT ON DROPOUT~~

~~DATA.~~

~~Not later than 1 year after a State educational agency receives funds under this title, the agency shall report to the Secretary and statewide, all school district data regarding annual school dropout rates in the State disaggregated by race and ethnicity according to procedures that conform with the National Center for Education Statistics' Common Core of Data.~~

~~Sec. 1908~~

~~SEC. 1908. [20 U.S.C. 6578] REGULATIONS FOR SECTIONS 1111 AND 1116.~~

~~The Secretary shall issue regulations for sections 1111 and 1116 not later than 6 months after the date of enactment of the No Child Left~~

PART B – TEACHER PATHWAYS~~Subpart 1—Transitions to Teaching~~

~~CHAPTER A—TROOPS-TO-TEACHERS PROGRAM~~

~~Sec. 2301~~

SEC. ~~2301. [20 U.S.C. 6671] DEFINITIONS.~~

~~In this chapter:~~

~~(1) ARMED FORCES.—The term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.~~

~~(~~2~~) MEMBER OF THE ARMED FORCES.—The term "member of the Armed Forces" includes a former member of the Armed Forces~~201___. TEACHER PATHWAYS.

~~(3) PROGRAM.—The term "Program" means the Troops-to-Teachers Program authorized by this chapter.~~

~~(4) RESERVE COMPONENT.—The term "reserve component" means—~~

~~(A) the Army National Guard of the United States;~~

~~(B) the Army Reserve;~~

~~(C) the Navy Reserve;~~

~~(D) the Marine Corps Reserve;~~

~~(E) the Air National Guard of the United States;~~

~~(F) the Air Force Reserve; and~~

~~(G) the Coast Guard Reserve.~~

~~(5) SECRETARY CONCERNED.—The term "Secretary concerned" means—~~

~~(A) the Secretary of the Army, with respect to matters concerning a reserve component of the Army;~~

~~(B) the Secretary of the Navy, with respect to matters concerning reserve components named in subparagraphs (C) and (D) of paragraph (4);~~

~~(C) the Secretary of the Air Force, with respect to matters concerning a reserve component of the Air Force; and~~

~~(D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard Reserve.~~

~~Sec. 2302~~

~~SEC. 2302. [20 U.S.C. 6672] AUTHORIZATION OF TROOPS-TO-TEACHERS PROGRAM.~~

(a) Purpose.—~~The~~ It is the purpose of this section ~~is to authorize a mechanism for the funding and administration of the Troops-to-Teachers Program, which was originally established by the Troops-to-Teachers Program Act of 1999 (title XVII of the National Defense Authorization Act for Fiscal Year 2000) (20 U.S.C. 9301 et seq.).~~

~~(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the "Troops-to-Teachers Program")—~~

~~(1) to assist eligible members of the Armed Forces described in section 2303 to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and~~

~~(2) to facilitate the employment of such members—~~

~~(A) by local educational agencies or public charter schools that the Secretary identifies as—~~

~~(i) receiving grants under part A of title I as a result of having within their jurisdictions concentrations of children from low-income families; or~~

~~(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; and~~

~~(B) in elementary schools or secondary schools, or as vocational or technical teachers.~~

~~(c) ADMINISTRATION OF PROGRAM.—The Secretary shall enter into a memorandum of agreement with the Secretary of Defense under which the Secretary of Defense, acting through the Defense Activity for Non-Traditional Education Support of the Department of Defense, will perform the actual administration of the Program, other than section 2306. Using funds appropriated to the Secretary to carry out this chapter, the Secretary shall transfer to the Secretary of Defense such amounts as may be necessary to administer the Program pursuant to the memorandum of agreement.~~

~~(d) INFORMATION REGARDING PROGRAM.—The Secretary shall provide to the Secretary of Defense information regarding the Program and applications to participate in the Program, for distribution as part of preseparation counseling provided under section 1142 of title 10, United States Code, to members of the Armed Forces described in section 2303.~~

~~(e) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who meet the criteria described in section 2303, including meeting education qualification requirements under subsection 2303(c)(2). Such members shall not be eligible for financial assistance under subsections (c) and (d) of section 2304.~~

~~Sec. 2303~~

~~SEC. 2303. [20 U.S.C. 6673] RECRUITMENT AND SELECTION OF PROGRAM PARTICIPANTS.~~

~~(a) ELIGIBLE MEMBERS.—The following members of the Armed Forces are eligible for selection to participate in the Program:~~

(1) Any member who—

(A) on or after October 1, 1999, becomes entitled to retired or retainer pay in the manner provided in title 10 or title 14, United States Code;

(B) has an approved date of retirement that is within 1 year after the date on which the member submits an application to participate in the Program; or

(C) has been transferred to the Retired Reserve.

(2) Any member who, on or after the date of enactment of the No Child Left Behind Act of 2001—

(A)(i) is separated or released from active duty after 6 or more years of continuous active duty immediately before the separation or release; or

(ii) has completed a total of at least 10 years of active duty service, 10 years of service computed under section 12732 of title 10, United States Code, or 10 years of any combination of such service; and

(B) executes a reserve commitment agreement for a period of not less than 3 years under subsection (e)(2).

(3) Any member who, on or after the date of enactment of the No Child Left Behind Act of 2001, is retired or separated for physical disability under chapter 61 of title 10, United States Code.

(4) Any member who—

(A) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after 6 or more years of continuous active duty immediately before the discharge or release; or

(B) applied for the teacher placement program administered under section 1151 of title 10, United States Code, before the repeal of that section, and satisfied the eligibility criteria specified in subsection (c) of such section 1151.

(b) SUBMISSION OF APPLICATIONS.—

(1) FORM AND SUBMISSION.—Selection of eligible members of the Armed Forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in paragraph (2). An application shall be in such form and contain such information as the Secretary may require.

(2) TIME FOR SUBMISSION.—An application shall be considered to be submitted on a timely basis under paragraph (1) if—

(A) in the case of a member described in paragraph (1)(A), (2), or (3) of subsection (a), the application is submitted not later than 4 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member; or

(B) in the case of a member described in subsection (a)(4), the application is submitted not later than September 30, 2003.

(c) SELECTION CRITERIA.—

(1) ESTABLISHMENT.—Subject to paragraphs (2) and (3), the Secretary shall prescribe the criteria to be used to select eligible members of the Armed Forces to participate in the Program.

(2) EDUCATIONAL BACKGROUND.—

(A) ELEMENTARY OR SECONDARY SCHOOL TEACHER.—If a member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

(B) VOCATIONAL OR TECHNICAL TEACHER.—If a member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—

ave received\1\ the equivalent of 1 year of college from an accredited institution of higher education and have 6 or more years of military experience in a vocational or technical field; or

\1\So in law. The matter following subparagraph (B), as amended by section 201 or Public Law 107–110 (115 Stat. 1650), should probably read "(i) to have...".

(ii) to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.

(3) HONORABLE SERVICE.—A member of the Armed Forces is eligible to participate in the Program only if the member's last period of service in the Armed Forces was honorable, as characterized by the Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code). A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned (as so defined).

(d) SELECTION PRIORITIES.—In selecting eligible members of the Armed Forces to receive assistance under the Program, the Secretary shall give priority to members who have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

(e) OTHER CONDITIONS ON SELECTION.—

(1) SELECTION SUBJECT TO FUNDING.—The Secretary may not select an eligible member of the Armed Forces to participate in the Program under this section and receive financial assistance under section 2304 unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under section 2304 with respect to the member.

(2) RESERVE COMMITMENT AGREEMENT.—The Secretary may not select an eligible member of the Armed Forces described in subsection (a)(2)(A) to participate in the Program under this section and receive financial assistance under section 2304 unless—

(A) the Secretary notifies the Secretary concerned and the member that the Secretary has reserved a full stipend or bonus under section 2304 for the member; and

(B) the member executes a written agreement with the Secretary concerned to serve as a member of the Selected Reserve of a reserve component of the Armed Forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).

Sec. 2304

SEC. 2304. [20 U.S.C. 6674] PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.

(a) PARTICIPATION AGREEMENT.—

(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher, and to become a highly qualified teacher; and

(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years with a high-need local educational agency or public charter school, as such terms are defined in section 2101, to begin the school year after obtaining that certification or licensing.

(2) WAIVER.—The Secretary may waive the 3-year commitment described in paragraph (1)(B) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the 3-year commitment.

(b) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under subsection (a) during any period in which the participant—

(1) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

(2) is serving on active duty as a member of the Armed Forces;

(3) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

(4) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(5) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

(6) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

(c) STIPEND FOR PARTICIPANTS.—

(1) STIPEND AUTHORIZED.—Subject to paragraph (2), the Secretary may pay to a participant in the Program selected under section 2303 a stipend in an amount of not more than $5,000.

(2) LIMITATION.—The total number of stipends that may be paid under paragraph (1) in any fiscal year may not exceed 5,000.

(d) BONUS FOR PARTICIPANTS.—

(1) BONUS AUTHORIZED.—Subject to paragraph (2), the Secretary may, in lieu of paying a stipend under subsection (c), pay a bonus of $10,000 to a participant in the Program selected under section 2303 who agrees in the participation agreement under subsection (a) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in a high-need school.

(2) LIMITATION.—The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 3,000.

(3) HIGH-NEED SCHOOL DEFINED.—In this subsection, the term "high-need school" means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

(A) LOW-INCOME CHILDREN.—At least 50 percent of the students enrolled in the school were from low-income families (as described in section 2302(b)(2)(A)(i)).

(B) CHILDREN WITH DISABILITIES.—The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act.

(e) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this section to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965.

(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under this section shall be required to repay the stipend or bonus under the following circumstances:

(A) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under

subsection (a).

(B) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

(C) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.

(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under this section shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the 3 years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11, United States Code, shall not release a participant from the obligation to reimburse the Secretary under this subsection.

(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this section shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38, United States Code, or chapter 1606 of title 10, United States Code.

Sec. 2305

SEC. 2305. [20 U.S.C. 6675] PARTICIPATION BY STATES.

(a) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

(b) ASSISTANCE TO STATES.—

(1) GRANTS AUTHORIZED.—Subject to paragraph (2), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the Armed Forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and

vocational or technical teachers.

(2) LIMITATION.—The total amount of grants made under paragraph (1) in any fiscal year may not exceed $5,000,000.

Sec. 2306

SEC. 2306. [20 U.S.C. 6676] SUPPORT OF INNOVATIVE PRERETIREMENT TEACHER CERTIFICATION PROGRAMS.

(a) PURPOSE.—The purpose of this section is to provide funding to develop, implement, and demonstrate teacher certification programs.

(b) DEVELOPMENT, IMPLEMENTATION AND DEMONSTRATION.—The Secretary may enter into a memorandum of agreement with a State educational agency, an institution of higher education, or a consortia of State educational agencies or institutions of higher education, to develop, implement, and demonstrate teacher certification programs for members of the Armed Forces described in section 2303(a)(1)(B) for the purpose of assisting such members to consider and prepare for a career as a highly qualified elementary school teacher, secondary school teacher, or vocational or technical teacher upon retirement from the Armed Forces.

(c) PROGRAM ELEMENTS.—A teacher certification program under subsection (b) shall—

(1) provide recognition of military experience and training as related to certification or licensing requirements;

(2) provide courses of instruction that may be conducted on or near a military installation;

(3) incorporate alternative approaches to achieve teacher certification, such as innovative methods to gaining field-based teaching experiences, and assessment of background and experience as related to skills, knowledge, and abilities required of elementary school teachers, secondary school teachers, or vocational or technical teachers;

(4) provide for courses to be delivered via distance education methods; and

(5) address any additional requirements or specifications established by the Secretary.

(d) APPLICATION PROCEDURES.—

(1) IN GENERAL.—A State educational agency or institution of higher education (or a consortium of State educational agencies or institutions of higher education) that desires to enter into a memorandum under subsection (b) shall prepare and submit to the Secretary a proposal, at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State educational agency, institution, or consortium is operating a program leading to State approved teacher certification.

(2) PREFERENCE.—The Secretary shall give preference to State educational agencies, institutions, and consortia that submit proposals that provide for cost sharing with respect to the program involved.

(e) CONTINUATION OF PROGRAMS.—Upon successful completion of the demonstration phase of teacher certification programs funded under this section, the continued operation of the

~~teacher certification programs shall not be the responsibility of the Secretary. A State educational agency, institution, or consortium that desires to continue a program that is funded under this section after such funding is terminated shall use amounts derived from tuition charges to continue such program.~~

~~(f) FUNDING LIMITATION.—The total amount obligated by the Secretary under this section for any fiscal year may not exceed $10,000,000.~~

~~Sec. 2307~~

~~SEC. 2307. [20 U.S.C. 6677] REPORTING REQUIREMENTS.~~

~~(a) REPORT REQUIRED.—Not later than March 31, 2006, the Secretary (in consultation with the Secretary of Defense and the Secretary of Homeland Security) and the Comptroller General of the United States shall submit to Congress a report on the effectiveness of the Program in~~to support the recruitment ~~and~~, selection, preparation, placement, retention ~~of qualified personnel by local educational agencies and public charter~~, and support of teachers in high-need subjects or fields who will improve student academic achievement and student outcomes at high-needs schools.

~~(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following:~~

~~(1) The number of participants in the Program.~~

~~(2) The schools in which the participants are employed.~~

~~(3) The grade levels at which the participants teach.~~

~~(4) The academic subjects taught by the participants.~~

~~(5) The rates of retention of the participants by the local educational agencies and public charter schools employing the participants.~~

~~(6) Such other matters as the Secretary or the Comptroller General of the United States, as the case may be, considers to be appropriate.~~

~~CHAPTER B—TRANSITION TO TEACHING PROGRAM~~

~~Sec. 2311~~

~~SEC. 2311. [20 U.S.C. 6681] PURPOSES.~~

~~The purposes of this chapter are—~~

~~(1) to establish a program to recruit and retain highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, as teachers in high-need schools, including recruiting teachers through alternative routes to certification; and~~

~~(2) to encourage the development and expansion of alternative routes to certification under State-approved programs that enable individuals to be eligible for teacher certification within a reduced period of time, relying on the experience, expertise, and academic qualifications of an individual, or other factors in lieu of traditional course work in the field of education.~~

~~Sec. 2312~~

~~SEC. 2312. [20 U.S.C. 6682] DEFINITIONS.~~

~~In this chapter:~~

(b) Definitions.—In this section:

(1) ELIGIBLE ~~PARTICIPANT~~ENTITY.—The term "eligible ~~participant~~entity" means—

(A) ~~an individual with substantial, demonstrable career experience, including a highly qualified paraprofessional; or~~

~~(B) an individual who is a graduate of an institution of higher education who—~~

~~(i) has graduated not more than 3 years before applying to an eligible entity to teach under this chapter; and~~

~~(ii) in the case of an individual wishing to teach in a secondary school, has completed an academic major (or courses totaling an equivalent number of credit hours) in the academic subject that the individual will teach.~~

~~(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" has the meaning given the term in section 2102.~~

~~(3) HIGH-NEED SCHOOL.—The term "high-need school" means a school that—~~

~~(A) is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more; or~~

~~(B)(i) is located in an area with a high percentage of out-of-field teachers, as defined in section 2102;~~

~~(ii) is within the top quartile of elementary schools and secondary schools statewide, as ranked by the number of unfilled, available teacher positions at the schools;~~

~~(iii) is located in an area in which there is a high teacher turnover rate; or~~

~~(iv) is located in an area in which there is a high percentage of teachers who are not certified or licensed.~~

~~Sec. 2313~~

~~SEC. 2313. [20 U.S.C. 6683] GRANT PROGRAM.~~

~~(a) IN GENERAL.—The Secretary may establish a program to make grants on a competitive basis to eligible entities to develop State and local teacher corps or other programs to establish, expand, or enhance teacher recruitment and retention efforts.~~

~~(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall be—~~

~~(1) a State educational agency;~~

~~(2) a high-need local educational agency;~~

~~(3) a for-profit or nonprofit organization that has a proven record of effectively recruiting and retaining highly qualified teachers, in~~ a partnership ~~with a high-need local educational agency or with a State educational agency;~~of—

(~~4) an institution~~i) 1 or more institutions of higher education~~, in a partnership with~~ or nonprofit organizations; and

(ii) a high-need local educational agency and 1 or ~~with a State~~more other local educational ~~agency;~~

~~(5) a regional consortium of~~agencies or State educational agencies; or

(~~6) a consortium~~B) an institution of higher education or a nonprofit organization that can demonstrate a record of—

(i) preparing teachers who are successful in improving student achievement; and

(ii) placing a significant percentage of those teachers in high-need ~~local educational agencies~~schools.

(2) TEACHER IN A HIGH-NEED SUBJECT OR FIELD.—The term "teacher in a high-need subject or field" means a teacher of—

(A) students with disabilities;

(B) English learners;

(C) mathematics; or

(D) science.

(c) ~~PRIORITY.—In making such a grant, the~~ Authorization of Grant Awards.—The Secretary shall ~~give priority~~award grants to ~~a partnership or consortium that includes a high-need State educational agency or local educational agency.~~

~~(d) APPLICATION.—~~

~~(1) IN GENERAL.—To be~~ eligible entities to pay for the Federal share of the cost of carrying out the activities described in this section.

(d) Applications.—An eligible entity that desires to receive a grant under this section~~, an entity described in subsection (b)~~ shall submit an application to the Secretary at such time, in such manner, and ~~containing~~accompanied by such information as the Secretary may require.

~~(2) CONTENTS.—The application shall describe—~~

~~(A) one or more target recruitment groups on which the applicant will focus its recruitment efforts;~~

~~(B) the characteristics of each such target group that—~~

~~(i) show the knowledge and experience of the group's members; and~~

~~(ii) demonstrate that the members are eligible to achieve the objectives of this section;~~

~~(C) describe how the applicant will use funds received under this section to develop a teacher corps or other program to recruit and retain highly qualified midcareer professionals (which may include highly qualified paraprofessionals), recent college graduates, and recent graduate school graduates, as highly qualified teachers in high-need schools operated by high-need local educational agencies;~~

~~(D) explain how the program carried out under the grant will meet the relevant State laws (including regulations) related to teacher certification or licensing and facilitate the certification or licensing of such teachers;~~

~~(E) describe how the grant will increase the number of highly qualified teachers, in high-need schools operated by high-need local educational agencies (in urban or rural school districts), and in high-need academic subjects, in the jurisdiction served by the applicant; and~~

~~(F) describe how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit (particularly through activities that have proven effective in retaining highly qualified teachers), train, place, support, and provide teacher induction programs to program participants under this chapter, including providing evidence of the commitment of the institutions, agencies, or organizations to the applicant's programs.~~

(e) ~~DURATION OF GRANTS.—The Secretary may make~~Considerations.—In awarding grants under this section ~~for periods of 5 years. At the end of the 5-year period for such a grant, the grant recipient may apply for an additional grant under this section.~~

~~(f) EQUITABLE DISTRIBUTION.—To the extent practicable~~, the Secretary shall ~~ensure an equitable~~ consider the geographic diversity of the eligible entities, including the distribution of grants ~~under this section~~ among ~~the regions of the United States~~urban, suburban, and rural areas.

(f) Priority.—In awarding grants under this section, the Secretary shall give priority to applicants that demonstrate a record of—

(1) recruiting college undergraduates, recent college graduates, graduate students, and professionals with a demonstrated history of significant academic achievement to become teachers;

(2) recruiting and selecting candidates who are members of groups underrepresented in the teaching profession; and

(3) preparing teachers who consistently improve student academic achievement at high-need schools.

(g) ~~USES~~Required Use of Funds.—

~~(1) IN GENERAL.—~~An eligible entity that receives a grant under this section shall use the ~~funds made available through the grant to develop a teacher corps or other program in order to establish, expand, or enhance a teacher recruitment and retention program for highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, who are eligible participants, including activities that provide alternative routes to teacher certification.~~grant funds for the following:

~~(2) AUTHORIZED ACTIVITIES.—The entity shall use the funds to carry out a program that includes two or more of the following activities:~~

~~(A) Providing scholarships, stipends, bonuses~~(1) To recruit, select, prepare, place, retain, and ~~other financial incentives, that are linked to participation in activities that have proven effective in retaining~~ support teachers ~~in~~ for high-need schools ~~operated by high-need local educational agencies, to all eligible participants, in an amount not to~~

~~exceed $5,000 per participant.~~

~~(B) Carrying out pre-~~ and ~~post-placement induction or support activities that have proven effective in recruiting and retaining~~ teachers~~, such as—~~

~~(i) teacher mentoring;~~

~~(ii) providing internships;~~

~~(iii) providing high-quality, preservice coursework; and~~

~~(iv) providing high-quality, sustained inservice professional development.~~

~~(C) Carrying out placement and ongoing activities to ensure that teachers are placed in~~ in high-need subjects or fields ~~in which the teachers are highly qualified to teach and are placed in high-need schools~~.

~~(D) Making payments to pay for costs associated with accepting teachers recruited under this section from among eligible participants or provide financial incentives to prospective teachers who are eligible participants.~~

~~(E) Collaborating with institutions of higher education in developing and implementing programs to facilitate teacher recruitment (including teacher credentialing) and teacher retention programs.~~

~~(F) Carrying out other programs, projects, and activities that are designed and have proven to be effective in recruiting and retaining teachers, and that the Secretary determines to be appropriate.~~

~~(G) Developing long-term recruitment and retention strategies including developing—~~

~~(i) a statewide or regionwide clearinghouse for the recruitment and placement of teachers;~~

~~(ii) administrative structures to develop and implement programs to provide alternative routes to certification;~~

~~(iii) reciprocity agreements between or among States for the certification or licensing of teachers; or~~

~~(iv) other long-term teacher recruitment and retention strategies.~~

~~(3) EFFECTIVE PROGRAMS.—The entity shall use the funds only for programs that have proven to be effective in both recruiting and retaining teachers.~~

~~(h) REQUIREMENTS.—~~

~~(1) TARGETING.—An~~ (2) To prepare all teachers to teach students with disabilities and English language learners.

(3) To prepare teachers in classroom management, instructional planning and delivery, learning theory and cognitive development, literacy development, and student assessment.

(4) To provide school-based, clinical experience at a high-need school that includes observation of and feedback on teacher candidates' teaching.

(5) To provide ongoing mentoring and support, which may include coursework, for

participants for at least 1 school year.

(h) Permissible Use of Grant Funds.—An eligible entity that receives a grant under this section may use the grant funds to provide financial stipends for teacher candidates who are not the teacher of record.

(i) Performance and Grant Renewal.—

(1) TRACKING PERFORMANCE.—An eligible entity that receives a grant under this section shall—

(A) track the placement rate, retention rate, and performance in improving student academic achievement of teachers recruited and prepared by programs funded by the grant; and

(B) submit data on such performance to the Secretary.

(2) CONDITIONS FOR GRANT RENEWAL.—The Secretary shall evaluate the information submitted under paragraph (1) and renew a grant awarded under this section only if the data indicate the teachers are successful in improving student academic achievement.

(j) Fiscal Agent.—The fiscal agent for an eligible entity that receives a grant under this section ~~to carry out a program shall ensure that participants in the program recruited with funds made available under this section are placed in high-need schools operated by high-need local educational agencies. In placing the participants in the schools, the entity shall give priority to the schools that are located in areas with the highest percentages of students from families with incomes below the poverty line.~~

~~(2) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit the teachers through alternative routes to certification.~~

~~(3) PARTNERSHIPS AND CONSORTIA OF LOCAL EDUCATIONAL AGENCIES.—In the case of a partnership established by~~ may be a local educational agency ~~to carry out a program under this chapter, or a consortium of such agencies established to carry out a program under this chapter, the local~~ , State educational agency ~~or consortium shall not be~~ , institution of higher education, or nonprofit organization that is a partner in the eligible ~~to receive funds through a State program under this chapter.~~

~~(i) PERIOD OF SERVICE.—A program participant in a program under this chapter who receives training through the program shall serve a high-need school operated by a high-need local educational agency for at least 3 years.~~

~~(j) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines to be appropriate to ensure that program participants who receive a stipend or other financial incentive under subsection (g)(2)(A), but fail to complete their service obligation under subsection (i), repay all or a portion of such stipend or other incentive~~entity.

(k) ~~ADMINISTRATIVE FUNDS.—No~~ Matching Requirements.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share for this section shall be not more than a percentage of the cost of the activities assisted under the grant as determined by the Secretary.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share provided by an eligible entity ~~that receives~~ receiving a grant under this section shall ~~use more~~be not less than ~~5 percent~~a percentage of the ~~funds made available through~~cost of the activities assisted under the grant ~~for the administration of a program under this chapter carried out under the grant~~as determined by the Secretary. The non-Federal share may include in-kind contributions.

~~Sec. 2314~~

~~SEC. 2314. [20 U.S.C. 6684] EVALUATION AND ACCOUNTABILITY FOR RECRUITING AND RETAINING TEACHERS.~~

~~(a~~(B) SPECIAL RULE.—The Secretary may waive or reduce the amount of the non-Federal share described in subparagraph (A) for any fiscal year if the eligible entity demonstrates to the Secretary that the funds needed to carry out that subparagraph are unavailable due to economic hardship, as determined by the Secretary.

(l) Evaluation.—~~Each entity that receives a grant under this chapter shall conduct~~The Director of the Institute of Education Sciences shall—

(1) ~~an interim evaluation~~evaluate the implementation and impact of the program ~~funded under the grant at the end of the third year of the grant period; and~~

~~(2) a final evaluation of the program at the end of the fifth year of the grant period.~~

~~(b) CONTENTS.—In conducting the evaluation, the entity shall describe the extent to which local educational agencies that received funds through the grant have met the goals relating to teacher recruitment and retention described in the application.~~

~~(c) REPORTS.—The entity shall prepare and submit to the Secretary and to Congress interim and final reports containing the results of the interim and final evaluations, respectively.~~

~~(d) REVOCATION.—If the Secretary determines that the recipient of a grant~~ under this ~~chapter has not made substantial progress in meeting such goals and the objectives of the grant by the end of the third year of the grant period, the Secretary—~~section;

~~(1) shall revoke the payment made for the fourth year of the grant period; and~~

~~(2) shall not make a payment for the fifth year of the grant period.~~

~~CHAPTER C—GENERAL PROVISIONS~~

~~Sec. 2321~~

~~SEC. 2321. [20 U.S.C. 6691] AUTHORIZATION OF APPROPRIATIONS.~~

~~(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $150,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.~~

~~(b) RESERVATION.—From the funds appropriated to carry out this subpart for fiscal year 2002, the Secretary shall reserve not more than $30,000,000 to carry out chapter A.~~

(2) identify best practices for recruiting, selecting, preparing, placing, retaining, and supporting teachers in high-need subjects or fields for high-need schools; and

(3) disseminate research on best practices.

"SEC. ~~1002. [20 U.S.C. 6302]~~3. AUTHORIZATION OF APPROPRIATIONS.

~~("~~(a) Local Educational Agency Grants.—~~For the purpose of carrying out part A, there~~

"(1) IN GENERAL.—There are authorized to be appropriated—

~~(1) $13,500,000,000~~ to carry out part A of title I (except for ~~fiscal year 2002;~~

~~(2) $16,000,000,000 for fiscal year 2003;~~

~~(3) $18,500,000,000 for fiscal year 2004;~~

~~(4) $20,500,000,000 for fiscal year 2005;~~

~~(5) $22,750,000,000 for fiscal year 2006; and~~

~~(6) $25,000,000,000 for fiscal year 2007.~~

~~(b) READING FIRST.—~~

~~(1) READING FIRST.—For the purpose of carrying out subpart 1 of part B, there are authorized to be appropriated $900,000,000 for fiscal year 2002 and~~ section 1116(e)) such sums as may be necessary for fiscal year 2012 and each of the ~~5~~4 succeeding fiscal years.

~~(2) EARLY READING FIRST.—For the purpose of carrying out subpart 2 of part B, there~~"(2) SCHOOL IMPROVEMENT GRANTS, NATIONAL ACTIVITIES, AND EVALUATION.—

"(A) IN GENERAL.—There are authorized to be appropriated ~~$75,000,000 for fiscal year 2002 and~~ to carry out section 1116(e) such sums as may be necessary for fiscal year 2012 and each of the ~~5~~4 succeeding fiscal years.

~~(3) EVEN START.—For the purpose of carrying out subpart 3 of part B~~"(B) RESERVATION FOR NATIONAL ACTIVITIES.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary shall reserve not more than 2 percent for the national activities described in section 1116(e)(6).

"(b) Grants for State Assessments and the National Assessment of Educational Progress.—

"(1) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated ~~$260,000,000 for fiscal year 2002 and~~ such sums as may be necessary for fiscal year 2012 and each of the ~~5~~4 succeeding fiscal years.

~~(4) IMPROVING LITERACY THROUGH SCHOOL LIBRARIES~~"(2) STATE ASSESSMENTS AND RELATED ACTIVITIES.—For the purpose of carrying out ~~subpart 4 of part B~~assessment and related activities, there are authorized to be appropriated ~~$250,000,000 for fiscal year 2002 and~~ such sums as may be necessary for fiscal year 2012 and each of the ~~5~~4 succeeding fiscal years.

~~(c~~"(c) State Administration and State Accountability Support.—For the purposes of carrying out section 1003, State Administration and State Accountability Support, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(d) Pathways to College.—For the purposes of carrying out part B of title I, Pathways to College, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(e) Education of Migratory Children.—For the ~~purpose~~purposes of carrying out part C of title I, Education of Migratory Children, there are authorized to be appropriated ~~$410,000,000 for fiscal year 2002 and~~ such sums as may be necessary for fiscal year 2012 and each of the ~~5~~4 succeeding fiscal years.

~~(d)~~"(f) Neglected and Delinquent.—For the purposes of carrying out part D of title I, Prevention and Intervention Programs for Children and Youth Who ~~ARE~~are Neglected~~,~~ and Delinquent, or ~~AT RISK. For the purpose of carrying out part D, there are authorized to be appropriated $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.~~

~~(e) FEDERAL ACTIVITIES.—~~

~~(1) SECTIONS 1501 AND 1502. For the purpose of carrying out sections 1501 and 1502~~At-risk, there are authorized to be appropriated such sums as may be necessary for fiscal year ~~2002~~2012 and each of the ~~5~~4 succeeding fiscal years.

~~(2) SECTION 1504.—~~

~~(A) IN GENERAL~~"(g) Teacher and Principal Professional Development and Evaluation.—For the ~~purpose~~purposes of carrying out ~~section 1504~~part A of title II, Teacher and Principal Professional Development and Evaluation, there are authorized to be appropriated such sums as may be necessary for fiscal year ~~2002~~2012 and ~~for~~ each of the ~~5~~4 succeeding fiscal years.

~~(B) SPECIAL RULE. Of~~ "(h) Pathways to the ~~funds appropriated pursuant to subparagraph (A), not more than 30 percent may be used for teachers associated with students participating in the programs described in subsections (a)(1), (b)(1), and (c)(1).~~

~~(f) COMPREHENSIVE SCHOOL REFORM~~Classroom.—For the ~~purpose~~purposes of carrying out part ~~F~~B of title II, Pathways to the Classroom, there are authorized to be appropriated such sums as may be necessary for fiscal year ~~2002~~2012 and each of the ~~5~~4 succeeding fiscal years.

~~(g) ADVANCED PLACEMENT~~"(i) Teacher and Principal Incentive Fund.—For the purposes of carrying out part C of title II, Teacher and Principle Incentive Fund, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(j) English Learners and Immigrant Students.—For the purposes of carrying out title III, [Improving the Academic Achievement of English Learners and Immigrant Students], there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(k) Literacy.—For the purposes of carrying out part A of title IV, [Literacy from Cradle to Career], there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(l) Improving Instruction in Science, Technology, Engineering, and Math.—For the purposes of carrying out part B of title IV, [Improving Instruction in Science, Technology, Engineering,

and Math], there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(m) Successful, Safe, and Healthy Students.—For the purposes of carrying out part C of title IV, Successful, Safe, and Healthy Students, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(n) 21st Century Community Learning Centers.—For the purposes of carrying out part D of title IV, 21st Century Community Learning Centers, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(o) Promise Neighborhoods.—For the purposes of carrying out part E of title IV, Promise Neighborhoods, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(p) Parent and Family Information and Resource Centers.—For the purposes of carrying out part F of title IV, Parent and Family Information and Resource Centers, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(q) Ready to Learn [Media].—For the purposes of carrying out part G~~,~~ of title IV, Ready to Learn [Media], there are authorized to be appropriated such sums as may be necessary for fiscal year ~~2002~~2012 and each ~~5~~of the 4 succeeding fiscal ~~year~~years.

~~(h) SCHOOL DROPOUT PREVENTION~~"(r) Programs of National Significance.—For the ~~purpose~~purposes of carrying out part H of title IV, Programs of National Significance, there are authorized to be appropriated ~~$125,000,000 for fiscal year 2002 and~~ such sums as may be necessary ~~for each of the 5 succeeding fiscal years, of which—~~

~~(1) up to 10 percent shall be available to carry out subpart 1 of part H for each fiscal year; and~~

~~(2) the remainder shall be available to carry out subpart 2 of part H for each fiscal year.~~

~~(i) SCHOOL IMPROVEMENT.—For the purpose of carrying out section 1003(g), there are authorized to be appropriated $500,000,000~~ for fiscal year ~~2002~~2012 and ~~such sums as may be necessary for~~ each of the ~~5~~4 succeeding fiscal years.

"(s) Race to the Top.—For the purposes of carrying out part A of title V, Race to the Top, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(t) Investing in Innovation.—For the purposes of carrying out part B of title V, Investing in Innovation, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(u) Magnet Schools Assistance.—For the purposes of carrying out part C of title V, Magnet Schools Assistance, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(v) Public Charter Schools.—For the purposes of carrying out part D of title V, Public Charter Schools, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(w) Voluntary Public School Choice.—For the purposes of carrying out part E of title V, Voluntary Public School Choice, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(x) Rural Education Initiative.—For the purposes of carrying out part B of title VI, Rural Education Initiative, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(y) Indian, Native Hawaiian, and Alaska Native Education.—For the purposes of carrying out title VII, Indian Native Hawaiian, and Alaska Native Education, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

"(z) Impact Aid.—For the purposes of carrying out title VIII, Impact Aid, there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.".

~~Subpart 1~~Part H~~—Fund for the Improvement of Education~~Programs of National Significance

~~Sec. 5411~~

SEC. ~~5411~~4801. [20 U.S.C. 7243] PROGRAMS AUTHORIZED.

(a) AUTHORIZATION.—The Secretary is authorized to support nationally significant programs to improve the quality of elementary and secondary education at the State and local levels and help all children meet college and career ready academic content standards and college and career ready student academic achievement standards~~meet challenging State academic content and student academic achievement standards~~. The Secretary may carry out such programs directly, or through grants to, or contracts with—

(1) States or local educational agencies;

(2) institutions of higher education; and

(3) other public and private agencies, organizations, and institutions.

"(b) Uses of Funds.—A nonprofit entity receiving a grant under subsection (a) shall use the grant funds to carry out 1 of the following activities:

"(1) Providing funding for economically disadvantaged students, including students from military families and recent immigrants, and their teachers, to participate in programs based in Washington, D.C. that increase civic responsibility and understanding of the Federal Government among young people.

"(2) Developing, implementing, evaluating, and disseminating innovative, research-based approaches to civic learning, which may include hands-on civic engagement activities, for low-income elementary school and secondary school students that demonstrate innovation, scalability, accountability, and a focus on underserved populations.

"(3) Supporting a national principal and teacher certification process that provides a framework for measuring and improving teaching and instructional leadership with a focus on educators working in schools that are eligible for funding under part A of title I, including comprehensive rigorous teaching standards and assessment systems designed to reward educator effectiveness and deliver high-quality professional development across all academic subjects and grades.

"(4) Creating a national teacher corps of outstanding college graduates to teach in underserved communities in order to—

"(A) increase the supply of effective teachers in low-income communities; and

"(B) provide and support the retention of teachers for high-need fields.

"(5) Supporting a national network of providers of high-quality, evidence-based professional development in writing instruction for teachers across all academic subjects and grades.

"(6) Encouraging parents and caregivers to read aloud to their children by supporting

programs through which, during pediatric exams, doctors and nurses train parents and caregivers who may not be skilled readers.

"(7) Preparing young children from low-income families for reading success by the third grade by—

"(A) distributing inexpensive books;

"(B) training volunteers to serve at-risk children;

"(C) developing motivational literacy activities for at-risk children; and

"(D) providing information on literacy resources, such as those provided by local libraries and other community-based organizations.

"(8) Supporting projects that encourage the involvement of persons with disabilities in the arts, by—

"(A) increasing access to all forms of the arts for all persons, including those living with intellectual, physical, and sensory disabilities; and

"(B) fostering a greater awareness of the need for arts programs for individuals with disabilities.

"(9) Implementing a coordinated program of scientifically based research, demonstration projects, innovative strategies, and professional development for teachers and other instructional leaders working in high-poverty schools to—

"(A) enhance the ability of educators to meet the special educational needs of gifted and talented students, including high-ability students who have not been formally identified as gifted; and

"(B) prioritize students who have been underrepresented in gifted education programs, including students who are economically disadvantaged, of minority backgrounds, English language learners, students with disabilities, and students in rural communities.

"(10) Promoting gender equity in education by supporting educational agencies and institutions in meeting the requirements of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et. seq.).

"(11) Other high quality, nationally significant programs that meet the purposes of this Act."

~~(b) USES OF FUNDS.—Funds made available under section 5401 to carry out this subpart may be used for any of the following programs:~~

~~(1) Activities to promote systemic education reform at the State and local levels, including scientifically based research, development, and evaluation designed to improve—~~

~~(A) student academic achievement at the State and local level; and~~

~~(B) strategies for effective parent and community involvement.~~

~~(2) Programs at the State and local levels that are designed to yield significant results, including programs to explore approaches to public school choice and school-based decisionmaking.~~

~~(3) Recognition programs, which may include financial awards to States, local~~

~~educational agencies, and schools that have made the greatest progress, based on the Secretary's determination or on a nomination by the State in which the school is located (or in the case of a Bureau funded school, by the Secretary of the Interior) in—~~

~~(A) improving the academic achievement of economically disadvantaged students and students from major racial and ethnic minority groups; and~~

~~(B) closing the academic achievement gap for those groups of students farthest away from the proficient level on the academic assessments administered by the State under section 1111.~~

~~(4) Scientifically based studies and evaluations of education reform strategies and innovations, and the dissemination of information on the effectiveness of such strategies and innovations.~~

~~(5) Identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools, including programs to evaluate the effectiveness of using the best practices of exemplary or Blue Ribbon Schools to improve academic achievement.~~

~~(6) Activities to support Scholar-Athlete Games programs, including the World Scholar-Athlete Games and the U.S. Scholar-Athlete Games.~~

~~(7) Programs to promote voter participation in American elections through programs, such as the National Student/Parent Mock Election and Kids Voting USA.~~

~~(8) Demonstrations relating to the planning and evaluation of the effectiveness of programs under which local educational agencies or schools contract with private management organizations to reform a school or schools.~~

~~(9) Other programs that meet the purposes of this Act.~~

(c) BASIS OF AWARDS.—The Secretary is authorized to—

(1) make awards under this subpart on the basis of competitions announced by the Secretary; and

(2) support meritorious unsolicited proposals for awards under this subpart.

(d) EFFECTIVENESS OF PROGRAMS.—The Secretary shall ensure that programs supported under this subpart are designed so that their effectiveness is readily ascertainable, and shall ensure that such effectiveness is assessed using rigorous, scientifically based research and evaluations.

~~Sec. 5412~~

SEC. ~~5412~~4802. [20 U.S.C. 7243a] APPLICATIONS.

(a) SUBMISSION.—To be eligible for an award under this subpart, an entity shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—Each application submitted under subsection (a) shall—

(1) establish clear objectives, which are based on scientifically based research, for the proposed program; and

(2) describe the activities the applicant will carry out in order to meet the objectives

described in paragraph (1).

(c) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for awards under this subpart ~~and in recognizing States, local educational agencies, and schools under section 5411(b)(3), only if funds are used for such recognition programs~~. The Secretary may use funds appropriated under this subpart for the cost of such peer review.

~~Sec. 5413~~

SEC. ~~5413~~4803. [20 U.S.C. 7243b] PROGRAM REQUIREMENTS.

(a) EVALUATIONS.—A recipient of an award under this subpart shall—

(1) evaluate the effectiveness of the program funded under the award in achieving the objectives stated in applications submitted under section 5412; and

(2) report to the Secretary such information as may be required to determine the effectiveness of such program, including evidence of progress toward meeting such objectives.

(b) DISSEMINATION OF EVALUATION RESULTS.—The Secretary shall provide for the dissemination of the evaluations of programs funded under this subpart by making the evaluations publicly available upon request, and shall provide public notice that the evaluations are so available.

(c) MATCHING FUNDS.—The Secretary may require recipients of awards under this subpart to provide matching funds from non-Federal sources, and shall permit the recipients to match funds in whole or in part with in-kind contributions.

~~(d) SPECIAL RULE FOR RECOGNITION PROGRAMS.—The application requirements of section 5412(b), and the evaluation requirements of subsections (a) and (b) of this section, do not apply to recognition programs under section 5411(b)(3).~~

~~Sec. 5414~~

SEC. ~~5414~~4804. [20 U.S.C. 7243c] STUDIES OF NATIONAL SIGNIFICANCE.

(a) STUDIES.—The Secretary shall conduct the following studies of national significance:

(1) UNHEALTHY PUBLIC SCHOOL BUILDINGS.—A study regarding the health and learning impacts of environmentally unhealthy public school buildings on students and teachers. The study shall include the following information:

(A) The characteristics of those public elementary school and secondary school buildings that contribute to unhealthy school environments.

(B) The health and learning impacts of environmental unhealthy public school buildings on students that are attending or that have attended such schools.

(C) Recommendations to Congress on how to assist schools that are out of compliance with Federal or State health and safety codes, and a cost estimate of bringing up environmentally unhealthy public school buildings to minimum Federal

health and safety building standards.

(2) EXPOSURE TO VIOLENT ENTERTAINMENT.—A study regarding how exposure to violent entertainment (such as in movies, music, television, Internet content, video games, and arcade games) affects children's cognitive development and educational achievement.

(3) SEXUAL ABUSE IN SCHOOLS.—A study regarding the prevalence of sexual abuse in schools, including recommendations and legislative remedies for addressing the problem of sexual abuse in schools.

(b) COMPLETION DATE.—The studies under subsection (a) shall be completed not later than 18 months after the date of enactment of the No Child Left Behind Act of 2001.

(c) PUBLIC DISSEMINATION.—The Secretary shall make the study conducted under subsection (a)(1) available to the public through the Educational Resources Information Center National Clearinghouse for Educational Facilities of the Department.

~~Subpart 2—Funding Transferability for State and Local Educational Agencies~~

~~Sec. 6121~~

TITLE VI—PROMOTING FLEXIBILITY; RURAL EDUCATION

"PART A—TRANSFERABILITY

"SEC. ~~6121. [20 U.S.C. 7305] SHORT TITLE.~~

~~This subpart may be cited as the "State and Local Transferability Act".~~

~~Sec. 6122~~

~~SEC. 6122. [20 U.S.C. 7305a] PURPOSE.~~

~~The purpose of this subpart is to allow States and local educational agencies the flexibility—~~

~~(1) to target Federal funds to Federal programs that most effectively address the unique needs of States and localities; and~~

~~(2) to transfer Federal funds allocated to other activities to allocations for certain activities authorized under title I.~~

~~Sec. 6123~~

~~SEC. 6123. [20 U.S.C. 7305b]~~6101. TRANSFERABILITY OF FUNDS.

~~(~~"~~(~~a) Transfers by States.—

~~(1) IN GENERAL.—In~~ "(1) AUTHORITY TO TRANSFER.—Except as provided in paragraph (2), in accordance with this ~~subpart~~part, a State may transfer ~~not more than 50~~up to 100 percent of the ~~nonadministrative~~ State funds ~~(including funds transferred under paragraph (2))~~ allotted to the State for a fiscal year for use for State-level activities ~~under the following provisions for a fiscal year to one or more of the State's allotments for such fiscal year under any other of such provisions:~~

~~(A) Section 2113(a)(3).~~

~~(B) Section 2412(a)(1).~~

~~(C) Subsections (a)(1) (with the agreement of the Governor) and (c)(1) of section 4112 and section 4202(c)(3).~~

~~(D) Section 5112(b).~~

~~(2) ADDITIONAL FUNDS FOR TITLE I.—In accordance with this subpart and subject to the 50 percent limitation~~ described in ~~paragraph (1), a State may transfer any funds allotted to the State under a provision listed in paragraph (1) to its allotment under title I.~~ this Act that

are carried out as part of a grant program in which funds for the grant are distributed by a formula to 1 or more other State formula grant programs under this Act for such fiscal year.

~~(~~"(2) PROHIBITION AGAINST TRANSFERRING FUNDS OUT CERTAIN TITLES.—A State may not transfer, pursuant to paragraph (1), any funds that originate in title I, III, VII, or VIII out of such respective title.

"(b) Transfers by Local Educational Agencies.—

~~(~~"(1) AUTHORITY TO TRANSFER ~~FUNDS.—~~

~~(A) IN GENERAL.—In~~.—Except as provided in paragraph (2), in accordance with this ~~subpart~~part, a local educational agency ~~(except a local educational agency identified for improvement under section 1116(c) or subject to corrective action under section 1116(c)(9)) may transfer not more than 50~~may transfer 100 percent of the funds allocated to it ~~(including funds transferred under subparagraph (C)) under each of the provisions listed in paragraph (2)~~ for a fiscal year ~~to one or more of its allocations~~for use for local-level activities described in this Act that are carried out as part of a grant program in which funds for the grant are distributed by a formula to 1 or more other local educational agency formula grant programs under this Act for such fiscal year ~~under any other provision listed in paragraph (2).~~.

~~(B) AGENCIES IDENTIFIED FOR IMPROVEMENT.—In accordance with this subpart, a~~"(2) PROHIBITION AGAINST TRANSFERRING FUNDS OUT OF CERTAIN TITLES.—A local educational agency ~~identified for improvement under section 1116(c)~~ may not transfer ~~not more than 30 percent of the funds allocated~~, pursuant to ~~it (including~~ paragraph (1), any funds ~~transferred under subparagraph (C)) under each of the provisions listed~~that originate in ~~paragraph (2) for a fiscal year—~~

~~(i) to its allocation for school improvement for~~ title I, III, VII, or VIII out of such ~~fiscal year under section 1003; or~~

~~(ii) to any other allocation for such fiscal year if such transferred funds are used only for local educational agency improvement activities consistent with section 1116(c).~~

~~(C) ADDITIONAL FUNDS FOR TITLE I.—In accordance with this subpart and subject to the percentage limitation described in subparagraph (A) or (B), as applicable, a local educational agency may transfer funds allocated to such agency under any of the provisions listed in paragraph (2) for a fiscal year to its allocation for part A of~~respective title ~~I for that fiscal year~~.

~~(2) APPLICABLE PROVISIONS.—A local educational agency may transfer funds under subparagraph (A), (B), or (C) of paragraph (1) from allocations made under each of the following provisions:~~

~~(A) Section 2121.~~

~~(B) Section 2412(a)(2)(A).~~

~~(C) Section 4112(b)(1).~~

~~(D) Section 5112(a).~~

~~(c) NO TRANSFER OF TITLE I FUNDS.—A State or a local educational agency may not transfer under this subpart to any other program any funds allotted or allocated to it for part A of title I.~~

~~(d~~"(c) Modification of Plans and Applications; Notification.—

~~(~~"(1) STATE TRANSFERS.—Each State that makes a transfer of funds under this section shall—

~~(~~"(A) modify, to account for such transfer, each State plan, or application submitted by the State, to which such funds relate;

~~(~~"(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the Secretary; and

~~(~~"(C) not later than 30 days before the effective date of such transfer, notify the Secretary of such transfer.

~~(~~"(2) LOCAL TRANSFERS.—Each local educational agency that makes a transfer of funds under this section shall—

~~(~~"(A) modify, to account for such transfer, each local plan, or application submitted by the agency, to which such funds relate;

~~(~~"(B) not later than 30 days after the date of such transfer, submit a copy of such modified plan or application to the State; and

~~(~~"(C) not later than 30 days before the effective date of such transfer, notify the State of such transfer.

~~(e~~"(d) Applicable Rules.—

~~(~~"(1) IN GENERAL.—Except as otherwise provided in this ~~subpart~~part, funds transferred ~~under~~pursuant to this section are subject to each of the rules and requirements applicable to the funds under the provision ~~to which the transferred funds are transferred.—~~

~~(~~"(A) to which the transferred funds are transferred; and

"(B) from which the transferred funds are transferred.

"(2) CONSULTATION.—Each State educational agency or local educational agency that transfers funds under this section shall conduct consultations in accordance with section 9501, if such transfer transfers funds from a program that provides for the participation of students, teachers, or other educational personnel, from private schools~~.~~.".

"SEC. 9101. DEFINITIONS.

~~Sec. 9101~~

~~SEC. 9101. [20 U.S.C. 7801] DEFINITIONS.~~

"Except as otherwise provided, in this Act:

~~"~~"(1) ADJUSTED COHORT; ENTERING COHORT; TRANSFERRED INTO; TRANSFERRED OUT.—

"(A) ADJUSTED COHORT.—Subject to subparagraphs (D)(ii) through (G), the term 'adjusted cohort' means the difference of—

"(i) the sum of—

"(I) the entering cohort; plus

"(II) any students that transferred into the cohort in any of grades 9 through 12; minus

"(ii) any students that are removed from the cohort as described in subparagraph (E).

"(B) ENTERING COHORT.—The term 'entering cohort' when used with respect to a secondary school, means the number of first-time students in grade 9 enrolled in the secondary school 1 month after the start of the secondary school's academic year.

"(C) TRANSFERRED INTO.—The term 'transferred into' when used with respect to a secondary school student, means a student who—

"(i) was a first-time student in grade 9 during the same school year as the entering cohort; and

"(ii) enrolls after the entering cohort is calculated as described in subparagraph (B).

"(D) TRANSFERRED OUT.—

"(i) IN GENERAL.—The term 'transferred out' when used with respect to a secondary school student, means a student who the secondary school or local educational agency has confirmed has transferred—

"(I) to another school from which the student is expected to receive a regular secondary school diploma; or

"(II) to another educational program from which the student is expected to receive a regular secondary school diploma.

"(ii) CONFIRMATION REQUIREMENTS.—

"(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation from the receiving school or program that the student enrolled in the receiving school or program.

"(II) LACK OF CONFIRMATION.—A student who was enrolled, but for

whom there is no confirmation of the student having transferred out, shall remain in the cohort as a nongraduate for reporting and accountability purposes under this [Act].

"(iii) PROGRAMS NOT PROVIDING CREDIT.—A student enrolled in a GED or other alternative educational program that does not issue or provide credit toward the issuance of a regular secondary school diploma shall not be considered transferred out and shall remain in the adjusted cohort.

"(E) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation to confirm that the student has transferred out, emigrated to another country, or is deceased.

"(F) TREATMENT OF OTHER DEPARTURES AND WITHDRAWALS.—A student who was retained in a grade, enrolled in a GED program, aged out of a secondary school or secondary school program, or left secondary school for any other reason, including expulsion, shall not be considered transferred out, and shall remain in the adjusted cohort.

"(G) SPECIAL RULE.—For those secondary schools that start after grade 9, the entering cohort shall be calculated 1 month after the start of the secondary school's academic year in the earliest secondary school grade at the secondary school.

"(2) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.—The term 'Advanced Placement or International Baccalaureate course' means—

"(A) a course of postsecondary-level instruction provided to secondary school students, terminating in Advanced Placement or International Baccalaureate examination; or

"(B) another highly rigorous, evidence-based, postsecondary preparatory program terminating in—

"(i) an examination administered by a nationally recognized educational organization that has a demonstrated record of effectiveness in assessing secondary school students; or

"(ii) another such examination approved by the Secretary.

"(3) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE EXAMINATION.—The term 'Advanced Placement or International Baccalaureate examination' means an Advanced Placement examination administered by the College Board, an International Baccalaureate examination administered by the International Baccalaureate Organization, or another such examination approved by the Secretary.

"(4) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

"(5) AVERAGE DAILY ATTENDANCE.—

~~("~~"(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the term "'average daily ~~attendance"~~attendance' means—

(“(i) the aggregate number of days of attendance of all students during a school year; divided by

(“(ii) the number of days school is in session during that year.

(“(B) CONVERSION.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

(“(C) SPECIAL RULE.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for the purpose of this Act—

(“(i) consider the child to be in attendance at a school of the agency making the payment; and

(“(ii) not consider the child to be in attendance at a school of the agency receiving the payment.

~~(D) CHILDREN WITH DISABILITIES.—If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purpose of this Act, consider the child to be in attendance at a school of the agency making the payment.~~

~~(2~~“(6) AVERAGE PER-PUPIL EXPENDITURE.—The term “‘average per-pupil ~~expenditure”~~expenditure’ means, in the case of a State or of the United States—

(“(A) without regard to the source of funds—

(“(i) the aggregate current expenditures, during the ~~third fiscal year preceding the~~ most recent fiscal year for which ~~the determination is made (or, if~~ satisfactory data ~~for that year~~ are ~~not~~ available, ~~during the most recent preceding fiscal year for which satisfactory data are available)~~ of all local educational agencies in the State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

(“(ii) any direct current expenditures by the State for the operation of those agencies; divided by

(“(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that ~~preceding~~ year.

~~(3) BEGINNING TEACHER.—The term “beginning teacher” means a teacher in a public school who has been teaching less than a total of three complete school years.~~

~~(4~~“(7) CHARTER MANAGEMENT ORGANIZATION.—The term ‘charter management organization’ means a nonprofit organization that operates, manages, or oversees multiple charter schools by centralizing or sharing certain functions and resources among such schools.

“(8) CHARTER SCHOOL AUTHORIZER.—The term ‘charter school authorizer’ means any public or nonprofit entity that has the authority under State law, and is approved by the

Secretary, to authorize or approve a public charter school.

"(9) CHILD.—The term ~~"child"~~'child' means any person within the age limits for which the State provides free public education.

~~(5~~"(10) CHILD WITH A DISABILITY.—The term ~~"~~'child with a ~~disability"~~disability' has the same meaning given that term in section 602 of the Individuals with Disabilities Education Act.

~~(6) COMMUNITY-BASED ORGANIZATION~~"(11) CONDITIONS FOR LEARNING.—The term "~~community-based organization~~conditions for learning" means ~~a public or private nonprofit organization of demonstrated effectiveness~~conditions that advance student achievement and positive child and youth development by supporting schools that—

(A) ~~is representative~~promote physical, mental, and emotional health;

(B) ensure the safety of students and staff;

(C) promote social, emotional, and character development; and

(D) have the following attributes:

(i) Provide opportunities for physical activity and good nutrition.

(ii) Are free of ~~a community or significant segments~~violence, harassment, and weapons.

(iii) Prevent use and abuse of ~~a community;~~drugs and controlled substances.

~~(B) provides educational or related services to individuals in the community.~~

~~(7~~(iv) Help staff and students to model positive social and emotional skills.

(v) Employ adults who have high expectations for student conduct, character, and academic achievement.

(vi) Engage parents and family members in meaningful and sustained ways to promote positive student academic achievement and developmental outcomes. "(13) CONSOLIDATED LOCAL APPLICATION.—The term ~~"~~'consolidated local ~~application"~~application' means an application submitted by a local educational agency pursuant to section 9305.

~~(8~~"(14) CONSOLIDATED LOCAL PLAN.—The term ~~"~~'consolidated local ~~plan"~~plan' means a plan submitted by a local educational agency pursuant to section 9305.

~~(9~~"(15) CONSOLIDATED STATE APPLICATION.—The term ~~"~~'consolidated State ~~application"~~application' means an application submitted by a State educational agency pursuant to section 9302.

~~(10~~"(16) CONSOLIDATED STATE PLAN.—The term ~~"~~'consolidated State ~~plan"~~plan' means a plan submitted by a State educational agency pursuant to section 9302.

~~(11~~"(17) CORE ACADEMIC SUBJECTS.—The term ~~"~~'core academic ~~subjects"~~subjects' means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

~~(12) COUNTY.—The term "county" means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.~~

~~(13~~"~~(~~18) COVERED PROGRAM.—The term "~~'~~covered ~~program"~~program' means each of the programs authorized by—

~~(~~"~~(~~A) part A of title I;

~~(~~"~~(~~B) subpart 3 of part B of title I;

~~(~~"~~(~~C) part C of title I;

~~(~~"~~(~~D) part D of title I;

~~(~~"~~(~~E) part F of title I;

~~(~~"~~(~~F) part A of title II;

~~(~~"~~(~~G) part D of title II;

~~(~~"~~(~~H) part A of title III;

~~(~~"~~(~~I) part A of title IV;

~~(~~"~~(~~J) part B of title IV;

~~(~~"~~(~~K) part A of title V; and

~~(~~"~~(~~L) subpart 2 of part B of title VI. [To be updated.]

~~(14~~"~~(~~19) CURRENT EXPENDITURES.—The term "~~'~~current ~~expenditures"~~expenditures' means expenditures for free public education—

~~(~~"~~(~~A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

~~(~~"~~(~~B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I ~~and part A of title V~~.

~~(15~~"~~(~~20) DEPARTMENT.—The term ~~"Department"~~'Department' means the Department of Education.

~~(16~~"~~(~~21) DEVELOPMENTAL DELAY.—The term 'developmental delay' has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

"~~(~~22) DISTANCE LEARNING.—The term "~~'~~distance ~~learning"~~learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

~~(17~~"~~(~~23) EDUCATIONAL SERVICE AGENCY.—The term "~~'~~educational service ~~agency"~~agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

~~(18~~"~~(~~24) ELEMENTARY SCHOOL.—The term "~~'~~elementary ~~school"~~school' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

~~(19~~"(25) ELIGIBLE SUBGRANTEE.—The term 'eligible subgrantee' means—

"(A) a high-need local educational agency;

"(B) an educational service agency serving more than 1 high-need local educational agencies; or

"(C) a consortium of high-need local educational agencies.

"(26) ENGLISH LEARNER.—The term 'English learner' means an individual—

"(A) who is aged 3 through 21;

"(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

"(C)(i) who was not born in the United States or whose native language is a language other than English;

"(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

"(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

"(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

"(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

"(i) the ability to meet the State's on-track level of performance on State assessments described in section 1111(a)(2);

"(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

"(iii) the opportunity to participate fully in society.

"(27) EVIDENCE-BASED.—The term 'evidence-based', when used with respect to a program, practice, or policy, means—

"(A) based on a comprehensive, unbiased review and weighing of one or more evaluation studies that—

"(i) have been carried out consistent with the principles of scientifically based research;

"(ii) have strong internal and external validity; and

"(iii) support the direct attribution of one or more outcomes to the program, practice, or policy; or

"(B) in the absence of any study described in subparagraph (A), based on a comprehensive, unbiased review and weighing of data analysis, research, or one or more evaluation studies of relevant programs, practices, or policies, that—

"(i) were carried out consistent with the principles of scientifically based

research; and

"(ii) are accompanied by strategies to generate more robust evidence over time through research, evaluation, and data analysis, including—

"(I) the measurement of performance with reliable process and outcome indicators; and

"(II) the implementation of evaluations with strong internal and external validity where feasible and appropriate.

"(28) EXEMPLARY TEACHER.—The term "~~(~~'exemplary teacher' means a teacher~~" means a teacher~~ who—

~~(~~"(A) is a highly qualified teacher, such as a master teacher;

~~(~~"(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

~~(~~"(C) is recommended to be an exemplary teacher by administrators and other teachers who are knowledgeable about the individual's performance;

~~(~~"(D) is currently teaching and based in a public school; and

~~(~~"(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs teacher mentoring, develops curricula, and offers other professional development.

~~(20~~"(29) EXPANDED LEARNING TIME.—The term 'expanded learning time' means using a longer school day, week, or year schedule to significantly increase the total number of school hours, in order to include additional time for—

"(A) instruction in core academic subjects;

"(B) instruction in other subjects and enrichment and other activities that contribute to a well-rounded education, including music and the arts, physical education, and experiential and work-based learning; and

"(C) instructional and support staff to collaborate, plan, and engage in professional development, including on family and community engagement, within and across grades and subjects.

"(30) FAMILY LITERACY ~~SERVICES~~ACTIVITIES.—The term "~~(~~'family literacy ~~services"~~activities' means ~~services provided to participants on a voluntary basis~~activities that—

"(A) are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable ~~changes~~improvements in the literacy rates of a family~~,~~;

"(B) better enable parents to support their children's learning needs; and ~~that~~

"(C) integrate all of the following activities:

~~(A~~"(i) Parent adult education and literacy activities that lead to readiness for postsecondary education or training, career advancement, and economic self-sufficiency.

"(ii) Interactive literacy activities between parents and their children.

~~(B~~"(iii) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

~~(C) Parent literacy training that leads to economic self-sufficiency.~~

~~(D) An age~~"(iv) Age-appropriate education to prepare children for success in school and life experiences.

~~(21~~"(31) FAMILY MEMBER.—The term 'family member' means a parent, relative, or other adult who is responsible for the care and well-being of a child.

"(32) FREE PUBLIC EDUCATION.—The term ~~"~~'free public ~~education"~~education' means education that is provided—

~~(~~"(A) at public expense, under public supervision and direction, and without tuition charge; and

~~(~~"(B) as elementary ~~school~~ or secondary ~~school~~ education, as determined under ~~applicable~~ State law, except that ~~the term~~, notwithstanding State law, such term—

"(i) includes preschool education; and

"(ii) does not include any education provided beyond grade 12.

~~(22~~"(33) GIFTED AND TALENTED.—The term ~~"~~'gifted and ~~talented",~~talented', when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

~~(23)\1\ HIGHLY QUALIFIED.—The term "highly qualified"—~~

~~\1\With respect to whether a special~~ "(34) GRADUATION RATES.—The term 'graduation rates' shall, at a minimum, include both of the following:

"(A) A 4-year adjusted cohort graduation rate for a school year, defined as the percent obtained by calculating the product of—

"(i) the result of—

"(I) the number of students who—

"(aa) formed the adjusted cohort 4 years earlier; and

"(bb) graduate in 4 years or less with a regular secondary school diploma; divided by

"(II) the number of students who formed the adjusted cohort for that year's graduating class 4 years earlier; multiplied by

"(ii) 100.

"(B) A cumulative graduation rate for a school year, defined as the percent obtained by calculating the product of—

"(i) the result of—

"(I) the sum of—

"(aa) the number of students who—

"(AA) form the adjusted cohort for that year's graduating class; and

"(BB) graduate in 4 years or less with a regular secondary school diploma; plus

"(bb) the number of additional students from previous cohorts who graduate with a regular secondary school diploma by the end of the school year in—

"(AA) more than 4 years but not more than 6 years; or

"(BB) before exceeding the age for eligibility for a free appropriate public education ~~teacher is highly qualified,~~ (as defined in section 602~~(10)~~ of the Individuals with Disabilities Education Act ~~(as amended by section 101 of Public Law 108–446; 118 Stat. 2647, 2654) provides:~~) under State law; divided by

~~(10~~"(II) the sum of—

"(aa) the number of students who form the adjusted cohort for that year's graduating class; plus

"(bb) the number of additional student graduates described in subclause (I)(bb); multiplied by

"(ii) 100.

"(35) HIGH SCHOOL.—The term 'high school' means a secondary school that—

"(A) grants a diploma, as defined by the State; and

"(B) includes, at least, grade 12.

"(36) HIGHLY QUALIFIED~~.~~ TEACHER.—

~~("~~"(A) IN GENERAL.—~~For any special education teacher, the~~The term "~~'~~highly qualified~~" has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965, except that such term also~~ teacher' means—

~~(i) includes the requirements described in subparagraph (B); and~~

~~(ii) includes the option for teachers to meet the requirements of section 9101 of such Act by meeting the requirements of subparagraph (C) or (D).~~

~~(B) REQUIREMENTS FOR SPECIAL EDUCATION TEACHERS.—When used~~"(i) with respect to any public elementary school ~~or secondary school special education teacher teaching in a State, such term means that~~

~~(i) the teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when used with respect to any teacher teaching in a public charter~~

~~school, the term means that the teacher meets the requirements set forth in the State's public charter school law;~~

~~(ii) the teacher has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and~~

~~(iii) the teacher holds at least a bachelor's degree.~~

~~(C) SPECIAL EDUCATION TEACHERS TEACHING TO ALTERNATE ACHIEVEMENT STANDARDS.—When used with respect to a special education teacher who teaches core academic subjects exclusively to children who are assessed against alternate achievement standards established under the regulations promulgated under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, such term means the teacher, whether new or not new to the profession, may either—~~

~~(i) meet the applicable requirements of section 9101 of such Act for any elementary~~, middle~~,~~ ~~or secondary school teacher who is new or not new to the profession; or~~

~~(ii) meet the requirements of subparagraph (B) or (C) of section 9101(23) of such Act as applied to an elementary school teacher, or, in the case of instruction above the elementary level, has subject matter knowledge appropriate to the level of instruction being provided, as determined by the State, needed to effectively teach to those standards.~~

~~(D) SPECIAL EDUCATION TEACHERS TEACHING MULTIPLE SUBJECTS.—When used with respect to a special education teacher who teaches 2 or more core academic subjects exclusively to children with disabilities, such term means that the teacher may either—~~

~~(i) meet the applicable requirements of section 9101 of the Elementary and Secondary Education Act of 1965 for any elementary, middle, or secondary school teacher who is new or not new to the profession;~~

~~(ii) in the case of a teacher who is not new to the profession, demonstrate competence in all the core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher who is not new to the profession under section 9101(23)(C)(ii) of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects; or~~

~~(iii) in the case of a new special education teacher who teaches multiple subjects and who is highly qualified in mathematics, language arts, or science, demonstrate competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher under section 9101(23)(C)(ii) of such Act, which may include a single,~~ school, or high ~~objective uniform State standard of evaluation covering multiple subjects, not later than 2 years after the date of employment.~~

~~(E) RULE OF CONSTRUCTION.—Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this section or part shall be construed to create a right of action on behalf of an individual student or class of students for the failure of a particular State educational agency or local educational agency employee to be highly qualified.~~

~~(F) DEFINITION FOR PURPOSES OF THE ESEA.—A teacher who is highly qualified under this paragraph shall be considered highly qualified for purposes of the Elementary and Secondary Education Act of 1965.~~

~~(A) when used with respect to any public elementary school or secondary~~ school teacher teaching in a State, ~~means that~~a teacher who—

~~(i) the teacher~~"(I)(aa) has obtained ~~full~~ State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in ~~such~~the State, except that when used with respect to any teacher teaching in a ~~public~~ charter school, the term means that the teacher meets the requirements set forth in the State's ~~public~~ charter school law; ~~and~~[or]

~~(ii) the teacher~~"(bb) has passed a rigorous State test for subject matter knowledge and is making satisfactory progress towards obtaining full certification or licensure within 3 years through participation in a high-quality, State-approved alternative certification program; [and]

"(II) has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;

~~(B) when used~~"(ii) with respect to—

~~(i~~"(I) an elementary school teacher who is new to the profession, ~~means~~ that the teacher~~—~~

~~(I)~~ holds at least a bachelor's degree~~;~~ and~~—~~

~~(II)~~"(aa) if teaching more than a single subject, has demonstrated, by receiving a passing score on a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

~~(ii~~"(bb) if teaching a single subject, meets either the requirement in item (aa) or (bb) of subclause (II); and

"(II) a middle school or ~~secondary~~high school teacher who is new to the profession, ~~means~~ that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by—

~~(I)~~"(aa) receiving a passing score on a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects ~~in which~~ the teacher teaches); or

~~(II~~"(bb) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and

~~(C~~"(iii) when used with respect to an elementary school, middle school, or

~~secondary~~high school teacher who is not new to the profession, ~~means~~ that the teacher holds at least a bachelor's degree and—

~~(i~~"(I) has met the applicable standard in ~~clause (i~~subclause (I) or (~~ii~~II) of ~~subparagraph (B~~clause (ii), which includes an option for a test; or

~~(ii~~"(II) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation, which may include multiple subjects, that—

~~(I~~"(aa) is set by the State for both grade--appropriate academic subject--matter knowledge and teaching skills;

~~(II~~"(bb) is aligned with ~~challenging~~ State academic content and student academic achievement standards under section 1111(a)(1) and developed in consultation with core content specialists, teachers, principals, and school administrators;

~~(III~~"(cc) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

~~(IV~~"(dd) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;

~~(V~~"(ee) takes into consideration, but is not ~~be~~ based primarily on, the time the teacher has been teaching in the academic subject;

~~(VI~~"(ff) is made available to the public ~~upon~~ on request; and

~~(VII~~"(gg) may involve multiple, objective measures of teacher competency.

~~(2~~4"(B) SPECIAL RULE.—Notwithstanding the requirements of subparagraph (A), a State may deem a teacher to be a highly qualified teacher for purposes of this Act, if the teacher is—

"(i) a teacher with a bachelor's degree who has received and maintained a rating in the highest categories in the State in which the teacher teaches, as described in [section ___];

"(ii) a teacher in a rural local educational agency, as described in section 6211(b), who teaches multiple subjects, if the teacher is a highly qualified teacher in 1 of the core academic subjects that the teacher teaches and becomes highly qualified in the additional subjects not later than 3 years by meeting the requirements in clause (ii) or (iii) of subparagraph (A);

"(iii) a special education teacher consistent with section 602(10) of the Individuals with Disabilities Education Act;

"(iv) a science teacher who holds a broad field science or individual science certification or licensure and who the State determines is highly qualified for purposes of this paragraph; or

"(v) a teacher who has been determined to be highly qualified by the State as of

the day before the date of enactment of the [short title].

"(37) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

"(A) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

"(B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line.

"(38) HIGH-NEED SCHOOL.—

"(A) IN GENERAL.—The term 'high-need school' means—

"(i) an elementary school or middle school in which not less than 50 percent of the enrolled students are children from low-income families;

"(ii) a high school in which not less than 40 percent of the enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

"(iii) a school that is served by a local educational agency that is eligible under [section 3711(b)].

"(B) LOW-INCOME FAMILY.—For purposes of subparagraph (A), the term 'low-income family' means a family—

"(i) in which the children are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

"(ii) receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

"(iii) in which the children are eligible to receive medical assistance under the Medicaid program.

"(39) INSTITUTION OF HIGHER EDUCATION.—The term "'institution of higher ~~education"~~education' has the meaning given that term in section 101(a) of the Higher Education Act of 1965.

~~(25) LIMITED ENGLISH PROFICIENT~~"(40) LEADING INDICATORS.—The term ~~"limited English proficient", when used with respect to an individual,~~'leading indicators' means ~~an individual—~~

~~(A) who is aged 3 through 21;~~

~~(B) who is enrolled or preparing to enroll~~[indicators relating to] areas in ~~an elementary~~which a persistently low-achieving school ~~or secondary school;~~is expected to demonstrate improvement, such as—

~~(C)(i) who was not born in the United States or whose native language is a language other than English;~~

~~(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and~~

~~(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or~~

~~(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and~~

~~(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—~~

~~(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);~~

~~(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or~~

~~(iii) the opportunity to participate fully in society.~~

~~(26~~"(A) average student attendance rates;

"(B) teacher attendance rates;

"(C) on-time grade promotion;

"(D) credit accumulation rates;

"(E) expulsion, suspension, violence and harassment rates;

"(F) teacher retention and turnover rates;

"(G) percentage of students failing a core, credit-bearing course;

"(H) entrance and placement examinations, and preparation courses, for postsecondary education.

"(41) LOCAL ~~EDUCATIONAL AGENCY~~CONTRIBUTION PERCENTAGE.—

~~(~~"(A) IN GENERAL.—The term ~~"~~'local contribution percentage' means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to, and verified by the National Center for Education Statistics.

"(B) HAWAII AND DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the average local contribution percentage for the 50 States and the District of Columbia.

"(42) LOCAL EDUCATIONAL AGENCY".—

"(A) IN GENERAL.—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 schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

~~(~~"(B) ADMINISTRATIVE CONTROL AND DIRECTION.—The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(“(C) BIABIA SCHOOLS.—The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

(“(D) EDUCATIONAL SERVICE AGENCIES.—The term includes educational service agencies and consortia of those agencies.

(“(E) STATE EDUCATIONAL AGENCY.—The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

(27) MENTORING.—The term “mentoring”, except when used to refer to teacher mentoring, means a process by which a responsible adult, postsecondary student, or secondary school student works with a child to provide a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

(28“(43) MAGNET SCHOOL.—The term ‘magnet school’ means a public elementary school, public secondary school, public elementary education center, or public secondary education center, that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

“(45) MUTUAL CONSENT.—The term ‘mutual consent’ means a process through which—

“(A) the principal or hiring team and the teacher agree to the placement at a school;

“(B) the principal or hiring team selects teachers for the school from an unrestricted pool of internal and external candidates based on an assessment of the qualifications and fitness for the position of the individual candidates; and

“(C) the local educational agency ensures that other schools served by the local educational agency are not be forced to accept teachers displaced from persistently low-achieving schools.

“(46) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms “‘Native American”American’ and “‘Native American languagelanguage’ have the same meaning given those terms in section 103 of the Native American Languages Act of 1990. (25 U.S.C. 2902).

(29) OTHER STAFF.—The term “other staff” means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

(30“(47) ON TRACK TO COLLEGE AND CAREER READINESS.—The term ‘on track to college and career readiness’, when used with respect to a student, means that—

“(A) the student is performing at or above the student’s grade level in a subject so

that the student will be college and career ready in such subject by the time of high school graduation, as demonstrated by student performance that meets or exceeds the on-track level of student academic achievement for such subject under section 1111(a)(1)(A)(iv) for the student's grade, as measured by the State's assessment system under section 1111(a)(2); or

"(B) in the case of a student in a State that has chosen in accordance with section 1111(b)(1)(B) to measure student growth in addition to student achievement for purposes of determining readiness, the student meets the requirements of subparagraph (A) for a subject or the student is making adequate student growth, as described in paragraph (1)(A), in the subject.

"(48) OUTLYING AREA.—The term "'outlying ~~area"~~area'—

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

"(B) for the purpose of section 1121(b) and any other discretionary grant program under this Act, includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau until an agreement for the extension of United States education assistance under the Compact of Free Association for each of the freely associated states becomes effective after the date of enactment of the [No Child Left Behind Act of 2001.] [Note: Needs to be updated.].

~~(31~~"(49) PARENT.—The term ~~"parent"~~'parent' includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

~~(32) PARENTAL INVOLVEMENT.—The term "parental involvement" means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—~~

~~(A) that parents play an integral role in assisting their child's learning;~~

~~(B) that parents are encouraged to be actively involved in their child's education at school;~~

~~(C) that parents are full partners in their child's education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child;\1\~~

~~\1\Should probably end with "; and".~~

~~(D) the carrying out of other activities, such as those described in section 1118.~~

~~(33~~"(50) POVERTY LINE.—The term "'poverty ~~line"~~line' means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act~~)~~ (42 U.S.C. 9902(2)) applicable to a family of the size involved.

~~(34~~"(51) PROFESSIONAL DEVELOPMENT.—The term "'professional ~~development"—~~

~~(A) includes~~ development' means activities based on scientifically valid research

that—

~~(i) improve~~ are coordinated and aligned to increase ~~teachers' knowledge of~~ the ~~academic subjects the teachers teach, and enable teachers to become highly qualified;~~

~~(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;~~

~~(iii) give teachers~~effectiveness of educators (including teachers, principals, ~~and administrators the knowledge and skills to provide students~~ other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) and are regularly assessed to determine the activities' effectiveness, and that—

"(A) are designed and implemented to improve student achievement and classroom practice;

"(B) are aligned with ~~the opportunity to meet challenging—~~

"(i) State academic content standards and student academic achievement standards~~;~~ developed under section 1111(a)(1);

~~(iv) improve classroom management skills;~~

~~(v)(I) are high quality, sustained, intensive~~"(ii) related academic and school improvement goals of the school, local educational agency, and, as appropriate, statewide and local curricula; and

"(iii) rigorous teaching standards;

"(C) increase educators'—

"(i) knowledge and understanding about how students learn;

"(ii) academic content knowledge;

"(iii) ability to analyze student work and achievement data from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis; and

"(iv) ability to instruct students with disabilities and English learners so that they are able to meet the State academic content standards and student academic achievement standards;

"(D) address areas for improvement based on such educators' evaluations;

"(E) are job-embedded, ongoing, collaborative, data-driven, and classroom-focused; and

"(F) are, as appropriate—

"(i) designed to provide educators with the knowledge and skills to work more effectively with parents and families; and

"(ii) provided jointly for school staff and other early childhood education and care providers, where applicable, to address the transition to elementary school, including issues related to school readiness across all major domains of early

learning.

"(52) REGULAR SECONDARY SCHOOL DIPLOMA.—

"(A) IN GENERAL.—The term 'regular secondary school diploma' means the standard secondary school diploma awarded to the preponderance of students in ~~order to have~~ the State that is fully aligned with State standards, or a ~~positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and~~higher diploma. Such term shall not include a GED or other recognized equivalent of a diploma, a certificate of attendance, or any lesser diploma award.

~~(II) are not 1-day or short-term workshops or conferences;~~

~~(vi) support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;~~

~~(vii) advance teacher understanding of effective instructional strategies that are—~~

~~(I)~~"(B) EXCEPTION FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES.—For a student who has a significant cognitive disability and is assessed using an alternate assessment aligned to alternate academic achievement standards under section 1111(a)(1)(D), receipt of a regular secondary school diploma or a State-defined alternate diploma aligned with completion of the student's right to a free and appropriate public education under the Individuals with Disabilities Education Act shall be counted as graduating with a regular secondary school diploma for the purposes of this [Act], except that not more than 1 percent of students served by a State or a local educational agency, as appropriate, shall be counted as graduates with a regular secondary school diploma under this subparagraph.

"(53) REVENUE DERIVED FROM LOCAL SOURCES.—The term 'revenue derived from local sources' means—

"(A) revenue produced within the boundaries of a local educational agency and available to such agency for such agency's use; or

"(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as such funds were collected as a local revenue source.

"(54) SCIENTIFICALLY BASED ~~on~~ RESEARCH.—The term 'scientifically based ~~research (except that this subclause shall not apply to activities carried out under part D of title II); and~~research'—

~~(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and~~

~~(viii) are aligned with and directly related to—~~

~~(I) State academic content standards, student academic achievement standards, and assessments; and~~

~~(II) the curricula and programs tied to the standards described in subclause~~

~~(I) except that this subclause shall not apply to activities described in clauses (ii) and (iii) of section 2123(3)(B);~~

~~(ix) are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;~~

~~(x) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;~~

~~(xi) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;~~

~~(xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;~~

~~(xiii) provide instruction in methods of teaching children with special needs;~~

~~(xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and~~

~~(xv) include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and~~

~~(B) may include activities that—~~

~~(i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;~~

~~(ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and~~

~~(iii) provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.~~

~~(35) PUBLIC TELECOMMUNICATIONS ENTITY.—The term "public telecommunications entity" has the meaning given that term in section 397(12) of the Communications Act of 1934.~~

~~(36) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—~~

~~(A) PUPIL SERVICES~~"(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

"(B) includes research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

"(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

"(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

"(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"(55) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

"(56) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

"(57) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(58) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—

"(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term ~~"pupil services personnel"~~'specialized instructional support personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

~~("~~("(B) ~~PUPIL~~SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term ~~"pupil services"~~'specialized instructional support services' means the services provided by ~~pupil services~~specialized instructional support personnel.

~~(37) SCIENTIFICALLY BASED RESEARCH~~"(59) STATE.—The term ~~"scientifically based~~

~~research”.—~~

~~(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and~~

~~(B) includes research that—~~

~~(i) employs systematic, empirical methods that draw on observation or experiment;~~

~~(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;~~

~~(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;~~

~~(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;~~

~~(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and~~

~~(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.~~

~~(38) SECONDARY SCHOOL.—The term “secondary school” means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.~~

~~(39) SECRETARY.—The term “Secretary” means the Secretary of Education.~~

~~STATE.—The\1\ term “State”~~‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

~~\1\So in law. The matter following paragraph (39), as amended by section 901 of Public Law 107–110 (115 Stat. 1965), should probably read “(40) STATE.—The...”.~~

~~(41~~“(60) STATE ADVISORY COUNCIL ON EARLY CHILDHOOD EDUCATION AND CARE.—The term ‘State Advisory Council on Early Childhood Education and Care’ means the State Advisory Council on Early Childhood Education and Care established under section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)).

“(61) STATE EDUCATIONAL AGENCY.—The term “‘State educational ~~agency”~~agency’ means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

~~(42~~“(62) STUDENT GROWTH.—The term ‘student growth’ means the change in a student’s

achievement between 2 or more points in time, as measured through an approach that is statistically rigorous and appropriate for the knowledge and skills being measured.

"(63) TEACHER MENTORING.—The term "'teacher ~~mentoring" means activities that—~~

~~(A) consist~~mentoring' means supporting teachers or principals to increase the effectiveness and retention of ~~structured guidance and regular and ongoing support for teachers, especially beginning teachers,~~such teachers or principals through a program that—

~~(~~"(A) includes clear criteria for the selection of mentors that takes into account the mentor's—

"(i) ~~are designed~~effectiveness; and

"(ii) ability to ~~help the~~ facilitate adult learning;

"(B) provides high-quality training for mentors in how to support teachers ~~continue to improve their practice of~~ or principals effectively;

"(C) provides regularly scheduled time for collaboration, examination of student work and achievement data, and ongoing opportunities for mentors and mentees to observe each other's teaching ~~and to develop their instructional skills~~or leading, and identify and address areas for improvement; and

~~part of\1\ an ongoing developmental induction process—~~

~~\1\So in law. The matter following subparagraph (A)(i), as amended by section 901 of Public Law 107–110 (115 Stat. 1965), should probably read "(ii) are part...".~~

~~(I) involve the assistance of an exemplary teacher and other appropriate individuals from a school, local educational agency, or~~ "(D) matches mentees with mentors in the same field, grade, grade span, or subject area.

"(64) TURNAROUND PARTNER.—The term 'turnaround partner' means a public or private nonprofit organization, institution of higher education~~;~~, or charter management organization, with a demonstrated record of successful school improvement.

"(65) UNIVERSAL DESIGN FOR LEARNING.—The term 'universal design for learning' has the meaning given the term in section 103 of the Higher Education Act of 1965.

(b) Conforming Amendments.—The Act (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1504(b) (20 U.S.C. 6574(b)), as redesignated by section 1501(3), by striking "the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate" and inserting "the authorizing committees";

~~(II) may include coaching, classroom observation, team teaching, and reduced teaching loads; and~~

~~(B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, a teacher organization, or another organization.~~

~~(43) TECHNOLOGY.—The term "technology" means state-of-the-art technology products and services.~~

(2) in section [3123(b)] (20 U.S.C. 6843(b)), by striking "the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate" and inserting "the authorizing committees";

(3) in section [3253(d)] (20 U.S.C. 6983(d)), by striking ", the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate" and inserting "and the authorizing committees";

(4) in section [6156(a)] (20 U.S.C. 7321e(a)), by striking "the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate" and inserting "the authorizing committees";

(5) in section [6164] (20 U.S.C. 7325c), by striking "the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate" and inserting "the authorizing committees";

(6) in section [6224(c)] (20 U.S.C. 7351c(c)), by striking "the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate" and inserting "the authorizing committees"; and

(7) in section 9401(e)(4) (20 U.S.C. 7861(e)(4)), by striking "the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate" and inserting "the authorizing committees".

SEC. 9532. [20 U.S.C. 7912] UNSAFE SCHOOL CHOICE OPTION.

(a) UNSAFE SCHOOL CHOICE POLICY.—Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student ~~attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of~~who is threatened with, or becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

(b) CERTIFICATION.—As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.

PART F—EVALUATIONS

~~Sec. 9601~~

~~SEC. 9601. [20 U.S.C. 7941] EVALUATIONS.~~

~~(~~"SEC. 9601. EVALUATION AUTHORITY.

"(a) Reservation of Funds.—Except as provided in ~~subsections~~subsection (b~~) and (c~~), the Secretary may reserve not more than ~~0.5~~3 percent of the amount appropriated to carry out each categorical program and demonstration project authorized under this Act. The reserved amounts shall be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

~~(~~"(1) ~~to~~ conduct—

~~(~~"(A) comprehensive, high-quality evaluations of the program or project~~;~~ that—

"(i) provide information to inform policy-making and to support continuous program improvement; and

~~(~~"(ii) use methods appropriate for the questions being asked; and

"(B) ~~studies~~impact evaluations that employ experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

"(2) provide technical assistance to grant recipients on—

"(A) the conduct of the ~~effectiveness~~evaluation activities that the grantees carry out under this Act; and

"(B) the collection and reporting of performance data relating to the program or project ~~and its administrative impact on schools and local educational agencies~~;

~~(2) to~~"(3) evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs assisted or authorized under this Act and related Federal preschool, elementary, and secondary programs under any other Federal law; ~~and~~

~~(3) to~~"(4) increase the usefulness of evaluations of grant recipients in order to ensure the continuous progress of the program or project by improving the quality, timeliness, efficiency, dissemination, and use of information relating to performance under the program or project~~.~~; and

~~(b) TITLES I~~"(5) identify and ~~III EXCLUDED~~disseminate research and best practices related to the programs and projects authorized under this Act.

"(b) Title I.—The Secretary may not reserve under subsection (a) more than 1 percent of the funds appropriated to carry out ~~any program authorized under~~ title I ~~or title III~~.

~~(c~~"(c) Evaluation Plan.—Beginning not later than 1 year after the date of enactment of the [___ Act of ___], the Secretary shall annually develop and submit to Congress a plan that—

"(1) describes the timeline for evaluation of the programs and projects authorized under this Act;

"(2) describes the specific evaluation activities that the Secretary intends to carry out for such programs and projects during the next year; and

"(3) describes how the Secretary intends to allocate funds reserved under this section among the activities described in subsection (a).

"(d) Evaluation Activities Authorized Elsewhere.—If, under any other provision of this Act (other than title I), funds are authorized to be reserved or used for evaluation activities with respect to a program or project, the Secretary may not reserve additional funds under this section for the evaluation of that program or project.

"(e) Special Rule Regarding Allocation for Impact Evaluations.—The Secretary shall use not less than 30 percent of the funds reserved under this section for each of the fiscal years 2012 through 2017, in the aggregate [for the 6-year period? or in the aggregate for each year?], for impact evaluations that meet the requirements of section [9602(1).]".

"Subtitle B—Education for Homeless Children and ~~Youths~~Youth

"SEC. 721. STATEMENT OF POLICY.

"The following is the policy of ~~the~~ Congress:

~~("~~"(1) Each State ~~educational agency~~ shall ensure that each ~~child of a~~ homeless ~~individual~~ child and ~~each homeless~~ youth has ~~equal~~ access to the same free~~,~~ appropriate public education, including a public preschool education, as is provided to other children and ~~youths~~youth.

~~("~~"(2) In any State ~~that has a~~where compulsory residency ~~requirement as a component of the State's compulsory school attendance laws~~requirements or other requirements of laws, regulations, practices, or policies ~~that~~ may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and ~~youths~~youth, the State ~~will~~shall review and ~~undertake steps to~~ revise such laws, regulations, practices, or policies to ensure that homeless children and ~~youths~~youth are afforded the same free~~,~~ appropriate public education as is provided to other children and ~~youths~~youth.

~~("~~"(3) Homelessness ~~alone~~ is not a sufficient reason to separate students from the mainstream school environment.

~~("~~"(4) Homeless children and ~~youths should~~youth shall have access to the education and other services that such children and ~~youths~~youth need to ensure that such children and ~~youths~~youth have an opportunity to meet the same ~~challenging~~college and career ready State student academic achievement standards to which all students are held.

"SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND ~~YOUTHS~~YOUTH.

~~("~~"(a) ~~GENERAL AUTHORITY~~ General Authority.—The Secretary is authorized to make grants to States from allotments made under subsection (c) and in accordance with ~~the provisions of~~ this section to enable such States to carry out the activities described in subsections (d) through (gh).

~~("~~"(b) ~~APPLICATION~~ ~~No~~ Application.—In order for a State ~~may~~to be eligible to receive a grant under this section ~~unless~~, the State educational agency ~~submits~~, in consultation with other relevant State agencies, shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

~~(c) ALLOCATION AND RESERVATIONS~~

~~("~~"(c) Allocation and Reservations.—

"(1) ~~ALLOCATION~~ ~~(~~ALLOCATION.—

"(A) IN GENERAL.—Subject to subparagraph (~~B~~C), the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 that remains after the Secretary reserves funds under

paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6332) to the State for that year bears to the total amount allocated under section 1122 of such Act to all States for that year, except ~~that no State shall receive less than the greater of —~~ as provided in subparagraph (B).

~~(~~"(B) MINIMUM ALLOTMENTS.—No State shall receive for a fiscal year less under this paragraph than the greater of—

"(i) $150,000; or

~~(~~"(ii) ~~one-fourth of 1 percent of~~an amount that bears the same ratio to the amount appropriated for such year under section 726 ~~for that year; or~~

~~(iii) the amount such~~ that remains after the Secretary reserves funds under paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount the State received under this ~~section for fiscal year 2001~~paragraph for the preceding fiscal year bears to the total amount received by all States under this paragraph for the preceding fiscal year.

~~(B)~~ "(C) REDUCTION FOR INSUFFICIENT FUNDS.—If there are insufficient funds in a fiscal year to allot to each State the minimum amount under subparagraph (~~A~~B), the Secretary shall ratably reduce the allotments to all States based on the proportionate share that each State received under this subsection for the preceding fiscal year.

~~(~~"(2) ~~RESERVATIONS.~~ (RESERVATIONS.—

"(A) STUDENTS IN TERRITORIES.—The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary. Funds allocated under this subparagraph shall be used for programs that are consistent with the purposes of the programs described in this subtitle.

~~(~~"(B~~)~~) INDIAN STUDENTS.—

"(i) TRANSFER.—The Secretary shall transfer 1 percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs that are for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), and that are consistent with the purposes of the programs described in this subtitle.

~~(~~"(ii) AGREEMENT.—The Secretary of Education and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this subtitle, for the distribution and use of the funds described in clause (i) under terms that the Secretary of Education determines best meet the purposes of the programs described in this subtitle. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the ~~amounts~~funds transferred, including appropriate goals, objectives, and milestones for that use.

~~(3) STATE DEFINED- For purposes of this subsection, the term State' does not include the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands.~~

~~(~~"(d) ~~ACTIVITIES- Grants-~~ State Activities.—Grant funds from a grant made to a State under this section shall be used for the following:

~~(~~"(1) To ~~carry out the policies set forth in section 721 in the State.~~

~~(2) To~~ provide activities for~~,~~ and services to~~,~~ improve the identification of homeless children~~, including preschool-aged homeless children,~~ and ~~youths that~~ youth and enable such children and ~~youths~~ youth to enroll in, attend, and succeed in school~~, or, if appropriate, in preschool programs~~.

~~(3~~"(2) To establish or designate an Office of the Coordinator for Education of Homeless Children and ~~Youths~~Youth in the State educational agency in accordance with subsection (f~~).~~) that has sufficient knowledge, authority, and time to carry out the duties described in this subtitle.

~~(4~~"(3) To prepare and carry out the ~~State~~duties described in subsection (f) in the State plan described in subsection (g).

~~(5~~"(4) To develop and implement professional development ~~programs~~activities for liaisons designated under subsection (g)(1)(J)(ii), other local educational agency and school personnel, and community agencies—

"(A) to ~~heighten~~improve their identification of homeless children and youth; and

"(B) to improve their awareness of, and capacity to respond to, specific ~~problems~~ needs in the education of homeless children and ~~youths~~youth.

~~(e) STATE AND LOCAL SUBGRANTS-~~

~~(1) MINIMUM DISBURSEMENTS BY STATES-~~ "(e) State and Local Subgrants.—

"(1) MINIMUM DISBURSEMENTS BY STATES.—From the ~~sums~~grant funds made available each year to a State under subsection (a) to carry out this subtitle, the State educational agency ~~shall distribute—~~

"(A) may use not ~~less than 75~~more that 20 percent ~~in subgrants to local educational agencies for the purposes~~ of ~~carrying out section 723, except that States funded at the minimum level set forth in~~ the State's allocation under subsection (c)(1) ~~shall distribute not less than 50 percent in~~or $85,000, whichever amount is greater, for State-level activities; and

"(B) shall use the remainder of the State's allocation after using amounts for State-level activities under subparagraph (A) to award subgrants to local educational agencies for the purposes of carrying out section 723.

~~(~~"(2) ~~USE BY STATE EDUCATIONAL AGENCY-~~ USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use funds for State-level activities made available ~~for State use~~ under ~~this subtitle~~paragraph (1)(A) to conduct activities under subsection (f) directly or through grants or contracts.

(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS-

(A) IN GENERAL- Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

(B) EXCEPTION- Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of homeless children or youths in schools, a State that has a separate school for homeless children or youths that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if —

(i) the school meets the requirements of subparagraph (C);

(ii) any local educational agency serving a school that the homeless children and youths enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and

(iii) the State is otherwise eligible to receive funds under this subtitle.

(C) SCHOOL REQUIREMENTS- For the State to be eligible under subparagraph (B) to receive funds under this subtitle, the school described in such subparagraph shall —

(i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that —

(I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);

(II) sets forth the general rights provided under this subtitle;

(III) specifically states —

(aa) the choice of schools homeless children and youths are eligible to attend, as provided in subsection (g)(3)(A);

(bb) that no homeless child or youth is required to attend a separate school for homeless children or youths;

(cc) that homeless children and youths shall be provided comparable services described in subsection (g)(4), including transportation services, educational services, and meals through school meals programs; and

(dd) that homeless children and youths should not be stigmatized by school personnel; and

(IV) provides contact information for the local liaison for homeless children and youths and the State Coordinator for Education of Homeless Children and Youths;

(ii)(I) provide assistance to the parent or guardian of each homeless child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of schools, as provided in subsection (g)(3)(A); and

(II) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

(iii) ensure that the parent or guardian (or, in the case of an unaccompanied youth, the youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

(iv) demonstrate in the school's application for funds under this subtitle that such school —

(I) is complying with clauses (i) and (ii); and

(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with sections 1111 and 1116 of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

(D) SCHOOL INELIGIBILITY- A separate school described in subparagraph (B) that fails to meet the standards, regulations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS- For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B)(ii) shall —

(i) implement a coordinated system for ensuring that homeless children and youths —

(I) are advised of the choice of schools provided in subsection (g)(3)(A);

(II) are immediately enrolled, in accordance with subsection (g)(3)(C), in the school selected under subsection (g)(3)(A); and

(III) are promptly provided necessary services described in subsection (g)(4), including transportation, to allow homeless children and youths to exercise their choices of schools under subsection (g)(3)(A);

(ii) document that written notice has been provided —

(I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school under subparagraph (B); and

(II) in accordance with subsection (g)(6)(A)(v);

(iii) prohibit schools within the agency's jurisdiction from referring homeless children or youths to, or requiring homeless children and youths to enroll in or attend, a separate school described in subparagraph (B);

(iv) identify and remove any barriers that exist in schools within the agency's jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and

(v) not use funds received under this subtitle to establish —

(I) new or additional separate schools for homeless children or youths; or

(II) new or additional sites for separate schools for homeless children or youths, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.

(F) REPORT-

(i) PREPARATION- The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph. The report shall contain, at a minimum, information on —

(I) compliance with all requirements of this paragraph;

(II) barriers to school access in the school districts served by the local educational agencies; and

(III) the progress the separate schools are making in integrating homeless children and youths into the mainstream school environment, including the average length of student enrollment in such schools.

(ii) COMPLIANCE WITH INFORMATION REQUESTS- For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinator for Education of Homeless Children and Youths established in the State under subsection (d)(3), and shall comply with any requests for information by the Secretary and State Coordinator for such State.

(iii) SUBMISSION- Not later than 2 years after the date of enactment of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, the Secretary shall submit the report described in clause (i) to —

(I) the President;

(II) the Committee on Education and the Workforce of the House of Representatives; and

(III) the Committee on Health, Education, Labor, and Pensions of the Senate.

(G) DEFINITION- For purposes of this paragraph, the term covered county' means —

(i) San Joaquin County, California;

(ii) Orange County, California;

(iii) San Diego County, California; and

(iv) Maricopa County, Arizona.

(f) FUNCTIONS OF THE OFFICE OF COORDINATOR- The Coordinator for Education of Homeless Children and Youths established in each State shall —

(“(1) gather and make publicly available reliable, valid, and comprehensive information on—

“(A) the nature and extent of the problems homeless children and ~~youths~~ youth have in gaining access to public preschool programs, and to public elementary schools and secondary schools~~,~~;

“(B) the difficulties in identifying the special needs and barriers to participation and achievement of such children and ~~youths,~~youth;

“(C) any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties~~, and the success of the programs under this subtitle in allowing homeless children and youths to enroll in, attend, and succeed in, school;~~; and

~~(~~“(D) the success of the programs under this subtitle in identifying homeless children and youth and allowing homeless children and youth to enroll in, attend, and succeed in, school; and

“(2) develop and carry out the State plan described in subsection (g);

~~(~~“(3) collect data for and transmit to the Secretary, at such time and in such manner as the Secretary may require, ~~a report~~reports containing such information as the Secretary determines is necessary to assess the educational needs of homeless children and ~~youths~~youth within the State, including data requested pursuant to subsection (h) of section 724;

~~(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies (including agencies providing mental health services) to provide services to homeless children, including preschool-aged homeless children, and youths, and to families of such children and youths;~~

~~(5) in order to~~“(4) improve the provision of comprehensive education and related support services to homeless children and ~~youths~~ youth and their families, ~~coordinate and collaborate~~and to minimize educational disruption, through coordination of activities, and collaboration with—

~~(~~“(A) educators, including teachers, administrators, special education personnel, and child development and preschool program personnel;

~~(~~“(B) providers of services to homeless children and youth and homeless families, public and ~~runaway children~~private child welfare and ~~youths~~social services agencies, law enforcement agencies, juvenile and ~~homeless families (including~~family courts, agencies providing mental health services, domestic violence agencies, ~~shelter operators, transitional housing facilities,~~ child care providers, runaway and homeless youth centers, and providers of services and programs funded under the Runaway and

Homeless Youth Act (42 U.S.C. 5701 et seq.);

"(C) providers of emergency, transitional, and permanent housing to homeless children and youth, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless ~~youths);~~youth;

~~(C~~"(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for homeless children and ~~youths~~youth; and

~~(D~~"(E) community organizations and groups representing homeless children and ~~youths~~youth and their families; ~~and~~

~~(6~~"(5) provide professional development and technical assistance to and conduct monitoring of local educational agencies, in coordination with local educational agency liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies comply with the requirements of ~~section 722(e)(3) and~~ paragraphs (3) through (7) of subsection (g~~).~~), and subsection (h); and

~~(g) STATE PLAN~~

~~(1) IN GENERAL.~~ "(6) make opportunities available for teachers and local educational agency liaisons designated under subsection (g)(1)(J)(ii) to participate in ongoing and relevant professional development programs and activities.

"(g) State Plan.—

"(1) IN GENERAL.—Each State shall submit to the Secretary and implement a plan to provide for the education of all homeless children and ~~youths~~youth within the State. Such plan shall include the following:

~~(~~"(A) A description of how such children and ~~youths~~youth are (or will be) given the opportunity—

"(i) to meet the same ~~challenging~~college and career ready State student academic achievement standards as all students are expected to meet~~.~~; and

~~(~~"(ii) to become college and career ready.

"(B) A description of the procedures the State educational agency will use, in coordination with local educational agencies, to identify such children and ~~youths~~youth in the State and to assess their ~~special~~ needs.

~~(~~"(C) A description of procedures for the prompt resolution of disputes ~~regarding~~arising under this subtitle, which shall—

"(i) be developed in coordination and collaboration with the ~~educational placement~~liaisons designated under subparagraph (J)(ii);

"(ii) be readily available and provided in a written format and, to the extent practicable, in a manner and form understandable to the parents and guardians of homeless children and ~~youths.~~youth;

~~(~~"(iii) take into account the educational best interest of the homeless child or youth, or unaccompanied youth, involved; and

"(iv) ensure that parents and guardians of homeless children and youth, and unaccompanied youth, who have exhausted the procedures available under this paragraph are able to appeal to the State educational agency, and are enrolled in school pursuant to paragraph (4)(C) and receive transportation pursuant to subparagraph (J)(iii) pending final resolution of the dispute.

"(D) A description of programs for school personnel (including the liaisons, principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to ~~heighten~~increase the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless ~~youths~~youth.

~~(~~"(E) A description of procedures that ensure that homeless children and ~~youths who meet the relevant eligibility criteria~~youth are able to participate in Federal, State, or local ~~food~~nutrition programs.

~~(~~"(F) A description of procedures that ensure that~~—~~—

~~(~~"(i) homeless children have ~~equal~~ access to ~~the same~~ public preschool programs, administered by the State ~~agency, as provided to other children in the State;~~educational agency or local educational agency, including through the policies and practices required under paragraph (3);

~~(~~"(ii) homeless ~~youths and youths~~youth, including youth separated from ~~the~~ public schools, are identified and accorded equal access to appropriate and available secondary education and support services, including receiving appropriate credit for full or partial coursework satisfactorily completed while attending a prior school, and for work completed after their enrollment in a new school, consistent with State graduation requirements and accreditation standards; and

~~(~~"(iii) homeless children and ~~youths~~youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care, magnet schools, summer schools, career and technical education, advanced placement online learning opportunities, charter school programs, and relevant workforce investment programs.

~~(~~"(G) Strategies to address problems identified in the ~~report~~reports provided to the Secretary under subsection (f)(3).

~~(~~"(H) Strategies to address other problems with respect to the education of homeless children and ~~youths~~youth, including ~~problems resulting from~~ enrollment ~~delays that are caused by —~~ problems related to—

~~(~~"(i) immunization and ~~medical~~other required health records ~~requirements~~and screenings;

~~(~~"(ii) residency requirements;

~~(~~"(iii) lack of birth certificates, school records, or other documentation;

~~(~~"(iv) guardianship issues; or

~~(~~"(v) uniform or dress code requirements.

~~(~~"~~(~~I) A demonstration that the State educational agency, and local educational agencies and schools in the State, have developed~~,~~ and shall regularly review and revise~~,~~ their policies and practices to remove barriers to the identification, enrollment ~~and~~, attendance, retention, and success of homeless children and ~~youths~~youth in schools in the State.

~~(~~"~~(~~J) Assurances that ~~—~~the following will be carried out:

~~(~~"~~(~~i) ~~the~~The State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and ~~youths~~youth are not stigmatized or segregated on the basis of their status as homeless~~;~~.

~~(~~"~~(~~ii) ~~local~~Local educational agencies will designate an appropriate staff person~~,~~ ~~who may also be a coordinator for other Federal programs,~~ as ~~a~~the local educational agency liaison for homeless children and ~~youths,~~youth, who shall have sufficient training and time to carry out the duties described in paragraph (~~6~~7)(A~~); and~~), and who may also be a coordinator for other Federal programs.

~~(~~"~~(~~iii) ~~the~~The State and ~~its~~ local educational agencies in the State will adopt policies and practices to ensure that transportation is provided~~,~~ at the request of the parent or guardian involved (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, for as long as the student has the right to attend the school of origin as determined in paragraph (~~3~~4)(A), in accordance with the following, as applicable:

~~(~~"~~(~~I) If the ~~homeless~~ child or youth continues to live in the area served by the local educational agency ~~in which~~for the school of origin ~~is located~~, the ~~child's~~child's or ~~youth's~~youth's transportation to and from the school of origin shall be provided or arranged by the local educational agency ~~in which~~for the school of origin ~~is located~~.

~~(~~"~~(~~II) If the ~~homeless child's~~child's or ~~youth's~~youth's living arrangements in the area served by the local educational agency of origin terminate and the child or youth, though continuing ~~his~~the child's or ~~her~~youth's education in the school of origin, begins living in an area served by another local educational agency, the local educational agency of origin and the local educational agency for the area in which the ~~homeless~~ child or youth is living shall agree upon a method to apportion the responsibility and ~~costs~~cost for providing ~~the child with~~ transportation to and from the school of origin. If the local educational agencies are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally between the agencies.

~~(~~"~~(~~iv) SCHOOL SUCCESS.—The State educational agency and local educational agencies will adopt policies and practices to promote school success for homeless children and youth, including access to full participation in academic and extracurricular activities that are made available to non-homeless students.

"(2) ~~COMPLIANCE~~ COMPLIANCE.—

~~{~~"(A) ~~IN GENERAL.~~ IN GENERAL.—Each plan adopted under this subsection shall also describe how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (7).

~~{~~"(B) ~~COORDINATION.~~ COORDINATION.—Such plan shall indicate what technical assistance the State will furnish to local educational agencies and how compliance efforts will be coordinated with the local educational agency liaisons designated under paragraph (1)(J)(ii).

~~(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.~~

~~(A) IN GENERAL.~~ "(3) SCHOOL READINESS FOR HOMELESS CHILDREN.—Each State plan adopted under this subsection shall ensure that entities carrying out preschool programs funded, administered, or overseen by the agency involved—

"(A) shall not be required to enroll a homeless child immediately in an early learning program that is operating at full capacity when the child seeks to enroll;

"(B) identify and prioritize homeless children for enrollment and increase their enrollment and attendance in early learning programs, including through policies such as—

"(i) reserving spaces in preschool programs for homeless children;

"(ii) conducting targeted outreach to homeless children and their families;

"(iii) waiving application deadlines;

"(iv) providing ongoing professional development for staff regarding the needs of homeless children and their families and strategies to serve the children and families; and

"(v) developing the capacity to serve all identified homeless children; and

"(C) review the educational and related needs of homeless children and their families in such agency's service area, in coordination with the liaison designated under paragraph (1)(J)(ii).

"(4) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

"(A) IN GENERAL.—The local educational agency serving each child or youth to be assisted under this subtitle shall, according to the ~~child's~~child's or ~~youth's~~youth's best interest~~.~~—

~~{~~"(i) continue the ~~child's~~child's or ~~youth's~~youth's education in the school of origin for the duration of homelessness~~.~~—

~~{~~"(I) in any case in which ~~a family~~the child or youth becomes a homeless child or youth between academic years or during an academic year; ~~or~~and

~~{~~"(II) for the remainder of the academic year, if the child or youth becomes permanently housed during an academic year; or

~~{~~"(ii) enroll the child or youth in any public school that nonhomeless students

who live in the attendance area in which the child or youth is actually living are eligible to attend.

~~(B) BEST INTEREST.~~ "(B) BEST INTEREST IN SCHOOL STABILITY.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall~~.~~ —

~~(~~"(i) ~~to the extent feasible, keep~~presume that keeping a homeless child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the wishes of the ~~child's~~child's or ~~youth's~~youth's parent or guardian;

~~(~~"(ii) ~~provide a written explanation, including a statement regarding the right to appeal under subparagraph (E), to the~~ consider student-centered factors related to the child's or youth's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless ~~child's or youth's~~children and youth, giving priority to the wishes of the homeless child's or youth's parent or guardian~~, if~~ or the unaccompanied youth involved;

"(iii) if, after conducting the best interest determination described in clause (ii), the local educational agency ~~sends such child or youth~~determines that it is not in the child's or youth's best interest to ~~a school other than~~attend the school of origin or ~~a~~the school requested by the parent ~~or~~ , guardian~~; and~~, or unaccompanied youth, provide, in coordination with the local education agency liaison, the homeless child's or youth's parent or guardian or the unaccompanied youth, with a written explanation in a manner or form understandable to such parent, guardian, or youth, to the extent practicable, including a statement regarding the right to appeal under subparagraph (E);

~~(iii~~"(iv) in the case of an unaccompanied youth, ensure that the ~~homeless~~local educational agency liaison ~~designated under paragraph (1)(J)(ii)~~ assists in placement or enrollment decisions under this subparagraph, ~~considers~~gives priority to the views of such unaccompanied youth, and provides notice to such youth of the right to appeal under subparagraph (E~~).~~); and

~~(~~"(v) provide transportation pursuant to paragraphs (1)(J)(iii) and (4).

"(C) ~~ENROLLMENT.~~ (ENROLLMENT.—

"(i) ENROLLMENT.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth, even if the child or youth ~~is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.~~—

~~(ii)~~ "(I) is unable to produce records traditionally required for enrollment, including previous academic records, health records, proof of residency or guardianship, or other documentation;

"(II) has unpaid fines or fees from prior schools or is unable to pay fees in the school selected; or

"(III) has missed application or enrollment deadlines during any period of

homelessness.

"(ii) CONTACTING SCHOOL LAST ATTENDED.—The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

~~(~~"(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain immunizations~~,~~ or ~~immunization or medical~~other required health records, the enrolling school shall immediately refer the parent or guardian of the child or youth, or the unaccompanied youth, to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or screenings, or immunization or ~~medical~~other required health records~~,~~ in accordance with subparagraph (D).

~~(~~"(iv) NO LIABILITY.—Whenever the school selected enrolls an unaccompanied youth in accordance with this paragraph, no liability shall be imposed upon the school by reason of enrolling the youth without parent or guardian consent.

"(D) ~~RECORDS.~~ RECORDS.—Any record ordinarily kept by the school, including ~~immunization~~immunizations or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained~~.~~—

~~(~~"(i) so that the records involved are available~~, in a timely fashion,~~ when a homeless child or youth enters a new school or school district, even if the child or youth owes fees or fines or did not withdraw from the previous school in conformance with local withdrawal procedures; and

~~(~~"(ii) in a manner consistent with section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

~~(~~"(E) ~~ENROLLMENT DISPUTES.~~ DISPUTES.—If a dispute arises over eligibility, enrollment, school selection, or ~~enrollment~~service in a public school ~~.~~ or public preschool, or any other issue relating to services under this subtitle—

~~(i)~~"(i) in the case of a dispute relating to eligibility for enrollment or school selection, the child or youth shall be immediately ~~admitted to~~enrolled in the school in which enrollment is sought, pending final resolution of the dispute including all available appeals;

~~(~~"(ii) the parent or guardian of the child or youth shall be provided with a written explanation of the ~~school's~~school's decision regarding eligibility for enrollment, school selection, or ~~enrollment, including~~services, made by the ~~rights of~~ school or the ~~parent, guardian, or youth~~local educational agency, which shall include information about the right to appeal the decision;

~~(~~"(iii) the child, youth, parent, or guardian shall be referred to the local educational agency liaison designated under paragraph (1)(J)(ii), who shall carry out the dispute resolution process as described in paragraph (1)(C) as expeditiously as possible after receiving notice of ~~the~~such dispute; and

~~(~~"(iv) in the case of an unaccompanied youth, the ~~homeless~~ liaison shall ensure

that the youth is immediately enrolled in school pending resolution of ~~the~~such dispute.

~~(~~"(F) ~~PLACEMENT CHOICE.~~ PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth involved lives with the homeless parents or has been temporarily placed elsewhere.

~~(G) SCHOOL OF ORIGIN DEFINED- In this paragraph, the term school of origin' means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.~~

(G) SCHOOL OF ORIGIN DEFINED- In this paragraph, the term school of origin' means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled

~~(H) CONTACT INFORMATION~~ "(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information.

~~(4) COMPARABLE SERVICES- Each~~"(I) PRIVACY.—Information about a homeless child's or youth's living situation shall be treated as a student education record under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing providers, employers, law enforcement personnel, or other persons or agencies not authorized to have such information under section 99.31 of title 34, Code of Federal Regulations, paying particular attention to preventing disruption of the living situation of the child or youth and to supporting the safety of such children and youth who are survivors of domestic violence and unaccompanied youth.

"(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this paragraph shall ensure that homeless children and youth have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including implementing the policies and practices required by paragraph (1)(J)(iv).

"(K) SCHOOL READINESS FOR HOMELESS CHILDREN.—Each local educational agency shall ensure school readiness for homeless children as described in paragraph (3).

"(5) COMPARABLE SERVICES.—In addition to receiving services provided for homeless children and youth under this subtitle or other Federal, State, or local laws, regulations, policies, or practices, each homeless child or youth to be assisted under this subtitle also shall be provided services comparable to services offered to other students in the school selected under paragraph (~~3~~4), including the following:

~~(~~"(A) Transportation services.

~~(~~"(B) Educational services for which the child or youth meets the eligibility criteria, ~~such as~~including services provided under title I of the Elementary and Secondary Education Act of 1965 ~~or~~(20 U.S.C. 6301 et seq.), similar State or local programs, charter schools, magnet schools, educational programs for children with disabilities, and educational programs for students with limited English proficiency.

{"(C) Programs in ~~vocational~~career and technical education.

{"(D) Programs for gifted and talented students.

{"(E) School nutrition programs.

~~(5) COORDINATION.~~

{"(F) Health and counseling services, as appropriate.

"(6) COORDINATION.—

"(A) ~~IN GENERAL.~~ IN GENERAL.—Each local educational agency ~~serving homeless children and youths that receives assistance under this subtitle~~ shall coordinate—

{"(i) the provision of services under this subtitle with the services of local social services agencies and other agencies or ~~programs~~entities providing services to homeless children and ~~youths~~youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

{"(ii) ~~with other local educational agencies on interdistrict issues, such as~~ transportation ~~or~~, transfer of school records, and other interdistrict activities, with other local educational agencies.

{"(B) ~~HOUSING ASSISTANCE. If applicable, each~~HOUSING ASSISTANCE.—Each State educational agency and local educational agency that receives assistance under this subtitle shall coordinate, if applicable, with State and local housing agencies responsible for developing ~~the~~ comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705) to minimize ~~educational~~education disruption for children and ~~youths~~youth who become homeless.

{"(C) ~~COORDINATION PURPOSE.~~ COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

{"(i) ensure that all homeless children and ~~youths~~youth are identified within a reasonable time frame;

"(ii) ensure that homeless children and youth have access to and are in reasonable proximity to available education and related support services; and

{~~ii~~"(iii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

~~(6) LOCAL EDUCATIONAL AGENCY LIAISON.~~

{"(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youth who are to be assisted both under this subtitle, and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the provision of services under this subtitle with the provision of programs for children with disabilities served by such local educational agency and other involved local

educational agencies.

"(7) LOCAL EDUCATIONAL AGENCY LIAISON.—

"(A) ~~DUTIES.~~ DUTIES.—Each local educational agency liaison for homeless children and ~~youths~~youth, designated under paragraph (1)(J)(ii), shall ensure that~~.~~—

~~(~~"(i) all homeless children and ~~youths~~youth are identified by school personnel and through outreach and coordination activities with other entities and agencies;

~~(~~"(ii) homeless children and ~~youths enroll~~youth are enrolled in, and have a full and equal opportunity to succeed in, schools of that local educational agency;

~~(~~"(iii) homeless families, and homeless children~~,~~ and ~~youths receive~~ youth, have access to educational services for which such families, children, and ~~youths~~youth are eligible, including services through Head Start, Early Head Start, early intervention, and Even Start programs, and preschool programs ~~administered by the local educational agency, and~~ described in paragraph (3);

"(iv) homeless families, and homeless children and youth receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;

~~(iv~~"(v) the parents or guardians of homeless children and ~~youths~~youth are informed of the educational and related opportunities available to their children, including early learning opportunities, and are provided with meaningful opportunities to participate in the education of their children;

~~(v~~"(vi) public notice of the educational rights of homeless children and ~~youths~~youth is incorporated into documents related to residency requirements or enrollment, provided upon school enrollment and withdrawal, posted on the local educational agency's website, and disseminated ~~where such children and youths receive services under this Act,~~in locations frequented by parents or guardians of such ~~as~~children and youth, and unaccompanied youth, including schools, ~~family~~ shelters, public libraries, and soup kitchens, in a manner and form understandable to parents and guardians of homeless children and youth and unaccompanied youth;

~~(vi) enrollment~~"(vii) disputes are ~~mediated~~resolved in accordance with paragraph (~~3~~4)(E);~~ and~~

~~(vii~~"(viii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (~~3~~4)(A~~).~~);

~~(B) NOTICE.—State coordinators established~~"(ix) school personnel are adequately prepared to implement this subtitle and receive professional development, resource materials, technical assistance, and other support; and

"(x) unaccompanied youth—

"(I) are enrolled in school;

"(II) have opportunities to meet the same college and career ready State student academic achievement standards to which other students are held, including through implementation of the policies and practices required by subparagraphs (F)(ii) and (J)(iv) of paragraph (1); and

"(III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv), including through school counselors that have received professional development about unaccompanied youth, and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

"(B) NOTICE.—State Coordinators appointed under subsection (d)(3) and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families and homeless children and youth of the contact information and duties of the local educational agency liaisons, including publishing an annually updated list of the liaisons on the State educational agency's website.

~~("~~(C) ~~LOCAL AND STATE COORDINATION~~ LOCAL AND STATE COORDINATION.—The local educational agency liaisons ~~for homeless children and youths~~ shall, as a part of their duties, coordinate and collaborate with the State ~~coordinators~~Coordinators and community and school personnel responsible for the provision of education and related ~~services to homeless children and youths.~~support services to homeless children and youth. Such coordination shall include collecting and providing to the State Coordinator the reliable, valid, and comprehensive data needed to meet the requirements of paragraphs (1) and (3) of subsection (f).

~~(7) REVIEW AND REVISIONS~~

~~("~~(D) PROFESSIONAL DEVELOPMENT.—The local educational agency liaisons shall participate, as appropriate, in the professional development and other technical assistance activities provided by the State Coordinator pursuant to subsection (f)(5).

"(h) Special Rule for Emergency Assistance.—

"(1) EMERGENCY ASSISTANCE.—

"(A) ~~IN GENERAL.~~ RESERVATION OF AMOUNTS.—Subject to paragraph (4) and notwithstanding any other provision of this title, the Secretary may use funds appropriated under section 726 for fiscal year 2012, for the purposes of providing emergency assistance through grants.

"(B) GENERAL AUTHORITY.—The Secretary shall use the funds to make grants to State educational agencies under paragraph (2), to enable the agencies to make subgrants to local educational agencies under paragraph (3), to provide activities described in section 723(d) for individuals referred to in subparagraph (C).

"(C) ELIGIBLE INDIVIDUALS.—Funds made available under this subsection shall be used to provide such activities for eligible individuals, consisting of homeless children and youths, and their families, who—

"(i) have become homeless due to home foreclosure, including children and youths, and their families, who became homeless when lenders foreclosed on properties rented by the families; or

"(ii) have become homeless due to a major disaster, including natural disasters such as hurricanes, tornadoes, and floods, or man-made disasters such as acts of terrorism.

"(2) GRANTS TO STATE EDUCATIONAL AGENCIES.—

"(A) DISBURSEMENT.—The Secretary shall make grants with funds provided under paragraph (1)(A) to State educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the States involved, as determined by the Secretary.

"(B) ASSURANCE.—To be eligible to receive a grant under this paragraph, a State educational agency shall provide an assurance to the Secretary that the State educational agency, and each local educational agency receiving a subgrant from the State educational agency under this subsection shall ensure that the activities carried out under this subsection are consistent with the activities described in section 723(d).

"(3) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—A State educational agency that receives a grant under paragraph (2) shall use the funds made available through the grant to make subgrants to local educational agencies. The State educational agency shall make the subgrants to local educational agencies based on need, consistent with the number of eligible individuals described in paragraph (1)(C) in the areas served by the local educational agencies, as determined by the State educational agency.

"(4) RESTRICTION.—The Secretary—

"(A) shall determine the amount (if any) by which the funds appropriated under section 726 for fiscal year 2009 exceed $70,000,000; and

"(B) may only use funds from that amount to carry out this subsection.

"(i) School Readiness for Homeless Children.—Each State educational agency and local educational agency ~~that receives~~ receiving assistance under this subtitle shall ~~review and revise any policies that may act as barriers to the enrollment of homeless children and youths in schools that are selected under paragraph (3).~~ensure that programs serving public preschool children comply with the requirements of this subtitle.

~~(B) CONSIDERATION- In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship.~~

~~(C) SPECIAL ATTENTION- Special attention shall be given to ensuring the enrollment and attendance of homeless children and youths who are not currently attending school.~~

"SEC. 723. LOCAL EDUCATIONAL AGENCY SUBGRANTS FOR THE EDUCATION OF HOMELESS

CHILDREN AND ~~YOUTHS~~YOUTH.

~~(~~"~~(~~a) ~~GENERAL AUTHORITY-~~General Authority.—

~~(~~"~~(~~1) ~~IN GENERAL—~~IN GENERAL.—The State educational agency shall, in accordance with section 722(e), and from amounts made available to such agency under section 726, make subgrants to local educational agencies for the purpose of facilitating the identification, enrollment, attendance, and success in school of homeless children and ~~youths~~youth.

~~(~~"~~(~~2) ~~SERVICES-~~SERVICES.—

~~(~~"~~(~~A) ~~IN GENERAL—~~IN GENERAL.—Services under paragraph (1~~) —~~)—

~~(~~"~~(~~i) may be provided through programs on school grounds or at other facilities; and

~~(~~"~~(~~ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and ~~youths~~youth with nonhomeless children and ~~youths; and~~youth.

~~(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not to replace such services provided under such program.~~

~~(~~"~~(~~B) ~~SERVICES ON SCHOOL GROUNDS-~~SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided to homeless children and youth on school grounds, ~~schools —~~

~~(i)~~the school involved may use funds under this subtitle to provide the same services to other children and ~~youths~~youth who are determined by the local educational agency serving the school to be at risk of failing in, or dropping out of, school~~, subject to the requirements of clause (ii); and~~.

~~(ii) except as otherwise provided in section 722(e)(~~"~~(~~3~~)(B), shall not provide services in settings within a school that segregate homeless children and youths from other children and youths, except as necessary for short periods of time —~~

~~(I) for health and safety emergencies; or~~

~~(II) to provide temporary, special, and supplementary services to meet the unique needs of homeless children and youths.~~

~~(3) REQUIREMENT-~~) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the ~~school's~~school's regular academic program.

~~(~~"~~(~~4) DURATION OF GRANTS.—Subgrants awarded under this section shall be for terms of not to exceed 3 years.

"(b) ~~APPLICATION-~~Application.—A local educational agency that desires to receive a subgrant under this section shall submit an application to the State educational agency at such time, in

such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Such application shall include the following:

~~(~~"~~(~~1) An assessment of the educational and related needs of homeless children and ~~youths~~youth in the area served by ~~such~~the local educational agency (which may be undertaken as part of a needs ~~assessments~~assessment for ~~other~~another disadvantaged ~~groups~~group).

~~(~~"~~(~~2) A description of the services and programs for which assistance is sought to address the needs identified in paragraph (1).

~~(~~"~~(~~3) An assurance that the local educational ~~agency's~~agency's combined fiscal effort per student, or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the subgrant determination is made, was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

~~(~~"~~(~~4) An assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g).

~~(~~"~~(~~5) A description of policies and procedures~~, consistent with section 722(e)(3),~~ that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and ~~youths~~youth.

~~(c) AWARDS~~

"(6) An assurance that the local educational agency will collect and promptly provide data requested by the State Coordinator pursuant to paragraphs (1) ~~IN GENERAL~~ and (3) of section 722(f).

"(7) An assurance that the local educational agency has removed the policies and practices that have created barriers to the identification, enrollment, attendance, retention, and success in school of all homeless children and youth.

"(c) Awards.—

"(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section ~~726,~~722(a), make subgrants on a competitive ~~subgrants~~basis to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

~~(~~"~~(~~2) ~~NEED~~ NEED.—

"(A) IN GENERAL.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and ~~youths~~youth enrolled in preschool, elementary schools, and secondary schools within the area served by the local educational agency, and shall consider the needs of such children and ~~youths~~youth and the ability of the local educational agency to meet such needs. ~~The State educational agency may also consider the following:~~

~~(A~~"(B) OTHER CONSIDERATIONS.—The State educational agency may also consider the following:

"(i) The extent to which the proposed use of funds will facilitate the identification, enrollment, attendance, retention, and educational success of homeless children and ~~youths~~youth.

~~(B~~"(ii) The extent to which the application —

~~(i)~~ reflects coordination with other local and State agencies that serve homeless children and ~~youths; and~~youth.

~~(ii) describes how the applicant will meet the requirements of section 722(g)(3).~~

~~(C~~"(iii) The extent to which the applicant exhibits in the application and in current practice (as of the date of submission of the application) a commitment to education for all homeless children and ~~youths~~youth.

~~(D~~"(iv) Such other criteria as the State agency determines to be appropriate.

~~(~~"(3) ~~QUALITY.~~ QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider each of the following:

~~(~~"(A) The ~~applicant's~~applicant's needs assessment under subsection (b)(~~1~~2) and the likelihood that the program presented in the application will meet such needs.

~~(~~"(B) The types, intensity, and coordination of the services to be provided under the program.

~~(~~"(C) The extent to which the applicant will promote meaningful involvement of parents or guardians of homeless children or ~~youths~~youth in the education of their children.

~~(~~"(D) The extent to which homeless children and ~~youths~~youth will be integrated ~~within~~into the regular education program involved.

~~(~~"(E) The quality of the ~~applicant's~~applicant's evaluation plan for the program.

~~(~~"(F) The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and ~~youths~~youth and their families, including housing and social services and services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and similar State and local programs.

~~(~~"(G) ~~Such~~ The extent to which the local educational agency will use the subgrant to leverage resources, including by maximizing nonsubgrant funding for the position of the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

"(H) The local educational agency's use of funds to serve homeless children and youth under section 1113(c)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(c)(3)).

"(I) The extent to which the applicant's program meets such other measures as the

State educational agency considers to be indicative of a high-quality program, ~~such as~~including the extent to which the local educational agency will provide ~~case management or related~~ services to unaccompanied ~~youths~~youth and preschool-aged children.

~~(4) DURATION OF GRANTS- Grants awarded under this section shall be for terms not to exceed 3 years.~~

~~(d) AUTHORIZED ACTIVITIES~~ "(J) The extent to which the application describes how the applicant will meet the requirements of section 722(g)(4).

"(d) Authorized Activities.—A local educational agency may use funds awarded under this section for activities that carry out the purpose of this subtitle, including the following:

~~(~~"(1) The provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same ~~challenging~~college and career ready State academic content standards and ~~challenging~~college and career ready State student academic achievement standards as the State establishes for other children and ~~youths~~youth.

~~(~~"(2) The provision of expedited evaluations of the strengths ~~and,~~ needs~~.~~, and eligibility of homeless children and ~~youths~~youth, including needs and eligibility for programs and services (~~such as~~including educational programs for gifted and talented students, children with disabilities, and students with limited English proficiency, ~~services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local~~charter school programs, magnet school programs, and programs in ~~vocational~~career and technical education, and school nutrition programs).

~~(~~"(3) Professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such educators and personnel to the needs of homeless children and ~~youths~~youth, the rights of such children and ~~youths~~youth under this subtitle, and the specific educational needs of runaway and homeless ~~youths~~youth.

~~(~~"(4) The provision of referral services to homeless children and ~~youths~~youth for medical, dental, mental, and other health services.

~~(~~"(5) The provision of assistance to defray the ~~excess~~ cost of transportation ~~for students~~ under paragraphs (1)(J)(iii) and (5)(A) of section 722(g~~)(4)(A~~), not otherwise provided through Federal, State, or local funding~~, where necessary to enable students to attend the school selected under section 722(g)(3).~~.

~~(~~"(6) The provision of developmentally appropriate early childhood ~~education~~and care programs, not otherwise provided through Federal, State, or local funding~~, for preschool-aged homeless children~~.

~~(~~"(7) The provision of services and assistance to attract, engage, and retain homeless children and ~~youths, and unaccompanied youths~~youth, particularly homeless children and youth who are not enrolled in school, in public school programs and services provided to nonhomeless children and ~~youths~~youth.

~~(~~"(8) The provision for homeless children and ~~youths~~youth of before- and after-school, mentoring, and summer programs in which a teacher or other qualified individual provides

tutoring, homework assistance, and supervision of educational activities.

~~(~~"~~(~~9) If necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to ~~enroll~~facilitate the appropriate placement of homeless children and ~~youths~~youth in school, including birth certificates, immunization or ~~medical~~other required health records, academic records, guardianship records, and evaluations for special programs or services.

~~(~~"~~(~~10) The provision of education and training to the parents of homeless children and ~~youths~~youth about the rights of, and resources available to, such children and ~~youths~~youth, and other activities designed to increase the meaningful involvement of families of homeless children or youth in the education of their children.

~~(~~"~~(~~11) The development of coordination of activities between schools and agencies providing services to homeless children and ~~youths~~youth, as described in section 722(g)(~~5~~6).

~~(~~"~~(~~12) The provision of pupil services (including ~~violence prevention~~ counseling) and referrals for such services.

~~(~~"~~(~~13) Activities to address the particular needs of homeless children and ~~youths~~youth that may arise from domestic violence and parental mental health or substance abuse problems.

~~(~~"~~(~~14) The adaptation of space and purchase of supplies for any nonschool facilities made available under subsection (a)(2) to provide services under this subsection.

~~(~~"~~(~~15) The provision of school supplies, including ~~those~~ supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations.

~~(16~~"~~(~~16) The provision of assistance to defray the cost of the position of liaison designated pursuant to section 722(g)(1)(J)(ii), not otherwise provided through Federal, State, or local funding.

"~~(~~17) The provision of other extraordinary or emergency assistance needed to enable homeless children and ~~youths~~youth to enroll, attend, and succeed in school, including in early learning programs.

"SEC. 724. SECRETARIAL RESPONSIBILITIES.

~~(a) REVIEW OF STATE PLANS.~~ "~~(~~a) Review of State Plans.—~~In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plan adequately address the problems of all homeless children and ~~youths~~youth relating to access to education and placement as described in such plan.

~~(~~"~~(~~b) ~~TECHNICAL ASSISTANCE.~~ Technical Assistance.—~~The Secretary—~~

"~~(~~1) shall provide support and technical assistance to ~~a~~ State educational ~~agency~~agencies to assist such ~~agency~~agencies in carrying out ~~its~~their responsibilities under this subtitle~~, if requested by the State educational agency.~~; and

~~(~~"~~(~~2) may designate an individual who shall coordinate services and activities for the education of homeless children and youth.

"~~(~~c) ~~NOTICE.~~ Notice.—~~

"(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the date of enactment of the ~~McKinney-Vento Homeless Education Assistance Improvements Act of 2001, create~~[short title], develop and disseminate ~~nationwide~~ a public notice of the educational rights of homeless children and ~~youths and~~youth. The notice shall include information regarding the definition of homeless children and youth in section 725.

"(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally. The Secretary also shall disseminate such notice to heads of other Department of Education offices, including those responsible for special education programs, higher education, and programs under parts A, B, C, D, G, and H of title I, title III, title IV, and part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq., 6361 et seq., 6391 et seq., 6421 et seq., 6531 et seq., 6551 et seq., 6801 et seq., 7102 et seq., and 7221 et seq.). The Secretary shall also disseminate such notice to heads of other Federal agencies, ~~programs, and grantees~~and grant recipients and other entities carrying out federally funded programs, including Head Start ~~grantees,~~programs, grant recipients under the Health Care for the Homeless ~~grantees,~~program of the Health Resources and Services Administration of the Department of Health and Human Services, grant recipients under the Emergency Food and Shelter ~~grantees, and~~National Board Program of the Federal Emergency Management Agency, grant recipients under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), grant recipients under the John H. Chafee Foster Care Independence program, grant recipients under homeless assistance programs administered by the Department of Housing and Urban Development, and recipients of Federal funding for programs carried out by the Administration on Children, Youth and Families of the Department of Health and Human Services.

~~("~~"(d) ~~EVALUATION AND DISSEMINATION.—The~~ Evaluation and Dissemination.—The Secretary shall conduct evaluation ~~and~~, dissemination, and technical assistance activities ~~of~~for programs that are designed to meet the educational needs of homeless preschool, elementary school, and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

~~("~~"(e) ~~SUBMISSION AND DISTRIBUTION.—~~Submission and Distribution.—The Secretary shall require applications for grants under ~~this subtitle~~section 722 to be submitted to the Secretary not later than the expiration of the ~~60~~120-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the ~~120~~180-day period beginning on such date.

~~(f) DETERMINATION BY SECRETARY.—~~"(f) Determination by Secretary.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (h), shall determine the extent to which State educational agencies are ensuring that each homeless child ~~and homeless~~or youth has access to a free appropriate public education, as described in section 721(1). The Secretary shall provide support and technical assistance to State educational agencies in areas in which barriers to a free appropriate public education persist.

~~("~~"(g) ~~GUIDELINES.—~~Publication.—The Secretary shall develop, issue, and publish in the Federal Register, not later than ~~60~~90 days after the date of enactment of the ~~McKinney-Vento Homeless Education Assistance Improvements Act~~ [short title], a summary of ~~2001, school enrollment guidelines for States with respect to homeless children and youths. The guidelines~~the changes enacted by that Act and related strategies, which summary shall ~~describe —~~ include—

~~(~~"~~(~~1) ~~successful ways in~~ strategies by which a State ~~may~~ can assist local educational agencies to ~~immediately enroll homeless children and youths in school; and~~implement the provisions amended by the Act;

~~(~~"~~(~~2) ~~how~~strategies by which a State can review ~~the State's requirements regarding immunization~~ and ~~medical or school records~~revise State policies and ~~make such revisions~~procedures that may present barriers to the ~~requirements as are appropriate~~identification, enrollment, attendance, and ~~necessary in order to enroll~~success of homeless children and ~~youths~~youth in school ~~immediately.~~; and

~~(~~"~~(~~3) strategies by which entities carrying out preschool programs can implement requirements of section 722(g)(3).

"~~(~~h) ~~INFORMATION.~~Information.—

~~(~~"~~(~~1) ~~IN GENERAL.~~ IN GENERAL.—From funds appropriated under section 726, the Secretary shall, directly or through grants, contracts, or cooperative agreements, periodically but no less frequently than every 2 years, collect and disseminate publicly data and information regarding~~—~~—

~~(~~"~~(~~A) the number ~~and location~~ of homeless children and ~~youths~~youth;

~~(~~"~~(~~B) the education and related support services such children and ~~youths~~youth receive;

~~(~~"~~(~~C) the extent to which the needs of homeless children and ~~youths~~youth are being met;

"(D) the academic progress being made by homeless children and youth, including the percent or number of homeless children and youth participating in State assessments; and

~~(D~~"(E) such other data and information as the Secretary determines to be necessary and relevant to carry out this subtitle.

~~(~~"~~(~~2) ~~COORDINATION.~~ COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

~~(~~"~~(~~i) ~~REPORT.~~ Report.—Not later than 4 years after the date of enactment of the ~~McKinney-Vento Homeless Education Assistance Improvements Act of 2001,~~[short title], the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of the provision of education ~~of~~ and related support services to homeless children and ~~youths~~youth, which shall include information on~~—~~—

~~(~~"~~(~~1) the education of homeless children and ~~youths~~youth; and

~~(~~"~~(~~2) the actions of the Secretary and the effectiveness of the programs supported under this subtitle.

"SEC. 725. DEFINITIONS.

~~For purposes of~~"In this subtitle:

~~(~~"(1) ENROLL; ENROLLMENT.—The terms ~~enroll~~'enroll' and ~~enrollment~~'enrollment' include attending classes and participating fully in school activities.

~~(~~"(2) HOMELESS CHILDREN AND YOUTH.—The term 'homeless children and ~~youths'~~ youth'—

~~(~~"(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

~~(~~"(B) includes~~—~~—

~~(~~"(i) children and ~~youths~~youth who—

"(I) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

"(II) are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; ~~are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;~~

~~(~~"(III) are living in emergency or transitional shelters;

"(IV) are abandoned in hospitals; or

"(V) are awaiting foster care placement;

"(ii) children and ~~youths~~youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

~~(~~"(iii) children and ~~youths~~youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

~~(~~"(iv) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965~~)~~ (20 U.S.C. 6399)) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

~~(~~"(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms 'local educational ~~agency~~'agency' and 'State educational ~~agency~~'agency' have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965~~.~~ (20 U.S.C. 7801).

~~(~~"(4) SECRETARY.—The term ~~Secretary~~'Secretary' means the Secretary of Education.

~~(~~"(5) STATE.—The term ~~State~~'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

~~(~~"(6) UNACCOMPANIED YOUTH.—The term 'unaccompanied ~~youth' includes a~~youth' means a homeless child or youth not in the physical custody of a parent or legal guardian.

~~#########~~["SEC. 726. AUTHORIZATION OF APPROPRIATIONS.]

["For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Secretary $300,000,000 for fiscal year 2012 and such sums as may be necessary for each of fiscal years 2013 through 2018.".]

SEC. 1112. [20 U.S.C. 6312] LOCAL EDUCATIONAL AGENCY PLANS.

(a) PLANS REQUIRED.—

(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and Technical Education Act of 2006, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate.

(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated application under section 9305.

"(b) Plan Development and Duration.—

"(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, principals, administrators, and other appropriate school personnel and with parents and family members of children in schools served under this part.

"(2) DURATION.—Each local educational agency plan shall be submitted pursuant to this section for the first year for which this part is in effect following the date of enactment of the [insert short title] and shall remain in effect for the duration of the agency's participation under this part.

"(3) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan to reflect changes in the local educational agency's strategies and programs under this part.

~~(b) PLAN PROVISIONS.—~~

~~(1) IN GENERAL.—In order to help low-achieving children meet challenging achievement academic standards, each local educational agency plan shall include—~~

~~(A) a description of high-quality student academic assessments, if any, that are in addition to the academic assessments described in the State plan under section 1111(b)(3), that the local educational agency and schools served under this part will use—~~

~~(i) to determine the success of children served under this part in meeting the State student academic achievement standards, and to provide information to teachers, parents, and students on the progress being made toward meeting the State student academic achievement standards described in section 1111(b)(1)(D)(ii);~~

~~(ii) to assist in diagnosis, teaching, and learning in the classroom in ways that best enable low-achieving children served under this part to meet State student achievement academic standards and do well in the local curriculum;~~

~~(iii) to determine what revisions are needed to projects under this part so that~~

such children meet the State student academic achievement standards; and

(iv) to identify effectively students who may be at risk for reading failure or who are having difficulty reading, through the use of screening, diagnostic, and classroom-based instructional reading assessments, as defined under section 1208;

(B) at the local educational agency's discretion, a description of any other indicators that will be used in addition to the academic indicators described in section 1111 for the uses described in such section;

(C) a description of how the local educational agency will provide additional educational assistance to individual students assessed as needing help in meeting the State's challenging student academic achievement standards;

(D) a description of the strategy the local educational agency will use to coordinate programs under this part with programs under title II to provide professional development for teachers and principals, and, if appropriate, pupil services personnel, administrators, parents and other staff, including local educational agency level staff in accordance with sections 1118 and 1119;

(E) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as —

(i) Even Start, Head Start, Reading First, Early Reading First, and other preschool programs, including plans for the transition of participants in such programs to local elementary school programs; and

(ii) services for children with limited English proficiency, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;

(F) an assurance that the local educational agency will participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under section 303(b)(2) of the National Assessment of Educational Progress Authorization Act;

(G) a description of the poverty criteria that will be used to select school attendance areas under section 1113;

(H) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part;

(I) a general description of the nature of the programs to be conducted by such agency's schools under sections 1114 and 1115 and, where appropriate, educational services outside such schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;

(J) a description of how the local educational agency will ensure that migratory

~~children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;~~

~~(K) if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in Early Reading First, or in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or an agency operating an Even Start program, an Early Reading First program, or another comparable public early childhood development program;~~

~~(L) a description of the actions the local educational agency will take to assist its low-achieving schools identified under section 1116 as in need of improvement;~~

~~(M) a description of the actions the local educational agency will take to implement public school choice and supplemental services, consistent with the requirements of section 1116;~~

~~(N) a description of how the local educational agency will meet the requirements of section 1119;~~

~~(O) a description of the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(c)(3)(A);~~

~~(P) a description of the strategy the local educational agency will use to implement effective parental involvement under section 1118; and~~

~~(Q) where appropriate, a description of how the local educational agency will use funds under this part to support after school (including before school and summer school) and school year extension programs.~~

~~(2) EXCEPTION.—The academic assessments and indicators described in subparagraphs (A) and (B) of paragraph (1) shall not be used—~~

~~(A) in lieu of the academic assessments required under section 1111(b)(3) and other State academic indicators under section 1111(b)(2); or~~

~~(B) to reduce the number of, or change which, schools would otherwise be subject to school improvement, corrective action, or restructuring under section 1116, if such additional assessments or indicators described in such subparagraphs were not used, but such assessments and indicators may be used to identify additional schools for school improvement or in need of corrective action or restructuring.~~

"(c) State Approval.—

"(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

"(2) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—

"(A) enables schools served under this part to substantially help children served under this part meet the academic standards expected of all children described in section 1111(a)(1); and

"(B) meets the requirements of this part.

~~(c) ASSURANCES.—~~

~~(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—~~

~~(A) inform eligible schools and parents of schoolwide program authority and the ability of such schools to consolidate funds from Federal, State, and local sources;~~

~~(B) provide technical assistance and support to schoolwide programs;~~

~~(C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State student academic achievement standards;~~

~~(D) fulfill such agency's school improvement responsibilities under section 1116, including taking actions under paragraphs (7) and (8) of section 1116(b);~~

~~(E) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;~~

~~(F) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;~~

~~(G) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act;~~

~~(H) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;~~

~~(I) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals and professional development;~~

~~(J) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under title IX and, if the State is an Ed-Flex Partnership State, to obtain waivers under the Education Flexibility Partnership Act of 1999;~~

~~(K) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with the State educational agency and other agencies providing services to children, youth, and families with respect to a school in school improvement, corrective action, or restructuring under section 1116 if such a school requests assistance from the local educational agency in addressing major factors that~~

~~have significantly affected student achievement at the school;~~

~~(L) ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers;~~

~~(M) use the results of the student academic assessments required under section 1111(b)(3), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State's proficient level of achievement on the State academic assessments described in section 1111(b)(3) within 12 years from the end of the 2001–2002 school year;~~

~~(N) ensure that the results from the academic assessments required under section 1111(b)(3) will be provided to parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and~~

~~(O) assist each school served by the agency and assisted under this part in developing or identifying examples of high-quality, effective curricula consistent with section 1111(b)(8)(D).~~

~~(2) SPECIAL RULE.—In carrying out subparagraph (G) of paragraph (1), the Secretary—~~

~~(A) shall consult with the Secretary of Health and Human Services and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and~~

~~(B) shall disseminate to local educational agencies the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act, and such agencies affected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.~~

~~(3) INAPPLICABILITY.—Paragraph (1)(G) of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs that are expanded through the use of funds under this part.~~

"(d) Plan Provisions.—In order to help low-achieving children meet college and career ready student academic achievement standards, and to close the achievement gap between high- and low-achieving children, especially achievement gaps between minority and nonminority students, and between disadvantaged children and their more advantaged peers, each local educational agency plan shall describe each of the following:

"(1) How the local educational agency will work with each of the schools served by the agency to—

"(A) develop and implement a comprehensive program of instruction to meet the academic needs of all students;

"(B) identify quickly and effectively students who may be at risk for academic failure;

"(C) provide additional educational assistance to individual students assessed as needing help in meeting the State's college and career ready student academic achievement standards;

"(D) identify significant gaps in student achievement among subgroups of students identified under section 1111(a)(2)(B)(ix) and develop strategies to reduce such gaps in achievement; and

"(E) identify and implement effective methods and instructional strategies that are based on scientifically valid research intended to strengthen the core academic programs of the schools, including multi-tiered systems of support, universal design for learning, and positive behavioral interventions and supports.

"(2) How the local educational agency will monitor and evaluate the effectiveness of school programs in improving student academic achievement, especially for students not meeting college and career ready student academic achievement standards.

"(3) The strategy the local educational agency will use to implement effective parent and family engagement under section 1118.

"(4) How the local educational agency will coordinate and integrate services provided under this part with other early childhood education and care programs at the local educational agency or individual school level (including programs under section 619 of the Individuals with Disabilities Education Act) that include plans for the transition of participants in such programs to local elementary school programs and, if appropriate, a description of how the local educational agency will use funds under this part to support preschool programs for children, particularly children participating in a Head Start program, which may be provided directly by the local educational agency or through a subcontract with the Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable public early childhood education and care program.

"(5) How activities under this part will be coordinated and integrated with Federal, State, and local services and programs, including programs supported under this Act, the Carl D. Perkins Career and Technical Education Act of 2006, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, the Head Start Act, the Workforce Investment Act of 1998, violence prevention programs, nutrition programs, and housing programs.

"(6) The poverty criteria that will be used to select school attendance areas under section 1113.

"(7) How teachers, in consultation with parents and family members, administrators, and pupil services personnel, in targeted assistance schools under section 1115, will identify the eligible children most in need of services under this part.

"(8) How the local educational agency will, not later than 1 year after the date of enactment of the [short title], provide for the equitable distribution of teachers and principals within schools served by such agency, so that low-income and minority students

are not taught at higher rates than other children by teachers in the lowest rating category consistent with section 2123(b).

"(9) Data on the percentage and distribution of more than 1, or an index that incorporates more than 1, of the categories of teachers described in clauses (i) through (iv) of subsection (e)(9)(B) as transitional measures of teacher quality.

"(10) A description of—

"(A) how the local educational agency will provide opportunities for the enrollment, attendance, and success of homeless children and youths; and

"(B) the services the local educational agency will provide homeless children and youths, including services provided with funds reserved under section 1113(c)(3), and how those services may differ from those provided in prior years.

"(11) A description of the support the local educational agency will provide for homeless children and youths, consistent with the requirements of the McKinney-Vento Homeless Assistance Act.

~~(d) PLAN DEVELOPMENT AND DURATION.—~~

~~(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, principals, administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part.~~

~~(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of enactment of the No Child Left Behind Act of 2001 and shall remain in effect for the duration of the agency's participation under this part.~~

~~(3) REVIEW.—Each local educational agency shall periodically review and, as necessary, revise its plan.~~

"(e) Assurances.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(1) use the results of the student academic assessments required under section 1111(a)(2), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State's on-track or advanced level of achievement on the State academic assessments described in section 1111(a)(2);

"(2) provide to parents and teachers the results from the academic assessments required under section 1111(a)(2) as soon as is practicably possible after the test is taken in an understandable and uniform format and, to the extent possible, provided in a language that the parents and, to the greatest extent practicable, family members, can understand;

"(3) participate, if selected, in State academic assessments of student achievement in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Educational Progress Authorization Act;

"(4) fulfill such agency's school improvement responsibilities under section 1116;

"(5) ensure that migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part;

"(6) provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

"(7) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under applicable Federal flexibility provisions;

"(8) in the case of a local educational agency that chooses to use funds under this part to provide early childhood education and care services to low-income children below the age of compulsory school attendance, ensure that such services comply with the education performance standards in effect under section 641A(a)(1)(B) of the Head Start Act; and

"(9)(A) during the transitional period before the agency has implemented an evaluation system that meets the requirements under section 2123, annually submit to the State the transitional measure data described in subsection (d)(9) for such year, for each quartile of schools in the local educational agency based on school poverty level, for high-minority schools, and for low-minority schools; and

"(B) annually submit to the Secretary, for each quartile of schools in the local educational agency based on school poverty level and for high-minority schools and low-minority schools in the local educational agency, data regarding the percentage and distribution of the following categories of teachers:

"(i) Teachers who are not classified as highly qualified teachers.

"(ii) Teachers who are inexperienced.

"(iii) Teachers who have not completed a teacher preparation program.

"(iv) Teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

~~(e) STATE APPROVAL.—~~

~~(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.~~

~~(2) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—~~

~~(A) enables schools served under this part to substantially help children served under this part meet the academic standards expected of all children described in section 1111(b)(1); and~~

~~(B) meets the requirements of this section.~~

~~(3) REVIEW.—The State educational agency shall review the local educational agency's plan to determine if such agencies activities are in accordance with sections 1118 and 1119.~~

"(f) Parental Notification Regarding Language Instruction Programs.—

"(1) IN GENERAL.—

"(A) NOTICE.—Each local educational agency using funds under this part to provide a language instruction educational program as determined under part C of title III shall, not later than 30 days after the beginning of the school year, inform a parent or parents of an English learner child identified for participation or participating in, such a program of—

"(i) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program;

"(ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

"(iii) the methods of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;

"(iv) how the program in which their child is, or will be, participating, will meet the educational strengths and needs of their child;

"(v) how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation;

"(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for English learner children, and the expected rate of graduation from secondary school for such program if funds under this part are used for children in secondary schools;

"(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and

"(viii) information pertaining to parental rights that includes written guidance—

"(I) detailing—

"(aa) the right that parents have to have their child immediately removed from such program upon their request; and

"(bb) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

"(II) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

"(B) SEPARATE NOTIFICATION.—In addition to providing the information required to be provided under paragraph (1), each local educational agency that is using funds provided under this part to provide a language instruction educational program, shall separately inform a parent or the parents of a child identified for participation in such

program, or participating in such program, of such failure not later than 30 days after such failure occurs.

"(2) NOTICE.—The notice and information provided in paragraph (1) to a parent or parents of a child identified for participation in a language instruction educational program for English learner children shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

"(3) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as English learners prior to the beginning of the school year who are subsequently so identified, the local educational agency shall notify the parents of such children within the first 2 weeks of the child being placed in a language instruction educational program consistent with paragraphs (1) and (2).

"(4) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents and, to the extent practicable, family members, of English learner students to inform the parents and family members regarding how the parents and family members can be involved in the education of their children, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet college and career ready State academic achievement standards and State academic content standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents and family members of students assisted under this part.

"(5) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.".

~~(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of schools, teachers, and the local educational agency in making decisions regarding activities under sections 1114 and 1115.~~

~~(g) PARENTAL NOTIFICATION.—~~

~~(1) IN GENERAL.—~~

~~(A) NOTICE.—Each local educational agency using funds under this part to provide a language instruction educational program as determined in part C of title III shall, not later than 30 days after the beginning of the school year, inform a parent or parents of a limited English proficient child identified for participation or participating in, such a program of—~~

~~(i) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;~~

~~(ii) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;~~

~~(iii) the methods of instruction used in the program in which their child is, or will be participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction;~~

(iv) how the program in which their child is, or will be participating, will meet the educational strengths and needs of their child;

(v) how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation;

(vi) the specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this part are used for children in secondary schools;

(vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child;

(viii) information pertaining to parental rights that includes written guidance—

(I) detailing—

(aa) the right that parents have to have their child immediately removed from such program upon their request; and

(bb) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

(II) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.

(B) SEPARATE NOTIFICATION.—In addition to providing the information required to be provided under paragraph (1), each eligible entity that is using funds provided under this part to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.

(2) NOTICE.—The notice and information provided in paragraph (1) to a parent or parents of a child identified for participation in a language instruction educational program for limited English proficient children shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.

(3) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have not been identified as limited English proficient prior to the beginning of the school year the local educational agency shall notify parents within the first 2 weeks of the child being placed in a language instruction educational program consistent with paragraphs (1) and (2).

(4) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under this part shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how the parents can be involved in the education of their children, and be active participants in assisting their children to attain English

~~proficiency, achieve at high levels in core academic subjects, and meet challenging State academic achievement standards and State academic content standards expected of all students, including holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part.~~

~~(5) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.~~

Sec. 1113

SEC. 1113. [20 U.S.C. 6313] ELIGIBLE SCHOOL ATTENDANCE AREAS.

(a) DETERMINATION.—

(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

(A) the term "school attendance area" means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

(B) the term "eligible school attendance area" means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the local educational agency as a whole.

"(3) RANKING ORDER.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if funds allocated in accordance with subsection (c) are insufficient to serve all eligible school attendance areas, a local educational agency shall—

"(i) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent, or exceeds 50 percent in the case of the high schools served by such agency, from highest to lowest according to the percentage of children from low-income families; and

"(ii) serve such eligible school attendance areas in rank order.

"(B) APPLICABILITY.—A local educational agency shall not be required to reduce, in order to comply with subparagraph (A), the amount of funding provided under this part to elementary schools and middle schools from the amount of funding provided under this part to such schools for the fiscal year preceding the data of enactment of the [insert short title] in order to provide funding under this part to high schools pursuant to subparagraph (A).";

~~(3) RANKING ORDER.—If funds allocated in accordance with subsection (c) are~~

~~insufficient to serve all eligible school attendance areas, a local educational agency shall—~~

~~(A) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and~~

~~(B) serve such eligible school attendance areas in rank order.~~

(4) REMAINING FUNDS.—If funds remain after serving all eligible school attendance areas under paragraph (3), a local educational agency shall—

(A) annually rank such agency's remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and

(B) serve such eligible school attendance areas in rank order either within each grade-span grouping or within the local educational agency as a whole.

"(5) MEASURES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

"(i) to identify eligible school attendance areas;

"(ii) to determine the ranking of each area; and

"(iii) to determine allocations under subsection (c).

"(B) LOW-INCOME FAMILIES IN SECONDARY SCHOOLS.—For measuring the number of students in low-income families in secondary schools, the local educational agency shall use the same measure of poverty, which shall be the calculation producing the greater of the results from among the following 2 calculations:

"(i) The calculation described under subparagraph (A).

"(ii) A feeder pattern described in subparagraph (C).

"(C) FEEDER PATTERN.—In this part, the term 'feeder pattern' means an accurate estimate of the number of students in low-income families in a secondary school that is calculated by applying the average percentage of students in low-income families of the elementary school attendance areas as calculated under subparagraph (A) that feed into the secondary school." ~~(5) MEASURES.—The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School~~

~~Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency —~~

~~(A) to identify eligible school attendance areas;~~

~~(B) to determine the ranking of each area; and~~

~~(C) to determine allocations under subsection (c).~~

(6) EXCEPTION.—This subsection shall not apply to a local educational agency with a total enrollment of less than 1,000 children.

(7) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency's written request for a waiver of the requirements of subsections (a) and (c), and permit such agency to treat as eligible, and serve, any school that children attend with a State-ordered, court-ordered school desegregation plan or a plan that continues to be implemented in accordance with a State-ordered or court-ordered desegregation plan, if—

(A) the number of economically disadvantaged children enrolled in the school is at least 25 percent of the school's total enrollment; and

(B) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

"(8) RESERVATION FOR EARLY CHILDHOOD EDUCATION AND CARE.—A local educational agency may reserve funds made available to carry out this section for early childhood education and care in eligible school attendance areas before making allocations to high schools in eligible school attendance areas pursuant to this section."

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(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—

(1) IN GENERAL.—Notwithstanding subsection (a)(2), a local educational agency may—

(A) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

(B) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;

(C) designate and serve a school attendance area or school that is not eligible under this section, but that was eligible and that was served in the preceding fiscal year, but only for 1 additional fiscal year; and

(D) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

(i) the school meets the comparability requirements of section 1120A(c);

(ii) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

(iii) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

(2) SPECIAL RULE.—Notwithstanding paragraph (1)(D), the number of children attending private elementary schools and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

(c) ALLOCATIONS.—

(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsections (a) and (b), in rank order, on the basis of the total number of children from low-income families in each area or school.

(2) SPECIAL RULE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the per-pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 125 percent of the per-pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

(B) EXCEPTION.—A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(3) RESERVATION FOR HOMELESS CHILDREN AND YOUTHS.—

"(A) FUNDS FOR HOMELESS CHILDREN AND YOUTHS.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

"(i) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live;

"(ii) children in local institutions for neglected children; and

"(iii) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day programs.

"(B) RESERVATION OF FUNDS.—Notwithstanding the requirements of subsections (b) and (c) of section 1120A, funds reserved under subparagraph (A) may be used to provide homeless children and youths with services provided to other students under this part, including—

"(i) providing funding for the liaison designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;

"(ii) providing transportation pursuant to section722(g)(1)(J)(iii) of such Act;

"(iii) providing services to preschool-aged homeless children and homeless secondary school students;

"(iv) providing support services to homeless children and youths in shelters and other locations where they may live; and

"(v) removing barriers to homeless children and youths' enrollment, attendance, retention, and success in school.

"(C) AMOUNT RESERVED.—The amount of funds reserved under subparagraph (A) shall be determined by an assessment of the needs of homeless children and youths in the local educational agency. Such needs assessment shall include the following:

"(i) Information related to child, youth, and family homelessness in the local educational agency obtained through the coordination and collaboration required under subsections (f)(4) and (g)(5) of section 722 of the McKinney-Vento Homeless Assistance Act.

"(ii) The number of homeless children and youths reported by the local educational agency to the State educational agency under section 722(f)(3) of the McKinney-Vento Homeless Assistance Act for the previous school year." ~~(3) RESERVATION. A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve —~~

~~(A) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live;~~

~~(B) children in local institutions for neglected children; and~~

~~(C) if appropriate, children in local institutions for delinquent children, and neglected or delinquent children in community day school programs.~~

(4) FINANCIAL INCENTIVES AND REWARDS RESERVATION.—A local educational agency may reserve such funds as are necessary from those funds received by the local educational agency under title II, and not more than 5 percent of those funds received by the local educational agency under subpart 2, to provide financial incentives and rewards to teachers who serve in schools identified under section 1116~~eligible under this section and identified for school improvement, corrective action, and restructuring under section 1116(b)~~ for the purpose of attracting and retaining qualified and effective teachers.

Sec. 1114

SEC. 1114. [20 U.S.C. 6314] SCHOOLWIDE PROGRAMS.

(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

(1) IN GENERAL.—A local educational agency may consolidate and use funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40

percent of the children enrolled in the school are from such families. "Funds under this part may be used to support activities that address needs identified through the comprehensive needs assessment under subsection (b)(1)(A) and consistent with the schoolwide program."

(2) IDENTIFICATION OF STUDENTS NOT REQUIRED.—

(A) IN GENERAL.—No school participating in a schoolwide program shall be required—

(i) to identify particular children under this part as eligible to participate in a schoolwide program; or

(ii) to identify particular services as supplemental.~~provide services to such children that are supplementary, as otherwise required by section 1120A(b).~~

"(B) SUPPLEMENTAL FUNDS.—

"(i) IN GENERAL.—A local educational agency serving a school participating in a schoolwide program shall use funds available to carry out this section only to supplement the aggregate amount of funds that would, in the absence of funds under this part, be made available from State and local sources for the school, including funds needed to provide services that are required by law for children with disabilities and children who are English learners.

"(ii) COMPLIANCE.—To demonstrate compliance with clause (i) a local educational agency shall demonstrate that the methodology it uses to allocate State and local funds to each school receiving funds under this part ensures the school receives all of the State and local funds the school would otherwise receive if it were not receiving funds under this part.

"(iii) NONAPPLICABILITY.—Section 1120A(b) shall not apply to schools operating schoolwide programs under this section." ~~(B) SUPPLEMENTAL FUNDS.—A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.~~

(3) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—

(A) EXEMPTION.—Except as provided in subsection (b), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

(B) REQUIREMENTS.—A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, or student and parental participation and involvement, or~~services to private school children, maintenance of effort, comparability of services, uses of Federal funds to~~

~~supplement, not supplant non-Federal funds, or the distribution of funds to State educational agencies or local educational agencies~~ that apply to the receipt of funds from such programs.

(C) RECORDS.—A school that consolidates and uses funds from different Federal programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.

(4) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (b)(1)(D) in accordance with section 1119 for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

(1) IN GENERAL.—A schoolwide program shall include the following components:

(A) A comprehensive needs assessment of the entire school (including taking into account the needs of migratory children as defined in section 1309(2)) that is based on information which includes the achievement of children in relation to the State academic content standards and the State student academic achievement standards described in section 1111(a)(1)"~~section 1111(b)(1).~~

(B) Schoolwide reform strategies that—

(i) provide opportunities for all children to meet the State's on-track and advanced ~~proficient and advanced~~ levels of student academic achievement described in section 1111(a)(1)(iv) ~~section 1111(b)(1)(D)~~;

(ii) use effective methods and instructional strategies that are based on scientifically valid research ~~scientifically based research~~ that—

(I) strengthen the core academic program in the school;

(II) increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and

(III) include strategies for meeting the educational needs of historically underserved populations;

(iii)(I) include strategies to address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the State student academic achievement standards who are members of the target population of any program that is included in the schoolwide program, which may include—

(aa) counseling, pupil services, and mentoring services;

(bb) college and career awareness and preparation, such as college and career guidance, personal finance education, and innovative teaching

methods, which may include applied learning and team-teaching strategies; ~~and~~

(cc) the integration of career ~~vocational~~ and technical education programs; and "(IV) a multi-tier system of supports and positive behavior supports; and

(II) address how the school will determine if such needs have been met; and

(iv) are consistent with, and are designed to implement, the State and local improvement plans, if any.

(C) Instruction by highly qualified and highly rated teachers.

~~(D) In accordance with section 1119 and subsection (a)(4), high-quality and ongoing professional development for teachers, principals, and paraprofessionals and, if appropriate, pupil services personnel, parents, and other staff to enable all children in the school to meet the State's student academic achievement standards.~~

(~~E~~D) Strategies to attract high-quality highly qualified and highly rated teachers to high-need schools.

~~(F) Strategies to increase parental involvement in accordance with section 1118, such as family literary services.~~

(~~G~~E) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, programs under the [LEARN Act],"~~Even Start, Early Reading First~~, or a State-run preschool program, to local elementary school programs.

(~~H~~F) Measures to include teachers in the decisions regarding the use of academic assessments described in section section 1111(a)(2) ~~1111(b)(3)~~ in order to provide information on, and to improve, the achievement of individual students and the overall instructional program.

(~~I~~G) Activities to ensure that students who experience difficulty mastering the on-track and advanced required by section 1111(a)(1)(iv)"~~proficient or advanced levels of academic achievement standards required by section 1111(b)(1)~~ shall be provided with effective, timely additional assistance which shall include measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance.

(H~~J~~) Coordination and integration of Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.

(2) PLAN.—

(A) IN GENERAL.—Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence on the day before the date of enactment of the "[short title]), in consultation with the local educational agency~~No Child Left Behind Act of 2001), in consultation with the local educational agency and its school support team or other technical assistance provider~~

~~under section 1117~~, a comprehensive plan for reforming the total instructional program in the school that—

(i) describes how the school will implement the components described in paragraph (1);

(ii) describes how the school will use resources under this part and from other sources to implement those components;

(iii) includes a list of State educational agency and local educational agency programs and other Federal programs under subsection (a)(3) that will be consolidated in the schoolwide program; and

(iv) describes how the school will provide individual student academic assessment results in a language the parents can understand, including an interpretation of those results, to the parents of a child who participates in the academic assessments required by section 1111(a)(2)~~section 1111(b)(3).~~

(B) PLAN DEVELOPMENT.—The comprehensive plan shall be—

(i) developed during a one-year period, unless—

(I) the local educational agency, section 1111(a)(2)~~after considering the recommendation of the technical assistance providers under section 1117~~, determines that less time is needed to develop and implement the schoolwide program; or

(II) the school is operating a schoolwide program on the day preceding the date of enactment of insert short title~~the No Child Left Behind Act of 2001~~, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance after that date to reflect the provisions of this section;

(ii) developed with the involvement of parents and other members of the community to be served and individuals who will carry out such plan, including teachers, principals, and administrators (including administrators of programs described in other parts of this title), and, if appropriate, pupil services personnel, technical assistance providers, school staff, and, if the plan relates to a secondary school, students from such school;

(iii) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school;

(iv) available to the local educational agency, parents, and the public, and the information contained in such plan shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand; and

(v) if appropriate, developed in coordination with programs under [the LEARN Act],~~Reading First, Early Reading First, Even Start~~, the Carl D. Perkins Career and Technical Education Act of 2006, and the Head Start Act.

(c) PREKINDERGARTEN PROGRAM.—A school that is eligible for a schoolwide program under this section may use funds made available under this part to establish or enhance prekindergarten

programs for children below the age of 6, such as programs under [the LEARN Act]~~Even Start programs or Early Reading First programs.~~

Sec. 1115

SEC. 1115. [20 U.S.C. 6315] TARGETED ASSISTANCE SCHOOLS.

(a) IN GENERAL.—In all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, or that choose not to operate such a schoolwide program, a local educational agency serving such school may use funds received under this part only for programs that provide services to eligible children under subsection (b) identified as having the greatest need for special assistance.

(b) ELIGIBLE CHILDREN.—

(1) ELIGIBLE POPULATION.—

(A) IN GENERAL.—The eligible population for services under this section is—

(i) children not older than age 21 who are entitled to a free public education through grade 12; and

(ii) children who are not yet at a grade level at which the local educational agency provides a free public education.

(B) ELIGIBLE CHILDREN FROM ELIGIBLE POPULATION.—From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's college and career ready ~~challenging~~ student academic achievement standards on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, including children who are at risk of failing to be ready for elementary school ~~except that children from preschool through grade 2 shall be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.~~

(2) CHILDREN INCLUDED.—

(A) IN GENERAL.—Children who are economically disadvantaged, children with disabilities, migrant children or English learner ~~limited English proficient~~ children, are eligible for services under this part on the same basis as other children selected to receive services under this part.

"(B) HEAD START OR [LEARN ACT] PROGRAMS.—A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start or [LEARN Act] program, or in preschool services under this title, is eligible for services under this part. ~~(B) HEAD START, EVEN START, OR EARLY READING FIRST CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start, Even Start, or Early Reading First program, or in preschool services under this title, is eligible for services under this part.~~

(C) PART C CHILDREN.—A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for

services under this part.

(D) NEGLECTED OR DELINQUENT CHILDREN.—A child in a local institution for neglected or delinquent children and youth or attending a community day program for such children is eligible for services under this part.

(E) HOMELESS CHILDREN.—A child who is homeless and attending any school served by the local educational agency is eligible for services under this part.

(3) SPECIAL RULE.—Funds received under this part may not be used to provide services that are otherwise required by law to be made available to children described in paragraph (2) but may be used to coordinate or supplement such services.

(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—

(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity to meet the State's college and career ready ~~challenging~~ student academic achievement standards in subjects as determined by the State, each targeted assistance program under this section shall—

(A) use such program's resources under this part to help participating children meet such State's challenging student academic achievement standards expected for all children;

(B) ensure that planning for students served under this part is incorporated into existing school planning;

(C) use effective methods and instructional strategies that are based on scientifically valid research ~~scientifically based research~~ that strengthens the core academic program of the school and that—

(i) give primary consideration to providing extended learning time, such as an extended school year, before- and after-school, and summer programs and opportunities;

(ii) help provide an accelerated, high-quality curriculum, including applied learning; ~~and~~

(iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part; and

(iv) may include a multi-tier system of supports and positive behavioral supports;

(D) coordinate with and support the regular education program, which may include services to assist preschool children in the transition from early childhood programs such as Head Start, programs under the [LEARN Act]~~Even Start, Early Reading First~~ or State-run preschool programs to elementary school programs;

(E) provide instruction by highly qualified and highly rated teachers;

(F) in accordance with ~~subsection (e)(3)~~ and section 1119, provide opportunities for professional development with resources provided under this part, and, to the extent practicable, from other sources, for teachers, principals, and paraprofessionals,

including, if appropriate, pupil services personnel, parents, and other staff, who work with participating children in programs under this section or in the regular education program;

(G) provide strategies to increase parental involvement in accordance with section 1118, such as family literacy services; and

(H) coordinate and integrate Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, vocational and technical education, and job training.

(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's on-track and advanced ~~proficient and advanced~~ levels of achievement by—

(A) the coordinating of resources provided under this part with other resources; and

(B) reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's college and career ready ~~challenging~~ student academic achievement standards, such as an extended school year, before- and after-school, and summer programs and opportunities, training for teachers regarding how to identify students who need additional assistance, and training for teachers regarding how to implement student academic achievement standards in the classroom.

(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—To promote the integration of staff supported with funds under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—

(1) participate in general professional development and school planning activities; and

(2) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.

(e) SPECIAL RULES.—

(1) SIMULTANEOUS SERVICE.—Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.

(2) COMPREHENSIVE SERVICES.—If—

(A) health, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers; and

(B) funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this part may be used as a last resort to provide such services, including—

(i) the provision of basic medical equipment, such as eyeglasses and hearing aids;

(ii) compensation of a coordinator; and

(iii) professional development necessary to assist teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.

(3) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to carry out effectively the professional development activities described in subparagraph (F) of subsection (c)(1) in accordance with section 1119 for such fiscal year, and a school may enter into a consortium with another school to carry out such activities.

SEC. 1121. [20 U.S.C. 6331] GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section ~~1002(a)~~3(a)(1) and 1125A(f), the Secretary shall reserve a total of 1 percent to provide assistance to—

(1) the outlying areas in the amount determined in accordance with subsection (b); and

(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d).

(b) ASSISTANCE TO OUTLYING AREAS.—

(1) FUNDS RESERVED.—From the amount made available for any fiscal year under subsection (a), the Secretary shall award grants to local educational agencies in the outlying areas.

(2) COMPETITIVE GRANTS.—Until each appropriate outlying area enters into an agreement for extension of United States educational assistance under the Compact of Free Association after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall carry out the competition described in paragraph (3), except that the amount reserved to carry out such competition shall not exceed $5,000,000.

(3) LIMITATION FOR COMPETITIVE GRANTS.—

(A) COMPETITIVE GRANTS.—The Secretary shall use funds described in paragraph (2) to award grants to the outlying areas and freely associated States\1\ to carry out the purposes of this part.

\1\So in law. Should probably be “states”.

(B) AWARD BASIS.—The Secretary shall award grants under subparagraph (A) on a competitive basis, taking into consideration the recommendations of the Pacific Region Educational Laboratory in Honolulu, Hawaii.

(C) USES.—Except as provided in subparagraph (D), grant funds awarded under this paragraph may be used only—

(i) for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

(ii) to provide direct educational services that assist all students with meeting challenging State academic content standards.

(D) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the amount reserved for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory under subparagraph (B).

(4) SPECIAL RULE.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to the freely associated States\1\ under this section.

(c) DEFINITIONS.—For the purpose of subsections (a) and (b)—

(1) the term "freely associated states" means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

(2) the term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(d) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, on such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

(B) 48 percent of such expenditure in the United States.

SEC. 1122. [20 U.S.C. 6332] ALLOCATIONS TO STATES.

(a) ALLOCATION FORMULA.—Of the amount appropriated under section 1002(a) to carry out this part for each of fiscal years ~~2002–2007~~2012-2017 (referred to in this subsection as the current fiscal year)—

(1) an amount equal to the amount made available to carry out section 1124 for fiscal year 2001 shall be allocated in accordance with section 1124;

(2) an amount equal to the amount made available to carry out section 1124A for fiscal year 2001 shall be allocated in accordance with section 1124A; and

(3) an amount equal to 100 percent of the amount, if any, by which the amount made available to carry out sections 1124, 1124A, and 1125 for the current fiscal year for which the determination is made exceeds the amount available to carry out sections 1124 and 1124A for fiscal year 2001 shall be allocated in accordance with section 1125.

(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

(1) IN GENERAL.—If the sums available under this subpart for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible

to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

(c) HOLD-HARMLESS AMOUNTS.—

(1) AMOUNTS FOR SECTIONS 1124, 1124A, AND 1125.—For each fiscal year, the amount made available to each local educational agency under each of sections 1124, 1124A, and 1125 shall be—

(A) not less than 95 percent of the amount made available for the preceding fiscal year if the number of children counted for grants under section 1124 is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

(B) not less than 90 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 30 percent; and

(C) not less than 85 percent of the amount made available for the preceding fiscal year if the percentage described in subparagraph (A) is below 15 percent.

(2) PAYMENTS.—If sufficient funds are appropriated, the amounts described in paragraph (1) shall be paid to all local educational agencies that received grants under section 1124A for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria for that fiscal year described in section 1124A(a)(1)(A) except that a local educational agency that does not meet such minimum eligibility criteria for 4 consecutive years shall no longer be eligible to receive a hold harmless amount referred to in paragraph (1).

(3) APPLICABILITY.—Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold-harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

(4) POPULATION DATA.—For any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold-harmless percentages in paragraphs (1) and (2) to counties and, if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold-harmless amounts specified in this subsection.

(d) RATABLE REDUCTIONS.—

(1) IN GENERAL.—If the sums made available under this subpart for any fiscal year are insufficient to pay the full amounts that local educational agencies in all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts were reduced.

(e) DEFINITION.—For the purpose of this section and sections 1124, 1124A, 1125, and 1125A, the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

~~PART G—ADVANCED PLACEMENT PROGRAMS~~

~~Sec. 1701~~

Subpart 2—Accelerating Learning

SEC. ~~1701. [20 U.S.C. 6531] SHORT TITLE.~~

~~This part may be cited as the "Access to High Standards Act".~~

~~Sec. 1702~~

1221.~~SEC.~~ ~~1702. [20 U.S.C. 6532]~~ PURPOSES.

The purposes of this ~~part~~subpart are—

(1) to ~~support State and local efforts to~~ raise student academic ~~standards through advanced placement programs, and thus further increase~~achievement by—

(A) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses; and

(B) increasing the number of students ~~who participate and succeed in advanced placement programs;~~attending high-need schools who—

(i) enroll and succeed in Advanced Placement or International Baccalaureate courses; and

(ii) take Advanced Placement or International Baccalaureate examinations;

(2) to increase, and to support statewide efforts to increase, the availability of, and enrollment in, Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools; and

(3) to provide high-quality professional development for teachers of Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools.

SEC. ~~(2) to encourage more of the 600,000 students who take advanced placement courses each year but do not take advanced placement exams each year, to demonstrate their achievements through taking the exams;~~

~~(3) to build on the many benefits of advanced placement programs for students, which benefits may include the acquisition of skills that are important to many employers, Scholastic Aptitude Test (SAT) scores that are 100 points above the national averages, and the achievement of better grades in secondary school and in college than the grades of students who have not participated in the programs;~~

~~(4) to increase the availability and broaden the range of schools, including middle schools, that have advanced placement and pre-advanced placement programs;~~

~~(5) to demonstrate that larger and more diverse groups of students can participate and succeed in advanced placement programs;~~

~~(6) to provide greater access to advanced placement and pre-advanced placement courses and highly trained teachers for low-income and other disadvantaged students;~~

~~(7) to provide access to advanced placement courses for secondary school students at schools that do not offer advanced placement programs, increase the rate at which secondary school students participate in advanced placement courses, and increase the numbers of students who receive advanced placement test scores for which college academic credit is awarded;~~

~~(8) to increase the participation of low-income individuals in taking advanced placement tests through the payment or partial payment of the costs of the advanced placement test fees; and~~

~~(9) to increase the number of individuals that achieve a baccalaureate or advanced degree, and to decrease the amount of time such individuals require to attain such degrees.~~

~~Sec. 1703~~

1222.~~SEC. 1703. [20 U.S.C. 6533]~~ FUNDING DISTRIBUTION RULE.

From amounts appropriated ~~under section 1002(g)~~to carry out this subpart for a fiscal year, the Secretary shall give priority to funding activities under section ~~1704~~1223 and shall distribute any remaining funds under section ~~1705~~1224.

SEC. ~~Sec. 1704~~

~~SEC. 1704. [20 U.S.C. 6534]~~1223. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE ~~TEST~~EXAMINATION FEE PROGRAM.

(a) Grants Authorized.—From amounts made available ~~under section 1703~~to carry out this subpart for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under this section to enable the State educational agencies to reimburse low-income ~~individuals~~students to cover part or all of the costs of ~~advanced placement test~~Advanced Placement or International Baccalaureate examination fees, if the low-income ~~individuals~~students—

(1) are enrolled in an ~~advanced placement~~Advanced Placement or International Baccalaureate course; and

(2) plan to take an ~~advanced placement test~~Advanced Placement or International Baccalaureate examination.

(b) Award Basis.—In determining the amount of the grant awarded to a State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all ~~the~~ States.

(c) Information Dissemination.—A State educational agency that is awarded a grant under this section shall ~~disseminate~~ make publicly available information regarding the availability of

~~advanced placement test~~Advanced Placement or International Baccalaureate examination fee payments under this section, and shall disseminate such information to eligible ~~individuals~~secondary school students and parents, including through secondary school teachers and ~~guidance~~ counselors.

(d) Applications.—Each State educational agency desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—

(1) describe the ~~advanced placement test~~Advanced Placement or International Baccalaureate examination fees the State educational agency will pay on behalf of low-income ~~individuals~~students in the State from grant funds awarded under this section;

(2) provide an assurance that any grant funds awarded under this section shall be used only to pay for ~~advanced placement test~~Advanced Placement or International Baccalaureate examination fees; and

(3) contain such information as the Secretary may require to demonstrate that the State educational agency will ensure that a student is eligible for payments authorized under this section, including ~~documentation required under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965~~ensuring that the student is a low-income student.

(e) Regulations.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

(f) Report.—

(1) IN GENERAL.—Each State educational agency awarded a grant under this section shall, with respect to each ~~advanced placement~~Advanced Placement or International Baccalaureate course subject, annually report to the Secretary ~~on —~~the following data for the preceding year:

(A) ~~the~~The number of students in the State who are taking an ~~advanced placement~~Advanced Placement or International Baccalaureate course in ~~that~~such subject~~;~~.

(B) ~~the~~The number of ~~advanced placement tests~~Advanced Placement or International Baccalaureate examinations taken by students in the State who have taken an ~~advanced placement~~Advanced Placement or International Baccalaureate course in ~~that~~such subject~~;~~.

(C) ~~the~~The number of students in the State scoring at each different ~~levels~~level on ~~advanced placement tests~~Advanced Placement or International Baccalaureate examinations in ~~that~~such subject~~; and~~.

(D) ~~demographic~~Demographic information regarding ~~individuals~~students in the State taking ~~advanced placement~~Advanced Placement or International Baccalaureate courses and ~~tests~~Advanced Placement or International Baccalaureate examinations in that subject, disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

(2) REPORT TO CONGRESS.—The Secretary shall annually compile the information

received from each State educational agency under paragraph (1) and report to the ~~appropriate~~authorizing committees ~~of Congress~~ regarding the information.

(g) BIA as SEA.—For purposes of this section, the Bureau of Indian Affairs shall be treated as a State educational agency.

~~Sec. 1705~~

SEC. ~~1705. [20 U.S.C. 6535]~~1224. ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE INCENTIVE PROGRAM GRANTS.

(a) Grants Authorized.—

(1) IN GENERAL.—From amounts made available ~~under section 1703~~to carry out this subpart for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable ~~those~~such entities to carry out the authorized activities described in subsection (~~d~~e).

(2) DURATION, RENEWAL, AND PAYMENTS.—

(A) DURATION.—The Secretary shall award a grant under this section for a period of not more than 3 years.

~~(B~~(B) RENEWAL.—The Secretary may renew a grant awarded under this section for an additional period of not more than 2 years, if an eligible entity—

(i) is achieving the objectives of the grant; and

(ii) has shown improvement against baseline data on the performance measures described in subparagraphs (A) through (E) of subsection (g)(1).

(C) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

(~~3~~b) Definition of ~~ELIGIBLE ENTITY.—In this section, the~~ Eligible Entity.—The term "eligible entity" means—

(1) a State educational agency~~,~~;

(2) a high-need local educational agency~~,~~; or

(3) a partnership consisting of—

(A) a national, regional, or statewide public or nonprofit ~~educational entity~~organization, with expertise ~~in advanced placement~~and experience in providing Advanced Placement or International Baccalaureate course services~~.~~; and

~~(b)~~ (B) a State educational agency or a high-need local educational agency.

(c) Application.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

~~(c~~(2) CONTENTS.—The application shall, at a minimum, include a description of—

(A) the goals and objectives for the project supported by the grant under this section, including—

(i) increasing the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses;

(ii) increasing the number of Advanced Placement or International Baccalaureate courses that are offered at high-need schools; and

(iii) increasing the number of students attending a high-need school, particularly low-income students, who succeed in—

(I) Advanced Placement or International Baccalaureate courses; and

(II) if offered by the school, pre-Advanced Placement or pre-International Baccalaureate courses;

(B) how the eligible entity will ensure that students have access to courses, including pre-Advanced Placement or pre-International Baccalaureate courses, that will prepare students to succeed in Advanced Placement or International Baccalaureate courses;

(C) how the eligible entity will provide professional development for teachers that will further the goals and objectives of the grant project;

(D) how the eligible entity will ensure that teachers serving high-need schools are qualified to teach Advanced Placement or International Baccalaureate courses;

(E) how the eligible entity will provide for the involvement of business and community organizations and other entities, including institutions of higher education, in carrying out the activities described in subsection (e);

(F) how the eligible entity will use funds received under this section; and

(G) how the eligible entity will evaluate the outcome of the grant project.

(d) Priority.—In awarding grants under this section, the Secretary shall give priority to ~~an~~applications from eligible ~~entity that submits an application under subsection (b)~~entities that—

~~(1) demonstrates a pervasive need for access to advanced placement incentive programs;~~

~~(2) provides for the involvement of business and community organizations in the activities to be assisted;~~

~~(3) assures the availability of matching funds from State, local, or other sources to pay for the cost of activities to be assisted;~~

~~(4) demonstrates~~(1) are part of a statewide or districtwide strategy, as applicable, for increasing the availability of Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools;

(2) demonstrate a focus on ~~developing or expanding advanced placement programs and participation in the~~increasing the availability of Advanced Placement or International Baccalaureate courses in core academic ~~areas of English, mathematics, and science;~~subjects; and

~~(5) demonstrates an intent~~(3) propose to carry out activities that target~~—~~ high-need schools.

~~(A) local educational agencies serving schools with a high concentration of low-income students; or~~

~~(B) schools with a high concentration of low-income students; and~~

~~(6) in the case of a local educational agency, assures that the local educational agency serves schools with a high concentration of low-income students; or~~

~~(7) demonstrates an intent to carry out activities to increase the availability of, and participation in, on-line advanced placement courses.~~

~~(d~~(e) Authorized Activities.—

(1) IN GENERAL.—~~Subject to paragraph (2), an~~Each eligible entity ~~shall use~~that receives a grant ~~funds made available~~ under this section ~~to expand access~~shall use the grant funds to carry out activities designed to increase—

(A) the number of teachers serving high-need schools who are qualified to teach Advanced Placement or International Baccalaureate courses; and

(B) the number of students attending high-need schools who succeed in the examinations for ~~low-income individuals to advanced placement incentive programs~~such courses, including through reimbursing low-income students attending high-need schools for part or all of the cost of Advanced Placement or International Baccalaureate examination fees.

(2) ALLOWABLE ACTIVITIES.—In addition to the activities described in paragraph (1), an eligible entity that ~~involve~~receives a grant under this section may use grant funds for—

~~(A) teacher training;~~

~~(B) pre-advanced placement course development;~~

(A) high-quality teacher professional development, in order to expand the pool of teachers in the participating State, high-need local educational agency, or high-need school who are qualified to teach Advanced Placement or International Baccalaureate courses, including through innovative models, such as online academies and training institutes;

(B) pre-Advanced Placement or pre-International Baccalaureate teacher and counselor high-quality professional development in secondary school to prepare students for success in Advanced Placement or International Baccalaureate courses and in institutions of higher education;

(C) coordination and articulation between grade levels to prepare students ~~for academic achievement in advanced placement~~to succeed in Advanced Placement or International Baccalaureate courses;

~~(D) books and supplies; or~~

(D) purchase of instructional materials for Advanced Placement or International Baccalaureate courses;

(E) activities to increase the availability of, and participation in, ~~on-line advanced placement~~online Advanced Placement or International Baccalaureate courses; ~~or~~

~~(F) any other activity directly related to expanding access to and participation in advanced placement incentive programs, particularly for low-income individuals.~~

~~(2) STATE EDUCATIONAL AGENCY.—In the~~ (F) carrying out the requirements of subsection (g); and

(G) in the case of an eligible entity ~~that is a State educational agency, the entity may use grant funds made available under this section to award~~described in subsection (b)(1), awarding subgrants to high-need local educational agencies to enable the high-need local educational agencies to carry out ~~the~~authorized activities ~~under paragraph (1~~described in subparagraphs (A) through (F).

(~~e~~f) Contracts.—An eligible entity that is awarded a grant to provide online ~~advanced placement~~Advanced Placement or International Baccalaureate courses under this ~~part~~ subpart may enter into a contract with ~~a nonprofit or for profit~~an organization to provide the online ~~advanced placement~~Advanced Placement or International Baccalaureate courses, including contracting for necessary support services.

~~(f) DATA COLLECTION~~(g) Collecting and Reporting Requirements.—

(1) ~~DATA COLLECTION~~REPORT.—Each eligible entity ~~awarded~~receiving a grant under this section shall~~, with respect to each advanced placement subject, annually~~ collect and report to the Secretary ~~on~~annually such data regarding the results of the grant as the Secretary may reasonably require, including—

(A) the number of students served by the eligible entity ~~who are taking an advanced placement course in that subject~~enrolling in Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate courses, disaggregated by grade level of the student, and the grades received by such students in the courses;

(B) the number of ~~advanced placement tests taken by~~ students taking an Advanced Placement or International Baccalaureate examination and the distribution of scores on those examinations, disaggregated by the grade level of the student at the time of examination;

(C) the number of teachers who are currently, as of the date of the report, receiving training to teach Advanced Placement or International Baccalaureate courses and will teach such courses in the next school year;

(D) the number of teachers becoming qualified to teach Advanced Placement or International Baccalaureate courses; and

(E) the number of qualified teachers who are teaching Advanced Placement or International Baccalaureate courses in high-need schools served by the eligible entity ~~in that subject;~~.

~~(C) the number~~(2) REPORTING OF ~~students served by the~~ DATA.—Each eligible entity ~~scoring at different levels on advanced placement tests in that~~ receiving a grant under this section shall report the data required under paragraph (1)—

(A) disaggregated by subject~~; and~~ area;

~~(D) demographic information regarding individuals served by such agency who taking advanced placement courses and tests in that subject disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.~~

~~(2) REPORT.—The Secretary shall annually compile the information received from each eligible entity under paragraph (1) and report to the appropriate committees of Congress regarding the information.~~

~~Sec. 1706~~

(B) in the case of student data, disaggregated in the same manner as information is disaggregated under section 1111(b)(2)(C)(v); and

(C) in a manner that allows for an assessment of the effectiveness of the grant program.

(h) Evaluation.—From the amount appropriated for this subpart and reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this section, consistent with section 9601, including progress as measured by the performance measures established under subparagraphs (A) through (E) of subsection (g)(1).

(i) Matching Requirement.—

(1) IN GENERAL.—Notwithstanding paragraph (3), each eligible entity that receives a grant under this section shall provide toward the cost of the activities assisted under the grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, except that an eligible entity that is a high-need local educational agency shall provide an amount equal to not more than 50 percent of the amount of the grant.

(2) MATCHING FUNDS.—The eligible entity may provide the matching funds described in paragraph (1) in cash or in kind, fairly evaluated, but may not provide more than 50 percent of the matching funds in kind. The eligible entity may provide the matching funds from State, local, or private sources.

(3) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible entity described in paragraph (1) or (2) of subsection (b), if the Secretary determines that applying the matching requirement to such eligible entity would result in serious hardship or an inability to carry out the authorized activities described in subsection (e).

SEC. ~~1706. [20 U.S.C. 6536]~~1225. SUPPLEMENT, NOT SUPPLANT.

Grant funds provided under this ~~part~~subpart shall supplement, and not supplant, other non-Federal funds that are available to assist low-income ~~individuals~~students to pay for the cost of ~~advanced placement test~~Advanced Placement or International Baccalaureate examination fees or to expand access to ~~advanced placement~~Advanced Placement or International Baccalaureate courses, and pre-~~advanced placement~~Advanced Placement or pre-International Baccalaureate

courses.

~~Sec. 1707~~

SEC. ~~1707. [20 U.S.C. 6537]~~1226. DEFINITIONS.

In this ~~part~~subpart:

(1) ADVANCED PLACEMENT ~~TEST~~OR INTERNATIONAL BACCALAUREATE COURSE.—The term "~~advanced placement test~~Advanced Placement or International Baccalaureate course" means~~—~~

(A) a course of college-level instruction provided to secondary school students, terminating in an ~~advanced placement test~~examination administered by the College Board~~ or~~, the International Baccalaureate Organization, or another such examination approved by the Secretary~~.~~; or

~~(2)~~ (B) another highly rigorous, evidence-based, postsecondary preparatory program terminating in an examination administered by a nationally-recognized educational organization that has a demonstrated record of effectiveness in assessing secondary school students, or another such examination approved by the Secretary.

(2) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE EXAMINATION.—The term "Advanced Placement or International Baccalaureate examination" means an Advanced Placement examination administered by the College Board, an International Baccalaureate examination administered by the International Baccalaureate Organization, or another such examination approved by the Secretary.

(3) HIGH-NEED SCHOOL.—The term "high-need school" means a secondary school—

(A) with a demonstrated need for Advanced Placement or International Baccalaureate courses; and

(B) that—

(i) has a high concentration of low-income students~~. The term "high concentration of low-income students", used with respect to a school, means a school that serves a~~; or

(ii) is designated with a school locale code of 33, 41, 42, or 43, as determined by the Secretary.

(4) LOW-INCOME STUDENT~~ population 40 percent or more of whom are~~.—The term "low-income ~~individuals.~~student" means a student who is eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

~~(3) LOW-INCOME INDIVIDUAL. The term "low-income individual" means an individual who is determined by a State educational agency or local educational agency to be a child, ages 5 through 19, from a low-income family, on the basis of data used by the Secretary to determine allocations under section 1124 of this Act, data on children eligible for free or reduced-price lunches under the National School Lunch Act, data on children in families receiving assistance under part A of title IV of the Social Security Act, or data on children eligible to receive medical assistance under the medicaid program under title XIX of the Social Security Act, or through an alternate method that combines or extrapolates from~~

~~those data.~~

PART C—EDUCATION OF MIGRATORY CHILDREN

Sec. 1301

“SEC. 1301. PROGRAM PURPOSE.

“It is the purpose of this part to assist States in providing high-quality and comprehensive educational programs (including, as appropriate, instructional and educationally related support services), during the regular school year and summer or intersession periods, that address the unique educational needs of migratory children arising from their migratory lifestyle, in order to help such children—

“(1) succeed in school;

“(2) meet the same State college and career ready academic content and student academic achievement standards under section 1111(a)(1) that all children are expected to meet;

“(3) graduate high school ready for higher education and careers; and

“(4) overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school.”

~~SEC. 1301. [20 U.S.C. 6391] PROGRAM PURPOSE.~~

~~It is the purpose of this part to assist States to —~~

~~(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;~~

~~(2) ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State academic content and student academic achievement standards;~~

~~(3) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;~~

~~(4) ensure that migratory children receive full and appropriate opportunities to meet the same challenging State academic content and student academic achievement standards that all children are expected to meet;~~

~~(5) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and~~

~~(6) ensure that migratory children benefit from State and local systemic reforms.~~

Sec. 1302

SEC. 1302. [20 U.S.C. 6392] PROGRAM AUTHORIZED.

From the amounts made available under section 1002(c) for a fiscal year to carry out this part~~In order to carry out the purpose of this part~~, the Secretary shall make grants to State educational agencies, or consortia ~~combinations~~ of such agencies, to enable such agencies or consortia to establish ~~to establish~~ or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.

Sec. 1303

SEC. 1303. [20 U.S.C. 6393] STATE ALLOCATIONS.

(a) State Allocations.—Except as provided in subsection (b), the amount awarded to each State (other than the Commonwealth of Puerto Rico) under this part for each fiscal year shall be an amount equal to the product of—

~~STATE ALLOCATIONS.—~~

"(1) the sum of—

"(A) the average number of identified eligible migratory children aged 3 through 21, residing in the State, based on data for the preceding 3 years; and

"(B) the number of identified eligible migratory children, age 3 through 21, who received services under this part in summer or intersession programs provided by the State during the previous year; multiplied by

"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount calculated under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.";

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~~(1) FISCAL YEAR 2002.—For fiscal year 2002, each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to—~~

~~(A) the sum of the estimated number of migratory children aged 3 through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged 3 through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by~~

~~(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.~~

~~(2) SUBSEQUENT YEARS.—~~

~~(A) BASE AMOUNT.—~~

~~(i) IN GENERAL.—Except as provided in subsection (b) and clause (ii), each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part, for fiscal year 2003 and succeeding fiscal years, an amount equal to—~~

~~(I) the amount that such State received under this part for fiscal year 2002; plus~~

~~(II) the amount allocated to the State under subparagraph (B).~~

~~(ii) NONPARTICIPATING STATES.—In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2002~~

~~under this part, the State shall receive, for fiscal year 2003 and succeeding fiscal years, an amount equal to—~~

~~(I) the amount that such State would have received under this part for fiscal year 2002 if its application under section 1304 for the year had been approved; plus~~

~~(II) the amount allocated to the State under subparagraph (B).~~

~~(B) ALLOCATION OF ADDITIONAL AMOUNT.—For fiscal year 2003 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this part for the year exceed such funds for fiscal year 2002 shall be allocated to a State (other than the Commonwealth of Puerto Rico) so that the State receives an amount equal to—~~

~~(i) the sum of—~~

~~(I) the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and~~

~~(II) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during such year; multiplied by~~

~~(ii) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this clause may not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.~~

(b) Hold Harmless.—Notwithstanding subsection (a), for each of fiscal years 2011 through 2013, no State receiving an allocation under this section shall receive less than 90 percent of the State's allocation under this section for the previous year."

(~~b~~c) ALLOCATION TO PUERTO RICO.—For each~~PUERTO RICO.—~~

~~(1) IN GENERAL.—For each~~ fiscal year, the grant ~~which~~ that the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children who would be counted under subsection subsection (g) ~~(a)(1)(A)~~ if such subsection applied to the Commonwealth of Puerto Rico by the product of—

(~~A~~1) the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States except that the percentage calculated under this subparagraph shall not be less than 85 percent; and

(~~B~~2) 32 percent of the average per-pupil expenditure in the United States.

~~(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than—~~

~~(A) for fiscal year 2002, 77.5 percent;~~

~~(B) for fiscal year 2003, 80.0 percent;~~

~~(C) for fiscal year 2004, 82.5 percent; and~~

~~(D) for fiscal year 2005 and succeeding fiscal years, 85.0 percent.~~

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~~(3) LIMITATION.—If the application of paragraph (2) for any fiscal year would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, then the percentage described in paragraph (1)(A) that is used for the Commonwealth of Puerto Rico for the fiscal year for which the determination is made shall be the greater of the percentage in paragraph (1)(A) for such fiscal year or the percentage used for the preceding fiscal year.~~

(~~c~~d) RATABLE REDUCTIONS; REALLOCATIONS.—

(1) IN GENERAL.—

(A) RATABLE REDUCTIONS.—IF THE AMOUNT AVAILABLE FOR ALLOCATIONS TO STATES UNDER THIS PART ~~IN GENERAL.—(A) If, after the Secretary reserves funds under section 1308(c), the amount appropriated to carry out this part~~ for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.

(B) REALLOCATION.—If additional ~~If additional~~ funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.

(2) SPECIAL RULE.—

"(A) FURTHER REDUCTIONS.—~~SPECIAL RULE.—(A)~~ The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address such needs, that such amount exceeds the amount needed to carry out the approved activities in the application under section 1304~~required under section 1304~~.

(B) Reallocation.—The Secretary shall ~~The Secretary shall~~ reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.

"(C) Additional requirements.—The Secretary—

"(i) shall—

"(I) develop and implement a procedure for monitoring the accuracy of the information described in subparagraph (A); and

"(II) issue, through regulations or guidance, criteria for a system of State quality control for the accuracy of State counts of eligible migratory children; and

"(ii) may not reduce the amount of a State allocation under this paragraph on the basis of unintentional errors in such counts for States implementing a system of State quality control that meets the criteria described in clause (i)(II), if the discrepancy between the initial State count and any subsequent revisions is minimal.";

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(~~d~~e) CONSORTIUM ARRANGEMENTS.—

(1) IN GENERAL.—In the case of a State that receives a grant of $1,000,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or other appropriate entity would result in delivery of services in a more effective and efficient manner.

(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.

(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—

(A) reduce administrative costs or program function costs for State programs; and

(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.

(~~e~~f) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to best serve migratory children under this part and to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—

(1) ~~(1)~~ use the most recent information that ~~such information as the Secretary finds~~ most accurately reflects the actual number of migratory children;

(2) develop and implement a procedure for monitoring the accuracy of such information, if such a procedure does not create barriers to the families of migratory children who are eligible for services under this part

(~~2~~3) update such procedure, and implement the updated procedure, to more accurately reflect the ~~develop and implement a procedure for more accurately reflecting~~ cost factors for different types of summer and intersession program designs;

(~~3~~4) adjust the full-time equivalent number of migratory children who reside in each State to take into account—

(A) the special needs of those children participating in special programs of high-quality, sustained, and intensive education services provided under this part that operate during the summer and intersession periods; and

(B) the additional costs of operating such programs; and

(~~4~~5) conduct an analysis of the options for adjusting the formula so as to better direct services to migratory children~~the child whose education has been interrupted~~.

(g) Nonparticipating States.—In the case of a State desiring to receive an allocation under this part for a fiscal year that did not receive an allocation for the previous fiscal year or that has been participating for less than 3 consecutive years, the Secretary shall calculate the State's number of identified migratory children aged 3 through 21 for purposes of subsection (a)(1)(A) by using the most recent data available that identifies the migratory children residing in the State until data is available to calculate the 3-year average number of such children in accordance with such subsection.".]

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SEC. 1304. [20 U.S.C. 6394] STATE APPLICATIONS; SERVICES.

(a) APPLICATION REQUIRED.—Any State desiring to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) PROGRAM INFORMATION.—Each such application shall include—

(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the unique ~~special~~ educational needs of migratory children, including preschool migratory children and out of school migratory children, are identified and addressed through—

(A) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

(B) joint planning among local, State, and Federal educational programs serving migratory ~~migrant~~ children, including language instruction educational programs under part A or B of title III;

(C) the integration of services available under this part with services provided by those other programs; and

(D) measurable program goals and outcomes;

(2) a description of the steps the State is taking to provide all migratory children ~~migratory students~~ with the opportunity to meet the same State college and career ready academic content and student academic achievement standards adopted under section 1111(a)(1) that ~~same challenging State academic content standards and challenging State student academic achievement standards that~~ all children are expected to meet;

(3) a description of how the State will meet the requirements of section 1308 for the timely electronic transfer of student records and how the State will use such records transfer to meet the unique educational needs of migratory students and remove barriers to the proper enrollment and retention of migratory children in schools

(~~3~~4) a description of how the State will use funds received under this part to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require and using the linkage system described in section 1308(b), the State and each of its local operating agencies ~~require, the State~~ will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another or from one school district to another~~another~~, whether or not such a move ~~such move~~ occurs during the regular school year;

(~~4~~5) a description of the State's priorities for the use of funds received under this part, and how such priorities relate to the State's assessment of needs for services in the State;

(~~5~~6) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from

other Federal, State, and local programs;

(~~6~~7) a description of how the State will ensure that paraprofessionals who are hired to work in programs and projects assisted under this part (not including any such paraprofessional who works primarily as a translator or solely in family involvement activities) will, if hired to work in such programs and projects after the effective date of the [Act of], meet the standards and requirements for paraprofessionals under section 1119 ~~such budgetary and other information as the Secretary may require; and~~

(~~7~~8) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the programs and projects serve ~~program or project serves~~ a substantial number of migratory children whose parents ~~who have parents who~~ do not have a high school diploma or its recognized equivalent or who have low levels of literacy; and~~.~~

(9) such budgetary and other information as the Secretary may require.

(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—

(1) funds received under this part will be used only—

(A) for programs and projects, including the acquisition of equipment, in accordance with section 1306; and

(B) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families;

(2) such programs and projects will be carried out in a manner consistent with the objectives of section 1114, subsections (b) and (d) of section 1115, subsections (b) and (c) of section 1120A, and part I;

"(3) in the planning and operation of programs and projects at both the State and local agency operating levels, there is consultation with parent advisory councils for programs of not less than one school year in duration, and that all such programs and projects are—

"(A) conducted in a manner that provides for the same parental involvement as is required for programs and projects under section 1118, including, to the extent practicable, descriptions required for parental involvement under section 1118(a)(3)(A), unless extraordinary circumstances make such provision impractical; and

"(B) are developed in a format and language understandable to the parents ~~(3) in the planning and operation of programs and projects at both the State and local agency operating level, there is consultation with parent advisory councils for programs of 1 school year in duration, and that all such programs and projects are carried out —~~

~~(A) in a manner that provides for the same parental involvement as is required for programs and projects under section 1118, unless extraordinary circumstances make such provision impractical; and~~

~~(B) in a format and language understandable to the parents;~~

(4) in planning and carrying out such programs and projects, there has been, and will be,

adequate provision for addressing the unmet education needs of preschool migratory children and migratory children who are not attending school;

(5) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A;

(6) to the extent feasible, such programs and projects will provide for—

(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

(B) professional development programs, including mentoring, for teachers and other program personnel;

(C) family literacy programs that are determined to be high quality; ~~(C) family literacy programs, including such programs that use models developed under Even Start;~~

(D) the integration of information technology into educational and related programs; and

(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and

(7) the State has procedures in place to verify the accuracy and completeness of any data regarding the counting of migratory children that is submitted to the Secretary under this part~~(7) the State will assist the Secretary in determining the number of migratory children under paragraphs (1)(A) and (2)(B)(i) of section 1303(a), through such procedures as the Secretary may require~~.

(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who have made a move within the previous 1-year period and who—

(1) are failing, or most at risk of failing, to meet the State college and career ready academic content standards and student academic achievement standards adopted under section 1111(a)(1); or

(2) have dropped out of school~~who are failing~~, or most at risk of failing, to meet the State's challenging State academic content standards and challenging State student academic achievement standards, and whose education has been interrupted during the regular school year.

(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term;

(2) a child who is no longer a migratory child may continue to receive services for one ~~1~~ additional school year, but only if comparable services are not available through other programs; and

(3) students ~~secondary school students~~ who were eligible for services in secondary school may continue to be served through credit accrual programs until graduation.

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Sec. 1305

SEC. 1305. [20 U.S.C. 6395] SECRETARIAL APPROVAL; PEER REVIEW.

(a) SECRETARIAL APPROVAL.—The Secretary shall approve each State application that meets the requirements of this part.

(b) PEER REVIEW.—The Secretary shall, to the extent practicable, ~~may~~ review any such application with the assistance and advice of State officials and other individuals with relevant expertise.

Sec. 1306

SEC. 1306. [20 U.S.C. 6396] COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.

(a) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the unique ~~special~~ educational needs of migratory children consistent with the purposes of this part, in accordance with a comprehensive State plan that—

(A) is integrated with other programs under this Act or other Acts, as appropriate;

~~(B) may be submitted as a part of a consolidated application under section 9302, if—~~

~~(i) the special needs of migratory children are specifically addressed in the comprehensive State plan;~~

~~(ii) the comprehensive State plan is developed in collaboration with parents of migratory children; and~~

~~(iii) the comprehensive State plan is not used to supplant State efforts regarding, or administrative funding for, this part;~~

(B) addresses the unique educational needs of migratory children;

(C) is developed in collaboration with parents of migratory children;

(D) is not used to supplant State efforts regarding, or administrative funding for, this part;

(~~C~~E) provides that migratory children will have an opportunity to meet the same State college and career ready academic content and student academic achievement standards adopted under section 1111(a)(1) that ~~same challenging State academic content standards and challenging State student academic achievement standards that~~ all children are expected to meet;

(~~D~~F) specifies measurable program goals and outcomes;

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(~~E~~G) encompasses the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

(~~F~~H) is the product of joint planning among such local, State, and Federal programs, including programs under part A, early care and education programs~~early childhood programs~~, and language instruction educational programs under part A or B of title III; and

(~~G~~I) provides for the integration of services available under this part with services provided by such other programs.

(2) DURATION OF THE PLAN.—Each such comprehensive State plan shall—

(A) remain in effect for the duration of the State's participation under this part; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part~~.~~

(b) AUTHORIZED ACTIVITIES.—

(1) FLEXIBILITY.—In implementing the comprehensive plan described in subsection (a), each State educational agency, where applicable through its local operating~~educational~~ agencies, shall have the flexibility to determine the activities to be provided with funds made available under this part, except that such funds first shall be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

(2) Unmet needs.—Funds provided under this part shall be used to meet the needs of migratory children that are not met by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A may receive those services through funds provided under that part or through funds under this part that remain after the agency meets the needs described in paragraph (1)~~UNADDRESSED NEEDS.—Funds provided under this part shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A may receive those services through funds provided under that part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1).~~

(3) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

(4) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in paragraph (1), and shall meet the unique educational ~~special educational~~ needs of migratory children before using funds under this part for schoolwide programs under section 1114.

Sec. 1307

SEC. 1307. [20 U.S.C. 6397] BYPASS.

The Secretary may use all or part of any State's allocation under this part to award grants to,

or enter into contracts with~~make arrangements~~ with any public or private nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

(1) the State is unable or unwilling to conduct educational programs for migratory children;

(2) such arrangements would result in more efficient and economic administration of such programs; or

(3) such arrangements would add substantially to the welfare or educational attainment of such children.

Sec. 1308

SEC. 1308. [20 U.S.C. 6398] NATIONAL ACTIVITIES~~COORDINATION OF MIGRANT EDUCATION ACTIVITIES~~.

(a) IMPROVEMENT OF COORDINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private

entities to—

"(A) improve ~~nonprofit entities to improve~~ the interstate and intrastate coordination among such agencies' educational programs, including through the establishment or improvement of programs for credit accrual and exchange, available to migratory students; and.

"(B) improve the coordination between State educational agencies, local operating agencies, and their counterparts in other nations in educating migratory children who move between the United States and such nations.

(2) DURATION.—Grants or contracts under this subsection may be awarded for not more than 5 years.

(b) STUDENT RECORDS.—

(1) ASSISTANCE.—In order to determine the number of migratory children in each State, the Secretary shall assist each State in maintaining an effective system for the electronic transfer of student records ~~(1) ASSISTANCE.—The Secretary shall assist States in developing effective methods for the electronic transfer of student records and in determining the number of migratory children in each State.~~

(2) INFORMATION SYSTEM.—

(A) IN GENERAL.— The Secretary, in consultation with the States, shall continue to ensure the linkage of migratory child record systems for the purpose of electronically exchanging, within and among the States, health and educational information regarding all migratory children eligible under this part. The Secretary shall ensure such linkage occurs in a cost-effective manner, utilizing systems used by the State prior to, or

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developed after, the date of enactment of the [_____ Act of ___]. The Secretary shall determine the minimum data elements that each State receiving funds under this part shall collect, maintain, and exchange, and the requirements of the linkage system that States shall meet for the timely submission of access to such information. Such minimum data elements may include— ~~The Secretary, in consultation with the States, shall ensure the linkage of migrant student record systems for the purpose of electronically exchanging, among the States, health and educational information regarding all migratory students. The Secretary shall ensure such linkage occurs in a cost-effective manner, utilizing systems used by the States prior to, or developed after, the date of enactment of the No Child Left Behind Act of 2001, and shall determine the minimum data elements that each State receiving funds under this part shall collect and maintain. Such elements may include—~~

(i) immunization records and other health information;

(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under section section 1111(a)(2)~~1111(b);~~

(iii) other academic information essential to ensuring that migratory children achieve to high standards; and

(iv) eligibility for services under the Individuals with Disabilities Education Act.

(B) CONSULTATION.—The Secretary shall maintain on-going consultation with the States, local educational agencies, and other migratory student service providers on—

"(i) the effectiveness of the system of electronic records transfer described in subparagraph (A); and

"(ii) the ongoing improvement of such system.

~~NOTICE AND COMMENT.—After consulting with the States under subparagraph (A), the Secretary shall publish a notice in the Federal Register seeking public comment on the proposed data elements that each State receiving funds under this part shall be required to collect for purposes of electronic transfer of migratory student information and the requirements that States shall meet for immediate electronic access to such information. Such publication shall occur not later than 120 days after the date of enactment of the No Child Left Behind Act of 2001.~~

(3) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this part shall make student records available to another State educational agency or local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.

(4) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than April 30, 2012, and every 2 years thereafter,~~2003~~, the Secretary shall report to the authorizing committees ~~the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives~~ the Secretary's findings and recommendations regarding the maintenance and transfer of health and educational

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information for migratory students by the States.

(B) REQUIRED CONTENTS.—The Secretary shall include in such report—

(i) a review of the progress of States in developing and linking electronic records transfer systems;

(ii) recommendations for maintaining ~~the development and linkage of~~ such systems; and

(iii) recommendations for improving ~~measures that may be taken to ensure~~ the continuity of services provided for migratory students.

~~(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve not more than $10,000,000 of the amount appropriated to carry out this part for such year.~~

"(c) Technical Assistance.—The Secretary may provide technical assistance designed to support State efforts to meet the needs of migratory children, which may include supporting the attendance of State and local operating agency staff, and other appropriate individuals, at special meetings convened by the Secretary in order to carry out activities consistent with this section

(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section for any fiscal year, the Secretary may reserve not more than $3,000,000 to award grants of not more than $250,000 on a competitive basis to State educational agencies that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, ~~pursuant to criteria that the Secretary shall establish~~, will improve the delivery of services to migratory children described in section 1304(d)~~whose education is interrupted~~.

(e) Improvements and Coordination.—From any funds remaining under subsection (f) after carrying out the requirements under subsections (b) and (d), the Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit entities to improve the interstate and intrastate coordination among such agencies' and entities' programs available to migratory students consistent with this section, including the establishment or improvement of programs for academic credit accrual and exchange. ~~(e) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.~~

(f) Availability of Funds.—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve not more than $12,500,000 of the amount appropriated to carry out this part for such year.

SEC. 1309. PERFORMANCE DATA.

"Consistent with section 1111(d)(3)(B), and in a manner prescribed by the Secretary, each State that receives a grant under this part shall annually submit to the Secretary, and make public, data on—

"(1) the academic achievement of migratory students, as measured by the State assessments required under section 1111(a)(2);

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"(2) such students' high school graduation rates and rates of enrollment and persistence in, and completion of a program of study at, institutions of higher education; and

"(3) the results of such other performance measures and targets as the Secretary may prescribe.

"SEC. 1310. EVALUATION AND STUDY.

"(a) Program Evaluation.—From the amount reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this part, consistent with section 9601.

"(b) Study.—The Secretary shall conduct a pilot study, funded as a part of the 2012 National Assessment of Educational Progress, on the feasibility of using the National Assessment of Educational Progress for assessing and reporting on the academic achievement of migratory children in grades 4 and 8 in reading and mathematics.

"SEC. 1311. STATE ASSISTANCE IN DETERMINING NUMBER OF MIGRATORY CHILDREN.

"Each State that desires to receive assistance under this part shall assist the Secretary in determining the number of migratory children in such State under paragraphs (1) and (2) of subsection (a) and subsection (g) of section 1303 through such procedures as the Secretary may require, except that the Secretary shall not require additional information that is not directly related to determining the migratory status of the child or the administration of this part.".

section 1312~~Sec. 1309~~

~~section~~SECTION 1312~~SEC. 1309~~. [20 U.S.C. 6399] DEFINITIONS.

As used in this part:

"(1) Food processor.—The term 'food processor' means a position working with a raw agricultural, dairy, or fishing product and transforming the product into a more refined product up to the point of an initial commercial sale.

"(2) Initial commercial sale.—The term 'initial commercial sale' means the first point of sale of an agricultural, dairy, or fishing product—

"(A) for refining to the next-stage processor;

"(B) to the wholesaler;

"(C) to the retailer; or

"(D) directly to the consumer.

(~~1~~3) LOCAL OPERATING AGENCY.—The term "local operating agency" means—

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(A) a local educational agency to which a State educational agency makes a subgrant under this part;

(B) a public or nonprofit private agency with which a State educational agency or the Secretary makes an arrangement to carry out a project under this part; or

(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly.

"(4) Migratory agricultural worker.—The term 'migratory agricultural worker' means an individual who—

"(A) made a qualifying move in the preceding 3-year period; and

"(B) after making such move, sought or engaged in employment in agricultural work, which may be dairy work or the initial processing of raw agricultural products

"(5) Migratory child.—The term 'migratory child' means a child who—

"(A) is, or whose parent or spouse is, a migratory agricultural worker or migratory fisher who is currently engaged in, or seeking to obtain, temporary or seasonal employment, usually for not longer than 15 months, in agricultural or fishing work until the point of the initial commercial sale (including employment as a migratory dairy worker, a food processor, or a migratory fisher); and

"(B) in the preceding 36 months—

"(i) has moved from one school district to another;

"(ii) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or

"(iii) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in, or to accompany a parent or spouse engaging in, a fishing activity.

"(6) Migratory fisher.—The term 'migratory fisher' means an individual who made a qualifying move in the preceding 36 months and, after doing so, sought or engaged in employment in fishing work.

"(7) Qualifying move.—The term 'qualifying move'—

"(A) means—

"(i) a move from one school district to another, or from one administrative area to another within a State that is comprised of a single school district; and

"(ii) in the case of a migratory fisher who resides in a school district of more than 15,000 square miles, includes migrating a distance of 20 miles or more to a temporary residence; and

"(B) with respect to a qualifying move for a parent or spouse of a migratory child, means a move described in subparagraph (A) that is separated by not more than 1 year from the move or migration described in paragraph (5)(B) of the migratory child ~~(2) MIGRATORY CHILD.—The term "migratory child" means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a~~

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~~migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work—~~

~~(A) has moved from one school district to another;~~

~~(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or~~

~~(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.~~

PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

Sec. 1401

SEC. 1401. [20 U.S.C. 6421] PURPOSE AND PROGRAM AUTHORIZATION.

(a) PURPOSE.—It is the purpose of this part—

(1) to improve educational services for children and youth in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same ~~challenging State academic content standards and challenging State student academic achievement standards~~college and career ready academic content standards and student academic achievement standards under section 1111(a)(1) that all children in the State are expected to meet;

(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

(3) ~~to prevent at-risk youth from dropping out of school, and~~ to provide dropouts, and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth, with a support system to ensure their continued education.

(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part and from amounts appropriated under section 1002(d), the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected, delinquent, or at-risk children and youth.

Sec. 1402

SEC. 1402. [20 U.S.C. 6422] PAYMENTS FOR PROGRAMS UNDER THIS PART.

(a) AGENCY SUBGRANTS.—Based on the allocation amount computed under section 1412, the Secretary shall allocate to each State educational agency an amount necessary to make subgrants to State agencies under subpart 1.

(b) LOCAL SUBGRANTS.—Each State shall retain, for the purpose of carrying out subpart 2, funds generated throughout the State under part A of this title based on children and youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

Subpart 1—State Agency Programs

Sec. 1411

SEC. 1411. [20 U.S.C. 6431] ELIGIBILITY.

A State agency is eligible for assistance under this subpart if such State agency is responsible for providing free public education for children and youth—

(1) in institutions for neglected or delinquent children and youth;

(2) attending community day programs for neglected or delinquent children and youth; or

(3) in adult correctional institutions.

Sec. 1412

SEC. 1412. [20 U.S.C. 6432] ALLOCATION OF FUNDS.

(a) SUBGRANTS TO STATE AGENCIES.—

(1) IN GENERAL.—Each State agency described in section 1411 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this subpart, for each fiscal year, in an amount equal to the product of—

(A) the number of neglected or delinquent children and youth described in section 1411 who—

(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

(ii) are enrolled for at least 20 hours per week—

(I) in education programs in institutions for neglected or delinquent children and youth; or

(II) in community day programs for neglected or delinquent children and youth; and

(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

(2) SPECIAL RULE.—The number of neglected or delinquent children and youth determined under paragraph (1) shall—

(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and

(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—

(1) IN GENERAL.—For each fiscal year, the amount of the subgrant which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this subpart shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

(A) the percentage which the average per-pupil expenditure in the Commonwealth

of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

(B) 32 percent of the average per-pupil expenditure in the United States.

(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than 85 percent. ~~(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than—~~

~~(A) for fiscal year 2002, 77.5 percent;~~

~~(B) for fiscal year 2003, 80.0 percent;~~

~~(C) for fiscal year 2004, 82.5 percent; and~~

~~(D) for fiscal year 2005 and succeeding fiscal years, 85.0 percent.~~

(3) LIMITATION.—If the application of paragraph (2) would result in any of the 50 States or the District of Columbia receiving less under this subpart than it received under this subpart for the preceding fiscal year, then the percentage described in paragraph (1)(A) that is used for the Commonwealth of Puerto Rico for the fiscal year for which the determination is made shall be the greater of—

(A) the percentage in paragraph (1)(A) for such fiscal year; or

(B) the percentage used for the preceding fiscal year.

(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

Sec. 1413

SEC. 1413. [20 U.S.C. 6433] STATE REALLOCATION OF FUNDS.

If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this subpart for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

Sec. 1414

SEC. 1414. [20 U.S.C. 6434] STATE PLAN AND STATE AGENCY APPLICATIONS.

(a) STATE PLAN.—

(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this subpart shall submit, for approval by the Secretary, a plan—

(A) for meeting the educational needs of neglected, delinquent, and at-risk children and youth;

(B) for assisting in the transition of children and youth ~~from~~ between correctional facilities ~~to~~ and locally operated programs; and

(C) that is integrated with other programs under this Act or other Acts, as appropriate.

(2) CONTENTS.—Each such State plan shall—

(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving the ~~academic, vocational, and technical skills~~college and career readiness (as determined based on the State college and career ready academic content and student academic achievement standards under section 1111(a)(1)) of children in the program;

(B) provide that, to the extent feasible, such children will have the same opportunities to achieve as such children would have if such children were in the schools of local educational agencies in the State; ~~and~~

(C) contain an assurance that the State educational agency will—

(i) ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection;

(ii) carry out the evaluation requirements of section 1431;

(iii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and

(iv) provide such other information as the Secretary may reasonably require; and

(D) provide assurances that the State educational agency has established—

"(i) procedures to ensure that each student who has been placed in the juvenile justice system is promptly reenrolled in secondary school or placed in a re-entry program that best meets the educational and social needs of the student;

"(ii) procedures for facilitating the transfer of credits that such students earned during placement; and

"(iii) opportunities for such students to participate in higher education or career pathways.~~.~~

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(3) DURATION OF THE PLAN.—Each such State plan shall—

(A) remain in effect for the duration of the State's participation under this part; and

(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

(b) SECRETARIAL APPROVAL AND PEER REVIEW.—

(1) SECRETARIAL APPROVAL.—The Secretary shall approve each State plan that meets the requirements of this subpart.

(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this subpart shall submit an application to the State educational agency that—

(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess and respond to the educational needs of the children to be served under this subpart, including an assessment upon entry into a correctional facility;

(2) provide an assurance that in making services available to children and youth in adult correctional institutions, priority will be given to such children and youth who are likely to complete incarceration within a 2-year period;

(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

(4) describes how the program will meet the goals and objectives of the State plan;

(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1416 are of high quality;

(6) describes how the State agency will carry out the evaluation requirements of section 9601 and how the results of the most recent evaluation will be used to plan and improve the program;

(7) includes data showing that the State agency has maintained the fiscal effort required of a local educational agency, in accordance with section 9521;

(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of Public Law 105–220, ~~vocational~~ career and technical education programs, State and local dropout prevention programs, and special education programs;

(9) describes how the State agency will ~~encourage~~ require, to the extent practicable, correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education programs attended by incarcerated children and youth prior to and after their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program and that transition plans are in place;

(10) describes how appropriate professional development will be provided to teachers and other staff;

(11) designates an individual in each affected correctional facility or institution for neglected or delinquent children and youth to be responsible for issues relating to the transition of such children and youth ~~from~~ between such facility or ~~institution to locally operated~~institution and locally operated education programs;

(12) describes how the State agency will endeavor to coordinate with businesses for training and mentoring for participating children and youth;

(13) provides an assurance that the State agency will assist in locating alternative programs through which students can continue their education if the students are not returning to school after leaving the correctional facility or institution for neglected or

delinquent children and youth;

(14) provides assurances that the State agency will work with parents to secure parents' assistance in improving the educational achievement of their children and youth, and preventing their children's and youth's further involvement in delinquent activities;

(15) provides an assurance that the State agency will work with children and youth with disabilities in order to meet an existing individualized education program and an assurance that the agency will notify the child's or youth's local school if the child or youth—

(A) is identified as in need of special education services while the child or youth is in the correctional facility or institution for neglected or delinquent children and youth; and

(B) intends to return to the local school;

(16) provides an assurance that the State agency will work with children and youth who dropped out of school before entering the correctional facility or institution for neglected or delinquent children and youth to encourage the children and youth to reenter school and obtain a secondary school diploma once the term of the incarceration is completed or provide the child or youth with the skills necessary to gain employment that leads to economic self-sufficiency, continue the education of the child or youth, or achieve a secondary school diploma or its recognized equivalent if the child or youth does not intend to return to school;

(17) provides an assurance that certified or licensedteachers and other qualified staff are trained to work with children and youth with disabilities and other students with special needs taking into consideration the unique needs of such students;

(18) describes any additional services to be provided to children and youth, such as career counseling, distance learning, and assistance in securing student loans and grants; and

(19) provides an assurance that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) or other comparable programs, if applicable.

Sec. 1415

SEC. 1415. [20 U.S.C. 6435] USE OF FUNDS.

(a) USES.—

(1) IN GENERAL.—A State agency shall use funds received under this subpart only for programs and projects that—

(A) are consistent with the State plan under section 1414(a); and

(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, ~~vocational~~ career or technical training, further education, or employment.

(2) PROGRAMS AND PROJECTS.—Such programs and projects—

(A) may include the acquisition of equipment;

(B) shall be designed to support educational services that—

(i) except for institution-wide projects under section 1416, are provided to children and youth identified by the State agency as failing, or most at-risk of failing, to meet the State's ~~challenging academic content standards and student academic achievement standards~~college and career ready academic content standards and student academic achievement standards under section 1111(a)(1);

(ii) supplement and improve the quality of the educational services provided to such children and youth by the State agency; and

(iii) afford such children and youth an opportunity to meet ~~challenging~~ such State academic achievement standards;

(C) shall be carried out in a manner consistent with section 1120A and part I (as applied to programs and projects under this part);~~ and~~

(D) may include the costs of meeting the evaluation requirements of section 9601; and

"(E) may include the costs of testing for such children and youth for a recognized equivalent of a secondary school diploma.~~.~~

(b) SUPPLEMENT, NOT SUPPLANT.—A program under this subpart that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A (as applied to this part) without regard to the subject areas in which instruction is given during those hours.

Sec. 1416

SEC. 1416. [20 U.S.C. 6436] INSTITUTION-WIDE PROJECTS.

A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children and youth may use funds received under this subpart to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

(1) provides for a comprehensive assessment of the educational needs of all children and youth in the institution or program serving juveniles;

(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a 2-year period;

(3) describes the steps the State agency has taken, or will take, to provide all children and youth under age 21 with the opportunity to meet ~~challenging State academic content standards and student academic achievement standards~~college and career ready academic content standards and student academic achievement standards under section 1111(a)(1) in order to improve the likelihood that the children and youth will complete secondary school, attain a secondary diploma or its recognized equivalent, or find employment after leaving the institution;

(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for the children and youth described in paragraph (1) and the development and implementation of transition plans;

(5) specifically describes how such funds will be used;

(6) describes the measures and procedures that will be used to assess and improve student progress;

(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and youth, and with personnel from the State educational agency; and

(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

Sec. 1417

SEC. 1417. [20 U.S.C. 6437] THREE-YEAR PROGRAMS OR PROJECTS.

If a State agency operates a program or project under this subpart in which individual children or youth are likely to participate for more than 1 year, the State educational agency may approve the State agency's application for a subgrant under this subpart for a period of not more than 3 years.

Sec. 1418

SEC. 1418. [20 U.S.C. 6438] TRANSITION SERVICES.

(a) TRANSITION SERVICES.—Each State agency shall reserve not less than 15 percent and not more than 30 percent of the amount such agency receives under this subpart for any fiscal year to support—

(1) projects that facilitate the transition of children and youth ~~from~~ between State-operated institutions ~~to schools~~and schools served by local educational agencies; or

(2) the successful reentry of youth offenders, who are age 20 or younger and have received a secondary school diploma or its recognized equivalent, into postsecondary education, or ~~vocational~~ career and technical training programs, through strategies designed to expose the youth to, and prepare the youth for, postsecondary education, or ~~vocational~~ career and technical training programs, such as—

(A) preplacement programs that allow adjudicated or incarcerated youth to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to

postsecondary education and employment; and

(C) essential support services to ensure the success of the youth, such as—

(i) personal, ~~vocational~~ career and technical, and academic, counseling;

(ii) placement services designed to place the youth in a university, college, or junior college program;

(iii) information concerning, and assistance in obtaining, available student financial aid;

(iv) counseling services; and

(v) job placement services.

(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

Sec. 1419

SEC. 1419. [20 U.S.C. 6439] EVALUATION; TECHNICAL ASSISTANCE; ANNUAL MODEL PROGRAM.

The Secretary may reserve not more than 2.5 percent of the amount made available to carry out this subpart for a fiscal year—

(1) to develop a uniform model to evaluate the effectiveness of programs assisted under this subpart; and

(2) to provide technical assistance to and support the capacity building of State agency programs assisted under this subpart.

Subpart 2—Local Agency Programs

Sec. 1421

SEC. 1421. [20 U.S.C. 6451] PURPOSE.

The purpose of this subpart is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities—

(1) to carry out high quality education programs to prepare children and youth for secondary school completion, ~~training, employment, or further education~~and college and career readiness (as determined based on the State college and career ready academic content and student academic achievement standards under section 1111(a)(1));

(2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment; and

(3) to operate programs in local schools for children and youth returning from correctional facilities, and programs which may serve at-risk children and youth.

Sec. 1422

SEC. 1422. [20 U.S.C. 6452] PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

(a) LOCAL SUBGRANTS.—With funds made available under section 1402(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of children and youth residing in locally operated (including county operated) correctional facilities for children and youth (including facilities involved in community day programs).

(b) SPECIAL RULE.—A local educational agency that serves a school operated by a correctional facility is not required to operate a program of support for children and youth returning from such school to a school that is not operated by a correctional agency but served by such local educational agency, if more than 30 percent of the children and youth attending the school operated by the correctional facility will reside outside the boundaries served by the local educational agency after leaving such facility.

(c) NOTIFICATION.—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this subpart.

(d) TRANSITIONAL AND ACADEMIC SERVICES.—Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to ~~meet the transitional~~meet the transitional needs (including the social and emotional needs) and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at-risk of dropping out of school shall not have a negative impact on ~~meeting the transitional~~meeting such transitional and academic needs of the students returning from correctional facilities.

Sec. 1423

SEC. 1423. [20 U.S.C. 6453] LOCAL EDUCATIONAL AGENCY APPLICATIONS.

Each local educational agency desiring assistance under this subpart shall submit an application to the State educational agency that contains such information as the State educational agency may require. Each such application shall include—

(1) a description of the program to be assisted;

(2) a description of formal agreements, regarding the program to be assisted, between—

(A) the local educational agency; and

(B) correctional facilities and alternative school programs serving children and youth involved with the juvenile justice system;

(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent children and youth to ensure that such children and youth

are participating in an education program comparable to one operating in the local school such youth would attend;

(4) a description of the program operated by participating schools for children and youth returning from correctional facilities and, as appropriate, the types of services that such schools will provide such children and youth and other at-risk children and youth;

(5) a description of the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the children and youth who will be returning from correctional facilities and, as appropriate, other at-risk children and youth expected to be served by the program, and a description of how the school will coordinate existing educational programs to meet the unique educational needs of such children and youth;

(6) as appropriate, a description of how schools will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities, ~~at-risk children or youth, and other participating children or youth~~and at-risk children or youth, including prenatal health care and nutrition services related to the health of the parent and the child or youth, parenting and child development classes, child care, targeted reentry and outreach programs, referrals to community resources, and scheduling flexibility;

(7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring services for participating students;

(8) as appropriate, a description of how the program will involve parents and family members in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under title I of Public Law 105–220 and ~~vocational~~ career and technical education programs serving at-risk children and youth;

(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of children and youth returning from correctional facilities;

(12) a description of the efforts participating schools will make to ensure correctional facilities working with children and youth are aware of a child's or youth's existing individualized education program; and

(13) as appropriate, a description of the steps participating schools will take to find alternative placements for children and youth interested in continuing their education but unable to participate in a regular public school program.

Sec. 1424

SEC. 1424. [20 U.S.C. 6454] USES OF FUNDS.

Funds provided to local educational agencies under this subpart may be used, as appropriate, for—

(1) programs that serve children and youth returning to local schools from correctional facilities, to assist in the transition of such children and youth to the school environment and help them remain in school in order to complete their education;

(2) dropout prevention programs which serve at-risk children and youth~~, including pregnant and parenting teens, children and youth who have come in contact with the juvenile justice system, children and youth at least 1 year behind their expected grade level, migrant youth, immigrant youth, students with limited English proficiency, and gang members~~;

(3) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care, drug and alcohol counseling, and mental health services, will improve the likelihood such individuals will complete their education;

(4) special programs to meet the unique academic needs of participating children and youth, including ~~vocational and technical education~~career and technical education, costs associated with testing for a recognized equivalent of a secondary school diploma, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and

(5) programs providing mentoring and peer mediation.

Sec. 1425

SEC. 1425. [20 U.S.C. 6455] PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

Each correctional facility entering into an agreement with a local educational agency under section 1423(2) to provide services to children and youth under this subpart shall—

(1) where feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly with respect to a student with an individualized education program under part B of the Individuals with Disabilities Education Act;

(2) if the child or youth is identified as in need of special education services while in the correctional facility, notify the local school of the child or youth of such need;

(3) where feasible, provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

(4) provide support programs that encourage children and youth who have dropped out of school to reenter school once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a secondary school diploma or its recognized equivalent;

(5) work to ensure that the correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth;

(6) ensure that educational programs in the correctional facility are related to assisting students to meet high academic achievement standards;

(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and the community school;

(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

(9) coordinate funds received under this subpart with other local, State, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105–220, and ~~vocational~~ career and technical education funds;

(10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;~~ and~~

(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth;

"(12) develop an initial educational services and transition plan for each child or youth served under this subpart upon entry into the correctional facility, in partnership with the child or youth's family members and the local educational agency that most recently provided services to the child or youth (if applicable), consistent with section 1414(a)(1); and

"(13) consult with the local educational agency for a period jointly determined necessary by the correctional facility and local educational agency upon discharge from that facility, to coordinate educational services so as to minimize disruption to the child's or youth's achievement.~~.~~

Sec. 1426

SEC. 1426. ACCOUNTABILITY.

"The State educational agency—

"(1) shall require correctional facilities or institutions for delinquent children and youth to annually report on the number of children and youth released from the correctional facility or institution who returned or did not return to school, the number of children and youth obtaining a secondary school diploma or its recognized equivalent, and the number of children and youth obtaining employment; and

"(2) may require correctional facilities or institutions for delinquent children and youth to demonstrate, after receiving assistance under this subpart for 3 years, that there has been an increase in the number of children and youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such children and youth are released.

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~~SEC. 1426. [20 U.S.C. 6456] ACCOUNTABILITY.~~

~~The State educational agency may—~~

~~(1) reduce or terminate funding for projects under this subpart if a local educational agency does not show progress in reducing dropout rates for male students and for female students over a 3-year period; and~~

~~(2) require correctional facilities or institutions for neglected or delinquent children and youth to demonstrate, after receiving assistance under this subpart for 3 years, that there has been an increase in the number of children and youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such children and youth are released.~~

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Subpart 3—General Provisions

Sec. 1431

SEC. 1431. [20 U.S.C. 6471] PROGRAM EVALUATIONS.

(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall evaluate the program, disaggregating data on participation by gender, race, ethnicity, and age, not less than once every 3 years, to determine the program's impact on the ability of participants—

(1) to maintain and improve educational achievement;

(2) to accrue school credits that meet State requirements for grade promotion and secondary school graduation;

(3) to make the transition to a regular program or other education program operated by a local educational agency;

(4) to complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the correctional facility or institution for neglected or delinquent children and youth; and

(5) as appropriate, to participate in postsecondary education and job training programs.

(b) EXCEPTION.—The disaggregation required under subsection (a) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

(c) EVALUATION MEASURES.—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

(d) EVALUATION RESULTS.—Each State agency and local educational agency shall—

(1) submit evaluation results to the State educational agency and the Secretary; and

(2) use the results of evaluations under this section to plan and improve subsequent

programs for participating children and youth.

Sec. 1432

SEC. 1432. [20 U.S.C. 6472] DEFINITIONS.

In this part:

(1) ADULT CORRECTIONAL INSTITUTION.—The term "adult correctional institution" means a facility in which persons (including persons under 21 years of age) are confined as a result of a conviction for a criminal offense.

"(2) AT-RISK.—The term 'at-risk', when used with respect to a child, youth, or student, means a school-aged individual who—

"(A) is at risk of academic failure; and

"(B) has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system or has been determined to be neglected in the past, is a gang member, or has dropped out of school in the past. ~~(2) AT RISK.—The term "at-risk", when used with respect to a child, youth, or student, means a school aged individual who is at risk of academic failure, has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system in the past, is at least 1 year behind the expected grade level for the age of the individual, has limited English proficiency, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.~~

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(3) COMMUNITY DAY PROGRAM.—The term "community day program" means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

(4) INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH.—The term "institution for neglected or delinquent children and youth" means—

(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS

PART A—TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND

~~Sec. 2101~~

SEC. 2101. ~~[20 U.S.C. 6601]~~ PURPOSE.

The purpose of this part is to provide grants to State educational agencies~~,~~ and subgrants to local educational agencies~~, State~~ to enable such agencies ~~for higher education, and eligible partnerships in order to—~~

~~(1) increase student~~ to improve academic achievement ~~through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and~~for all students, including students with disabilities and English learners, by—

~~(2) hold local educational agencies~~(1) providing professional development that is designed to improve instruction and ~~schools accountable for improvements in~~ student ~~academic~~ achievement~~.~~;

~~Sec. 2102~~

(2) implementing rigorous teacher and principal evaluation and professional development systems; and

(3) improving the equitable distribution among schools of teachers and principals based on results of State and local evaluation systems.

SEC. 2102. ~~[20 U.S.C. 6602]~~ DEFINITIONS.

In this part:

(1) ~~ARTS AND SCIENCES~~INDUCTION PROGRAM.—The term "~~arts and sciences~~induction program" means—

~~(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subjects in which~~ a program based on scientifically valid research for new teachers ~~teach; and~~

~~(B) when referring to a specific academic subject, the disciplines or content areas in which an academic major is offered by an organizational unit described in subparagraph (A).~~

~~(2) CHARTER SCHOOL.—The term "charter school" has the meaning given the term in section 5210.~~

~~(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational~~

~~agency" means a local educational agency—~~

~~(A)(i)~~ that ~~serves not fewer than 10,000 children from families with incomes below the poverty line; or~~

~~(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and~~

~~(B)(i) for which there~~ is ~~a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained~~designed to ~~teach; or~~

~~(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.~~

~~(4) HIGHLY QUALIFIED PARAPROFESSIONAL.—The term "highly qualified paraprofessional" means a paraprofessional who has not less than 2 years of—~~

~~(A) experience in a classroom; and~~

~~(B) postsecondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers.~~

~~(5) OUT-OF-FIELD~~ improve instruction and increase teacher~~.—The term "out-of-field teacher" means a teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified.~~

~~(6) PRINCIPAL.—The term "principal"~~ retention, and that includes ~~an assistant principal.—~~

~~Sec. 2103~~

(A) high-quality teacher mentoring;

(B) the development of skills needed by new teachers, including content knowledge, pedagogical knowledge, classroom management (which may include positive behavioral interventions and supports), and the analysis and use of student assessments (including formative assessments), and other student data;

(C) periodic, structured time for collaboration and professional development with teachers in the same subject or field, and opportunities to draw directly on the expertise of other school and local educational agency staff and other organizations that provide high-quality supports, which may include team teaching or a reduced teaching load; and

(D) regular and structured observation with timely feedback.

(2) MENTORING.—The term "mentoring" means supporting teachers or principals to increase the effectiveness and retention of such teachers or principals through a program that—

(A) includes clear criteria for the selection of mentors that takes into account the mentor's—

(i) record of increasing student achievement; and

(ii) ability to facilitate adult learning;

(B) provides high-quality training for mentors in how to support teachers or principals;

(C) provides regularly scheduled time for collaboration, examination of student work and achievement data, and ongoing opportunities for mentors and mentees to observe each other's teaching or leading, and identify and address areas identified for improvement; and

(D) matches mentees with mentors in the same field, grade, grade span, or subject area.

(3) STATE.—The term "State" means each of the several States of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

~~SEC. 2103. [20 U.S.C. 6603] AUTHORIZATIONS OF APPROPRIATIONS.~~

~~(a) GRANTS TO STATES, LOCAL EDUCATIONAL AGENCIES, AND ELIGIBLE PARTNERSHIPS.—There are authorized to be appropriated to carry out this part (other than subpart 5) $3,175,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.~~

~~(b) NATIONAL PROGRAMS.—There are authorized to be appropriated to carry out subpart 5 such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.~~

Subpart 1—Grants to States

~~Sec. 2111~~

SEC. 2111. ~~[20 U.S.C. 6611]~~ ALLOTMENTS TO STATES.

(a) In General.—The Secretary shall make grants to States with applications approved under section 2112 to ~~pay for the Federal share of the cost of carrying~~enable the States to carry out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

(b) Determination of Allotments.—

(1) RESERVATION OF FUNDS.—From the total amount appropriated to carry out this subpart for a fiscal year, the Secretary shall reserve—

(A~~(A) IN GENERAL.—From the total amount appropriated under section 2103(a) for a fiscal year, the Secretary shall reserve—~~

~~(i~~) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

(~~ii~~B) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian ~~Affairs~~Education.

(2) STATE ALLOTMENTS.—

(A) HOLD HARMLESS.—

(i) IN GENERAL.—Subject to subparagraph (B), from the funds appropriated ~~under section 2103(a)~~to carry out this subpart for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2001 under—

(I) section 2202(b) of this Act (as in effect on the day before the date of enactment of the ~~No Child Left Behind Act of 2001);~~[short title]); and

(II) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

(ii) RATABLE REDUCTION.—If the funds described in clause (i) are insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

(B) ALLOTMENT OF ADDITIONAL FUNDS.—

(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the funds appropriated ~~under section 2103(a)~~to carry out this subpart and not reserved under paragraph (1) exceed the total amount required to make allotments under subparagraph (A), the Secretary shall allot to each of the States described in subparagraph (A) the sum of—

(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than one-half of 1 percent of the total excess amount allotted under such clause for a fiscal year.

(3) REALLOTMENT.—If any State does not ~~apply for~~receive an allotment under this subsection for any fiscal year, the Secretary shall reallot the amount of the allotment to the remaining States in accordance with this subsection.

~~Sec. 2112~~

SEC. 2112. ~~[20 U.S.C. 6612]~~ STATE APPLICATIONS.

(a) In General.—For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and

containing such information as the Secretary may reasonably require.

(b) Contents.—Each application submitted under this section shall be subject to peer review and include—

(1) a description of how the State educational agency will ensure that each local educational agency receiving a subgrant under subpart 2 will comply with the requirements of such subgrant;

(2) a description of how the State will use funds reserved under section 2113(a);

(3) a~~(b) Contents.—Each application submitted under this section shall include the following:~~

~~(1) A~~ description of how the activities to be carried out by the State educational agency under this subpart will be based on a review of scientifically ~~based~~valid research and an explanation of why the activities are expected to improve student ~~academic~~ achievement~~.~~;

~~(2) A~~(4) a description of how activities under this subpart are aligned with State content and achievement standards and State assessments, which may include early learning content and achievement standards and assessments, as appropriate;

(5) a description of how the State educational agency will—

(A) ensure that ~~a~~each local educational agency ~~receiving~~in the State that receives a subgrant ~~to carry out~~under subpart 2 ~~will comply with~~implements a teacher and principal evaluation system that meets the requirements ~~of such subpart.~~specified in section 2123 and is consistent with State definitions and parameters provided under paragraph (~~4~~6);

~~(3) A~~(B) provide data on each teacher's student achievement and, if applicable, student growth, for the State assessments required under section 1111(a)(2) to teachers and local educational agencies, in a timely and useful manner that can inform teacher evaluation;

(C) make public the results of the State-approved evaluation system in a manner consistent with the requirements of subpart 4;

(D) provide for the equitable distribution of highly qualified or highly rated teachers within individual local educational agencies and the State to ensure that low-income and minority students are not taught at higher rates than other students by teachers who receive a performance rating in the lowest categories;

(E) on a regular basis—

(i) review the teacher and principal evaluation systems used by the local educational agencies in the State for accuracy and consistency; and

(ii) provide technical assistance to improve a local educational agency's teacher and principal evaluation so that the evaluation provides meaningful differentiation and is aligned with student achievement results, as measured in accordance with section 2123(b)(2), in the local educational agency and each of the schools served by the local educational agency;

(6) a description of the State's definition of its statewide rating categories for teachers

and principals and names for levels of teacher and principal performance using not less than 4 rating categories, along with and any other parameters the State educational agency will use in evaluating teachers consistent with section 2123(b);

(7) a description of how the State educational agency will ~~ensure that activities assisted under this subpart are aligned with challenging State academic content and student academic achievement standards, State assessments, and State and local curricula.~~

~~(4) A description of how the State educational agency will use funds under this part to improve the quality of the State's teachers and principals.~~

~~(5)(A) A description of how the State educational agency will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs.~~

~~(B) A description of the comprehensive strategy that the State educational agency will use, as part of such coordination effort, to ensure that teachers are trained in the use of technology so that technology and applications of technology are effectively used in the classroom to improve teaching and learning in all curricula and academic subjects, as appropriate.~~

~~(6) A description of how the State educational agency will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.~~

~~(7)(A) A description of how the State educational agency will ensure compliance with the requirements for professional development activities described in section 9101 and how the activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, parents, administrators, paraprofessionals, and other school personnel.~~

~~(B) In the case of a State in which the State educational agency is not the entity responsible for teacher professional standards, certification, and licensing, an assurance that the State activities carried out under this subpart are carried out in conjunction with the entity responsible for such standards, certification, and licensing under State law.~~

~~(8) A description of how the State educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart and subpart 2.~~

~~(9) A description of the State educational agency's annual measurable objectives under section 1119(a)(2).~~

~~(10) A description of how the State educational agency will use funds under this part to meet the teacher and paraprofessional requirements of section 1119 and how the State educational agency will~~ hold local educational agencies accountable for meeting the ~~annual measurable objectives described in~~requirements of section 1119~~(a)(2).~~;

~~(11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, the specific portion of the State law that provides for the exemption.~~

~~(12) An~~(8) an assurance that the State educational agency will comply with section 9501 (regarding participation by private school children and teachers~~).~~); and

(9) a description of the activities funded under this subpart, including how such activities will be coordinated with the State agency responsible for early childhood education and care programs, that are designed to improve and strengthen the knowledge and skills of teachers and principals responsible for educating children in preschool, where applicable, through third grade.

(c) Deemed Approval.—An application submitted by a State educational agency pursuant to subsection (a) that has been peer reviewed 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 subpart.

(d) Disapproval.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

(e) Notification.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, 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~~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. 2113~~

SEC. 2113. ~~[20 U.S.C. 6613]~~ STATE USE OF FUNDS.

(a) In General.—A State that receives a grant under section 2111 shall—

(1) reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies as described in subpart 2;

(2) ~~reserve 2.~~use not less than 2 percent but not more than 5 percent ~~(or, for a fiscal year described in subsection (b), the percentage determined under subsection (b))~~ of ~~the funds to make subgrants to local partnerships as described in subpart 3; and~~

~~(3) use the remainder of the funds for State activities described in subsection (c).~~

~~(b) SPECIAL RULE.—For any fiscal year for which the total amount that would be reserved by all States under subsection (a)(2), if the States applied a 2.5 percentage rate, exceeds $125,000,000, the Secretary shall determine an alternative percentage that the States shall apply for that fiscal year under subsection (a)(2) so that the total amount reserved by all States under subsection (a)(2) equals $125,000,000.~~

~~(c) STATE ACTIVITIES.—The State educational agency for a State that receives a grant under section 2111 shall use the funds described in subsection (a)(3) to carry out one or more of the following activities, which may be carried out through a grant or contract with a for-profit or nonprofit entity:~~

~~(1) Reforming teacher and principal certification (including recertification) or licensing requirements to ensure that—~~

~~(A)(i) teachers have the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach; and~~

~~(ii) principals have the instructional leadership skills to help teachers teach and students learn;~~

~~(B) teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and~~

~~(C) teachers have the subject matter knowledge and teaching skills, including technology literacy, and principals have the instructional leadership skills, necessary to help students meet challenging State student academic achievement standards.~~

~~(2) Carrying out programs that provide support to teachers or principals, including support for teachers and principals new to their profession, such as programs that—~~

~~(A) provide teacher mentoring, team teaching, reduced class schedules, and intensive professional development; and~~

~~(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement standards and with the requirements for professional development activities described in section 9101.~~

~~(3) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers and principals, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers or principals.~~

~~(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that~~ funds made available ~~under this paragraph may be used for pupil services personnel only~~through the

grant to improve the performance and distribution of highly rated principals and, at the State's discretion, other school leaders, including through—

(A) ~~if the~~ developing, periodically reviewing, and revising State ~~educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and~~

~~(B) in a manner consistent with mechanisms to assist local educational agencies~~policies and ~~schools in effectively recruiting and retaining highly qualified teachers and~~ standards related to principals~~.~~;

~~(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.~~

~~(6) Providing professional development for teachers and principals and, in cases in which a State educational agency determines support to be appropriate, supporting the participation of pupil services personnel in the same type of professional development activities as are made available to teachers and principals.~~

~~(7) Developing systems to measure the effectiveness of specific professional development programs and strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach.~~

~~(8) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration of the programs carried out~~(B) developing, with appropriate stakeholders, and carrying out a State plan to provide for well-prepared principals, based on an analysis of relevant data;

(C) activities designed to recruit, prepare, place, assist, support, and retain highly rated principals for high-need schools and low-performing schools;

(D) providing training and support to principals and school leadership teams in high-need schools or low-performing schools on improving instruction and closing achievement gaps; and

(E) providing compensation or incentives to attract, retain, and reward highly rated principals and other school leaders for high-need schools and low-performing schools; and

(3) use any funds remaining after making the reservations under paragraphs (1) and (2) to—

(A) plan and administer State activities under this part, including ~~provision of~~ awarding, monitoring, and enforcing the requirements of subgrants awarded under subpart 2;

(B) assist local educational agencies in recruiting, preparing, placing, developing, and retaining high-quality teachers for high-need schools and low-performing schools;

(C) provide technical assistance to local educational agencies~~.~~ to support the design and implementation of a system to evaluate teachers and principals that meets the requirements described in section 2123, including—

~~(9) Funding projects to promote reciprocity of teacher and principal certification or licensing between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.~~

~~(10) Developing or assisting~~(i) developing and disseminating research-based models and designing high-quality evaluation tools, such as classroom observation rubrics;

(ii) developing and providing training for principals and other evaluators on how to evaluate teachers in order to differentiate teacher performance accurately, provide useful feedback, and use evaluation results to inform decisionmaking about professional development, improvement strategies, and personnel decisions;

(iii) developing methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;

(iv) the appropriate collection, reporting, analysis, and use of evaluation data; and

(v) creating opportunities for teachers and principals to provide feedback on the quality and usefulness of the local educational agency's evaluation system;

(D) provide technical assistance, as necessary, to local educational agencies that receive subgrants under subpart 2, to improve performance on the measures described in section 2141(b);

(E) develop and disseminate the State Report Card described in subpart 4, and use the information in the Report Card to guide efforts under this part; and

(F) provide technical assistance and support to local educational agencies in the development and ~~use of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning~~implementation of programs and policies that support children's transition from early childhood education and care programs into elementary schools, improve school readiness, and improve the academic achievement of young children.

~~(11) Encouraging and supporting the training of teachers and administrators to effectively integrate technology into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability.~~

~~(12) Developing, or assisting local educational agencies in developing, merit-based performance systems, and strategies that provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, and science and teachers in high-poverty schools and districts.~~

~~(13) Providing assistance to local educational agencies for the development and implementation of professional development programs for principals that enable the principals to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards, and the development and support of school leadership academies to help exceptionally talented aspiring or current~~

~~principals and superintendents become outstanding managers and educational leaders.~~

~~(14) Developing, or assisting local educational agencies in developing, teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.~~

~~(15) Providing assistance to teachers to enable them to meet certification, licensing, or other requirements needed to become highly qualified by the end of the fourth year for which the State receives funds under this part (as amended by the No Child Left Behind Act of 2001).~~

~~(16) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement.~~

~~(17) Funding projects and carrying out programs to encourage men to become elementary school teachers.~~

~~(18) Establishing and operating a center that—~~

~~(A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and~~

~~(B) establishes and carries out programs to improve teacher recruitment and retention within the State.~~

~~(d) ADMINISTRATIVE COSTS.—A State educational agency or State agency for higher education receiving a grant under this part may use not more than 1 percent of the grant funds for planning and administration related to carrying out activities under subsection (c) and subpart 3.~~

~~(e) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section.~~

~~(f~~(b) Supplement, Not Supplant.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

Subpart 2—Subgrants to Local Educational Agencies

~~Sec. 2121~~

SEC. 2121. ~~[20 U.S.C. 6621]~~ ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

(a)~~\1\ SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—~~

~~\1\So in law. There is no subsection (b).~~

~~(1~~) In ~~GENERAL~~General.—The Secretary may make a grant to a State under subpart 1 only if the State educational agency agrees to distribute the funds described in this ~~subsection~~section as subgrants to local educational agencies under this subpart.

~~(2) HOLD HARMLESS.—~~

~~(A~~(b) Allocations.—~~—~~

(1) IN GENERAL.—From the ~~funds~~ total amount reserved by a State under section 2113(a)(1~~),~~) for a fiscal year, the State educational agency shall allocate to each of the eligible local educational ~~agency~~agencies in the State ~~an amount equal to the total amount that~~ for such ~~agency received for fiscal year 2001 under—~~

~~(i) section 2203(1)(B) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and~~

~~(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).~~

~~(B) NONPARTICIPATING AGENCIES.—In the case of a local educational agency that did not receive any funds for~~ fiscal year ~~2001 under one or both of the provisions referred to in clauses (i) and (ii) of subparagraph (A), the amount allocated to the agency under such subparagraph shall be the total amount that the agency would have received for fiscal year 2001 if the agency had elected to participate in all of the programs for which the agency was eligible under each of the provisions referred to in those clauses.~~

~~(C) RATABLE REDUCTION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all local educational agencies in the State are eligible to receive under subparagraph (A) for any fiscal year, the State educational agency shall ratably reduce such amounts for the fiscal year.~~

~~(3) ALLOCATION OF ADDITIONAL FUNDS.—For any fiscal year for which the funds reserved by a State under section 2113(a)(1) exceed the total amount required to make allocations under paragraph (2), the State educational agency shall allocate to each of the eligible local educational agencies in the State~~ the sum of—

(A) an amount that bears the same relationship to 20 percent of the ~~excess~~total amount reserved as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

(B) an amount that bears the same relationship to 80 percent of the ~~excess~~total amount reserved as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

(2) HOLD HARMLESS.—

(A) IN GENERAL.—~~Sec. 2122~~

Notwithstanding paragraph (1), the State educational agency shall allocate to each of the eligible local educational agencies in the State an amount that is not less than 90 percent of the allocation the eligible local educational agency received for the previous fiscal year under this part.

(B) RATABLE REDUCTION.—If insufficient funds are appropriated to allocate the amounts that all eligible local educational agencies in the State are eligible to receive under subparagraph (A) for a fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

SEC. 2122. ~~[20 U.S.C. 6622]~~ LOCAL APPLICATIONS AND NEEDS ASSESSMENT.

(a) In General.—To be eligible to receive a subgrant under this subpart, a local educational agency shall~~—~~

(1) submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require~~.~~; and

(2) conduct, with the involvement of school staff and other stakeholders, as applicable, an assessment of the needs of the local educational agency in the areas set forth in the performance measures described in section 2141(b).

(b) Contents.—Each application submitted under this section shall include the following:

(1) A description of the results of~~(b) Contents.—Each application submitted under this section shall be based on~~ the needs assessment ~~required in~~ conducted under subsection (~~c) and shall include the following:~~a)(2).

(~~1)(A~~2) A description of the performance measures and activities the local educational agency will use to ~~be carried out by the local educational agency under this subpart and how these activities will be aligned with~~ address the needs identified in such assessment.

~~(i) challenging State academic content standards and student academic achievement standards, and State assessments; and~~

~~(ii) the curricula and programs tied to the standards described in clause (i).~~

~~(B)~~ (3) A description of how the ~~activities will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.~~

~~(2) A description of how the activities will have a substantial, measurable, and positive impact on student academic achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.~~

~~(3) An assurance that the~~ local educational agency will ~~target funds to schools within the jurisdiction of the local educational agency that~~

~~(A) have the lowest proportion of highly qualified teachers;~~

~~(B) have the largest average class size;~~ improve or

~~(C) are identified for school improvement under section 1116(b).~~

~~(4) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs.~~

~~(5) A description of the professional development activities that will be made available to teachers and principals under this subpart and how the local educational agency will ensure that the professional development (which may include~~ implement a teacher ~~mentoring) needs of teachers and principals will be met using funds under this subpart.~~

~~(6) A description of how the local educational agency will integrate funds under this subpart with funds received under part D that are used for professional development to train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy.~~

~~(7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and in the preparation of the application.~~

~~(8) A description of the results of the needs assessment described in subsection (c).~~

~~(9) A description of how the local educational agency will provide training to enable teachers to—~~

~~(A) teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;~~

~~(B) improve student behavior in the classroom and identify early and appropriate interventions to help students described in subparagraph (A) learn;~~

~~(C) involve parents in their child's education; and~~

~~(D) understand and use data and assessments to improve classroom practice and student learning.~~

~~(10) A description of how the local educational agency will use funds under this subpart to meet~~ and principal evaluation system that is consistent with the requirements of section ~~1119.~~2123(b).

~~(11) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).~~

~~(c) NEEDS ASSESSMENT.—~~

~~(1) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, as identified by the local educational agency and school staff.~~

~~(2) REQUIREMENTS.—Such needs assessment shall be conducted with the involvement of teachers, including teachers participating in programs under part A of title I, and shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet challenging State and local student academic achievement standards.~~

~~Sec. 2123~~

(4) The local educational agency's plan for using subgrant funds, and other Federal, State and local funds, to provide for the equitable distribution of teachers and principals within

the local educational agency so as to ensure that low-income students and minority students are not taught at higher rates than other students in such schools by teachers in the lowest rating categories.

SEC. 2123. ~~[20 U.S.C. 6623]~~ LOCAL USE OF FUNDS.

(a) In General.—A local educational agency that receives a subgrant under section 2121 shall use ~~the~~ subgrant funds ~~made available~~to increase student achievement for all students, including English learners and students with disabilities, by increasing the number and percentage of its teachers and principals in the highest rated categories, and to ensure the equitable distribution of those highly rated teachers and principals, through ~~the subgrant to carry out one~~1 or more of the following activities~~, including~~ :

(1) Developing and carrying out ~~the activities~~professional development, which may include joint professional development for teachers, principals, and other relevant school staff with early childhood education and care program staff.

(2) Reducing class size for prekindergarten through 3rd grade, by an amount and to a ~~grant~~level consistent with what scientifically valid research has found to improve student achievement.

(3) Developing and implementing an induction program or ~~contract with~~ a ~~for-profit~~mentoring program.

(4) Developing and implementing, or ~~nonprofit entity:~~improving, a teacher and principal evaluation system that, at a minimum, meets the requirements described in subsection (b).

~~(1) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only—~~

~~(A) if the local educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and~~

~~(B) in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.~~

~~(2) Developing and implementing initiatives to assist in recruiting highly qualified teachers (particularly initiatives that have proven effective in retaining highly qualified teachers), and hiring highly qualified teachers, who will be assigned teaching positions within their fields, including—~~

~~(A) providing scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers to teach—~~

(5) Providing meaningful and timely feedback to teachers and principals on evaluation results, and using those results in making decisions about professional development.

(6) Increasing teacher capacity to evaluate student work and use student achievement data, which may include supporting the involvement of teachers in assessment scoring.

(7) Recruiting, preparing, placing, supporting, developing, rewarding, and retaining—

(A) highly rated teachers and principals in high-need schools and low-performing schools taking into consideration members of groups underrepresented in the teaching and principalship professions; and

(B) highly rated teachers in high-need subjects or fields.

(8) Improving within-district equity in the distribution of highly rated teachers in high-need schools in order to ensure that low-income students and minority students are not taught at higher rates than other students in those schools by teachers in the lowest rating categories.

(9) Enabling teachers to become certified as teachers in a high-need subject or field.

(10) Creating career ladders, which may include modifying the local educational agency's policies and practices, to provide opportunities for highly rated teachers or paraprofessionals to advance or take on additional roles and responsibilities.

(11) Reforming the local educational agency's system of compensating teachers and principals in order to—

(A) provide incentives to recruit and retain highly rated principals and teachers in a high-need subject or field, or who teach in or lead a high-need school or low-performing school; and

(B) reward highly rated teachers and principals for increasing student achievement or taking on additional roles and responsibilities.

(b) Local Educational Agency Requirements for Teacher and Principal Evaluation.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of the [short title], each local educational agency that receives a subgrant under this subpart shall develop and implement a teacher and principal evaluation system, which may be implemented statewide, consistent with State definitions and parameters described under section 2112(b)(4) that—

(A) provides meaningful feedback to teachers and principals on the results of their evaluations;

(B) defines and names not less than 4 categories of teacher and principal performance;

(C) evaluates teachers and principals regularly consistent with research and best practice;

(D) is used in making decisions about professional development;

(E) provides training for the evaluators who are responsible for conducting classroom observations;

(F) is developed and implemented with teacher and principal involvement;

(G) for teachers—

(i) ~~in academic~~shall—

(I) be based in significant part on evidence of improved student achievement; and

(II) include observations of classroom teaching aligned with clause (ii); and

(ii) may include other measures but only if such measures are valid predictors of student achievement, including those that have been specifically shown to identify teachers with improved student achievement, such as student surveys and evidence of classroom practice gathered through multiple formats and sources; and

(H) for principals, shall be based—

(i) in significant part on evidence of improved student achievement and student outcomes;

(ii) on evidence of providing strong instructional leadership and support to teachers and other staff; and

(iii) on evidence of parent and family engagement.

(2) STUDENT ACHIEVEMENT.—For purposes of this subsection, student achievement means—

(A) for grades and subjects ~~in~~ for which there ~~exists a shortage of highly qualified teachers within a school or within the local educational agency; and~~

~~(ii) in schools in which there exists a shortage of highly qualified teachers;~~

~~(B) recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades; and~~

~~(C) establishing programs that—~~

~~(i) train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);~~

~~(ii) train and hire highly qualified teachers of special needs children, as well~~are assessments as ~~teaching specialists in core academic subjects who will provide increased individualized instruction to students;~~described in section 1111(a)(2)—

~~(iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and~~

~~(iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.~~

~~(3) Providing professional development activities—~~

~~(A)~~ (i) a student's results from the State's assessments under such section or other statewide assessments; and

(ii) as appropriate, other measures of a student's learning, consistent with

subparagraph (B); and

(B) measures of a student's learning and performance, such as end-of-course tests, and other measures that ~~improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning—~~

~~(i) one or more of the core academic subjects~~are rigorous and comparable across schools in a school district and that are aligned with the ~~teachers teach; and~~

~~(ii) effective instructional strategies, methods, and skills, and use of challenging~~ State academic content standards and student academic achievement standards~~, and State assessments, to improve teaching practices and student academic achievement; and~~ under section 1111(a)(1).

~~(B) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that—~~

~~(i) involve collaborative groups of teachers and administrators;~~

~~(ii) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;~~

~~(iii) provide training in methods of—~~

~~(I) improving student behavior in the classroom; and~~

~~(II) identifying early and appropriate interventions to help students described in clause (ii) learn;~~

~~(iv) provide training to enable teachers and principals to involve parents in their child's education, especially parents of limited English proficient and immigrant children; and~~

~~(v) provide training on how to understand and use data and assessments to improve classroom practice and student learning.~~

~~(4) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly within elementary schools and secondary schools with a high percentage of low-achieving students, including programs that provide—~~

~~(A) teacher mentoring from exemplary teachers, principals, or superintendents;~~

~~(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively;~~

~~(C) incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic achievement; or~~

~~(D) incentives, including financial incentives, to principals who have a record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and students with disabilities.~~

~~(5) Carrying out programs and activities that are designed to improve the quality of the~~

~~teacher force, such as—~~

~~(A) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 9101, and are coordinated with activities carried out under part D;~~

~~(B) development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning;~~

~~(C) tenure reform;~~

~~(D) merit pay programs; and~~

~~(E) testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.~~

~~(6) Carrying out professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.~~

~~(7) Hiring highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades.~~

~~(8) Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.~~

~~(10)\1\ Carrying out programs and activities related to exemplary teachers.~~

~~\1\So in law. There is no paragraph (9).~~

~~(b~~(c) Compliance.—Each local educational agency located in a State in which the State has fully implemented the requirements described in section 2112(b)(1)(A) by ensuring that all local educational agencies in the State that receive a subgrant under this subpart have fulfilled the requirements of subsection (b), shall only be required to comply with the requirements under section 1119(a)(1) as they relate to new teachers.

(d) Supplement, Not Supplant.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

Subpart 3—~~Subgrants to Eligible Partnerships~~National Leadership Activities

SEC. ~~Sec. 2131~~

~~SEC. 2131. [20 U.S.C. 6631] DEFINITIONS.~~

~~In~~ 2131. NATIONAL LEADERSHIP ACTIVITIES.

From the funds made available to carry out this ~~subpart:~~

~~(1) ELIGIBLE PARTNERSHIP.—The term "eligible partnership" means an entity that—~~

~~(A) shall include—~~

~~(i)~~ part for a ~~private or State institution of higher education and the division of~~fiscal year, the ~~institution that prepares teachers and principals;~~

~~(ii) a school of arts and sciences; and~~

~~(iii) a high-need local educational agency; and~~

~~(B) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, a principal organization, or a business.~~

~~(2) LOW-PERFORMING SCHOOL.—The term "low-performing school" means an elementary school or secondary school that~~Secretary is ~~identified under section 1116.~~

~~Sec. 2132~~

~~SEC. 2132. [20 U.S.C. 6632] SUBGRANTS.~~

~~(a) IN GENERAL.—The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate), shall use the funds reserved under section 2113(a)(2) to make subgrants, on a competitive basis,~~authorized to ~~eligible partnerships to enable such partnerships~~ set aside not more than 1 percent to carry out the following activities ~~described in section 2134.~~

~~(b) DISTRIBUTION.—The State agency for higher education shall ensure that—~~

~~(1) such subgrants are equitably distributed by geographic area within a State; or~~

~~(2) eligible partnerships in all geographic areas within the State are served through the subgrants.~~

~~(c) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under~~ related to the purpose of this ~~section.~~part:

~~Sec. 2133~~

~~SEC. 2133. [20 U.S.C. 6633] APPLICATIONS.~~

~~To be eligible to receive a subgrant under this subpart, an eligible partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.~~

~~Sec. 2134~~

~~SEC. 2134. [20 U.S.C. 6634] USE OF FUNDS.~~

~~(a) IN GENERAL.—An eligible partnership that receives a subgrant under section 2132 shall use the subgrant funds for—~~

~~(1) professional~~ (1) Research and development.

(2) Technical assistance.

(3) Outreach and dissemination activities ~~in core academic subjects to ensure that—~~ directly or through grants, contracts, or cooperative agreements.

~~(A) teachers and highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the academic subjects that the teachers teach, including the use of computer related technology to enhance student learning; and~~

~~(B) principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects; and~~

~~(2) developing and providing assistance to local educational agencies and individuals who are teachers, highly qualified paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that—~~

~~(A) ensure that the individuals are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement;~~

~~(B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and~~

~~(C) may include activities of partnerships between one or more local educational agencies, one or more schools served by such local educational agencies, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.~~

~~(b) COORDINATION.—An eligible partnership that receives a subgrant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 203.~~

Subpart 4—Accountability

~~Sec. 2141~~

SEC. ~~2141. [20 U.S.C. 6641] TECHNICAL ASSISTANCE AND~~2141. ACCOUNTABILITY.

~~(a) IMPROVEMENT PLAN.—After the second year of the plan described in section 1119(a)(2), if a State educational agency determines, based on the reports described in section 1119(b)(1), that a local educational agency in the State has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), for 2 consecutive years, such local educational agency shall develop an improvement plan that will enable the agency to meet such~~

~~annual measurable objectives and that specifically addresses issues that prevented the agency from meeting such annual measurable objectives.~~

~~(b) TECHNICAL ASSISTANCE.—During the development of the improvement plan described in subsection (a) and throughout implementation of the plan, the State educational agency shall—~~

~~(1) provide technical assistance to the local educational agency; and~~

~~(2) provide technical assistance, if applicable, to schools served by the local educational agency that need assistance to enable the local educational agency to meet the annual measurable objectives described in section 1119(a)(2).~~

~~(c) ACCOUNTABILITY.—After the third year of the plan described in section 1119(a)(2), if the State educational agency determines, based on the reports described in section 1119(b)(1), that the local educational agency has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), and has failed to make adequate yearly progress as described under section 1111(b)(2)(B), for 3 consecutive years, the State educational agency shall enter into an agreement with such local educational agency on the use of that agency's funds under this part. As part of this agreement, the State educational agency—~~

~~(1) shall develop, in conjunction with the local educational agency, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the annual measurable objectives described in section 1119(a)(2) and require such agency to utilize such strategies and activities; and~~

~~(2)(A) except as provided in subparagraphs (B) and (C), shall prohibit the use of funds received under part A of title I to fund any paraprofessional hired after the date such determination is made;~~

~~(B) shall allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under title I and such new paraprofessional satisfies the requirements of section 1119(c); and~~

~~(C) may allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate—~~

~~(i) that a significant influx of population has substantially increased student enrollment; or~~

~~(ii) that there is an increased need for translators or assistance with parental involvement activities.~~

~~(d) SPECIAL RULE.—During the development of the strategies and activities described in subsection (c)(1), the State educational agency shall, in conjunction with the local educational agency, provide from funds allocated to such local educational agency under subpart 2 directly to one or more schools served by such local educational agency, to enable teachers at the schools to choose, with continuing consultation with the principal involved, professional development activities that—~~

~~(1) meet the requirements for professional development activities described in section 9101; and~~

(2) are coordinated with other reform efforts at the schools.

Subpart 5—National Activities

Sec. 2151

SEC. 2151. [20 U.S.C. 6651] NATIONAL ACTIVITIES OF DEMONSTRATED EFFECTIVENESS.

(a) NATIONAL TEACHER RECRUITMENT CAMPAIGN.—The Secretary is authorized to establish and carry out a national teacher recruitment campaign, which may include activities carried out through the National Teacher Recruitment Clearinghouse, to assist high-need local educational agencies in recruiting teachers (particularly those activities that are effective in retaining new teachers) and training teachers and to conduct a national public service campaign concerning the resources for, and the routes to, entering the field of teaching. In carrying out the campaign, the Secretary may promote and link the activities of the campaign to the information and referral activities of the National Teacher Recruitment Clearinghouse. The Secretary shall coordinate activities under this subsection with State and regional recruitment activities.

(b) SCHOOL LEADERSHIP.—

(1) IN GENERAL.—The Secretary is authorized to establish and carry out a national principal recruitment program to assist high-need local educational agencies in recruiting and training principals (including assistant principals) through such activities as—

(A) providing financial incentives to aspiring new principals;

(B) providing stipends to principals who mentor new principals;

(C) carrying out professional development programs in instructional leadership and management; and

(D) providing incentives that are appropriate for teachers or individuals from other fields who want to become principals and that are effective in retaining new principals.

(2) GRANTS.—If the Secretary uses sums made available under section 2103(b) to carry out paragraph (1), the Secretary shall carry out such paragraph by making grants, on a competitive basis, to—

(A) high-need local educational agencies;

(B) consortia of high-need local educational agencies; and

(C) partnerships of high-need local educational agencies, nonprofit organizations, and institutions of higher education.

(c) ADVANCED CERTIFICATION OR ADVANCED CREDENTIALING.—

(1) IN GENERAL.—The Secretary is authorized to support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning.

(2) IMPLEMENTATION.—In carrying out paragraph (1), the Secretary shall make grants to eligible entities to—

(A) develop teacher standards that include measures tied to increased student academic achievement; and

(B) promote outreach, teacher recruitment, teacher subsidy, or teacher support programs, related to teacher certification or credentialing by the National Board for Professional Teaching Standards, the National Council on Teacher Quality, or other nationally recognized certification or credentialing organizations.

(3) ELIGIBLE ENTITIES.—In this subsection, the term "eligible entity" includes—

(A) a State educational agency;

(B) a local educational agency;

(C) the National Board for Professional Teaching Standards, in partnership with a high-need local educational agency or a State educational agency;

(D) the National Council on Teacher Quality, in partnership with a high-need local educational agency or a State educational agency; or

(E) another recognized entity, including another recognized certification or credentialing organization, in partnership with a high-need local educational agency or a State educational agency.

(d) SPECIAL EDUCATION TEACHER TRAINING.—The Secretary is authorized to award a grant to the University of Northern Colorado to enable such university to provide, to other institutions of higher education, assistance in training special education teachers.

(e) EARLY CHILDHOOD EDUCATOR PROFESSIONAL DEVELOPMENT.—

(1) PURPOSE.—The purpose of this subsection is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent young children from encountering difficulties once the children enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

(2) PROGRAM AUTHORIZED.—

(A) GRANTS TO PARTNERSHIPS.—The Secretary is authorized to carry out the purpose of this subsection by awarding grants, on a competitive basis, to partnerships consisting of—

(i)(I) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in high-need communities; or

(II) another public or private entity that provides such professional development;

(ii) one or more public agencies (including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), Head Start agencies, or private organizations; and

(iii) to the extent feasible, an entity with demonstrated experience in providing

training to educators in early childhood education programs concerning identifying and preventing behavior problems or working with children identified as or suspected to be victims of abuse.

(B) DURATION AND NUMBER OF GRANTS.—

(i) DURATION.—The Secretary shall award grants under this subsection for periods of not more than 4 years.

(ii) NUMBER.—No partnership may receive more than one grant under this subsection.

(3) APPLICATIONS.—

(A) APPLICATIONS REQUIRED.—Any partnership that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) CONTENTS.—Each such application shall include—

(i) a description of the high-need community to be served by the project proposed to be carried out through the grant, including such demographic and socioeconomic information as the Secretary may request;

(ii) information on the quality of the early childhood educator professional development program currently conducted (as of the date of the submission of the application) by the institution of higher education or another provider in the partnership;

(iii) the results of a needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the early childhood educators to be served by the partnership and in the broader community, and a description of how the proposed project will address those needs;

(iv) a description of how the proposed project will be carried out, including a description of—

(I) how individuals will be selected to participate;

(II) the types of professional development activities, based on scientifically based research, that will be carried out;

(III) how research on effective professional development and on adult learning will be used to design and deliver project activities;

(IV) how the project will be coordinated with and build on, and will not supplant or duplicate, early childhood education professional development activities in the high-need community;

(V) how the project will train early childhood educators to provide developmentally appropriate school-readiness services that are based on the best available research on early childhood pedagogy and child development and learning domains;

(VI) how the project will train early childhood educators to meet the

diverse educational needs of children in the community, including children who have limited English proficiency, children with disabilities, or children with other special needs; and

(VII) how the project will train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse;

(v) a description of—

(I) the specific objectives that the partnership will seek to attain through the project, and the methods that the partnership will use to measure progress toward attainment of those objectives; and

(II) how the objectives and the measurement methods align with the achievement indicators established by the Secretary under paragraph (6)(A);

(vi) a description of the partnership's plan for continuing the activities carried out under the project after Federal funding ceases;

(vii) an assurance that, where applicable, the project will provide appropriate professional development to volunteers working directly with young children, as well as to paid staff; and

(viii) an assurance that, in developing the application and in carrying out the project, the partnership has consulted with, and will consult with, relevant agencies, early childhood educator organizations, and early childhood providers that are not members of the partnership.

(4) SELECTION OF GRANT RECIPIENTS.—

(A) CRITERIA.—The Secretary shall select partnerships to receive grants under this subsection on the basis of the degree to which the communities proposed to be served require assistance and the quality of the applications submitted under paragraph (3).

(B) GEOGRAPHIC DISTRIBUTION.—In selecting partnerships to receive grants under this subsection, the Secretary shall seek to ensure that communities in different regions of the Nation, as well as both urban and rural communities, are served.

(5) USES OF FUNDS.—

(A) IN GENERAL.—Each partnership receiving a grant under this subsection shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

(B) ALLOWABLE ACTIVITIES.—Such activities may include—

(i) professional development for early childhood educators, particularly to familiarize those educators with the application of recent research on child, language, and literacy development and on early childhood pedagogy;

(ii) professional development for early childhood educators in working with parents, so that the educators and parents can work together to provide and

~~support developmentally appropriate school-readiness services that are based on scientifically based research on early childhood pedagogy and child development and learning domains;~~

~~(iii) professional development for early childhood educators to work with children who have limited English proficiency, children with disabilities, and children with other special needs;~~

~~(iv) professional development to train early childhood educators in identifying and preventing behavioral problems in children or working with children identified as or suspected to be victims of abuse;~~

~~(v) activities that assist and support early childhood educators during their first 3 years in the field;~~

~~(vi) development and implementation of early childhood educator professional development programs that make use of distance learning and other technologies;~~

~~(vii) professional development activities related to the selection and use of screening and diagnostic assessments to improve teaching and learning; and~~

~~(viii) data collection, evaluation, and reporting needed to meet the requirements of paragraph (6) relating to accountability.~~

~~(6) ACCOUNTABILITY.—~~

~~(A) ACHIEVEMENT INDICATORS.—On the date on which the Secretary first issues a notice soliciting applications for grants under this subsection, the Secretary shall announce achievement indicators for this subsection, which shall be designed—~~

~~(i) to measure the quality and accessibility of the professional development provided;~~

~~(ii) to measure the impact of that professional development on the early childhood education provided by the individuals who receive the professional development; and~~

~~(iii) to provide such other measures of program impact as the Secretary determines to be appropriate.~~

~~(B) ANNUAL REPORTS; TERMINATION.—~~

~~(i) ANNUAL REPORTS.—Each partnership receiving a grant under this subsection shall report annually to the Secretary on the partnership's progress toward attaining the achievement indicators.~~

~~(ii) TERMINATION.—The Secretary may terminate a grant under this subsection at any time if the Secretary determines that the partnership receiving the grant is not making satisfactory progress toward attaining the achievement indicators.~~

~~(7) COST-SHARING.—~~

~~(A) IN GENERAL.—Each partnership carrying out a project through a grant awarded under this subsection shall provide, from sources other than the program carried out under this subsection, which may include Federal sources—~~

(i) at least 50 percent of the total cost of the project for the grant period; and

(ii) at least 20 percent of the project cost for each year.

(B) ACCEPTABLE CONTRIBUTIONS.—A partnership may meet the requirements of subparagraph (A) by providing contributions in cash or in kind, fairly evaluated, including plant, equipment, and services.

(C) WAIVERS.—The Secretary may waive or modify the requirements of subparagraph (A) for partnerships in cases of demonstrated financial hardship.

(8) FEDERAL COORDINATION.—The Secretary and the Secretary of Health and Human Services shall coordinate activities carried out through programs under this subsection with activities carried out through other early childhood programs administered by the Secretary or the Secretary of Health and Human Services.

(9) DEFINITIONS.—In this subsection:

(A) EARLY CHILDHOOD EDUCATOR.—The term "early childhood educator" means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

(B) HIGH-NEED COMMUNITY.—

(i) IN GENERAL.—The term "high-need community" means—

(I) a political subdivision of a State, or a portion of a political subdivision of a State, in which at least 50 percent of the children are from low-income families; or

(II) a political subdivision of a State that is among the 10 percent of political subdivisions of the State having the greatest numbers of such children.

(ii) DETERMINATION.—In determining which communities are described in clause (i), the Secretary shall use such data as the Secretary determines are most accurate and appropriate.

(C) LOW-INCOME FAMILY.—The term "low-income family" means a family with an income below the poverty line for the most recent fiscal year for which satisfactory data are available.

(f) TEACHER MOBILITY.—

(1) ESTABLISHMENT.—The Secretary is authorized to establish a panel to be known as the National Panel on Teacher Mobility (referred to in this subsection as the "panel").

(2) MEMBERSHIP.—The panel shall be composed of 12 members appointed by the Secretary. The Secretary shall appoint the members from among practitioners and experts with experience relating to teacher mobility, such as teachers, members of teacher certification or licensing bodies, faculty of institutions of higher education that prepare teachers, and State policymakers with such experience.

~~(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall not affect the powers of the panel, but shall be filled in the same manner as the original appointment.~~

~~(4) DUTIES.—~~

~~(A) STUDY.—~~

~~(i) IN GENERAL.—The panel shall study strategies for increasing mobility and employment opportunities for highly qualified teachers, especially for States with teacher shortages and States with school districts or schools that are difficult to staff.~~

~~(ii) DATA AND ANALYSIS.—As part of the study, the panel shall evaluate the desirability and feasibility of State initiatives that support teacher mobility by collecting data and conducting effective analysis concerning—~~

~~(I) teacher supply and demand;~~

~~(II) the development of recruitment and hiring strategies that support teachers; and~~

~~(III) increasing reciprocity of certification and licensing across States.~~

~~(B) REPORT.—Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary and to the appropriate committees of Congress a report containing the results of the study.~~

~~(5) POWERS.—~~

~~(A) HEARINGS.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers advisable to carry out the objectives of this subsection.~~

~~(B) INFORMATION FROM FEDERAL AGENCIES.—The panel may secure directly from any Federal department or agency such information as the panel considers necessary to carry out the provisions of this subsection. Upon request of a majority of the members of the panel, the head of such department or agency shall furnish such information to the panel.~~

~~(C) POSTAL SERVICES.—The panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.~~

~~(6) PERSONNEL.—~~

~~(A) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.~~

~~(B) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may~~

~~be detailed to the panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.~~

~~(7) PERMANENT COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.~~

(a) In General.—

(1) STATE REPORT.—Each State that receives a grant under subpart 1 shall annually submit to the Secretary, in a manner prescribed by the Secretary, and make public, a State Report on program performance and results under such grant. Such State Report shall provide the information required under subsection (b).

(2) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency that receives a subgrant under subpart 2 shall annually submit to the State, in a manner prescribed by the State, and make public, a Local Educational Agency Report on program performance and results under such subgrant. Such Local Educational Agency Report shall provide the information required under subsection (b).

(3) FERPA COMPLIANCE.—Each State and local educational agency that submits a report in compliance with this subsection shall collect, report, and disseminate information contained in such report in compliance with section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the "Family Educational Rights and Privacy Act of 1974").

(4) TEACHER AND PRINCIPAL PRIVACY.—No State or local educational agency shall be required to publicly report information in compliance with this subsection in a case in which the results would reveal personally identifiable information about an individual teacher or principal.

(b) Information and Performance Measures.—Each State Report and Local Educational Agency Report shall contain, as appropriate—

(1) the percentage and distribution (by school poverty quartile, and by high-minority schools and low-minority schools), within the State and local educational agency of teachers and principals in each performance category, as described in section 2123(b);

(2) information (by school poverty quartile, and by high-minority schools and low-minority schools) for the State and for the local educational agency on teacher and principal retention rates, differentiated by performance categories, as described in section 2123(b);

(3) the number of teachers in the State and local educational agency teaching under a provisional license due to not having passed all required State licensure tests for 1, 2, and 3 or more school years; and

(4) data, by teacher preparation program within the State, on the student achievement data of students taught by such program's graduates.

[(c) Consequences for Nonequitable Distribution of Teachers.—Each State that receives a grant under subpart 1 shall require each local educational agency that receives a subgrant from the State under subpart 2, has implemented a teacher and principal evaluation system that meets the requirements under section 2123(b), and has failed over a 3-year period to make more equitable the distribution of effective teachers and principals, to use subgrant funds only for the

following purposes until the local educational agency can demonstrate a more equitable distribution of effective teachers and principals:]

[(1) Develop and implement an evaluation system that meets the requirements described in section 2123.]

[(2) Carry out activities to ensure the equitable distribution of highly rated teachers and principals.]

[(d) Prohibition on Regulation; Authority to Review Compliance.—Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescripts the standards or measures that a State or local educational agency shall use to establish teacher and principal evaluation systems described in sections 2112(b) and 2123(b).]

~~PART C—INNOVATION FOR TEACHER QUALITY~~

~~Subpart 1—Transitions to Teaching~~

~~CHAPTER A—TROOPS-TO-TEACHERS PROGRAM~~

~~Sec. 2301~~

Part C—Teacher ~~and Principal~~ Incentive Fund Program

"SEC. 2301. ~~[20 U.S.C. 6671]~~PURPOSES; DEFINITIONS.

~~In this chapter:~~

~~(1) ARMED FORCES.—The term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.~~

~~(2) MEMBER OF THE ARMED FORCES.—The term "member of the Armed Forces" includes a former member of the Armed Forces.~~

~~(3) PROGRAM.—The term "Program" means the Troops-to-Teachers Program authorized by this chapter.~~

~~(4) RESERVE COMPONENT.—The term "reserve component" means—~~

~~(A) the Army National Guard of the United States;~~

~~(B) the Army Reserve;~~

~~(C) the Navy Reserve;~~

~~(D) the Marine Corps Reserve;~~

~~(E) the Air National Guard of the United States;~~

~~(F) the Air Force Reserve; and~~

~~(G) the Coast Guard Reserve.~~

~~(5) SECRETARY CONCERNED.—The term "Secretary concerned" means—~~

~~(A) the Secretary of the Army, with respect to matters concerning a reserve component of the Army;~~

~~(B) the Secretary of the Navy, with respect to matters concerning reserve components named in subparagraphs (C) and (D) of paragraph (4);~~

~~(C) the Secretary of the Air Force, with respect to matters concerning a reserve component of the Air Force; and~~

~~(D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard Reserve.~~

~~Sec. 2302~~

~~SEC. 2302. [20 U.S.C. 6672] AUTHORIZATION OF~~

~~TROOPS-TO-TEACHERS PROGRAM.~~

~~(a) PURPOSE.—~~"(a) Purposes.—The purpose of this ~~section~~ subpart is to ~~authorize a mechanism for the funding and administration of the Troops-to-Teachers Program, which was originally established by the Troops-to-Teachers Program Act of 1999 (title XVII of the National Defense Authorization Act for Fiscal Year 2000) (20 U.S.C. 9301 et seq.).~~

~~(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the "Troops-to-Teachers Program")—~~

~~(1) to~~ assist ~~eligible members of the Armed Forces described in section 2303 to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and~~

~~(2) to facilitate the employment of such members—~~

~~(A) by~~States, local educational agencies ~~or public charter schools that the Secretary identifies as~~, and nonprofit organizations—

~~(i) receiving grants under part A of title I as a result of having within their jurisdictions concentrations of children from low-income families; or~~

~~(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; and~~

~~(B) in elementary schools or secondary schools, or as vocational or technical teachers.~~

~~(c) ADMINISTRATION OF PROGRAM.—The Secretary shall enter into a memorandum of agreement with the Secretary of Defense under which the Secretary of Defense, acting through the Defense Activity for Non-Traditional Education Support of the Department of Defense, will perform the actual administration of the Program, other than section 2306. Using funds appropriated to the Secretary to carry out this chapter, the Secretary shall transfer to the Secretary of Defense such amounts as may be necessary to administer the Program pursuant to the memorandum of agreement.~~

~~(d) INFORMATION REGARDING PROGRAM.—The Secretary shall provide to the Secretary of Defense information regarding the Program and applications to participate in the Program, for distribution as part of preseparation counseling provided under section 1142 of title 10, United States Code, to members of the Armed Forces described in section 2303.~~

~~(e) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who meet the criteria described in section 2303, including meeting education qualification requirements under subsection 2303(c)(2). Such members shall not be eligible for financial assistance under subsections (c) and (d) of section~~ "(1)~~2304.~~

~~Sec. 2303~~

~~SEC. 2303. [20 U.S.C. 6673] RECRUITMENT AND SELECTION OF PROGRAM PARTICIPANTS.~~

~~(a) ELIGIBLE MEMBERS.—The following members of the Armed Forces are eligible for selection to participate in the Program:~~

~~(1) Any member who—~~

~~(A) on or after October 1, 1999, becomes entitled to retired or retainer pay in the manner provided in title 10 or title 14, United States Code;~~

~~(B) has an approved date of retirement that is within 1 year after the date on which the member submits an application to participate in the Program; or~~

~~(C) has been transferred to the Retired Reserve.~~

~~(2) Any member who, on or after the date of enactment of the No Child Left Behind Act of 2001—~~

~~(A)(i) is separated or released from active duty after 6 or more years of continuous active duty immediately before the separation or release; or~~

~~(ii) has completed a total of at least 10 years of active duty service, 10 years of service computed under section 12732 of title 10, United States Code, or 10 years of any combination of such service; and~~

~~(B) executes a reserve commitment agreement for a period of not less than 3 years under subsection (e)(2).~~

~~(3) Any member who, on or after the date of enactment of the No Child Left Behind Act of 2001, is retired or separated for physical disability under chapter 61 of title 10, United States Code.~~

~~(4) Any member who—~~

~~(A) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after 6 or more years of continuous active duty immediately before the discharge or release; or~~

~~(B) applied for the teacher placement program administered under section 1151 of title 10, United States Code, before the repeal of that section, and satisfied the eligibility criteria specified in subsection (c) of such section 1151.~~

~~(b) SUBMISSION OF APPLICATIONS.—~~

~~(1) FORM AND SUBMISSION.—Selection of eligible members of the Armed Forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in paragraph (2). An application shall be in such form and contain such information as the Secretary may require.~~

~~(2) TIME FOR SUBMISSION.—An application shall be considered to be submitted on a timely basis under paragraph (1) if—~~

~~(A) in the case of a member described in paragraph (1)(A), (2), or (3) of subsection (a), the application is submitted not later than 4 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member; or~~

~~(B) in the case of a member described in subsection (a)(4), the application is submitted not later than September 30, 2003.~~

~~(c) SELECTION CRITERIA.—~~

~~(1) ESTABLISHMENT.—Subject to paragraphs (2) and (3), the Secretary shall prescribe the criteria to be used to select eligible members of the Armed Forces to participate in the Program.~~

~~(2) EDUCATIONAL BACKGROUND.—~~

~~(A) ELEMENTARY OR SECONDARY SCHOOL TEACHER.—If a member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.~~

~~(B) VOCATIONAL OR TECHNICAL TEACHER.—If a member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—~~

~~ave received\1\ the equivalent of 1 year of college from an accredited institution of higher education and have 6 or more years of military experience in a vocational or technical field; or~~

~~\1\So in law. The matter following subparagraph (B), as amended by section 201 or Public Law 107–110 (115 Stat. 1650), should probably read "(i) to have...".~~

~~(ii) to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.~~

~~(3) HONORABLE SERVICE.—A member of the Armed Forces is eligible to participate in the Program only if the member's last period of service in the Armed Forces was honorable, as characterized by the Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code). A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned (as so defined).~~

~~(d) SELECTION PRIORITIES.—In selecting eligible members of the Armed Forces to receive assistance under the Program, the Secretary shall give priority to members who have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.~~

~~(e) OTHER CONDITIONS ON SELECTION.—~~

~~(1) SELECTION SUBJECT TO FUNDING.—The Secretary may not select an eligible member of the Armed Forces to participate in the Program under this section and receive financial~~

assistance under section 2304 unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under section 2304 with respect to the member.

(2) RESERVE COMMITMENT AGREEMENT.—The Secretary may not select an eligible member of the Armed Forces described in subsection (a)(2)(A) to participate in the Program under this section and receive financial assistance under section 2304 unless—

(A) the Secretary notifies the Secretary concerned and the member that the Secretary has reserved a full stipend or bonus under section 2304 for the member; and

(B) the member executes a written agreement with the Secretary concerned to serve as a member of the Selected Reserve of a reserve component of the Armed Forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).

Sec. 2304

SEC. 2304. [20 U.S.C. 6674] PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.

(a) PARTICIPATION AGREEMENT.—

(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher, and to become a highly qualified teacher; and

(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years with a high-need local educational agency or public charter school, as such terms are defined in section 2101, to begin the school year after obtaining that certification or licensing.

(2) WAIVER.—The Secretary may waive the 3-year commitment described in paragraph (1)(B) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the 3-year commitment.

(b) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under subsection (a) during any period in which the participant—

(1) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

(2) is serving on active duty as a member of the Armed Forces;

(3) is temporarily totally disabled for a period of time not to exceed 3 years as established

by sworn affidavit of a qualified physician;

(4) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(5) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

(6) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

(c) STIPEND FOR PARTICIPANTS.—

(1) STIPEND AUTHORIZED.—Subject to paragraph (2), the Secretary may pay to a participant in the Program selected under section 2303 a stipend in an amount of not more than $5,000.

(2) LIMITATION.—The total number of stipends that may be paid under paragraph (1) in any fiscal year may not exceed 5,000.

(d) BONUS FOR PARTICIPANTS.—

(1) BONUS AUTHORIZED.—Subject to paragraph (2), the Secretary may, in lieu of paying a stipend under subsection (c), pay a bonus of $10,000 to a participant in the Program selected under section 2303 who agrees in the participation agreement under subsection (a) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in a high-need school.

(2) LIMITATION.—The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 3,000.

(3) HIGH-NEED SCHOOL DEFINED.—In this subsection, the term "high-need school" means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

(A) LOW-INCOME CHILDREN.—At least 50 percent of the students enrolled in the school were from low-income families (as described in section 2302(b)(2)(A)(i)).

(B) CHILDREN WITH DISABILITIES.—The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act.

(e) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this section to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965.

(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under this section shall be required to repay the stipend or bonus under the following circumstances:

(A) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to

obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (a).

(B) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

(C) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.

(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under this section shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the 3 years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11, United States Code, shall not release a participant from the obligation to reimburse the Secretary under this subsection.

(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this section shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38, United States Code, or chapter 1606 of title 10, United States Code.

Sec. 2305

SEC. 2305. [20 U.S.C. 6675] PARTICIPATION BY STATES.

(a) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

(b) ASSISTANCE TO STATES.—

(1) GRANTS AUTHORIZED.—Subject to paragraph (2), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such

~~States or consortia of States to operate offices for purposes of recruiting eligible members of the Armed Forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers.~~

~~(2) LIMITATION.—The total amount of grants made under paragraph (1) in any fiscal year may not exceed $5,000,000.~~

~~Sec. 2306~~

~~SEC. 2306. [20 U.S.C. 6676] SUPPORT OF INNOVATIVE PRERETIREMENT TEACHER CERTIFICATION PROGRAMS.~~

~~(a) PURPOSE.—The purpose of this section is to provide funding~~ to develop, implement, ~~and demonstrate teacher certification programs.~~

~~(b) DEVELOPMENT, IMPLEMENTATION AND DEMONSTRATION.—The Secretary may enter into a memorandum of agreement with a State educational agency, an institution of higher education, or a consortia of State educational agencies or institutions of higher education, to develop, implement, and demonstrate teacher certification programs for members of the Armed Forces described in section 2303(a)(1)(B) for the purpose of assisting such members to consider and prepare for a career as a highly qualified elementary school teacher, secondary school teacher, or vocational or technical teacher upon retirement from the Armed Forces.~~

~~(c) PROGRAM ELEMENTS.—A teacher certification program under subsection (b) shall—~~

~~(1) provide recognition of military experience and training as related to certification or licensing requirements;~~

~~(2) provide courses of instruction that may be conducted on or near a military installation;~~

~~(3) incorporate alternative approaches to achieve teacher certification, such as innovative methods to gaining field-based teaching experiences, and assessment of background and experience as related to skills, knowledge, and abilities required of elementary school teachers, secondary school teachers, or vocational or technical teachers;~~

~~(4) provide for courses to be delivered via distance education methods; and~~

~~(5) address any additional requirements or specifications established by the Secretary.~~

~~(d) APPLICATION PROCEDURES.—~~

~~(1) IN GENERAL.—A State educational agency or institution of higher education (or a consortium of State educational agencies or institutions of higher education) that desires to enter into a memorandum under subsection (b) shall prepare and submit to the Secretary a proposal, at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State educational agency, institution, or consortium is operating a program leading to State approved teacher certification.~~

~~(2) PREFERENCE.—The Secretary shall give preference to State educational agencies, institutions, and consortia that submit proposals that provide for cost sharing with respect to the program involved.~~

(e) CONTINUATION OF PROGRAMS.—Upon successful completion of the demonstration phase of teacher certification programs funded under this section, the continued operation of the teacher certification programs shall not be the responsibility of the Secretary. A State educational agency, institution, or consortium that desires to continue a program that is funded under this section after such funding is terminated shall use amounts derived from tuition charges to continue such program.

(f) FUNDING LIMITATION.—The total amount obligated by the Secretary under this section for any fiscal year may not exceed $10,000,000.

Sec. 2307

SEC. 2307. [20 U.S.C. 6677] REPORTING REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than March 31, 2006, the Secretary (in consultation with the Secretary of Defense and the Secretary of Homeland Security) and the Comptroller General of the United States shall submit to Congress a report on the effectiveness of the Program in the recruitment and retention of qualified personnel by local educational agencies and public charter schools.

(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following:

(1) The number of participants in the Program.

(2) The schools in which the participants are employed.

(3) The grade levels at which the participants teach.

(4) The academic subjects taught by the participants.

(5) The rates of retention of the participants by the local educational agencies and public charter schools employing the participants.

(6) Such other matters as the Secretary or the Comptroller General of the United States, as the case may be, considers to be appropriate.

CHAPTER B—TRANSITION TO TEACHING PROGRAM

Sec. 2311

SEC. 2311. [20 U.S.C. 6681] PURPOSES.

The purposes of this chapter are—

(1) to establish a program to recruit and retain highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, as teachers in high-need schools, including recruiting teachers through alternative routes to certification; and

(2) to encourage the development and expansion of alternative routes to certification under State-approved programs that enable individuals to be eligible for teacher certification within a reduced period of time, relying on the experience, expertise, and academic qualifications of an individual, or other factors in lieu of traditional course work in the field of education.

~~Sec. 2312~~

~~SEC. 2312. [20 U.S.C. 6682] DEFINITIONS.~~

~~In this chapter:~~

~~(1) ELIGIBLE PARTICIPANT.—The term "eligible participant" means—~~

~~(A) an individual with substantial, demonstrable career experience, including a highly qualified paraprofessional; or~~

~~(B) an individual who is a graduate of an institution of higher education who—~~

~~(i) has graduated not more than 3 years before applying to an eligible entity to teach under this chapter; and~~

~~(ii) in the case of an individual wishing to teach in a secondary school, has completed an academic major (or courses totaling an equivalent number of credit hours) in the academic subject that the individual will teach.~~

~~(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" has the meaning given the term in section 2102.~~

~~(3) HIGH-NEED SCHOOL.—The term "high-need school" means a school that—~~

~~(A) is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more; or~~

~~(B)(i) is located in an area with a high percentage of out-of-field teachers, as defined in section 2102;~~

~~(ii) is within the top quartile of elementary schools and secondary schools statewide, as ranked by the number of unfilled, available teacher positions at the schools;~~

~~(iii) is located in an area in which there is a high teacher turnover rate; or~~

~~(iv) is located in an area in which there is a high percentage of teachers who are not certified or licensed.~~

~~Sec. 2313~~

~~SEC. 2313. [20 U.S.C. 6683] GRANT PROGRAM.~~

~~(a) IN GENERAL.—The Secretary may establish a program to make grants on a competitive basis to eligible entities to develop State and local teacher corps or other programs to establish, expand, or enhance teacher recruitment and retention efforts.~~

~~(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall be—~~

~~(1) a State educational agency;~~

~~(2) a high-need local educational agency;~~

~~(3) a for-profit or nonprofit organization that has a proven record of effectively recruiting and retaining highly qualified teachers, in a partnership with a high-need local educational agency or with a State educational agency;~~

~~(4) an institution of higher education, in a partnership with a high-need local educational~~

~~agency or with a State educational agency;~~

~~(5) a regional consortium of State educational agencies; or~~

~~(6) a consortium of high-need local educational agencies.~~

~~(c) PRIORITY.—In making such a grant, the Secretary shall give priority to a partnership or consortium that includes a high-need State educational agency or local educational agency.~~

~~(d) APPLICATION.—~~

~~(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity described in subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.~~

~~(2) CONTENTS.—The application shall describe—~~

~~(A) one or more target recruitment groups on which the applicant will focus its recruitment efforts;~~

~~(B) the characteristics of each such target group that—~~

~~(i) show the knowledge and experience of the group's members; and~~

~~(ii) demonstrate that the members are eligible to achieve the objectives of this section;~~

~~(C) describe how the applicant will use funds received under this section to develop a teacher corps or other program to recruit and retain highly qualified midcareer professionals (which may include highly qualified paraprofessionals), recent college graduates, and recent graduate school graduates, as highly qualified teachers in high-need schools operated by high-need local educational agencies;~~

~~(D) explain how the program carried out under the grant will meet the relevant State laws (including regulations) related to teacher certification or licensing and facilitate the certification or licensing of such teachers;~~

~~(E) describe how the grant will increase the number of highly qualified teachers, in high-need schools operated by high-need local educational agencies (in urban or rural school districts), and in high-need academic subjects, in the jurisdiction served by the applicant; and~~

~~(F) describe how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit (particularly through activities that have proven effective in retaining highly qualified teachers), train, place, support, and provide teacher induction programs to program participants under this chapter, including providing evidence of the commitment of the institutions, agencies, or organizations to the applicant's programs.~~

~~(e) DURATION OF GRANTS.—The Secretary may make grants under this section for periods of 5 years. At the end of the 5-year period for such a grant, the grant recipient may apply for an additional grant under this section.~~

~~(f) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this section among the regions of the United States.~~

~~(g) USES OF FUNDS.—~~

~~(1) IN GENERAL.—An entity that receives a grant under this section shall use the funds made available through the grant to develop a teacher corps or other program in order to establish, expand, or enhance a teacher recruitment and retention program for highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, who are eligible participants, including activities that provide alternative routes to teacher certification.~~

~~(2) AUTHORIZED ACTIVITIES.—The entity shall use the funds to carry out a program that includes two or more of the following activities:~~

~~(A) Providing scholarships, stipends, bonuses, and other financial incentives, that are linked to participation in activities that have proven effective in retaining teachers in high-need schools operated by high-need local educational agencies, to all eligible participants, in an amount not to exceed $5,000 per participant.~~

~~(B) Carrying out pre- and post-placement induction or support activities that have proven effective in recruiting and retaining teachers, such as—~~

~~(i) teacher mentoring;~~

~~(ii) providing internships;~~

~~(iii) providing high-quality, preservice coursework; and~~

~~(iv) providing high-quality, sustained inservice professional development.~~

~~(C) Carrying out placement and ongoing activities to ensure that teachers are placed in fields in which the teachers are highly qualified to teach and are placed in high-need schools.~~

~~(D) Making payments to pay for costs associated with accepting teachers recruited under this section from among eligible participants or provide financial incentives to prospective teachers who are eligible participants.~~

~~(E) Collaborating with institutions of higher education in developing and implementing programs to facilitate teacher recruitment (including teacher credentialing) and teacher retention programs.~~

~~(F) Carrying out other programs, projects, and activities that are designed and have proven to be effective in recruiting and retaining teachers, and that the Secretary determines to be appropriate.~~

~~(G) Developing long-term recruitment and retention strategies including developing—~~

~~(i) a statewide or regionwide clearinghouse for the recruitment and placement of teachers;~~

~~(ii) administrative structures to develop and implement programs to provide alternative routes to certification;~~

~~(iii) reciprocity agreements between or among States for the certification or licensing of teachers; or~~

(iv) other long-term teacher recruitment and retention strategies.

(3) EFFECTIVE PROGRAMS.—The entity shall use the funds only for programs that have proven to be effective in both recruiting and retaining teachers.

(h) REQUIREMENTS.—

(1) TARGETING.—An entity that receives a grant under this section to carry out a program shall ensure that participants in the program recruited with funds made available under this section are placed in high-need schools operated by high-need local educational agencies. In placing the participants in the schools, the entity shall give priority to the schools that are located in areas with the highest percentages of students from families with incomes below the poverty line.

(2) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit the teachers through alternative routes to certification.

(3) PARTNERSHIPS AND CONSORTIA OF LOCAL EDUCATIONAL AGENCIES.—In the case of a partnership established by a local educational agency to carry out a program under this chapter, or a consortium of such agencies established to carry out a program under this chapter, the local educational agency or consortium shall not be eligible to receive funds through a State program under this chapter.

(i) PERIOD OF SERVICE.—A program participant in a program under this chapter who receives training through the program shall serve a high-need school operated by a high-need local educational agency for at least 3 years.

(j) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines to be appropriate to ensure that program participants who receive a stipend or other financial incentive under subsection (g)(2)(A), but fail to complete their service obligation under subsection (i), repay all or a portion of such stipend or other incentive.

(k) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant for the administration of a program under this chapter carried out under the grant.

Sec. 2314

SEC. 2314. [20 U.S.C. 6684] EVALUATION AND ACCOUNTABILITY FOR RECRUITING AND RETAINING TEACHERS.

(a) EVALUATION.—Each entity that receives a grant under this chapter shall conduct—

(1) an interim evaluation of the program funded under the grant at the end of the third year of the grant period; and

(2) a final evaluation of the program at the end of the fifth year of the grant period.

(b) CONTENTS.—In conducting the evaluation, the entity shall describe the extent to which local educational agencies that received funds through the grant have met the goals relating to

teacher recruitment and retention described in the application.

(c) REPORTS.—The entity shall prepare and submit to the Secretary and to Congress interim and final reports containing the results of the interim and final evaluations, respectively.

(d) REVOCATION.—If the Secretary determines that the recipient of a grant under this chapter has not made substantial progress in meeting such goals and the objectives of the grant by the end of the third year of the grant period, the Secretary—

(1) shall revoke the payment made for the fourth year of the grant period; and

(2) shall not make a payment for the fifth year of the grant period.

CHAPTER C—GENERAL PROVISIONS

Sec. 2321

SEC. 2321. [20 U.S.C. 6691] AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $150,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) RESERVATION.—From the funds appropriated to carry out this subpart for fiscal year 2002, the Secretary shall reserve not more than $30,000,000 to carry out chapter A.

Subpart 2—National Writing Project

Sec. 2331

SEC. 2331. [20 U.S.C. 6701] PURPOSES.

The purposes of this subpart are—

(1) to support and promote the expansion of the National Writing Project network of sites so that teachers in every region of the United States will have access to a National Writing Project program;

(2) to ensure the consistent high quality of the sites through ongoing review, evaluation, and technical assistance;

(3) to support and promote the establishment of programs to disseminate effective practices and research findings about the teaching of writing; and

(4) to coordinate activities assisted under this subpart with activities assisted under this Act.

Sec. 2332

SEC. 2332. [20 U.S.C. 6702] NATIONAL WRITING PROJECT.

(a) AUTHORIZATION.—The Secretary is authorized to award a grant to the National Writing

~~Project, a nonprofit educational organization that has as its primary purpose the improvement of the quality of student writing and learning (hereafter in this section referred to as the "grantee") to~~ improve ~~the teaching of writing and the use of writing as a part of the learning process in our Nation's classrooms.~~

~~(b) REQUIREMENTS OF GRANT.—The grant shall provide that—~~

~~(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as "contractors") under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;~~

~~(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and~~

~~(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.~~

~~(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—~~

~~(1) be conducted during the school year and during the summer months;~~

~~(2) train teachers who teach grades kindergarten through college;~~

~~(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and~~

~~(4) encourage teachers from all disciplines to participate in such teacher training programs.~~

~~(d) FEDERAL SHARE.—~~

~~(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term "Federal share" means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.~~

~~(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (e) determines, on the basis of financial need, that such waiver is necessary.~~

~~(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $100,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least five sites throughout the State.~~

~~(e) NATIONAL ADVISORY BOARD.—~~

~~(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.~~

~~(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1)~~

shall consist of—

(A) national educational leaders;

(B) leaders in the field of writing; and

(C) such other individuals as the National Writing Project determines necessary.

(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

(B) review the activities and programs of the National Writing Project; and

(C) support the continued development of the National Writing Project.

(f) EVALUATION.—

(1) IN GENERAL.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this subpart. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of Congress.

(2) FUNDING LIMITATION.—The Secretary shall reserve not more than $150,000 from the total amount appropriated pursuant to the authority of subsection (h) for fiscal year 2002 and each of the 5 succeeding fiscal years to conduct the evaluation described in paragraph (1).

(g) APPLICATION REVIEW.—

(1) REVIEW BOARD.—The National Writing Project shall establish and operate a National Review Board that shall consist of—

(A) leaders in the field of research in writing; and

(B) such other individuals as the National Writing Project deems necessary.

(2) DUTIES.—The National Review Board shall—

(A) review all applications for assistance under this subsection; and

(B) recommend applications for assistance under this subsection for funding by the National Writing Project.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart $15,000,000 as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

Subpart 3—Civic Education

Sec. 2341

SEC. 2341. [20 U.S.C. 6711] SHORT TITLE.

This subpart may be cited as the "Education for Democracy Act".

Sec. 2342

SEC. 2342. [20 U.S.C. 6712] PURPOSE.

It is the purpose of this subpart —

(1) to improve the quality of civics and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights;

(2) to foster civic competence and responsibility; and

(3) to improve the quality of civic education and economic education through cooperative civic education and economic education exchange programs with emerging democracies.

Sec. 2343

SEC. 2343. [20 U.S.C. 6713] GENERAL AUTHORITY.

(a) AUTHORITY. — The Secretary is authorized to award grants to, or enter into contracts with —

(1) the Center for Civic Education, to carry out civic education activities under sections 2344 and 2345;

(2) the National Council on Economic Education, to carry out economic education activities under section 2345; and

(3) organizations experienced in the development of curricula and programs in civics and government education and economic education for students in elementary schools and secondary schools in countries other than the United States, to carry out civic education activities under section 2345.

(b) DISTRIBUTION FOR COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS. —

(1) LIMITATION. — Not more than 40 percent of the amount appropriated under section 2346 for a fiscal year shall be used to carry out section 2345.

(2) DISTRIBUTION. — Of the amount used to carry out section 2345 for a fiscal year (consistent with paragraph (1)), the Secretary shall use —

(A) 37.5 percent for a grant or contract for the Center for Civic Education;

(B) 37.5 percent for a grant or contract for the National Council on Economic Education; and

(C) 25 percent for not less than 1, but not more than 3, grants or contracts for organizations described in subsection (a)(3).

Sec. 2344

SEC. 2344. [20 U.S.C. 6714] WE THE PEOPLE PROGRAM.

(a) THE CITIZEN AND THE CONSTITUTION. —

(1) EDUCATIONAL ACTIVITIES. — The Center for Civic Education —

~~(A) shall use funds made available under grants or contracts under section 2343(a)(1)—~~

~~(i) to continue and expand the educational activities of the program entitled the "We the People... The Citizen and the Constitution" program administered by such center;~~

~~(ii) to carry out activities to enhance student attainment of challenging academic content standards in civics and government;~~

~~(iii) to provide a course of instruction on the basic principles of the Nation's constitutional democracy and the history of the Constitution of the United States, including the Bill of Rights;~~

~~(iv) to provide, at the request of a participating school, school and community simulated congressional hearings following the course of instruction described in clause (iii); and~~

~~(v) to provide an annual national competition of simulated congressional hearings for secondary school students who wish to participate in such a program; and~~

~~(B) may use funds made available under grants or contracts under section 2343(a)(1)—~~

~~(i) to provide advanced, sustained, and ongoing training of teachers about the Constitution of the United States and the political system of the United States;~~

~~(ii) to provide materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and~~

~~(iii) to provide civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.~~

~~(2) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private elementary schools and secondary schools, including Bureau funded schools, in the 435 congressional districts, and in the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.~~

~~(b) PROJECT CITIZEN.—~~

~~(1) EDUCATIONAL ACTIVITIES.—The Center for Civic Education—~~

~~(A) shall use funds made available under grants or contracts under section 2343(a)(1)—~~

~~(i) to continue and expand the educational activities of the program entitled the "We the People... Project Citizen" program administered by the Center;~~

~~(ii) to carry out activities to enhance student attainment of challenging academic content standards in civics and government;~~

~~(iii) to provide a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution~~

of the United States; and

(iv) to provide an annual national showcase or competition; and

(B) may use funds made available under grants or contracts under section 2343(a)(1)—

(i) to provide optional school and community simulated State legislative hearings;

(ii) to provide advanced, sustained, and ongoing training of teachers on the roles of State and local governments in the Federal system established by the Constitution of the United States;

(iii) to provide materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

(iv) to provide civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

(2) AVAILABILITY OF PROGRAM.—The education program authorized under this subsection shall be made available to public and private middle schools, including Bureau funded schools, in the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(c) BUREAU-FUNDED SCHOOL DEFINED.—In this section, the term "Bureau-funded school" has the meaning given such term in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

Sec. 2345

SEC. 2345. [20 U.S.C. 6715] COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.

(a) COOPERATIVE EDUCATION EXCHANGE PROGRAMS.—The Center for Civic Education, the National Council on Economic Education, and organizations described in section 2343(a)(3) shall use funds made available under grants or contracts under section 2343 to carry out cooperative education exchange programs in accordance with this section.

(b) PURPOSE.—The purpose of the cooperative education exchange programs carried out under this section shall be—

(1) to make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education, and economics education, developed in the United States;

(2) to assist eligible countries in the adaptation, implementation, and institutionalization of such programs;

(3) to create and implement civics and government education, and economic education,

~~programs for students that draw upon the experiences of the participating eligible countries;~~

~~(4) to provide a means for the exchange of ideas and experiences in civics and government education, and economic education, among political, educational, governmental, and private sector leaders of participating eligible countries; and~~

~~(5) to provide support for—~~

~~(A) independent research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and~~

~~(B) effective participation in, and the preservation and improvement of, an efficient market economy.~~

~~(c) ACTIVITIES.—In carrying out the cooperative education exchange programs assisted under this section, the Center for Civic Education, the National Council on Economic Education, and organizations described in section 2343(a)(3) shall—~~

~~(1) provide to the participants from eligible countries—~~

~~(A) seminars on the basic principles of United States constitutional democracy and economic system, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;~~

~~(B) visits to school systems, institutions of higher education, and nonprofit organizations conducting exemplary programs in civics and government education, and economic education, in the United States;~~

~~(C) translations and adaptations with respect to United States civics and government education, and economic education, curricular programs for students and teachers, and in the case of training programs for teachers, translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas; and~~

~~(D) independent research and evaluation assistance—~~

~~(i) to determine the effects of the cooperative education exchange programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and~~

~~(ii) to identify effective participation in, and the preservation and improvement of, an efficient market economy;~~

~~(2) provide to the participants from the United States—~~

~~(A) seminars on the histories, economies, and systems of government of eligible countries;~~

~~(B) visits to school systems, institutions of higher education, and organizations conducting exemplary programs in civics and government education, and economic education, located in eligible countries;~~

~~(C) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government, and economy of such countries that are useful in United States classrooms;~~

(D) opportunities to provide onsite demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(E) independent research and evaluation assistance to determine—

(i) the effects of the cooperative education exchange programs assisted under this section on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

(ii) effective participation in, and improvement of, an efficient market economy; and

(3) assist participants from eligible countries and the United States to participate in international conferences on civics and government education, and economic education, for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

(d) PARTICIPANTS.—The primary participants in the cooperative education exchange programs assisted under this section shall be educational leaders in the areas of civics and government education, and economic education, including teachers, curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, and government and private sector leaders from the United States and eligible countries.

(e) CONSULTATION.—The Secretary may award a grant to, or enter into a contract with, the entities described in section 2343 to carry out programs assisted under this section only if the Secretary of State concurs with the Secretary that such grant, or contract, respectively, is consistent with the foreign policy of the United States.

(f) AVOIDANCE OF DUPLICATION.—With the concurrence of the Secretary of State, the Secretary shall ensure that—

(1) the activities carried out under the programs assisted under this section are not duplicative of other activities conducted in eligible countries; and

(2) any institutions in eligible countries, with which the Center for Civic Education, the National Council on Economic Education, or organizations described in section 2343(a)(3) may work in conducting such activities, are creditable.

(g) ELIGIBLE COUNTRY DEFINED.—In this section, the term "eligible country" means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, the independent states of the former Soviet Union as defined in section 3 of the FREEDOM Support Act (22 U.S.C. 5801), the Republic of Ireland, the province of Northern Ireland in the United Kingdom, and any developing country (as such term is defined in section 209(d) of the Education for the Deaf Act) if the Secretary, with the concurrence of the Secretary of State, determines that such developing country has a democratic form of government.

Sec. 2346

SEC. 2346. [20 U.S.C. 6716] AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subpart $30,000,000 for fiscal year

2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

Subpart 4—Teaching of Traditional American History

Sec. 2351

SEC. 2351. [20 U.S.C. 6721] ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary may establish and implement a program to be known as the "Teaching American History Grant Program", under which the Secretary shall award grants on a competitive basis to local educational agencies—

(1) to carry out activities to promote the teaching of traditional American history in elementary schools and secondary schools as a separate academic subject (not as a component of social studies); and

(2) for the development, implementation, and strengthening of programs to teach traditional American history as a separate academic subject (not as a component of social studies) within elementary school and secondary school curricula, including the implementation of activities—

(A) to improve the quality of instruction; and

(B) to provide professional development and teacher education activities with respect to American history.

(b) REQUIRED PARTNERSHIP.—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with one or more of the following:

(1) An institution of higher education.

(2) A nonprofit history or humanities organization.

(3) A library or museum.

(c) APPLICATION.—To be eligible to receive an grant under this section, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

Sec. 2352

SEC. 2352. [20 U.S.C. 6722] AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

Subpart 5—Teacher Liability Protection

Sec. 2361

SEC. 2361. [20 U.S.C. 6731] SHORT TITLE.

~~This subpart may be cited as the "Paul D. Coverdell Teacher Protection Act of 2001".~~

~~Sec. 2362~~

~~SEC. 2362. [20 U.S.C. 6732] PURPOSE.~~

~~The purpose of this subpart is to provide~~ , or expand comprehensive performance-based compensation systems for teachers, principals, and ~~other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.~~

~~Sec. 2363~~

~~SEC. 2363. [20 U.S.C. 6733] DEFINITIONS.~~

~~For purposes of this subpart:~~

~~(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.~~

~~(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.~~

~~(3) NONECONOMIC LOSS.—The term "noneconomic loss" means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society or companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, or any other nonpecuniary loss of any kind or nature.~~

~~(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.~~

~~(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.~~

~~(6) TEACHER.—The term "teacher" means—~~

~~(A) a teacher, instructor, principal, or administrator;~~

~~(B) another educational professional who works in a school;~~

~~(C) a professional or nonprofessional employee who—~~

~~(i) works in a school; and~~

~~(ii)(I) in the employee's job, maintains discipline or ensures safety; or~~

~~(II) in an emergency, is called on to maintain discipline or ensure safety; or~~

~~(D) an individual member of a school board (as distinct from the board).~~

~~Sec. 2364~~

~~SEC. 2364. [20 U.S.C. 6734] APPLICABILITY.~~

~~This subpart shall only apply to States that receive funds under this Act, and shall apply to such a State as a condition of receiving such funds.~~

~~Sec. 2365~~

~~SEC. 2365. [20 U.S.C. 6735] PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.~~

~~(a) PREEMPTION.—This subpart preempts the laws of any State to the extent that such laws are inconsistent with this subpart, except that this subpart shall not preempt any State law that provides additional protection from liability relating to teachers.~~

~~(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This subpart shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—~~

~~(1) citing the authority of this subsection;~~

~~(2) declaring the election of such State that this subpart shall not apply, as of a date certain, to such civil action in the State; and~~

~~(3) containing no other provisions.~~

~~Sec. 2366~~

~~SEC. 2366. [20 U.S.C. 6736] LIMITATION ON LIABILITY FOR TEACHERS.~~

~~(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsection (b), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—~~

~~(1) the teacher was acting within the scope of the teacher's employment or responsibilities to a school or governmental entity;~~

~~(2) the actions of the teacher were carried out in conformity with Federal, State, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;~~

~~(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice involved in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;~~

~~(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and~~

~~(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or~~

vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

ate\1\ law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

\1\So in law. The matter following paragraph (2) probably should begin "(3) A State".

(c) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an act or omission of such teacher that constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(d) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this subpart shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) HIRING.—The limitations on the liability of a teacher under this subpart shall not apply to misconduct during background investigations, or during other actions, involved in

the hiring of a teacher.

(e) RULES OF CONSTRUCTION.—

(1) CONCERNING RESPONSIBILITY OF TEACHERS TO schools AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(2) CONCERNING CORPORAL PUNISHMENT.—Nothing in this subpart shall be construed to affect any State or local law (including a rule or regulation) or policy pertaining to the use of corporal punishment.

Sec. 2367

SEC. 2367. [20 U.S.C. 6737] ALLOCATION OF RESPONSIBILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—

(A) LIABILITY.—Each defendant who is a teacher shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable.

(B) SEPARATE JUDGMENT.—The court shall render a separate judgment against each defendant in an amount determined pursuant to subparagraph (A).

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a), beyond the limitations established in this section.

Sec. 2368

SEC. 2368. [20 U.S.C. 6738] 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~~

~~SEC. 2401. [20 U.S.C. 6751] SHORT TITLE.~~

~~This part may be cited as the "Enhancing Education Through Technology Act of 2001".~~

~~Sec. 2402~~

~~SEC. 2402. [20 U.S.C. 6752] 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~~that raise 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 integrate technology effectively into curricula and instruction that are aligned with challenging State academic content and student academic~~ and close the achievement ~~standards, through such means as high-quality professional development programs.~~gap, especially for teachers and principals in high-need schools; and

~~(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~~

~~SEC. 2403. [20 U.S.C. 6753] DEFINITIONS.~~

"(2) to develop or revise policies on teacher certification, hiring, assignment, evaluation, advancement, dismissal, or tenure.

"(b) Definitions.—In this ~~part~~subpart:

~~("~~(1) ELIGIBLE ~~LOCAL~~ ENTITY.—The term ~~"'~~'eligible ~~local entity"~~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~~consortium of 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~~ agencies, including 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 expertise 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 educational entities appropriate to provide local programs.~~

~~(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" means~~ charter school that is a local educational agency ~~that—~~;

~~(A) is among the local~~ "(B) a State educational ~~agencies~~agency, or other State agency designated by the chief executive of a State to participate under this subpart; or

"(C) a nonprofit or for-profit organization, which may include an institution of higher education, in ~~a State~~ partnership with an entity described in subparagraph (A) or (B).

"(2) PERFORMANCE-BASED COMPENSATION SYSTEM.—The term 'performance-based compensation system' means a system of compensation for teachers and principals that—

"(A) differentiates levels of compensation based in significant part on measurable increases in student academic achievement; and

"(B) may include—

"(i) differentiated levels of compensation based in significant part on high-quality teachers' and principals' employment and success in hard-to-staff schools or high-need subject areas; and

"(ii) differentiates levels of compensation based on the ~~highest numbers or percentages of children from families~~skills and knowledge of teachers and principals as demonstrated through—

"(I) successful fulfillment of additional responsibilities or job functions;

"(II) evidence of high achievement and mastery of content knowledge and superior teaching skills; or

"(III) recognition as a highly rated teacher or principal based on the use of an evaluation system consistent with ~~incomes below the poverty line; and~~the requirements under section 2123(b).

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

~~(ii) has a substantial need for assistance in acquiring and using technology.~~

~~Sec. 2404~~

~~SEC. 2404. [20 U.S.C. 6754] AUTHORIZATION OF APPROPRIATIONS.~~

~~(~~"SEC. 2302. TEACHER INCENTIVE FUND GRANTS.

"(a) In General.—~~There are authorized to be~~From the amounts appropriated 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~~this subpart, the Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the entities to carry out ~~subpart 1; and~~1 or more of the following activities:

~~(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~~

~~SEC. 2411. [20 U.S.C. 6761] 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) three-fourths of 1 percent for~~"(1) Develop, implement, improve, or expand a performance-based compensation system in 1 or more schools served by a project under this subpart.

"(2) Develop, revise, or implement personnel policies on—

"(A) teacher hiring and assignment, such as implementing earlier hiring timelines, utilizing more rigorous teacher and principal selection criteria, and staffing schools through mutual consent;

"(B) teacher advancement, dismissal, or tenure; and

"(C) teacher preparation, certification, and licensure.

"(b) Priority.—In awarding a grant under this subpart, the Secretary ~~of the Interior for programs under this subpart for schools operated or funded by the Bureau of Indian Affairs;~~

~~(B) one-half 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 one-half 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~~ shall give priority to an ~~outlying area or the Bureau of Indian Affairs.~~

~~Sec. 2412~~

~~SEC. 2412. [20 U.S.C. 6762] 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 submitted an application to the State educational agency under section 2414, for the~~entity that concentrates the proposed activities ~~described in section 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 educational agencies within the State~~on teachers and principals serving in high-need schools.

~~(B) From 50 percent of the remainder and subject 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 section 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~~

~~SEC. 2413. [20 U.S.C. 6763] STATE APPLICATIONS.~~

~~(a) IN GENERAL.—To be eligible to receive~~"(c) Applications.—An eligible entity desiring a grant under this subpart~~, a State educational agency~~ shall submit an application 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. The application shall include, as applicable—

~~(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~~ "(1) 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.

(e) 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

SEC. 2414. [20 U.S.C. 6764] 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 receives at school.

(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, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student 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 ensure successful and effective uses of technology.

(c) COMBINED APPLICATIONS.—A local educational agency 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 agency'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 described 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 agency applies for and receives financial assistance described in section 2412(a)(2)(A) as part of a consortium, the local educational agency shall serve as the fiscal agent for the consortium.

(2) STATE EDUCATIONAL AGENCY ASSISTANCE.—At the request of a local educational agency, a State educational 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

SEC. 2415. [20 U.S.C. 6765] 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 utilization 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 initiatives (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 professional 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 environments, including training in the use of technology to—

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

(B) 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) lead to improvements in classroom instruction in the core academic subjects, that effectively prepare students to meet challenging State academic content standards and student academic achievement standards.

(4) Assisting recipients of funds under this subpart in providing all students (including students with disabilities 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 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.

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

Sec. 2416

SEC. 2416. [20 U.S.C. 6766] LOCAL ACTIVITIES.

(a) PROFESSIONAL DEVELOPMENT.—

(1) IN GENERAL.—A recipient of funds made available 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 recipient shall provide professional development in the integration of advanced technologies, including emerging technologies, 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 performance-based on a review of relevant research and are designed to prepare students to meet challenging State academic content and student academic achievement standards; and

(B) by the development and utilization of innovative 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 curricula 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 increased communication about curricula, assignments, and assessments between students, parents, and teachers, and to assist parents to understand the technology being applied 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 providing 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 improve 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~~ compensation system or 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~~

~~SEC. 2421. [20 U.S.C. 6771] 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;~~

~~(2) shall establish an independent review panel to advise the Secretary on methodological and other issues that arise in conducting the long-term study;~~

~~(3) shall consult with other interested Federal departments or agencies, State and local educational practitioners and policymakers (including teachers, principals, and superintendents), and experts in technology, regarding the study; and~~

~~(4) shall submit to Congress interim reports, when appropriate, and a final report, to be~~

submitted not later than April 1, 2006, on the findings of the study.

(b) DISSEMINATION.—Using funds made available under section 2404(b)(2), the Secretary shall make widely available, including through dissemination on the Internet and to all State educational agencies and other recipients of funds under this part, findings identified through activities carried out under this section regarding the conditions and practices under which educational technology is effective in increasing student academic achievement.

(c) TECHNICAL ASSISTANCE.—Using funds made available under section 2404(b)(2), the Secretary may provide technical assistance (directly or through the competitive award of grants or contracts) to State educational agencies, local educational agencies, and other recipients of funds, particularly in rural areas, under this part, in order to assist such State educational agencies, local educational agencies, and other recipients to achieve the purposes of this part.

Sec. 2422

SEC. 2422. [20 U.S.C. 6772] NATIONAL EDUCATION TECHNOLOGY PLAN.

(a) IN GENERAL.—Based on the Nation's progress and an assessment by the Secretary of the continuing and future needs of the Nation's schools in effectively using technology to provide all students the opportunity to meet challenging State academic content and student academic achievement standards, the Secretary shall update and publish, in a form readily accessible to the public, a national long-range technology plan, by not later than 12 months after the date of enactment of the No Child Left Behind Act of 2001.

(b) CONTENTS.—The plan referred to in subsection (a) shall include each of the following:

(1) A description of the manner in which the Secretary will promote—

(A) higher student academic achievement through the integration of advanced technologies, including emerging technologies, into curricula and instruction;

(B) increased access to technology for teaching and learning for schools with a high number or percentage of children from families with incomes below the poverty line; and

(C) the use of technology to assist in the implementation of State systemic reform strategies.

(2) A description of joint activities of the Department of Education and other Federal departments or agencies that will promote the use of technology in education.

Subpart 3—Ready-to-Learn Television

Sec. 2431

SEC. 2431. [20 U.S.C. 6775] READY-TO-LEARN TELEVISION.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to, or enter into contracts

~~or cooperative agreements with, eligible entities described in paragraph (3) to enable such entities—~~

~~(A) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;~~

~~(B) to facilitate the development, directly or through contracts with producers of children and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;~~

~~(C) to facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;~~

~~(D) to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and~~

~~(E) to develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—~~

~~(i) to promote school readiness; and~~

~~(ii) to promote the effective use of materials developed under subparagraphs (B) and (C) among parents, teachers, Head Start providers, Even Start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.~~

~~(2) AVAILABILITY.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, parents, child care workers, Head Start providers, Even Start providers, and providers of family literacy services to increase the effective use of such programming.~~

~~(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreements under this section, an~~ policy reforms in which the eligible entity ~~shall be a public telecommunications entity that is able to demonstrate each of the following:~~proposes to engage;

~~(A) A capacity for the development~~ "(2) a description and ~~national distribution~~ evidence of ~~educational~~ the support and ~~instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary~~ commitment, from teachers and principals in the school ~~children.~~

~~(B) A capacity~~ to ~~contract with the producers of children's television programming for~~ be served by the ~~purpose of developing educational television programming of high quality.~~

~~(C) A capacity, consistent with the entity's mission~~project, the community, and ~~nonprofit nature, to negotiate such contracts in a manner that returns to~~ the ~~entity an appropriate share of any ancillary income from sales of any program-related products.~~

~~(D) A capacity to localize programming and materials to meet specific State and~~ local ~~needs and to provide~~ educational ~~outreach at~~agencies, for the ~~local level.~~

~~(4) COORDINATION OF~~ proposed activities~~. An entity receiving a grant, contract, or cooperative agreement under this section shall consult with the Secretary and the Secretary of Health and Human Services~~

~~(A) to maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and~~

~~(B) to coordinate activities with Federal programs that have major training components for early childhood development~~, including ~~programs under the Head Start Act (42 U.S.C. 9831 et seq.) and Even Start, and State training activities funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), regarding the availability and utilization of materials developed under paragraph (1)(E) to enhance parent and child care provider skills~~a demonstration of involvement by teachers, teachers associations (where applicable), and principals in ~~early childhood~~ the design and development ~~and education.~~of the proposal;

~~(b) APPLICATIONS. To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.~~

~~(c) REPORTS AND EVALUATIONS.~~

~~(1)~~ "(3) a description of how the eligible entity will develop and implement a fair, rigorous, and objective process to evaluate teacher, principal, and student performance under the project consistent with the teacher and principal evaluation system requirements under section 2123(b), including the baseline performance against which evaluations of improved performance will be made;

"(4) a description of how the applicant will leverage professional development activities for teachers and principals under sections 2113(a)(2) and 2123(a)(1) to support the success of the project;

"(5) a description of the local educational agencies or schools to be served by the project;

"(6) a description of the quality of teachers and principals in the local educational agencies and the schools to be served by the project and how the project will increase the quality of teachers and principals in a high-need school;

"(7) a description of how the eligible entity will use grant funds under this subpart in each year of the grant;

"(8) a description of how the eligible entity will continue the performance-based compensation system after the grant period ends; and

"(9) a description of the rationale and evidence for the proposed activities and of any prior experience of the eligible entity in developing and implementing such activities.

"(d) Use of Funds.—

"(1) IN GENERAL.—An eligible entity that receives a grant under this subpart shall use the grant funds to develop, implement, improve, or expand, in collaboration with teachers, principals, other school administrators, and members of the public—

"(A) a performance-based compensation system; or

"(B) other personnel policy reforms consistent with this subpart, including subsection (a)(2).

"(2) AUTHORIZED ACTIVITIES.—Grant funds under this subpart shall be used for at least 1 of the following activities:

"(A) Paying, as part of a comprehensive performance-based compensation system, bonuses and increased salaries, if the eligible entity uses an increasing share of non-Federal funds to pay the bonuses and increased salaries each year of the grant, to—

"(i) teachers and principals who raise student academic achievement;

"(ii) teachers who raise student academic achievement and—

"(I) teach in high-need schools; or

"(II) teach subjects that are difficult to staff;

"(iii) principals who raise student academic achievement and serve in high-need schools; or

"(iv) staff in high-need schools that have raised student academic achievement.

"(B) Developing or improving systems and tools that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement.

"(C) Revising and implementing policies on teacher preparation, certification, hiring, assignment, advancement, dismissal, or tenure, such as—

"(i) implementing a rigorous selection process for hiring teachers for positions available within the local educational agency;

"(ii) implementing mutual consent;

"(iii) revising certification, licensure, and tenure policies so that such decisions are based at least in part on teacher performance;

"(iv) streamlining due process procedures and shortening dismissal timelines; and

"(v) linking teacher performance and employment outcomes back to preparation programs, and using such data to ensure preparation programs operating in the State or placing teachers in the district, as applicable, are high quality.

"(e) Duration of Grants.—The Secretary may award a grant under this subpart for a period of not more than 5 years.

"(f) Equitable Distribution.—In making grants under this part, the Secretary shall consider

geographic diversity, including the distribution between rural and urban areas.

"(g) Matching Requirement.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each eligible entity that receives a grant under this subpart shall provide, over the course of the 5 year project period, an increasing share of matching funds (which may be provided in cash or in kind) to carry out the activities supported by the grant.

"(2) WAIVER.—The Secretary may waive the matching requirement under paragraph (1) for an eligible entity—

"(A) that consists of a high-need local educational agency; or

"(B) that is located in a rural area.

"(h) Supplement Not Supplant.—Grant funds provided under this subpart shall be used to supplement, not supplant, other Federal, State, or local funds.

"(i) Requirement.—The Secretary shall award not less than 70 percent of grant funds to eligible entities that propose to implement a performance-based compensation system.

"SEC. 2303. ACCOUNTABILITY.

"(a) Establishment of Performance Metrics.—The Secretary, acting through the Director of the Institute of Education Sciences, shall establish performance metrics.

"(b) Annual ~~REPORT TO THE SECRETARY.—An~~Report.—Each eligible entity ~~receiving~~that receives a grant~~, contract, or cooperative agreement~~ under this ~~section~~ part shall prepare and submit ~~to the Secretary~~ an annual report ~~that contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under the grant, contract, or cooperative agreement, including each of the following:~~

~~(A) The programming that has been developed, directly or indirectly, by the eligible entity, and the target population of the programs developed.~~

~~(B) The support and training materials that have been developed to accompany the programming, and the method by which the materials are distributed to consumers and users of the programming.~~

~~(C) The means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available, and the geographic distribution achieved through such technologies.~~

~~(D) The initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.~~

~~(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the~~ to the Secretary, which shall include information relevant ~~committees of Congress a biannual report that includes the following:~~

~~(A) A summary of the activities assisted~~to the performance metrics established under

subsection (a).

"SEC. 2304. ~~(B) A description of the education and training materials made available under subsection (a)(1)(E), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.~~

~~(d) ADMINISTRATIVE COSTS.—An entity that receives a grant, contract, or cooperative agreement under this section~~ EVALUATION.

"From the amount reserved under section 2375(b), the Secretary shall—

"(1) acting through the Director of the Institute of Education Sciences, evaluate the implementation and impact of the activities supported under this part; and

"(2) disseminate research on best practices.

"SEC. 2305. RESERVATION FOR EVALUATION; TECHNICAL ASSISTANCE; AND PROGRAM OUTREACH.

"The Secretary may ~~use up to 5~~reserve not more than 3 percent of the ~~amount received under the grant, contract, or agreement for the normal and customary expenses of administering the grant, contract, or agreement.~~

~~(e) AUTHORIZATION OF APPROPRIATIONS.—~~

~~(1) IN GENERAL.—There are authorized to be~~ funds appropriated to carry out this subpart for any 1 fiscal year, for the cost of the evaluation under section ~~such sums as may be necessary for fiscal year 2002, and for each of the 5 succeeding fiscal years.~~

~~(2) FUNDING RULE.—Not less than 60 percent of the amount appropriated under paragraph (1) for each fiscal year shall be used to carry out activities under subparagraphs (B) through (D) of subsection (a)(1).~~

~~Subpart 4—Limitation on Availability of Certain Funds for Schools~~

~~Sec. 2441~~

~~SEC. 2441. [20 U.S.C. 6777] INTERNET SAFETY.~~

~~(a) IN GENERAL.—No funds made available under this part to a local educational agency for an elementary school or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)) may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both—~~

~~(1)(A) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that~~

~~protects against access through such computers to visual depictions that are—~~

~~(i) obscene;~~

~~(ii) child pornography; or~~

~~(iii) harmful to minors; and~~

~~(B) is enforcing the operation of such technology protection measure during any use of such computers by minors; and~~

~~(2)(A) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—~~

~~(i) obscene; or~~

~~(ii) child pornography; and~~

~~(B) is enforcing the operation of such technology protection measure during any use of such computers.~~

~~(b) TIMING AND APPLICABILITY OF IMPLEMENTATION.—~~

~~(1) IN GENERAL.—The local educational agency with responsibility for a school covered by subsection (a) shall certify the compliance of such school with the requirements of subsection (a) as part of the application process for the next~~ 2374, technical assistance, and program ~~funding year under this Act following December 21, 2000, and for each subsequent program funding year thereafter.~~outreach.".

~~(2) PROCESS.—~~

~~(A) SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by subsection (a) that has in place an Internet safety policy meeting the requirements of subsection (a) shall certify its compliance with subsection (a) during each annual program application cycle under this Act.~~

~~(B) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—~~

~~(i) CERTIFICATION.—A local educational agency with responsibility for a school covered by subsection (a) that does not have in place an Internet safety policy meeting the requirements of subsection (a)—~~

~~(I) for the first program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and~~

~~(II) for the second program year after December 21, 2000, in which the local educational agency is applying for funds for such school under this Act, shall certify that such school is in compliance with such requirements.~~

~~(ii) INELIGIBILITY.—Any school covered by subsection (a) for which the local~~

~~educational agency concerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this part for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.~~

~~(C) WAIVERS.—Any school subject to a certification under subparagraph (B)(i)(II) for which the local educational agency concerned cannot make the certification otherwise required by that subparagraph may seek a waiver of that subparagraph if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that subparagraph. The local educational agency concerned shall notify the Secretary of the applicability of that subparagraph to the school. Such notice shall certify that the school will be brought into compliance with the requirements in subsection (a) before the start of the third program year after December 21, 2000, in which the school is applying for funds under this part.~~

~~(c) DISABLING DURING CERTAIN USE.—An administrator, supervisor, or person authorized by the responsible authority under subsection (a) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.~~

~~(d) NONCOMPLIANCE.—~~

~~(1) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Secretary has reason to believe that any recipient of funds under this part is failing to comply substantially with the requirements of this section, the Secretary may—~~

~~(A) withhold further payments to the recipient under this part;~~

~~(B) issue a complaint to compel compliance of the recipient through a cease and desist order; or~~

~~(C) enter into a compliance agreement with a recipient to bring it into compliance with such requirements,~~

~~in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act.~~

~~(2) RECOVERY OF FUNDS PROHIBITED.—The actions authorized by paragraph (1) are the exclusive remedies available with respect to the failure of a school to comply substantially with a provision of this section, and the Secretary shall not seek a recovery of funds from the recipient for such failure.~~

~~(3) RECOMMENCEMENT OF PAYMENTS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under paragraph (1)(A) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that paragraph.~~

~~(e) DEFINITIONS.—In this subpart:~~

~~(1) COMPUTER.—The term "computer" includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.~~

~~(2) ACCESS TO INTERNET.—A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network that has access to the Internet.~~

~~(3) ACQUISITION OR OPERATION.—An elementary school or secondary school shall be considered to have received funds under this part for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—~~

~~(A) to purchase, lease, or otherwise acquire or obtain the use of such computer; or~~

~~(B) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.~~

~~(4) MINOR.—The term "minor" means an individual who has not attained the age of 17.~~

~~(5) CHILD PORNOGRAPHY.—The term "child pornography" has the meaning given that term in section 2256 of title 18, United States Code.~~

~~(6) HARMFUL TO MINORS.—The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that—~~

~~(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;~~

~~(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and~~

~~(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.~~

~~(7) OBSCENE.—The term "obscene" has the meaning applicable to that term under section 1460 of title 18, United States Code.~~

~~(8) SEXUAL ACT AND SEXUAL CONTACT.—The terms "sexual act" and "sexual contact" have the meanings given those terms in section 2246 of title 18, United States Code.~~

~~(f) SEVERABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.~~

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TITLE III—LANGUAGE AND ACADEMIC CONTENT INSTRUCTION FOR ~~LIMITED ENGLISH PROFICIENT~~ENGLISH LEARNERS AND IMMIGRANT STUDENTS

~~Sec. 3001~~

~~SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.~~

~~"There are authorized to be appropriated to carry out this title [$___] for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.~~~~SEC. 3001. [20 U.S.C. 6801] AUTHORIZATIONS OF APPROPRIATIONS; CONDITION ON EFFECTIVENESS OF PARTS.~~

~~(a) AUTHORIZATIONS OF APPROPRIATIONS.—~~

~~(1) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to carry out this title, except for subpart 4 of part B, $750,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.~~

~~(2) EMERGENCY IMMIGRANT EDUCATION PROGRAM.—There are authorized to be appropriated to carry out subpart 4 of part B (when such part is in effect) such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.~~

~~(b) CONDITIONS ON EFFECTIVENESS OF PARTS A AND B.—~~

~~(1) PART A.—Part A shall be in effect for any fiscal year for which the amount appropriated under paragraphs (1) and (2) of subsection (a) equals or exceeds $650,000,000.~~

~~(2) PART B.—Part B shall be in effect only for a fiscal year for which part A is not in effect.~~

~~(c) REFERENCES.—In any fiscal year for which part A is in effect, references in Federal law (other than this title) to part B shall be considered to be references to part A. In any fiscal year for which part B is in effect, references in Federal law (other than this title) to part A shall be considered to be references to part B.~~

PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT ACT

~~Sec. 3101~~

~~SEC. 3101. [20 U.S.C. 6811] SHORT TITLE.~~

~~This part may be cited as the "English Language Acquisition, Language Enhancement, and Academic Achievement Act".~~

Sec. 3102

SEC. 3102. PURPOSES.

"The purposes of this part are—

"(1) to support the provision of education to meet the needs of English learners and immigrant students and provide English learners and immigrant students with high-quality, evidence-based services, which also supplement services and supports provided under title I, to ensure that English learners, including those English learners who are also immigrants, acquire the English language proficiency and academic content knowledge they need to meet the State's college and career ready academic content standards and for State academic assessments;

"(2) to support the efforts of State educational agencies and local educational agencies to enhance their capacity to provide high-quality educational programs that are effective for English learners and that reflect the diversity of the English learner population;

"(3) to support the efforts of teachers, school leaders, State educational agencies, and local educational agencies to develop and enhance the capacity and flexibility needed to—

"(A) provide evidence-based, linguistically and culturally appropriate services to assist English learners supported under this part in—

"(i) attaining English language proficiency; and

"(ii) meeting State college and career ready academic content standards;

"(B) implement such services effectively;

"(C) evaluate the impact of such services on student English language proficiency and academic content knowledge; and

"(D) modify such services as appropriate to meet the needs of students;

"(4) to ensure that rigorous and consistent standards and State accountability systems are in place for programs serving English learners; and

"(5) to promote parental and community participation in language instruction educational programs in communities for parents of children who are English learners. ~~SEC. 3102. [20 U.S.C. 6812] PURPOSES.~~

~~The purposes of this part are—~~

~~(1) to help ensure that children who are limited English proficient, including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;~~

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~~(2) to assist all limited English proficient children, including immigrant children and youth, to achieve at high levels in the core academic subjects so that those children can meet the same challenging State academic content and student academic achievement standards as all children are expected to meet, consistent with section 1111(b)(1);~~

~~(3) to develop high quality language instruction educational programs designed to assist State educational agencies, local educational agencies, and schools in teaching limited English proficient children and serving immigrant children and youth;~~

~~(4) to assist State educational agencies and local educational agencies to develop and enhance their capacity to provide high quality instructional programs designed to prepare limited English proficient children, including immigrant children and youth, to enter all English instruction settings;~~

~~(5) to assist State educational agencies, local educational agencies, and schools to build their capacity to establish, implement, and sustain language instruction educational programs and programs of English language development for limited English proficient children;~~

~~(6) to promote parental and community participation in language instruction educational programs for the parents and communities of limited English proficient children;~~

~~(7) to streamline language instruction educational programs into a program carried out through formula grants to State educational agencies and local educational agencies to help limited English proficient children, including immigrant children and youth, develop proficiency in English, while meeting challenging State academic content and student academic achievement standards;~~

~~(8) to hold State educational agencies, local educational agencies, and schools accountable for increases in English proficiency and core academic content knowledge of limited English proficient children by requiring—~~

~~(A) demonstrated improvements in the English proficiency of limited English proficient children each fiscal year; and~~

~~(B) adequate yearly progress for limited English proficient children, including immigrant children and youth, as described in section 1111(b)(2)(B); and~~

~~(9) to provide State educational agencies and local educational agencies with the flexibility to implement language instruction educational programs, based on scientifically based research on teaching limited English proficient children, that the agencies believe to be the most effective for teaching English.~~

Subpart 1—Grants and Subgrants for English Language Acquisition and Language Enhancement

Sec. 3111

SEC. 3111. [20 U.S.C. 6821] FORMULA GRANTS TO STATES.

(a) IN GENERAL.—In the case of each State educational agency having a plan approved by the

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Secretary for a fiscal year under section 3113, the Secretary shall make a grant for the year to the agency for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State educational agency under subsection (c).

(b) USE OF FUNDS.—

(1) SUBGRANTS TO ELIGIBLE ENTITIES.—The Secretary may make a grant under subsection (a) only if the State educational agency involved agrees to expend at least 95 percent of the State educational agency's allotment under subsection (c) for a fiscal year—

(A) to award subgrants, from allocations under section 3114, to eligible entities to carry out the activities described in section 3115 (other than subsection (e)); and

(B) to award subgrants under section 3114(d)(1) to eligible entities that are described in that section to carry out the activities described in section 3115(e).

"(2) STATE ACTIVITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to provide technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including in—

"(i) identifying and implementing effective and high-quality language instruction educational programs and curricula and academic content instruction programs that are based on scientifically valid research on teaching English learners;

"(ii) program evaluation to ensure that the language instruction educational programs and academic content instruction programs selected by subgrantees are appropriate for the needs of the English learners served;

"(iii) teacher and principal preparation, professional development activities, and other evidence-based activities that supplement activities funded under title II, which may include activities that—

"(I) support the implementation of professional teaching standards and teacher evaluation systems for teachers of English learners; and

"(II) assist such teachers in meeting State and local certification and licensing requirements for teaching English learners;

"(iv) strengthening and increasing parent, family, and community engagement;

"(v) developing, enhancing, aligning, and implementing English language proficiency standards and assessments, particularly helping to ensure uniform implementation of English language proficiency standards within the State;

"(vi) providing recognition, which may include providing financial awards, to subgrantees that significantly improve the rate at which English learners acquire English language proficiency and are able to demonstrate the English language proficiency needed for core content mastery; and

"(vii) planning, evaluation, administration, and interagency coordination.

"(B) LIMITATION.—A State may use not more than 40 percent of the amount reserved under subparagraph (A) or $175,000, whichever is greater, for the activities described in subparagraph (A)(vii)."; and

~~(2) STATE ACTIVITIES.—Subject to paragraph (3), each State educational agency receiving a grant under subsection (a) may reserve not more than 5 percent of the agency's allotment under subsection (c) to carry out one or more of the following activities:~~

~~(A) Professional development activities, and other activities, that assist personnel in meeting State and local certification and licensing requirements for teaching limited English proficient children.~~

~~(B) Planning, evaluation, administration, and interagency coordination related to the subgrants referred to in paragraph (1).~~

~~(C) Providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants from a State educational agency under this subpart, including assistance in—~~

~~(i) identifying and implementing language instruction educational programs and curricula that are based on scientifically based research on teaching limited English proficient children;~~

~~(ii) helping limited English proficient children meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;~~

~~(iii) identifying or developing, and implementing, measures of English proficiency; and~~

~~(iv) promoting parental and community participation in programs that serve limited English proficient children.~~

~~(D) Providing recognition, which may include providing financial awards, to subgrantees that have exceeded their annual measurable achievement objectives pursuant to section 3122.~~

~~(3) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (2), a State educational agency may use not more than 60 percent of such amount or $175,000, whichever is greater, for the planning and administrative costs of carrying out paragraphs (1) and (2).~~

(c) RESERVATIONS AND ALLOTMENTS.—

(1) RESERVATIONS.—From the amount appropriated under section 3001(a) for each fiscal year, the Secretary shall reserve—

"(A) 0.5 percent or $5,000,000 of such amount, whichever is greater, for payments to eligible entities that are defined under section 3112(a) for activities, approved by the Secretary, consistent with this subpart;

"(B) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this subpart (as determined by the Secretary) for activities that are approved by the Secretary and consistent with

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the purposes of this subpart; and

"(C) 6.5 percent of such amount for national activities under sections 3131 and 3203, except that not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 3203.;

~~(1) RESERVATIONS.—From the amount appropriated under section 3001(a) for each fiscal year, the Secretary shall reserve—~~

~~(A) 0.5 percent or $5,000,000 of such amount, whichever is greater, for payments to eligible entities that are defined under section 3112(a) for activities, approved by the Secretary, consistent with this subpart;~~

~~(B) 0.5 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this subpart, as determined by the Secretary, for activities, approved by the Secretary, consistent with this subpart;~~

~~(C) 6.5 percent of such amount for national activities under sections 3131 and 3303, except that not more than 0.5 percent of such amount shall be reserved for evaluation activities conducted by the Secretary and not more than $2,000,000 of such amount may be reserved for the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs described in section 3303; and~~

~~(D) such sums as may be necessary to make continuation awards under paragraph (2).~~

~~(2) CONTINUATION AWARDS.—~~

~~(A) IN GENERAL.—Before making allotments to State educational agencies under paragraph (3) for any fiscal year, the Secretary shall use the sums reserved under paragraph (1)(D) to make continuation awards to recipients who received grants or fellowships for the fiscal year preceding any fiscal year described in section 3001(b)(1)(A) under—~~

~~(i) subparts 1 and 3 of part A of title VII (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); or~~

~~(ii) subparts 1 and 3 of part B of this title.~~

~~(B) USE OF FUNDS.—The Secretary shall make the awards in order to allow such recipients to receive awards for the complete period of their grants or fellowships under the appropriate subparts.~~

(2~~3~~) STATE ALLOTMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), from the amount appropriated under section 3001~~(a)~~ for each fiscal year that remains after making the reservations under paragraph (1), the Secretary shall allot to each State educational agency having a plan approved under section 3113(d~~e~~)—

(i) an amount that bears the same relationship to 80 percent of the remainder as

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the number of ~~limited English proficient children~~English learners in the State bears to the number of such children in all States, as determined by data available from the American Community Survey conducted by the Department of Commerce or State-reported data~~; and~~

(ii) an amount that bears the same relationship to 20 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States, as determined based only on data available from the American Community Survey conducted by the Department of Commerce.

(B) MINIMUM ALLOTMENTS.—No State educational agency shall receive an allotment under this paragraph that is less than $500,000.

(C) REALLOTMENT.—If any State educational agency described in subparagraph (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of this subpart, the Secretary shall reallot any portion of such allotment to the remaining State educational agencies in accordance with subparagraph (A)~~—~~

~~(i) shall endeavor to make the State's allotment available on a competitive basis to specially qualified agencies within the State to satisfy the requirements of section 3115 (and any additional requirements that the Secretary may impose), consistent with the purposes of such section, and to carry out required and authorized activities under such section; and~~

~~(ii) shall reallot any portion of such allotment remaining after the application of clause (i) to the remaining State educational agencies in accordance with subparagraph (A).~~ shall reallot any portion of such allotment to the remaining State educational gencies in accordance with subparagraph (A).

(D) SPECIAL RULE FOR PUERTO RICO.—The total amount allotted to Puerto Rico for any fiscal year under subparagraph (A) shall not exceed 0.5 percent of the total amount allotted to all States for that fiscal year.

(3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph (2), for each fiscal year, the Secretary shall determine the number of English learners and the number of English learners assessed as not having attained English language proficiency, based on the State's English language proficiency assessment under section 1111(a)(2)(D), in a State and in all States, and the number of immigrant children and youth in a State and in all States, by using data that will yield the most accurate, up-to-date numbers of children and youth who are English learners and who have limited English language proficiency and immigrant children and youth. In making such determinations, the Secretary shall use—

"(A) data available from the American Community Survey conducted by the Department of Commerce to determine the allotment; or

"(B) the number of English learners assessed as not having attained English language proficiency, based on the State's English language proficiency assessment

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under section 1111(a)(2)(D), to determine the allotment. (4) USE OF DATA FOR DETERMINATIONS.—

(A) IN GENERAL.—In making State allotments under paragraph (3), for the purpose of determining the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, for each fiscal year, the Secretary shall use data that will yield the most accurate, up-to-date numbers of such children and youth.

(B) SPECIAL RULE.—

(i) FIRST 2 YEARS.—In making determinations under subparagraph (A) for the 2 fiscal years following the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall determine the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, using data available from the Bureau of Census or submitted by the States to the Secretary.

(ii) SUBSEQUENT YEARS.—For subsequent fiscal years, the Secretary shall determine the number of limited English proficient children in a State and in all States, and the number of immigrant children and youth in a State and in all States, using the more accurate of—

(I) the data available from the American Community Survey available from the Department of Commerce; or

(II) the number of children being assessed for English proficiency in a State as required under section 1111(b)(7).

Sec. 3112

SEC. 3112. [20 U.S.C. 6822] NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native American children (including Alaska Native children), the following shall be considered to be an eligible entity:

(1) An Indian tribe.

(2) A tribally sanctioned educational authority.

(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

(4) An elementary school or secondary school that is operated or funded by the Bureau of Indian AffairsIndian Education of the Department of the Interior, or a consortium of such schools.

(5) An elementary school or secondary school operated under a contract with or grant from the Bureau of Indian AffairsIndian Education of the Department of the Interior, in consortium with another such school or a tribal or community organization.

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(6) An elementary school or secondary school operated by the Bureau of ~~Indian Affairs~~Indian Education of the Department of the Interior and an institution of higher education, in consortium with an elementary school or secondary school operated under a contract with or grant from the Bureau of ~~Indian Affairs~~Indian Education of the Department of the Interior or a tribal or community organization.

(b) SUBMISSION OF APPLICATIONS FOR ASSISTANCE.—Notwithstanding any other provision of this part, ~~an entity that is considered to be an eligible entity under subsection (a), and that~~an eligible entity that desires to receive Federal financial assistance under this subpart, shall submit an application to the Secretary.

(c) Special Rules.—

(1) INELIGIBILITY FOR MULTIPLE AWARDS FOR SAME PERIOD.—An eligible entity that receives a grant under this section shall not be eligible to receive a subgrant under section 3114 for the same period.

(2) NATIVE AMERICAN LANGUAGE PROGRAMS.—An eligible entity that receives a grant under this section may, in addition to other activities supported under this subpart, use the grant funds to support Native American language immersion programs and Native American language restoration programs, which may be taught by traditional or tribal leaders. ~~(c) SPECIAL RULE.—An eligible entity described in subsection (a) that receives Federal financial assistance pursuant to this section shall not be eligible to receive a subgrant under section 3114.~~

Sec. 3113

SEC. 3113. STATE EDUCATIONAL AGENCY PLANS.

"(a) Plan Required.—Each State educational agency desiring a grant under this subpart shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) Contents.—Each plan submitted under subsection (a) shall—

"(1) describe the process that the agency will use in awarding subgrants to eligible entities under section 3114(d)(1);

"(2) describe the process by which, within a period established by the Secretary, the agency will establish uniform statewide criteria for local educational agencies to use in—

"(A) identifying English learners who need services under this part;

"(B) determining when such students no longer need those services; and

"(C) including the same standards of achievement for all English learners in all local educational agencies in the State;

"(3) describe the process through which the State educational agency will support local educational agencies in assisting English learners in acquiring proficiency in each of the 4 language domains of reading, writing, speaking, and listening, as measured by the State's English language proficiency assessment;

"(4) provide an assurance that if the State adopts new academic content standards, the

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State educational agency will, not later than 1 year after the date of adoption of such standards—

"(A) update the State English language proficiency standards to ensure that such standards align with the new academic content standards; and

"(B) provide the Secretary with evidence of such alignment;

"(5) provide an assurance that the State English language proficiency assessment system is valid and reliable and meets the appropriate requirements of paragraph (10);

"(6) include criteria for defining the performance standard that students at ~~reclassifying students from~~ lower levels of English language proficiency must meet to attain the level that the State defines as ~~achieving~~ English ~~-~~language proficient~~cy~~;

"(7) describe how the agency will coordinate programs and activities carried out under this subpart with the other programs and activities that such agency carries out under this Act;

"(8) describe how the agency will assist eligible entities in increasing the extent to which English learners acquire English language proficiency within a reasonable time frame, as informed by evidence and best practices;

"(9) provide an assurance that eligible entities in the State will be given the flexibility to teach English learners using a language instruction curriculum that has been demonstrated to be effective;

"(10) describe how the agency will manage subgrants awarded under this subpart, including—

"(A) how the agency will ensure that subgrant funds are expended to support the provision of services to help English learners acquire the English language proficiency and the academic content knowledge they need to meet the State's college and career ready academic content standards and to advance to postsecondary education and careers, which may include using a scientifically valid language instruction curriculum to improve language acquisition and content mastery for English learners;

"(B) how the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement under section 1111(a)(2)(B)(vi) to annually assess in English, children who have been in the United States for 3 or more consecutive years; or sooner if their assessed level of English language proficiency indicates that they are able to participate meaningfully in such state academic assessments under section 1111.

"(C) how the agency will monitor eligible entities receiving a subgrant under this part to ensure compliance with applicable Federal fiscal requirements, including the requirements under subsections (f) and (g) of section 3115;

"(D) how the agency will, in awarding subgrants under section 3114, address the needs of local educational agencies of all sizes and in all geographic areas, including local educational agencies that serve rural and urban schools; and

"(E) an assurance that the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such eligible entity's

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capacity to continue to offer high-quality language instruction educational programs and academic content instruction programs that assist English learners in meeting State academic content and student academic achievement standards to become on track to college and career readiness;

"(11) provide an assurance that the State's English language proficiency standards are aligned with the academic content and academic achievement standards described in section 1111; and

"(12) provide an assurance that the plan has been developed in consultation with local educational agencies, teachers, administrators of programs described under this part, parents, family members, and other relevant stakeholders.

"(c) Approval.—The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) if the plan meets the requirements of this section.

"(d) Duration of Plan.—

"(1) IN GENERAL.—Each plan submitted by a State educational agency and approved under subsection (c) shall—

"(A) remain in effect for the duration of the State educational agency's participation under this part; and

"(B) be periodically reviewed and revised by the agency to reflect changes to the agency's strategies and programs carried out under this part.

"(2) ADDITIONAL INFORMATION.—

"(A) AMENDMENTS.—If a State educational agency amends the plan approved under subsection (c), the agency shall submit the amendment to the Secretary.

"(B) APPROVAL.—The Secretary shall approve an amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this part.

"(e) Consolidated Plan.—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 9302.

"(f) Secretary Assistance.—The Secretary shall provide technical assistance, if requested, in the development of English language proficiency standards, objectives, and assessments.

~~SEC. 3113. [20 U.S.C. 6823] STATE AND SPECIALLY QUALIFIED AGENCY PLANS.~~

~~(a) PLAN REQUIRED.—Each State educational agency and specially qualified agency desiring a grant under this subpart shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.~~

~~(b) CONTENTS.—Each plan submitted under subsection (a) shall—~~

~~(1) describe the process that the agency will use in making subgrants to eligible entities under section 3114(d)(1);~~

~~(2) describe how the agency will establish standards and objectives for raising the level of~~

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~~English proficiency that are derived from the four recognized domains of speaking, listening, reading, and writing, and that are aligned with achievement of the challenging State academic content and student academic achievement standards described in section 1111(b)(1);~~

~~(3) contain an assurance that—~~

~~(A) in the case of a State educational agency, the agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and researchers, in developing the annual measurable achievement objectives described in section 3122;~~

~~(B) in the case of a specially qualified agency, the agency consulted with education-related community groups and nonprofit organizations, parents, teachers, and researchers, in developing the annual measurable achievement objectives described in section 3122;~~

~~(C) the agency will ensure that eligible entities receiving a subgrant under this subpart comply with the requirement in section 1111(b)(7) to annually assess in English children who have been in the United States for 3 or more consecutive years;~~

~~(D) the agency will ensure that eligible entities receiving a subgrant under this subpart annually assess the English proficiency of all limited English proficient children participating in a program funded under this subpart, consistent with section 1111(b)(7);~~

~~(E) in awarding subgrants under section 3114, the agency will address the needs of school systems of all sizes and in all geographic areas, including school systems with rural and urban schools;~~

~~(F) subgrants to eligible entities under section 3114(d)(1) will be of sufficient size and scope to allow such entities to carry out high-quality language instruction educational programs for limited English proficient children; and~~

~~(G) the agency will require an eligible entity receiving a subgrant under this subpart to use the subgrant in ways that will build such recipient's capacity to continue to offer high-quality language instruction educational programs that assist limited English proficient children in meeting challenging State academic content and student academic achievement standards once assistance under this subpart is no longer available;~~

~~(4) describe how the agency will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;~~

~~(5) describe how the agency will hold local educational agencies, eligible entities, elementary schools, and secondary schools accountable for—~~

~~(A) meeting all annual measurable achievement objectives described in section 3122;~~

~~(B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and~~

~~(C) achieving the purposes of this part; and~~

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~~(6) describe how eligible entities in the State will be given the flexibility to teach limited English proficient children—~~

~~(A) using a language instruction curriculum that is tied to scientifically based research on teaching limited English proficient children and that has been demonstrated to be effective; and~~

~~(B) in the manner the eligible entities determine to be the most effective.~~

~~(c) APPROVAL.—The Secretary, after using a peer review process, shall approve a plan submitted under subsection (a) if the plan meets the requirements of this section.~~

~~(d) DURATION OF PLAN.—~~

~~(1) IN GENERAL.—Each plan submitted by a State educational agency or specially qualified agency and approved under subsection (c) shall—~~

~~(A) remain in effect for the duration of the agency's participation under this part; and~~

~~(B) be periodically reviewed and revised by the agency, as necessary, to reflect changes to the agency's strategies and programs carried out under this part.~~

~~(2) ADDITIONAL INFORMATION.—~~

~~(A) AMENDMENTS.—If the State educational agency or specially qualified agency amends the plan, the agency shall submit such amendment to the Secretary.~~

~~(B) APPROVAL.—The Secretary shall approve such amendment to an approved plan, unless the Secretary determines that the amendment will result in the agency not meeting the requirements, or fulfilling the purposes, of this part.~~

~~(e) CONSOLIDATED PLAN.—A plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 9302.~~

~~(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested, in the development of English proficiency standards, objectives, and assessments.~~

Sec. 3114

SEC. 3114. [20 U.S.C. 6824] WITHIN-STATE ALLOCATIONS.

(a) IN GENERAL.—After making the reservation required under subsection (d)(1), each State educational agency receiving a grant under section 3111(c)(2~~3~~) shall award subgrants for a fiscal year by allocating, in a timely manner, ~~-~~to each eligible entity in the State having a plan approved under section 3116 an amount that bears the same relationship to the amount received under the grant and remaining after making such reservation as the population of ~~limited English proficient children~~English learners in schools served by the eligible entity bears to the population of ~~limited English proficient children~~English learners in schools served by all eligible entities in the State.

(b) LIMITATION.—A State educational agency shall not award a subgrant from an allocation made under subsection (a) if the amount of such subgrant would be less than $10,000.

(c) REALLOCATION.—Whenever a State educational agency determines that an amount from

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an allocation made to an eligible entity under subsection (a) for a fiscal year will not be used by the entity for the purpose for which the allocation was made, the agency shall, in accordance with such rules as it determines to be appropriate, reallocate such amount, consistent with such subsection, to other eligible entities in the State that the agency determines will use the amount to carry out that purpose.

(d) REQUIRED RESERVATION.—A State educational agency receiving a grant under this subpart for a fiscal year—

(1) shall reserve not more than 15 percent of the agency's allotment under section 3111(c)(2~~3~~) to award subgrants to eligible entities in the State that have experienced a significant increase, as compared to the average of the 2 preceding fiscal years, in the percentage or number of immigrant children and youth, who have enrolled, during the fiscal year preceding the fiscal year for which the subgrant is made, in public and nonpublic elementary schools and secondary schools in the geographic areas under the jurisdiction of, or served by, such entities; and

(2) in awarding subgrants under paragraph (1)—

(A) shall ~~equally~~ consider eligible entities that satisfy the requirement of such paragraph but have limited or no experience in serving immigrant children and youth~~;~~; (B) shall consider eligible entities that experience a significant increase in the percentage of immigrant children and youth served, and eligible entities that experience a significant increase in the number of immigrant children and youth served; and ~~and~~

(C~~B~~) shall consider the quality of each local plan under section 3116 and ensure that each subgrant is of sufficient size and scope to meet the purposes of this part.

Sec. 3115

SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.

"(a) Purposes of Subgrants.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to supplement the education of English learners by helping them learn English and meet the State college and career ready academic content and student academic achievement standards. The eligible subgrantee shall carry out activities with such funds, using evidence-based approaches and methodologies that have been demonstrated to be effective for teaching English learners and immigrant children and youth, for the following purposes:

"(1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children and youth, including early childhood education and care programs, elementary school programs, and secondary school programs.

"(2) Carrying out highly focused, innovative, locally designed, evidence-based activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children and youth.

"(3) Implementing, within an individual school, whole school programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to

language instruction educational programs and academic content instruction for such children and youth.

"(4) Implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children and youth.

"(b) Administrative Expenses.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the direct cost of administering this subpart.

"(c) Required Subgrantee Activities.—An eligible entity receiving funds under section 3114(a) shall use the funds for 2 or more of the following activities:

"(1) Increasing the English language proficiency of English learners by providing high-quality evidence-based language instruction educational programs and academic content instruction programs that meet the needs of the specific English learners served, and by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment practices that are proven effective in—

"(A) increasing English language proficiency;

"(B) increasing student academic achievement in the core academic subjects; and

"(C) supporting students so that the students are college and career ready.

"(2) Providing high-quality professional development to teachers (including teachers of language instruction educational programs and academic content instruction programs, teachers of other academic subjects, and special education teachers), principals, administrators, and other school or community-based organization personnel that is—

"(A) designed to improve the instruction and assessment of English learners;

"(B) designed to enhance the ability of teachers and school leaders to understand and effectively implement curricula, assessment practices and measures, and instructional strategies for English learners;

"(C) aligned with the instructional program used by teachers that is responsive to the needs of the English learners served;

"(D) based on scientifically valid research demonstrating the effectiveness of the professional development in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers; and

"(E) of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the performance of teachers in the classroom, except that this subparagraph shall not apply to an activity that is 1 component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher, as appropriate.

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"(3) Carrying out other highly focused, evidence-based, proven effective activities and strategies that expand, enhance, or supplement existing language instruction educational programs and academic content instruction programs for English learners, including activities that enhance and increase parent, family, and community participation, maximize coordination and alignment among related programs, and build partnerships between schools and community-based early learning programs serving English learners.

"(d) Authorized Subgrantee Activities.—Subject to subsection (c), an eligible entity receiving funds under section 3114(a) may use the funds to achieve 1 of the purposes described in subsection (a) by undertaking 1 or more of the following activities:

"(1) Upgrading program objectives and effective instruction strategies.

"(2) Providing to English learners—

"(A) tutorials and academic or career and technical education; and

"(B) intensified instruction.

"(3) Developing and implementing preschool elementary school or secondary school language instruction educational programs and academic content instruction programs that are coordinated with other relevant programs and services.

"(4) Improving the English language proficiency and academic achievement of children who are English learners.

~~6~~"(56) Improving the instruction of English learners by providing for—

"(A) the acquisition or development of educational technology or instructional materials;

"(B) access to, and participation in, electronic networks for materials, training, and communication; and

"(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as curricula and programs funded under this subpart.

"(6) Providing community participation programs, family literacy services, and parent and family outreach and training activities to children who are English learners and their families—

"(A) to improve the English language skills of children who are English learners; and

"(B) to assist parents in—

"(i) helping their children to improve their academic achievement; and

"(ii) becoming active participants in the education of their children.

"(7) Carrying out other activities that are consistent with the purposes of this subpart.

"(e) Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth.—

"(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for

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immigrant children and youth, which may include—

"(A) family literacy, parent and family outreach, and leadership development activities designed to assist parents and family members in becoming engaged participants in the education and development of their children;

"(B) support for personnel, including paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(C) the provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

"(D) identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds awarded under section 3114(a);

"(E) basic instructional services that are directly attributable to the presence in the local educational agency involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies and costs of transportation;

"(F) such other costs that are directly attributable to such additional basic instructional services or that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

"(G) activities, coordinated with community-based organizations (including community-based organizations providing early childhood education and care programs), institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

"(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational agency under section 3114(d)(1) shall be determined by the agency in its discretion.

"(f) Selection of Method of Instruction.—

"(1) IN GENERAL.—An eligible entity receiving a subgrant from a State educational agency under this subpart shall select 1 or more methods or forms of instruction to be used in the programs and activities undertaken by the entity in assisting English learners in attaining English language proficiency and meeting State academic content and student academic achievement standards, to be on track to college and career readiness.

"(2) CONSISTENCY.—The selection of methods or forms of instruction, as described under paragraph (1), shall be consistent with sections 3123 through 3126.

"(g) Maintenance of Effort.—

"(1) IN GENERAL.—

"(A) FISCAL EFFORT.—A State educational agency that receives a grant under this subpart shall not pay a subgrantee the full amount of its subgrant determined for any fiscal year unless the subgrantee notifies the State educational agency, and the State educational agency determines, that with respect to the provision of language

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instruction educational programs for English learners, including professional development, by the subgrantee for the preceding fiscal year, the fiscal effort of the subgrantee, computed from non-Federal funds and on either a per-student or aggregate-expenditure basis, was not less than 90 percent of the amount of the fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(B) FAILURE TO MAINTAIN EFFORT.—If a State educational agency determines that a subgrantee failed to maintain the fiscal effort for the subgrantee at the level specified in subparagraph (A), the State educational agency shall—

"(i) reduce the amount of the subgrant that would otherwise be made to that subgrantee under this subpart in the exact proportion of the failure to maintain the fiscal effort at that level; and

"(ii) not use the reduced amount of the entity's expenditures for the preceding year to determine compliance with subparagraph (A) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with subparagraph (A) in the absence of the failure to maintain effort.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(A) for a subgrantee, for not more than 1 year at a time, if the Secretary determines that the failure to comply with that requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster, or a precipitous and unforeseen decline in the entity's financial resources.

"(3) UNUSED AMOUNTS.—A participating State educational agency shall return to the General Fund of the Treasury any portion of an amount that—

"(A) based on estimates made by the subgrantees in the State or other information, the State educational agency determines will not be needed by the entities to carry out approved programs under this subpart; or

"(B) otherwise becomes available under this subpart.

"(4) REPORT.—A State educational agency that receives a grant under this subpart shall annually provide the Secretary with—

"(A) information on its determinations under paragraph (1), including information on the fiscal effort of each subgrantee within the State for each fiscal year with respect to the provision of language instruction educational programs for English learners, on either a per-student or aggregate-expenditure basis; and

"(B) any information about what the State educational agency did with any funds withheld from eligible entities that failed to maintain fiscal effort, as described in paragraph (1).

"(5) SPECIAL RULES.—

"(A) IN GENERAL.—A determination by a State educational agency under paragraph (1), or the Secretary under paragraph (2), shall not be construed to be a determination that the subgrantee is in compliance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or section 204(f) of the Equal Educational Opportunities Act of 1974 (20 U.S.C. 1703(f)).

"(B) PROHIBITION ON USE OF FUNDS.—A subgrantee shall not use subgrant funds

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received under this subpart for services that are required to be provided to English learners as a result of—

"(i) a letter of findings, issued by the Assistant Secretary for Civil Rights, indicating that the subgrantee's program and services do not meet the legal requirements under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), unless the subgrantee has entered into a resolution agreement with the Assistant Secretary for Civil Rights pursuant to section 100.7(d) of title 34, Code of Federal Regulations; or

"(ii) a Federal court order resulting from litigation in the Federal courts, except where the litigation commences with a complaint filed with an accompanying consent decree, to enforce title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or section 204(f) of the Equal Educational Opportunities Act of 1974 (20 U.S.C. 1703(f)).~~SEC. 3115. [20 U.S.C. 6825] SUBGRANTS TO ELIGIBLE ENTITIES.~~

~~(a) PURPOSES OF SUBGRANTS.—A State educational agency may make a subgrant to an eligible entity from funds received by the agency under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children, by assisting the children to learn English and meet challenging State academic content and student academic achievement standards. In carrying out activities with such funds, the entity shall use approaches and methodologies based on scientifically based research on teaching limited English proficient children and immigrant children and youth for the following purposes:~~

~~(1) Developing and implementing new language instruction educational programs and academic content instruction programs for such children, and such children and youth, including programs of early childhood education, elementary school programs, and secondary school programs.~~

~~(2) Carrying out highly focused, innovative, locally designed activities to expand or enhance existing language instruction educational programs and academic content instruction programs for such children, and such children and youth.~~

~~(3) Implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.~~

~~(4) Implementing, within the entire jurisdiction of a local educational agency, agencywide programs for restructuring, reforming, and upgrading all relevant programs, activities, and operations relating to language instruction educational programs and academic content instruction for such children, and such children and youth.~~

~~(b) ADMINISTRATIVE EXPENSES.—Each eligible entity receiving funds under section 3114(a) for a fiscal year may use not more than 2 percent of such funds for the cost of administering this subpart.~~

~~(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligible entity receiving funds under section 3114(a) shall use the funds—~~

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(1) to increase the English proficiency of limited English proficient children by providing high-quality language instruction educational programs that are based on scientifically based research demonstrating the effectiveness of the programs in increasing—

(A) English proficiency; and

(B) student academic achievement in the core academic subjects; and

(2) to provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel, that is—

(A) designed to improve the instruction and assessment of limited English proficient children;

(B) designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for limited English proficient children;

(C) based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers; and

(D) of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this subparagraph shall not apply to an activity that is one component of a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any local educational agency employing the teacher.

(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Subject to subsection (e), an eligible entity receiving funds under section 3114(a) may use the funds to achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities:

(1) Upgrading program objectives and effective instruction strategies.

(2) Improving the instruction program for limited English proficient children by identifying, acquiring, and upgrading curricula, instruction materials, educational software, and assessment procedures.

(3) Providing—

(A) tutorials and academic or vocational education for limited English proficient children; and

(B) intensified instruction.

(4) Developing and implementing elementary school or secondary school language instruction educational programs that are coordinated with other relevant programs and services.

(5) Improving the English proficiency and academic achievement of limited English proficient children.

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(6) Providing community participation programs, family literacy services, and parent outreach and training activities to limited English proficient children and their families—

(A) to improve the English language skills of limited English proficient children; and

(B) to assist parents in helping their children to improve their academic achievement and becoming active participants in the education of their children.

(7) Improving the instruction of limited English proficient children by providing for—

(A) the acquisition or development of educational technology or instructional materials;

(B) access to, and participation in, electronic networks for materials, training, and communication; and

(C) incorporation of the resources described in subparagraphs (A) and (B) into curricula and programs, such as those funded under this subpart.

(8) Carrying out other activities that are consistent with the purposes of this section.

(c) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include—

(A) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

(B) support for personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(C) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(D) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with funds;

(E) basic instruction services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;

(F) other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education; and

(G) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational

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~~agency under section 3114(d)(1) shall be determined by the agency in its discretion.~~

~~(f) SELECTION OF METHOD OF INSTRUCTION.—~~

~~(1) IN GENERAL.—To receive a subgrant from a State educational agency under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State academic content and student academic achievement standards.~~

~~(2) CONSISTENCY.—Such selection shall be consistent with sections 3125 through 3127.~~

~~(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds.~~

~~Sec. 3116~~

SEC. 3116. LOCAL PLANS.

"(a) Plan Required.—Each eligible entity desiring a subgrant from a State educational agency under section 3114 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

"(b) Contents.—Each plan submitted under subsection (a) shall—

"(1) describe the scientifically valid programs and activities proposed to be developed, implemented, and administered under the subgrant, including how such programs and activities will supplement programs intended to enable children to speak, read, write, and comprehend the English language, meet State academic content and student academic achievement standards, and graduate high school ready for college and careers;

"(2) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—

"(A) assessing annually, in accordance with section 1111, the English language proficiency of all English learners participating in programs funded under this subpart; and

"(B) meeting timelines, progress criteria, and performance targets for English learners in order to ensure that such children served by the programs carried out under this part—

"(i) develop proficiency in English; and

"(ii) master the academic content knowledge they need to meet the State's college and career ready academic content standards under section 1111(a)(1);

"(3) describe how the eligible entity will promote family and community member engagement;

"(4) describe how the eligible entity will consult with teachers, researchers, school administrators, parents, family and community members, and, if appropriate, with

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education-related community groups and nonprofit organizations, and institutions of higher education, in developing and implementing such plan;

"(5) describe how language instruction educational programs and academic content instruction programs carried out under the subgrant will ensure that English learners being served by the programs develop English language proficiency and demonstrate such proficiency through ~~core~~academic content mastery;

"(6) ensure that activities supported by funds allocated to individual schools are described in any general local school level-plan required by the eligible entity, and in the absence of a required school-level plan, such activities are described in a separate school-level title III activity plan; and

"(7) contain an assurance that—

"(A) the eligible entity is not in violation of State law, including State constitutional law, regarding the education of English learners, consistent with sections 3124, 3125, 3126, and 3127;

"(B) each local educational agency that is included in the eligible entity complies with section 3202 prior to, and throughout, each school year; and

"(C) systemic improvements for meeting the needs of English learners and targeting funds to particular concentrations of English learners were considered in developing such plan.

"(c) Teacher English Fluency.—Each eligible entity receiving a subgrant under this subpart shall include in its plan a certification that all teachers in any language instruction educational program for English learners that is, or will be, funded under this part are fluent in the language used for instruction, including having written and oral communications skills. ~~SEC. 3116. [20 U.S.C. 6826] LOCAL PLANS.~~

~~(a) PLAN REQUIRED.—Each eligible entity desiring a subgrant from the State educational agency under section 3114 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.~~

~~(b) CONTENTS.—Each plan submitted under subsection (a) shall—~~

~~(1) describe the programs and activities proposed to be developed, implemented, and administered under the subgrant;~~

~~(2) describe how the eligible entity will use the subgrant funds to meet all annual measurable achievement objectives described in section 3122;~~

~~(3) describe how the eligible entity will hold elementary schools and secondary schools receiving funds under this subpart accountable for—~~

~~(A) meeting the annual measurable achievement objectives described in section 3122;~~

~~(B) making adequate yearly progress for limited English proficient children, as described in section 1111(b)(2)(B); and~~

~~(C) annually measuring the English proficiency of limited English proficient~~

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~~children, so that such children served by the programs carried out under this part develop proficiency in English while meeting State academic content and student academic achievement standards as required by section 1111(b)(1);~~

~~(4) describe how the eligible entity will promote parental and community participation in programs for limited English proficient children;~~

~~(5) contain an assurance that the eligible entity consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing such plan; and~~

~~(6) describe how language instruction educational programs carried out under the subgrant will ensure that limited English proficient children being served by the programs develop English proficiency.~~

~~(c) TEACHER ENGLISH FLUENCY.—Each eligible entity receiving a subgrant under section 3114 shall include in its plan a certification that all teachers in any language instruction educational program for limited English proficient children that is, or will be, funded under this part are fluent in English and any other language used for instruction, including having written and oral communications skills.~~

~~(d) OTHER REQUIREMENTS FOR APPROVAL.—Each local plan shall also contain assurances that—~~

~~(1) each local educational agency that is included in the eligible entity is complying with section 3302 prior to, and throughout, each school year;~~

~~(2) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this part;~~

~~(3) the eligible entity has based its proposed plan on scientifically based research on teaching limited English proficient children;~~

~~(4) the eligible entity will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging State academic content and student academic achievement standards; and~~

~~(5) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 3126 and 3127.~~

Subpart 2—Accountability and Administration

Sec. 3121

(a) In General.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation of programs and services supported under this title, in a form prescribed by the agency, that includes—

"(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the 2 immediately preceding fiscal years, including how such programs and activities supplemented programs funded primarily with State or local

funds;

"(2) a description of the progress by time in subgrantee ~~'s~~is instructional program made by English learners in improving their English language proficiency, in being on track to and meeting the State's academic content and student academic achievement standards, and in graduating from high school ready for college and careers;

"(3) the number and percentage of English learners participating in the programs and activities supported by funds provided under this part, who by the end of each school year, attain English language proficiency in each of the 4 domains of reading, writing, speaking, and listening, as determined by the State's English language proficiency assessment and the number who exit the language instruction educational programs based on their attainment of English language proficiency on such assessment;

"(4) a description of the progress made by former English learners in meeting the State's academic content and student academic achievement standards and in graduating from high school and being college and career ready, for each of the 3 years after such individuals are no longer receiving services under this part; and

"(5) the number and percentage of English learners who have not attained English language proficiency within 5 years of first enrollment in the local educational agency and initial classification as English learners.

"(b) Use of Evaluation.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency—

"(1) to assess the progress of children in attaining English language proficiency, including—

"(A) a child's level of speaking, listening, reading, and writing skills in English; and

"(B) a child's progress in attaining the State student academic achievement and college and career readiness standards;

"(2) to improve programs and activities, including by determining the effectiveness of programs and activities in increasing the English language proficiency of English learners and making determinations about whether or not to continue funding for specific programs or activities. ~~SEC. 3121. [20 U.S.C. 6841] EVALUATIONS.~~

~~(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State educational agency under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during which the subgrant is received, with an evaluation, in a form prescribed by the agency, that includes—~~

~~(1) a description of the programs and activities conducted by the entity with funds received under subpart 1 during the two immediately preceding fiscal years;~~

~~(2) a description of the progress made by children in learning the English language and meeting challenging State academic content and student academic achievement standards;~~

~~(3) the number and percentage of children in the programs and activities attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and~~

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(4) a description of the progress made by children in meeting challenging State academic content and student academic achievement standards for each of the 2 years after such children are no longer receiving services under this part.

(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State educational agency—

(1) for improvement of programs and activities;

(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State academic content and student academic achievement standards; and

(3) in determining whether or not to continue funding for specific programs or activities.

(c) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under subsection (a) shall—

(1) provide an evaluation of children enrolled in a program or activity conducted by the entity using funds under subpart 1 (including the percentage of children) who—

(A) are making progress in attaining English proficiency, including the percentage of children who have achieved English proficiency;

(B) have transitioned into classrooms not tailored to limited English proficient children, and have a sufficient level of English proficiency to permit them to achieve in English and transition into classrooms not tailored to limited English proficient children;

(C) are meeting the same challenging State academic content and student academic achievement standards as all children are expected to meet; and

(D) are not receiving waivers for the reading or language arts assessments under section 1111(b)(3)(C); and

(2) include such other information as the State educational agency may require.

(d) EVALUATION MEASURES.—A State shall approve evaluation measures for use under subsection (c) that are designed to assess—

(1) the progress of children in attaining English proficiency, including a child's level of comprehension, speaking, listening, reading, and writing skills in English;

(2) student attainment of challenging State student academic achievement standards on assessments described in section 1111(b)(3); and

(3) progress in meeting the annual measurable achievement objectives described in section 3122.

(e) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under this part shall provide the evaluations described in subsection (a) to the Secretary subject to the same requirements as apply to eligible entities providing such evaluations to State educational agencies under such subsection.

Sec. 3122

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~~SEC. 3122. [20 U.S.C. 6842] ACHIEVEMENT OBJECTIVES AND ACCOUNTABILITY.~~

~~(a) ACHIEVEMENT OBJECTIVES.—~~

~~(1) IN GENERAL.—Each State educational agency or specially qualified agency receiving a grant under subpart 1 shall develop annual measurable achievement objectives for limited English proficient children served under this part that relate to such children's development and attainment of English proficiency while meeting challenging State academic content and student academic achievement standards as required by section 1111(b)(1).~~

~~(2) DEVELOPMENT OF OBJECTIVES.—Such annual measurable achievement objectives shall be developed in a manner that—~~

~~(A) reflects the amount of time an individual child has been enrolled in a language instruction educational program; and~~

~~(B) uses consistent methods and measurements to reflect the increases described in subparagraphs (A)(i), (A)(ii), and (B) of paragraph (3).~~

~~(3) CONTENTS.—Such annual measurable achievement objectives—~~

~~(A) shall include—~~

~~(i) at a minimum, annual increases in the number or percentage of children making progress in learning English;~~

~~(ii) at a minimum, annual increases in the number or percentage of children attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency consistent with section 1111(b)(7); and~~

~~(iii) making adequate yearly progress for limited English proficient children as described in section 1111(b)(2)(B); and~~

~~(B) at the discretion of the agency, may include the number or percentage of children not receiving waivers for reading or language arts assessments under section 1111(b)(3)(C), but this achievement objective shall not be applied to an eligible entity that, in a given school year—~~

~~(i) has experienced a large increase in limited English proficient children or immigrant children and youth;~~

~~(ii) enrolls a statistically significant number of immigrant children and youth from countries where such children and youth had little or no access to formal education; or~~

~~(iii) has a statistically significant number of immigrant children and youth who have fled from war or natural disaster.~~

~~(b) ACCOUNTABILITY.—~~

~~(1) FOR STATES.—Each State educational agency receiving a grant under subpart 1 shall hold eligible entities receiving a subgrant under such subpart accountable for meeting the~~

~~annual measurable achievement objectives under subsection (a), including making adequate yearly progress for limited English proficient children.~~

~~(2) IMPROVEMENT PLAN.—If a State educational agency determines, based on the annual measurable achievement objectives described in subsection (a), that an eligible entity has failed to make progress toward meeting such objectives for 2 consecutive years, the agency shall require the entity to develop an improvement plan that will ensure that the entity meets such objectives. The improvement plan shall specifically address the factors that prevented the entity from achieving such objectives.~~

~~(3) TECHNICAL ASSISTANCE.—During the development of the improvement plan described in paragraph (2), and throughout its implementation, the State educational agency shall—~~

~~(A) provide technical assistance to the eligible entity;~~

~~(B) provide technical assistance, if applicable, to schools served by such entity under subpart 1 that need assistance to enable the schools to meet the annual measurable achievement objectives described in subsection (a);~~

~~(C) develop, in consultation with the entity, professional development strategies and activities, based on scientifically based research, that the agency will use to meet such objectives;~~

~~(D) require such entity to utilize such strategies and activities; and~~

~~(E) develop, in consultation with the entity, a plan to incorporate strategies and methodologies, based on scientifically based research, to improve the specific program or method of instruction provided to limited English proficient children.~~

~~(4) ACCOUNTABILITY.—If a State educational agency determines that an eligible entity has failed to meet the annual measurable achievement objectives described in subsection (a) for 4 consecutive years, the agency shall—~~

~~(A) require such entity to modify the entity's curriculum, program, and method of instruction; or~~

~~(B)(i) make a determination whether the entity shall continue to receive funds related to the entity's failure to meet such objectives; and~~

~~(ii) require such entity to replace educational personnel relevant to the entity's failure to meet such objectives.~~

~~(c) SPECIAL RULE FOR SPECIALLY QUALIFIED AGENCIES.—The Secretary shall hold specially qualified agencies receiving a grant under this subpart accountable for meeting the annual measurable achievement objectives described in subsection (a) in the same manner as State educational agencies hold eligible entities accountable under subsection (b).~~

Sec. 3123

SEC. 3122~~3~~. [20 U.S.C. 6843] REPORTING REQUIREMENTS.

(a) STATES.—Based upon the evaluations provided to a State educational agency under section

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3121, each such agency that receives a grant under this part shall prepare and submit every second year to the Secretary a report on programs and activities carried out by the State educational agency under this part and the effectiveness of such programs and activities in improving the education provided to ~~children who are limited English proficient~~English learners.

(b) SECRETARY.—Every second year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

(1) on programs and activities carried out to serve ~~limited English proficient children~~English learners under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of ~~children who are limited English proficient~~English learners;

(2) on the types of language instruction educational programs used by local educational agencies or eligible entities receiving funding under this part to teach ~~limited English proficient children~~English learners;

(3) containing a critical synthesis of data reported by eligible entities to States under section 3121(a);

(4) containing a description of technical assistance and other assistance provided by State educational agencies under section 3111(b)(2)(C);

(5) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating ~~limited English proficient children~~English learners, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;

(6) containing the major findings of scientifically based research carried out under this part;

(7) containing the number of programs or activities, if any, that were terminated because the entities carrying out the programs or activities were not able to reach program goals;

(8) containing the number of ~~limited English proficient children~~English learners served by eligible entities receiving funding under this part who were transitioned out of language instruction educational programs funded under this part into classrooms where instruction is not tailored for ~~limited English proficient children~~English learners; and

(9) containing other information gathered from ~~the evaluations from specially qualified agencies and~~ other reports submitted to the Secretary under this title when applicable.

Sec. 3124

SEC. 3123~~4.~~ [20 U.S.C. 6844] COORDINATION WITH RELATED PROGRAMS.

In order to maximize Federal efforts aimed at serving the educational needs of ~~children of limited English proficiency~~English learners, the Secretary shall coordinate and ensure close cooperation with other entities carrying out programs serving language-minority and ~~limited English proficient children~~English learners that are administered by the Department and other agencies.

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Sec. 3125

SEC. 3124~~5~~. [20 U.S.C. 6845] RULES OF CONSTRUCTION.

Nothing in this part shall be construed—

(1) to prohibit a local educational agency from serving ~~limited English proficient children~~English learners simultaneously with children with similar educational needs, in the same educational settings where appropriate;

(2) to require a State or a local educational agency to establish, continue, or eliminate any particular type of instructional program for ~~limited English proficient children~~English learners; ~~or~~

(3) to limit the preservation or use of Native American languages; or

(4) to require an eligible entity to cease providing services under this title to any student who may have been assessed at or above the proficiency level on the annual assessment of English language proficiency under section 1111(a)(2)(D), but has not attained, or is not on track to attain, the proficiency level on the regular State academic content assessment under section 1111(a)(2)(A), including such assessment in English or language arts.~~.~~

Sec. 3126

SEC. 3125~~6~~. [20 U.S.C. 6846] LEGAL AUTHORITY UNDER STATE LAW.

Nothing in this part shall be construed to negate or supersede State law, or the legal authority under State law of any State agency, State entity, or State public official, over programs that are under the jurisdiction of the State agency, entity, or official.

Sec. 3127

SEC. 3126~~7~~. [20 U.S.C. 6847] CIVIL RIGHTS.

Nothing in this part shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

Sec. 3128

SEC. 3127~~8~~. [20 U.S.C. 6848] PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

Notwithstanding any other provision of this part, programs authorized under this part that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.

Sec. 3129

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SEC. 312~~89~~. [20 U.S.C. 6849] PROHIBITION.

In carrying out this part, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating ~~limited English proficient children~~English learners.

Subpart 3—National Activities

Sec. 3131

"SEC. 3131. PROFESSIONAL DEVELOPMENT GRANTS.

"The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education or nonprofit institutions with relevant experience or expertise and capacity (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for English learners and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs and academic content instruction programs or serve English learners. Grants awarded under this section may be used to—

"(1) support partnerships between State or local educational agencies and institutions of higher education to support the work of individuals who are completing baccalaureate and masters programs (such as programs in the areas of teacher training, program administration, policy, research, evaluation, assessment, and curriculum development) and to improve educational services and programs for English learners, provided that recipients of fellowships or assistance are required, on completion of their studies, to—

"(A) assist in the education of English learners through work in a school, local educational agency, or other educational agency or organization for a period of time equivalent to the period of time during which an individual receives assistance under this section; or

"(B) repay all or a prorated part of their assistance under this section;

"(2) support research on promising instructional strategies or programs that have practical applications for teachers, counselors, parents and family members, school leaders, and others responsible for educating or improving the education of English learners and their families;

"(3) support strategies that promote school readiness for English learners and their transition from early childhood programs, such as Head Start or State-run preschool programs, to elementary school programs;

"(4) support strategies that promote high school graduation for English learners;

"(5) support strategies that strengthen and increase family and community member engagement in education;

"(6) support the development of curricula that are appropriate to the needs of the participating consortium; and

"(7) support the dissemination of information gathered in accordance with paragraphs (1) through (5), particularly evidence-based best practices and the provision of technical assistance.

~~are~~

"SEC. 3132. COMMISSION ON ASSESSMENT OF ENGLISH LEARNERS.

"(a) Commission on Assessment of English Learners.—

"(1) IN GENERAL.—The Secretary shall establish an independent commission on the assessment and advancement of English learners (referred to in this section as the 'commission') to carry out the activities described in subsection (c).

"(2) DATE OF APPOINTMENT.—The members of the commission shall be appointed not later than 6 months after the date of enactment of the [Short Title].

"(b) Composition.—

"(1) IN GENERAL.—The commission shall be comprised of individuals with experience and expertise in the educational advancement and development of English learners, including individuals with expertise in—

"(A) the art of teaching English to speakers of other languages;

"(B) measurement and educational assessment systems; and

"(C) educational assessment and accountability practices.

"(2) EXPERTISE OF MEMBERS.—The Secretary shall ensure that the individuals selected in accordance with paragraph (1) are experts who are competent, by virtue of their training, expertise, or experience, to evaluate instruction, assessments, and models for English learners.

"(c) Duties of the Commission.—The commission shall provide the Secretary with advice and recommendations about the following issues:

"(1) The development and approval of standards pertaining to English learners, in order to assist the Secretary in the review and approval of statewide accountability systems that are required under section 1111(a)(3).

"(2) The provision of regulations and guidance pertaining to the inclusion of English learners in assessment and accountability systems, including recommendations about appropriate accommodations and appropriate weights for assessments involving English learners.

"(3) Ensuring that State English language proficiency standards under section 1111(a)(1)(E) are properly aligned with college and career ready academic content standards under section 1111(a)(1).

"(4) The formation of peer review panels, under section 1111(b)(4), with regard to—

"(A) the inclusion on the panels of experts about English learners; and

"(B) processes to ensure that the work of the peer review panel is consistent with the

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standards and guidance developed by the commission.

"(5) Identifying ways to support local capacity-building efforts to assist local educational agencies and schools in properly supporting English learners.

"(6) Ensuring that the research, development, and dissemination activities of the Department address identified gaps in knowledge for effectively including English learners in assessment and accountability practices.

"(7) Ways to address the needs of English learners in all program planning at the Department, including inter- and intra-agency coordination.

"(d) Independently Commissioned Research.—The commission may independently commission research that is directly relevant to the implementation of accountability provisions under this Act for English learners.

"(e) Annual Report.—The commission shall, beginning not later than 1 year after the date on which all members of the commission have been appointed, submit an annual report to the Secretary and the authorizing committees of Congress containing the findings and recommendations described in subsection (c).".

~~SEC. 3131. [20 U.S.C. 6861] NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.~~

~~The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for limited English proficient children and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve limited English proficient children. Grants awarded under this subsection may be used—~~

~~(1) for preservice professional development programs that will assist local schools and institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals;~~

~~(2) for the development of curricula appropriate to the needs of the consortia participants involved; and~~

~~(3) in conjunction with other Federal need-based student financial assistance programs, for financial assistance, and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, to meet certification or licensing requirements for teachers who work in language instruction educational programs or serve limited English proficient children.~~

~~Subpart 4—Definitions~~

~~Sec. 3141~~

~~SEC. 3141. [20 U.S.C. 6871] ELIGIBLE ENTITY.~~

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In this part, the term "eligible entity" means—

(1) one or more local educational agencies; or

(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.

PART B—IMPROVING LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS

Sec. 3201

SEC. 3201. [20 U.S.C. 6891] SHORT TITLE.

This part may be cited as the "Improving Language Instruction Educational Programs For Academic Achievement Act".

Sec. 3202

SEC. 3202. [20 U.S.C. 6892] PURPOSE.

The purpose of this part is to help ensure that limited English proficient children master English and meet the same rigorous standards for academic achievement as all children are expected to meet, including meeting challenging State academic content and student academic achievement standards by—

(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient children;

(2) developing language skills and multicultural understanding;

(3) developing the English proficiency of limited English proficient children and, to the extent possible, the native language skills of such children;

(4) providing similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law;

(5) developing data collection and dissemination, research, materials, and technical assistance that are focused on school improvement for limited English proficient children; and

(6) developing programs that strengthen and improve the professional training of educational personnel who work with limited English proficient children.

Sec. 3203

SEC. 3203. [20 U.S.C. 6893] NATIVE AMERICAN CHILDREN IN SCHOOL.

(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native American (including Alaska Native) children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American

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~~Pacific Islander native language education organization, or an elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency.~~

~~(b) APPLICATION.—Notwithstanding any other provision of this part, each tribe, authority, organization, or school described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the program proposed in the application.~~

~~Sec. 3204~~

~~SEC. 3204. [20 U.S.C. 6894] RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED STATES.~~

~~For the purpose of carrying out programs under this part in the outlying areas, the term "local educational agency" includes public institutions or agencies whose mission is the preservation and maintenance of native languages.~~

~~Subpart 1—Program Development and Enhancement~~

~~Sec. 3211~~

~~SEC. 3211. [20 U.S.C. 6911] FINANCIAL ASSISTANCE FOR LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS.~~

~~The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under sections 3212 and 3213—~~

~~(1) to develop and enhance their capacity to provide high-quality instruction through language instruction educational programs or special alternative instruction programs to limited English proficient children; and~~

~~(2) to help such children—~~

~~(A) develop English proficiency and, to the extent possible, proficiency in their native language; and~~

~~(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet under section 1111(b)(1).~~

~~Sec. 3212~~

~~SEC. 3212. [20 U.S.C. 6912] PROGRAM ENHANCEMENT ACTIVITIES.~~

~~(a) PROGRAM AUTHORIZED.—~~

~~(1) AUTHORITY.—~~

~~(A) IN GENERAL.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3214 to enable such entities to provide~~

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~~innovative, locally designed, high-quality instruction to limited English proficient children, by expanding, developing, or strengthening language instruction educational programs or special alternative instruction programs.~~

~~(B) PERIOD.—Each grant awarded under this section shall be awarded for a period of 3 years.~~

~~(2) AUTHORIZED ACTIVITIES.—~~

~~(A) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—~~

~~(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children, that are—~~

~~(I) aligned with State and local academic content and student academic achievement standards, and local school reform efforts; and~~

~~(II) coordinated with related academic services for children;~~

~~(ii) providing high-quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient children; and~~

~~(iii) annually assessing the English proficiency of all limited English proficient children served by activities carried out under this section.~~

~~(B) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—~~

~~(i) implementing programs to upgrade the reading and other academic skills of limited English proficient children;~~

~~(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient children;~~

~~(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;~~

~~(iv) improving the instruction programs for limited English proficient children by identifying, acquiring, and applying effective curricula, instruction materials (including materials provided through technology), and assessments that are all aligned with State and local standards;~~

~~(v) providing intensified instruction, including tutorials and academic, or vocational and technical, training, for limited English proficient children;~~

~~(vi) adapting best practice models for meeting the needs of limited English proficient children;~~

~~(vii) assisting limited English proficient children with disabilities;~~

~~(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary language instruction educational programs;~~

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(ix) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;

(x) participating in electronic networks for materials, training, and communication, and incorporating information derived from such participation in curricula and programs; and

(xi) carrying out such other activities related to the purpose of this part as the Secretary may approve.

(b) PRIORITY.—In awarding grants under this section, the Secretary may give priority to an entity that—

(1) serves a school district—

(A) that has a total district enrollment that is less than 10,000 students; or

(B) with a large percentage or number of limited English proficient children; and

(2) has limited or no experience in serving limited English proficient children.

(c) ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

(1) one or more local educational agencies;

(2) one or more local educational agencies in collaboration with an institution of higher education, community-based organization, or State educational agency; or

(3) a community-based organization or an institution of higher education that has an application approved by the local educational agency to participate in programs carried out under this subpart by enhancing early childhood education or family education programs or conducting instruction programs that supplement the educational services provided by a local educational agency.

Sec. 3213

SEC. 3213. [20 U.S.C. 6913] COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT ACTIVITIES.

(a) PROGRAM AUTHORIZED.—

(1) AUTHORITY.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3214 to enable such entities to develop and implement language instruction educational programs, and improve, reform, or upgrade programs or operations that serve significant percentages or numbers of limited English proficient children.

(2) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

(A) improving instruction programs for limited English proficient children by acquiring and upgrading curricula and related instruction materials;

(B) aligning the activities carried out under this section with State and local school reform efforts;

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~~(C) providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient children;~~

~~(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient children;~~

~~(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents of limited English proficient children to become active participants in the education of their children;~~

~~(F) coordinating the activities carried out under this section with other programs, such as programs carried out under this title;~~

~~(G) providing services to meet the full range of the educational needs of limited English proficient children;~~

~~(H) annually assessing the English proficiency of all limited English proficient children served by the activities carried out under this section; and~~

~~(I) developing or improving accountability systems to monitor the academic progress of limited English proficient children.~~

~~(3) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—~~

~~(A) implementing programs to upgrade reading and other academic skills of limited English proficient children;~~

~~(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient children;~~

~~(C) implementing scientifically based research programs to meet the needs of limited English proficient children;~~

~~(D) providing tutorials and academic, or vocational and technical, training for limited English proficient children;~~

~~(E) developing and implementing State and local academic content and student academic achievement standards for learning English as a second language, as well as for learning other languages;~~

~~(F) developing and implementing programs for limited English proficient children to meet the needs of changing populations of such children;~~

~~(G) implementing policies to ensure that limited English proficient children have access to other education programs (other than programs designed to address limited English proficiency);~~

~~(H) assisting limited English proficient children with disabilities;~~

~~(I) developing and implementing programs to help children become proficient in English and other languages;~~

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~~(J) acquiring or developing education technology or instruction materials for limited English proficient children, including materials in languages other than English;~~

~~(K) participating in electronic networks for materials, training, and communication and incorporating information derived from such participation in curricula and programs; and~~

~~(L) carrying out such other activities related to the purpose of this part as the Secretary may approve.~~

~~(4) SPECIAL RULE.—~~

~~(A) PLANNING.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 45 days.~~

~~(B) COMMENCEMENT OF ACTIVITIES.—The recipient shall commence carrying out activities under this section not later than the later of—~~

~~(i) the beginning of the first school year that begins after the grant is received; or~~

~~(ii) 30 days after the date of receipt of the grant.~~

~~(b) AVAILABILITY OF APPROPRIATIONS.—~~

~~(1) RESERVATION OF FUNDS FOR CONTINUED PAYMENTS.—~~

~~(A) COVERED GRANT.—In this paragraph, the term "covered grant" means a grant—~~

~~(i) that was awarded under section 7112, 7113, 7114, or 7115 (as such sections were in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and~~

~~(ii) for which the grant period has not ended.~~

~~(B) RESERVATION.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in subparagraph (C) from the amount appropriated for the fiscal year under section 3001(a) and made available for carrying out this section.~~

~~(C) PAYMENTS.—The Secretary shall continue to make grant payments to each entity that received a covered grant, in accordance with the terms of that grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in subparagraph (A)(i).~~

~~(2) AVAILABILITY.—Of the amount appropriated for a fiscal year under section 3001(a) that is made available to carry out this section, and that remains after the Secretary reserves funds for payments under paragraph (1)—~~

~~(A) not less than one-third of the remainder shall be used to award grants to eligible entities for activities carried out within an entire school district; and~~

~~(B) not less than two-thirds of the remainder shall be used to award grants to eligible entities for activities carried out within individual schools.~~

~~(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an applicant that—~~

~~(1) experiences a significant increase in the number or percentage of limited English proficient children enrolled in the applicant's programs and has limited or no experience in serving limited English proficient children;~~

~~(2) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;~~

~~(3) demonstrates that the applicant has a proven track record of success in helping limited English proficient children learn English and meet high academic standards; or~~

~~(4) serves a school district with a large number or percentage of limited English proficient children.~~

~~(d) ELIGIBLE ENTITIES.—In this section, the term "eligible entity" means—~~

~~(1) one or more local educational agencies; or~~

~~(2) one or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.~~

~~Sec. 3214~~

~~SEC. 3214. [20 U.S.C. 6914] APPLICATIONS.~~

~~(a) IN GENERAL.—~~

~~(1) SECRETARY.—To receive a grant under this subpart, an eligible entity described in section 3212 or 3213 shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.~~

~~(2) STATE EDUCATIONAL AGENCY.—The eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application submitted by the entity under this section to the State educational agency.~~

~~(b) STATE REVIEW AND COMMENTS.—~~

~~(1) DEADLINE.—The State educational agency, not later than 45 days after receipt of an application under this section, shall review the application and submit the written comments of the agency regarding the application to the Secretary.~~

~~(2) COMMENTS.—~~

~~(A) SUBMISSION OF COMMENTS.—Regarding applications submitted under this subpart, the State educational agency shall—~~

~~(i) submit to the Secretary written comments regarding all such applications; and~~

~~(ii) submit to each eligible entity the comments that pertain to such entity.~~

~~(B) SUBJECT.—For purposes of this subpart, such comments shall address—~~

~~(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient children served~~

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~~under the grant; and~~

~~(ii) how the grant application is consistent with the State plan required under section 1111.~~

~~(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.~~

~~(d) COMMENT CONSIDERATION.—In making grants under this subpart, the Secretary shall take into consideration comments made by State educational agencies.~~

~~(e) WAIVER.—Notwithstanding subsection (b), the Secretary is authorized to waive the review requirement specified in subsection (b) if a State educational agency can demonstrate that such review requirement may impede such agency's ability to fulfill the requirements of participation in the program authorized in section 3224, particularly such agency's ability to carry out data collection efforts and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this subpart.~~

~~(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—~~

~~(1) the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and~~

~~(2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.~~

~~(g) CONTENTS.—~~

~~(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:~~

~~(A) A description of the need for the proposed program, including—~~

~~(i) data on the number of limited English proficient children in the school or school district to be served;~~

~~(ii) information on the characteristics of the children, including—~~

~~(I) the native languages of the children;~~

~~(II) the proficiency of the children in English and their native language;~~

~~(III) achievement data (current as of the date of submission of the application) for the limited English proficient children in—~~

~~(aa) reading or language arts (in English and in the native language, if applicable); and~~

~~(bb) mathematics;~~

~~(IV) a comparison of that data for the children with that data for the English proficient peers of the children; and~~

~~(V) the previous schooling experiences of the children;~~

~~(iii) the professional development needs of the instruction personnel who will provide services for the limited English proficient children under the proposed program; and~~

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(iv) how the services provided through the grant will supplement the basic services provided to limited English proficient children.

(B) A description of the program to be implemented and how such program's design—

(i) relates to the linguistic and academic needs of the limited English proficient children to be served;

(ii) will ensure that the services provided through the program will supplement the basic services the applicant provides to limited English proficient children;

(iii) will ensure that the program is coordinated with other programs under this Act and other Acts;

(iv) involves the parents of the limited English proficient children to be served;

(v) ensures accountability in achieving high academic standards; and

(vi) promotes coordination of services for the limited English proficient children to be served and their families.

(C) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local educational agencies or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

(D) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for language instruction educational programs or special alternative instruction programs if the applicant receives an award under this subpart.

(E) An assurance that the applicant will employ teachers in the proposed program who, individually or in combination, are proficient in—

(i) English, with respect to written, as well as oral, communication skills; and

(ii) the native language of the majority of the children who the teachers teach, if instruction in the program is in the native language as well as English.

(F) A budget for the grant funds.

(2) ADDITIONAL INFORMATION.—Each application for a grant under section 3213 shall—

(A) describe—

(i) current services (as of the date of submission of the application) the applicant provides to limited English proficient children;

(ii) what services limited English proficient children will receive under the grant that such children will not otherwise receive;

(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve limited English proficient children;

(iv) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals

~~will be measured; and~~

~~(v) the current family education programs (as of the date of submission of the application) of the eligible entity, if applicable; and~~

~~(B) provide assurances that—~~

~~(i) the program funded with the grant will be integrated with the overall educational program of the children served through the proposed program; and~~

~~(ii) the application has been developed in consultation with parents and other representatives of the children to be served in such program.~~

~~(h) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—~~

~~(1) the program proposed in the application will use qualified personnel, including personnel who are proficient in the language or languages used for instruction;~~

~~(2) in designing the program, the eligible entity has, after consultation with appropriate private school officials—~~

~~(A) taken into account the needs of children in nonprofit private elementary schools and secondary schools; and~~

~~(B) in a manner consistent with the number of such children enrolled in such schools in the area to be served, whose educational needs are of the type and whose language, and grade levels are of a similar type to the needs, language, and grade levels that the program is intended to address, provided for the participation of such children on a basis comparable to the basis on which public school children participate;~~

~~(3)(A) student evaluation and assessment procedures in the program are valid and reliable for limited English proficient children; and~~

~~(B) limited English proficient children with disabilities will be identified and served through the program in accordance with the requirements of the Individuals with Disabilities Education Act;~~

~~(4) Federal funds made available for the program will be used to supplement the State and local funds that, in the absence of such Federal funds, would be expended for special programs for children of limited English proficient individuals, and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds made available under this subpart—~~

~~(A) for activities carried out under an order of a Federal or State court respecting services to be provided to such children; or~~

~~(B) to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided to such children;~~

~~(5)(A) the assistance provided through the grant will contribute toward building the capacity of the eligible entity to provide a program on a regular basis, similar to the proposed program, that will be of sufficient size, scope, and quality to promise significant improvement in the education of limited English proficient children; and~~

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~~(B) the eligible entity will have the resources and commitment to continue the program of sufficient size, scope, and quality when assistance under this subpart is reduced or no longer available; and~~

~~(6) the eligible entity will use State and national dissemination sources for program design and dissemination of results and products.~~

~~(i) CONSIDERATION.—In determining whether to approve an application under this subpart, the Secretary shall give consideration to—~~

~~(1) the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local educational agency and State educational agency, or businesses; and~~

~~(2) whether the application provides for training for personnel participating in, or preparing to participate in, a program that will assist such personnel in meeting State and local certification requirements.~~

~~Sec. 3215~~

~~SEC. 3215. [20 U.S.C. 6915] CAPACITY BUILDING.~~

~~Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality language instruction educational programs and special alternative instruction programs to limited English proficient children after Federal assistance is reduced or eliminated.~~

~~Sec. 3216~~

~~SEC. 3216. [20 U.S.C. 6916] PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.~~

~~Notwithstanding any other provision of this part, programs authorized under this subpart that serve Native American (including Native American Pacific Islander) children and children in the Commonwealth of Puerto Rico may include programs of instruction, teacher training, curriculum development, evaluation, and assessment designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that an outcome of programs serving such children shall be increased English proficiency among such children.~~

~~Sec. 3217~~

~~SEC. 3217. [20 U.S.C. 6917] EVALUATIONS.~~

~~(a) EVALUATION.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.~~

~~(b) USE OF EVALUATION.—Such evaluation shall be used by the grant recipient—~~

~~(1) for program improvement;~~

~~(2) to further define the program's goals and objectives; and~~

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(3) to determine program effectiveness.

(c) EVALUATION REPORT COMPONENTS.—In preparing the evaluation reports, the recipient shall—

(1) use the data provided in the application submitted by the recipient under section 3214 as baseline data against which to report academic achievement and gains in English proficiency for children in the program;

(2) disaggregate the results of the evaluation by gender, native languages spoken by children, socioeconomic status, and whether the children have disabilities;

(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which children served by the program are meeting the challenging State academic content and student academic achievement standards, and including data comparing limited English proficient children with English proficient children with regard to school retention and academic achievement concerning—

(A) reading and language arts;

(B) English proficiency;

(C) mathematics; and

(D) the native language of the children, if the program develops native language proficiency;

(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student academic achievement;

lude a\1\ description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children; and

\1\So in law. The matter following paragraph (4), as amended by section 301 of Public Law 107-110 (115 Stat. 1717), should probably read "(5) include a...".

(6) include such other information as the Secretary may require.

Sec. 3218

SEC. 3218. [20 U.S.C. 6918] CONSTRUCTION.

Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited English proficient children simultaneously with children with similar educational needs, in the same educational settings where appropriate.

Subpart 2—Research, Evaluation, and Dissemination

Sec. 3221

SEC. 3221. [20 U.S.C. 6931] AUTHORITY.

(a) IN GENERAL.—The Secretary is authorized to conduct data collection, dissemination, research, and ongoing program evaluation activities in accordance with the provisions of this

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~~subpart for the purpose of improving language instruction educational programs and special alternative instruction programs for limited English proficient children.~~

~~(b) COMPETITIVE AWARDS.—Research and program evaluation activities carried out under this subpart shall be supported through competitive grants, contracts, and cooperative agreements awarded to institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies.~~

~~(c) ADMINISTRATION.—The Secretary shall conduct data collection, dissemination, and ongoing program evaluation activities authorized by this subpart through the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.~~

~~Sec. 3222~~

~~SEC. 3222. [20 U.S.C. 6932] RESEARCH.~~

~~(a) ADMINISTRATION.—The Secretary shall conduct research activities authorized by this subpart through the Institute of Education Sciences in coordination and collaboration with the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students.~~

~~(b) REQUIREMENTS.—Such research activities—~~

~~(1) shall have a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited English proficient children and their families;~~

~~(2) may include research on effective instruction practices for multilingual classes, and on effective instruction strategies to be used by a teacher or other staff member who does not know the native language of a limited English proficient child in the teacher's or staff member's classroom;~~

~~(3) may include establishing (through the National Center for Education Statistics in consultation with experts in second language acquisition and scientifically based research on teaching limited English proficient children) a common definition of "limited English proficient child" for purposes of national data collection; and~~

~~(4) shall be administered by individuals with expertise in second language acquisition, scientifically based research on teaching limited English proficient children, and the needs of limited English proficient children and their families.~~

~~(c) FIELD-INITIATED RESEARCH.—~~

~~(1) IN GENERAL.—The Secretary shall reserve not less than 5 percent of the funds made available to carry out this section for field-initiated research conducted by recipients of grants under subpart 1 or this subpart who have received such grants within the previous 5 years. Such research may provide for longitudinal studies of limited English proficient children or teachers who serve such children, monitoring the education of such children from entry into language instruction educational programs through secondary school completion.~~

~~(2) APPLICATIONS.—An applicant for assistance under this subsection may submit an~~

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~~application for such assistance to the Secretary at the same time as the applicant submits another application under subpart 1 or this subpart. The Secretary shall complete a review of such applications on a timely basis to allow the activities carried out under research and program grants to be coordinated when recipients are awarded two or more of such grants.~~

~~(d) CONSULTATION.—The Secretary shall consult with agencies, organizations, and individuals that are engaged in research and practice on the education of limited English proficient children, language instruction educational programs, or related research, to identify areas of study and activities to be funded under this section.~~

~~(e) DATA COLLECTION.—The Secretary shall provide for the collection of data on limited English proficient children as part of the data systems operated by the Department.~~

~~Sec. 3223~~

~~SEC. 3223. [20 U.S.C. 6933] ACADEMIC EXCELLENCE AWARDS.~~

~~(a) AUTHORITY.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and nonprofit entities whose programs have—~~

~~(1) demonstrated significant progress in assisting limited English proficient children to learn English according to age appropriate and developmentally appropriate standards; and~~

~~(2) demonstrated significant progress in assisting limited English proficient children to meet, according to age appropriate and developmentally appropriate standards, the same challenging State academic content and student academic achievement standards as all children are expected to meet.~~

~~(b) APPLICATIONS.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 3224(c).~~

~~Sec. 3224~~

~~SEC. 3224. [20 U.S.C. 6934] STATE GRANT PROGRAM.~~

~~(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's programs and other Federal education programs, effectively provides for the education of limited English proficient children within the State.~~

~~(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies and entities within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.~~

~~(c) USE OF FUNDS.—~~

~~(1) IN GENERAL.—A State educational agency shall use funds awarded under this section—~~

~~(A) to assist local educational agencies in the State with activities that~~

~~(i) consist of program design, capacity building, assessment of student academic achievement, program evaluation, and development of data collection and accountability systems for limited English proficient children; and~~

~~(ii) are aligned with State reform efforts; and~~

~~(B) to collect data on the State's limited English proficient populations and document the services available to all such populations.~~

~~(2) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.~~

~~(3) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.~~

~~(d) STATE CONSULTATION.—A State educational agency receiving funds under this section shall consult with recipients of grants under this subpart and other individuals or organizations involved in the development or operation of programs serving limited English proficient children to ensure that such funds are used in a manner consistent with the requirements of this subpart.~~

~~(e) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.~~

~~(f) SUPPLEMENT, NOT SUPPLANT.—Federal funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the State funds that, in the absence of such Federal funds, would be made available for the purposes described in this section, and in no case to supplant such State funds.~~

~~(g) REPORT TO THE SECRETARY.—A State educational agency receiving an award under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of the funds made available through the award.~~

~~Sec. 3225~~

~~SEC. 3225. [20 U.S.C. 6935] INSTRUCTION MATERIALS DEVELOPMENT.~~

~~(a) IN GENERAL.—The Secretary may make grants for the development, publication, and dissemination of high-quality instruction materials—~~

~~(1) in Native American languages (including Native Hawaiian languages and the language of Native American Pacific Islanders), and the language of natives of the outlying areas, for which instruction materials are not readily available; and~~

~~(2) in other low-incidence languages in the United States for which instruction materials are not readily available.~~

~~(b) PRIORITY.—In making the grants, the Secretary shall give priority to applicants for the grants who propose—~~

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~~(1) to develop instruction materials in languages indigenous to the United States or the outlying areas; and~~

~~(2) to develop and evaluate materials, in collaboration with entities carrying out activities assisted under subpart 1 and this subpart, that are consistent with challenging State academic content and student academic achievement standards.~~

~~Subpart 3—Professional Development~~

~~Sec. 3231~~

~~SEC. 3231. [20 U.S.C. 6951] PROFESSIONAL DEVELOPMENT GRANTS.~~

~~(a) PURPOSE.—The purpose of this section is to provide assistance to prepare educators to improve educational services for limited English proficient children by—~~

~~(1) supporting professional development programs and activities to prepare teachers, pupil service personnel, administrators, and other educational personnel working in language instruction educational programs to provide effective services to limited English proficient children;~~

~~(2) incorporating curricula and resources concerning appropriate and effective instruction and assessment methodologies specific to limited English proficient children into preservice and inservice professional development programs;~~

~~(3) upgrading the qualifications and skills of non-certified educational personnel, including paraprofessionals, to enable such personnel to meet high professional standards for educating limited English proficient children;~~

~~(4) improving the quality of professional development programs in schools or departments of education at institutions of higher education, for educational personnel serving, or preparing to serve, limited English proficient children; and~~

~~(5) supporting the recruitment and training of prospective educational personnel to serve limited English proficient children by providing fellowships for undergraduate, graduate, doctoral, and post-doctoral study related to the instruction of such children.~~

~~(b) AUTHORIZATION.—~~

~~(1) IN GENERAL.—The Secretary is authorized to award grants under this section to—~~

~~(A) State educational agencies;~~

~~(B) local educational agencies;~~

~~(C) institutions of higher education; or~~

~~(D) consortia of one or more local educational agencies, State educational agencies, institutions of higher education, for-profit organizations, or nonprofit organizations.~~

~~(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 4 years.~~

~~(c) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used to conduct~~

high quality professional development programs and effective activities to improve the quality of instruction and services provided to limited English proficient children, including —

(1) implementing preservice and inservice professional development programs for teachers who serve limited English proficient children, administrators, and other educational personnel who are preparing to provide educational services for limited English proficient children, including professional development programs that assist limited English proficient children to attain English proficiency;

(2) implementing school-based collaborative efforts among teachers to improve instruction in core academic subjects, especially reading, for limited English proficient children;

(3) developing and implementing programs to assist beginning teachers who serve limited English proficient children with transitioning to the teaching profession, including programs that provide mentoring and team teaching with trained and experienced teachers;

(4) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

(5) developing curricular materials and assessments for teachers that are appropriate to the needs of limited English proficient children, and that are aligned with challenging State academic content and student academic achievement standards, including materials and assessments that ensure limited English proficient children attain English proficiency;

(6) integrating and coordinating activities with entities carrying out other programs consistent with the purpose of this section and supported under this Act, or other Acts as appropriate;

(7) developing and implementing career ladder programs to upgrade the qualifications and skills of non-certified educational personnel working in, or preparing to work in, language instruction educational programs to enable such personnel to meet high professional standards, including standards for certification and licensure as teachers;

(8) developing and implementing activities to help recruit and train secondary school students as teachers who serve limited English proficient children;

(9) providing fellowships and assistance for costs related to enrollment in a course of study at an institution of higher education that addresses the instruction of limited English proficient children in such areas as teacher training, program administration, research, evaluation, and curriculum development, and for the support of dissertation research related to such study, except that any person receiving such a fellowship or assistance shall agree to —

(A) work in an activity related to improving the educational services for limited English proficient children authorized under this subpart, including work as a teacher that serves limited English proficient children, for a period of time equivalent to the period of time during which such person receives assistance under this paragraph; or

(B) repay such assistance; and

(10) carrying out such other activities as are consistent with the purpose of this section.

(d) APPLICATION. —

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~~(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.~~

~~(2) CONTENTS.—Each application shall—~~

~~(A) describe the programs and activities proposed to be developed, implemented, and administered under the award;~~

~~(B) describe how the applicant has consulted with, and assessed the needs of, public and private schools serving limited English proficient children to determine such schools' need for, and the design of, the program for which funds are sought; and~~

~~(C) describe how the programs and activities to be carried out under the award will be used to ensure that limited English proficient children meet challenging State academic content and student academic achievement standards and attain English proficiency.~~

~~(3) SPECIAL RULE.—An eligible entity that proposes to conduct a master's level or doctoral level program with funds received under this section shall include in the entity's application an assurance that such program will include a training practicum in a local elementary school or secondary school program serving limited English proficient children.~~

~~(4) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under title III of the Higher Education Act of 1965, and institutions of higher education that are operated or funded by the Bureau of Indian Affairs, to facilitate the participation of such institutions in programs and activities under this section.~~

~~(5) DISTRIBUTION RULE.—In making awards under this section, the Secretary shall ensure adequate representation of Hispanic serving institutions that demonstrate competence and experience in carrying out the programs and activities authorized under this section and that are otherwise qualified.~~

~~(e) PRIORITIES IN AWARDING GRANTS.—~~

~~(1) GRANTS TO AGENCIES.—In awarding grants to State educational agencies and local educational agencies under this section, the Secretary shall give priority to agencies that propose programs and activities designed to implement professional development programs for teachers and educational personnel who are providing or preparing to provide educational services for limited English proficient children, including services provided through language instruction educational programs, that ensure such children attain English proficiency and meet challenging State academic content and student academic achievement standards.~~

~~(2) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—In awarding grants to institutions of higher education under this section, the Secretary shall give priority to institutions that propose programs and activities to recruit and upgrade the qualifications and skills of certified and non certified educational personnel by offering degree programs that prepare beginning teachers to serve limited English proficient children.~~

~~(f) PROGRAM EVALUATIONS.—Each recipient of an award under this section for a program or activity shall annually conduct an independent evaluation of the program or activity and submit~~

to the Secretary a report containing such evaluation. Such report shall include information on—

(1) the program or activity conducted by the recipient to provide high-quality professional development to participants in such program or activity;

(2) the number of participants served through the program or activity, the number of participants who completed the requirements of the program or activity, and the number of participants who took positions in an instruction setting with limited English proficient children;

(3) the effectiveness of the program or activity in imparting the professional skills necessary for participants to achieve the objectives of the program or activity; and

(4) the teaching effectiveness of graduates of the program or activity or other participants who have completed the program or activity.

Subpart 4—Emergency Immigrant Education Program

Sec. 3241

SEC. 3241. [20 U.S.C. 6961] PURPOSE.

The purpose of this subpart is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration—

(1) to provide high-quality instruction to immigrant children and youth; and

(2) to help such children and youth—

(A) with their transition into American society; and

(B) meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.

Sec. 3242

SEC. 3242. [20 U.S.C. 6962] STATE ADMINISTRATIVE COSTS.

For any fiscal year, a State educational agency may reserve not more than 1.5 percent (2 percent if the State educational agency distributes funds received under this subpart to local educational agencies on a competitive basis) of the amount allotted to such agency under section 3244 to pay the costs of performing such agency's administrative functions under this subpart.

Sec. 3243

SEC. 3243. [20 U.S.C. 6963] WITHHOLDING.

Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to comply with a requirement of any provision of this subpart, the Secretary shall notify that agency that further payments will not be made to the agency under this subpart or, in the discretion of the Secretary, that the State educational agency shall not make further payments under this subpart to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is

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~~satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this subpart, or payments by the State educational agency under this subpart shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.~~

~~Sec. 3244~~

~~SEC. 3244. [20 U.S.C. 6964] STATE ALLOTMENTS.~~

~~(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2002 through 2008 for the purpose set forth in section 3241.~~

~~(b) ALLOTMENTS.—~~

~~(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this subpart, each State participating in the program assisted under this subpart shall receive an allotment equal to the proportion of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of each local educational agency described in paragraph (2), and in nonpublic elementary schools or secondary schools within the district served by each such local educational agency within such State, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this subpart.~~

~~(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is a local educational agency for which the sum of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of such agency, and in nonpublic elementary schools or secondary schools within the district served by such agency, during the fiscal year for which the payments are to be made under this subpart, is equal to at least—~~

~~(A) 500; or~~

~~(B) 3 percent of the total number of children enrolled in such public or nonpublic schools during such fiscal year,~~

~~whichever is less.~~

~~(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—~~

~~(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.~~

~~(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allotment under this section that such State would otherwise have received had such determination been made on the basis of accurate data.~~

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~~(d) REALLOTMENT.—~~

~~(1) IN GENERAL.—Whenever the Secretary determines that any amount of a payment made to a State under this subpart for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose.~~

~~(2) FISCAL YEAR.—Any amount made available to a State from any appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subpart, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.~~

~~(e) RESERVATION OF FUNDS.—~~

~~(1) IN GENERAL.—Notwithstanding any other provision of this subpart, if the amount appropriated to carry out this subpart exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this subpart for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:~~

~~(A) AGENCIES WITH IMMIGRANT CHILDREN AND YOUTH.—At least \1/2\ of the funds reserved under this paragraph shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.~~

~~(B) AGENCIES WITH A SUDDEN INFLUX OF CHILDREN AND YOUTH.—Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State that are experiencing a sudden influx of immigrant children and youth and that are otherwise not eligible for assistance under this subpart.~~

~~(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 3247.~~

~~(3) INFORMATION.—Local educational agencies receiving funds under paragraph (1) with the highest number of immigrant children and youth may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children and youth.~~

~~Sec. 3245~~

~~SEC. 3245. [20 U.S.C. 6965] STATE APPLICATIONS.~~

~~(a) SUBMISSION.—No State educational agency shall receive any payment under this subpart for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—~~

~~(1) provide that the educational programs, services, and activities for which payments under this subpart are made will be administered by or under the supervision of the agency;~~

~~(2) provide assurances that payments under this subpart will be used for purposes set forth in sections 3241 and 3247, including a description of how local educational agencies receiving funds under this subpart will use such funds to meet such purposes and will coordinate with entities carrying out other programs and activities assisted under this Act, and other Acts as appropriate;~~

~~(3) provide an assurance that local educational agencies receiving funds under this subpart will coordinate the use of such funds with entities carrying out programs and activities assisted under part A of title I;~~

~~(4) provide assurances that such payments, with the exception of payments reserved under section 3244(c), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 3244(b)(1);~~

~~(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this subpart without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;~~

~~(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this subpart;~~

~~(7) provide assurances—~~

~~(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary schools or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;~~

~~(B) that the control of funds provided under this subpart for any materials or equipment, or property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purpose provided in this subpart, and a public agency shall administer such funds and property; and~~

~~(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary school or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;~~

~~(8) provide that funds reserved under section 3244(c) be awarded on a competitive basis based on merit and need in accordance with such section; and~~

~~(9) provide an assurance that the State educational agency and local educational agencies in the State receiving funds under this subpart will comply with the requirements of section 1120(b).~~

~~(b) APPLICATION REVIEW.—~~

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(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency that does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State educational agency.

Sec. 3246

SEC. 3246. [20 U.S.C. 6966] ADMINISTRATIVE PROVISIONS.

(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 3245 of the amount of such agency's allotment under section 3244 for the succeeding year.

(b) SERVICES TO IMMIGRANT CHILDREN AND YOUTH ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for immigrant children and youth enrolled in nonpublic elementary schools and secondary schools, as required by section 3245(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of such children and youth enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this subpart, to such children and youth. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

Sec. 3247

SEC. 3247. [20 U.S.C. 6967] USES OF FUNDS.

(a) USE OF FUNDS.—Funds awarded under this subpart shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

(2) support of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

(4) identification and acquisition of curricular materials, educational software, and technologies;

(5) the provision of basic instruction services that are directly attributable to the presence in the school district of immigrant children and youth, including payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are

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~~directly attributable to such additional basic instruction services; and~~

~~(6) such other activities, related to the purpose of this subpart, as the Secretary may authorize.~~

~~(b) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.~~

~~(c) SUBGRANTS.—A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such institutions or organizations to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.~~

~~(d) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving immigrant children and youth simultaneously with children and youth with similar educational needs, in the same educational settings where appropriate.~~

~~Sec. 3248~~

~~SEC. 3248. [20 U.S.C. 6968] REPORTS.~~

~~(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this subpart shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this subpart. Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information as may be necessary for such report.~~

~~(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of Congress concerning programs assisted under this subpart.~~

~~Subpart 5—Administration~~

~~Sec. 3251~~

~~SEC. 3251. [20 U.S.C. 6981] RELEASE TIME.~~

~~The Secretary shall allow entities carrying out professional development programs funded under this part to use funds provided under this part for professional release time to enable individuals to participate in programs assisted under this part.~~

~~Sec. 3252~~

~~SEC. 3252. [20 U.S.C. 6982] NOTIFICATION.~~

~~A State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days after the date an award under this part is made to an eligible entity within the State.~~

~~Sec. 3253~~

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~~SEC. 3253. [20 U.S.C. 6983] COORDINATION AND REPORTING REQUIREMENTS.~~

~~(a) COORDINATION WITH RELATED PROGRAMS.—In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language minority and limited English proficient children that are administered by the Department and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, the Attorney General, and the heads of other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language minority and limited English proficient children and their families. The Secretary shall provide for continuing consultation and collaboration, between the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students and relevant programs operated by the Department, including programs under this part and other programs under this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high quality educational opportunities to all language minority and limited English proficient children.~~

~~(b) DATA.—The Secretary shall, to the extent feasible, ensure that all data collected by the Department shall include the collection and reporting of data on limited English proficient children.~~

~~(c) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals for programs funded under this part.~~

~~(d) REPORT.—The Director shall prepare and, not later than February 1 of every other year, shall submit to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate a report—~~

~~(1) on programs and activities carried out to serve limited English proficient children under this part, and the effectiveness of such programs and activities in improving the academic achievement and English proficiency of children who are limited English proficient;~~

~~(2) containing a critical synthesis of data reported by States under section 3224, when applicable;~~

~~(3) containing an estimate of the number of certified or licensed teachers working in language instruction educational programs and educating limited English proficient children, and an estimate of the number of such teachers that will be needed for the succeeding 5 fiscal years;~~

~~(4) containing the major findings of scientifically based research carried out under this part; and~~

~~(5) containing other information gathered from the reports submitted to the Secretary under this title when applicable.~~

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PART B~~C~~—GENERAL PROVISIONS

Sec. 3301

SEC. 32~~3~~01. [20 U.S.C. 7011] DEFINITIONS.

Except as otherwise provided, in this title:

(1) CHILD.—The term "child" means any individual aged 3 through 21.

(2) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a private nonprofit organization of demonstrated effectiveness, Indian tribe, or tribally sanctioned educational authority, that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

(3) COMMUNITY COLLEGE.—The term "community college" means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 that provides not less than a 2-year program that is acceptable for full credit toward a bachelor's degree, including institutions receiving assistance under the Tribally Controlled Colleges and Universities Assistance Act of 1978.

(4) DIRECTOR.—The term "Director" means the Director of the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students established under section 209 of the Department of Education Organization Act.

(5) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) 1 or more local educational agencies; or

"(B) 1 or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.

(6~~5~~) FAMILY EDUCATION PROGRAM.—The term "family education program" means a language instruction educational program or special alternative instruction program that—

(A) is designed—

(i) to help ~~limited English proficient adults~~English learner adults and out-of-school youths achieve English proficiency; and

(ii) to provide instruction on how parents and family members can facilitate the educational achievement of their children; and~~;~~

~~(B) when feasible, uses instructional programs based on models developed under the Even Start Family Literacy Programs, which promote adult literacy and train parents to support the educational growth of their children, the Parents as Teachers Program, and the Home Instruction Program for Preschool Youngsters; and~~

(B~~C~~) gives preference to participation by parents and immediate family members of children attending school.

(7~~6~~) IMMIGRANT CHILDREN AND YOUTH.—The term "immigrant children and youth"

means individuals who—

(A) are aged 3 through 21;

(B) were not born in any State; and

(C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

(~~8~~7) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(~~9~~8) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term "language instruction educational program" means an instruction course—

(A) in which ~~a limited English proficient child~~an English learner is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic content and student academic achievement standards, as required by section 1111(b)(1); and

(B) that may make instructional use of both English and a child's native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

(10~~9~~) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms "Native American" and "Native American language" shall have the meanings given such terms in section 103 of the Native American Languages Act.

(11~~0~~) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term "Native Hawaiian or Native American Pacific Islander native language educational organization" means a nonprofit organization with—

(A) a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in the organization's educational programs; and

(B) not less than 5 years successful experience in providing educational services in traditional Native American languages.

(12~~1~~) NATIVE LANGUAGE.—The term "native language", when used with reference to ~~an individual of limited English proficiency~~an English learner, means—

(A) the language normally used by such individual; or

(B) in the case of a child or youth, the language normally used by the parents of the child or youth.

(13~~2~~) PARAPROFESSIONAL.—The term "paraprofessional" means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in language instruction educational programs, special education, and migrant education.

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(1~~3~~) SPECIALLY QUALIFIED AGENCY.—The term "specially qualified agency" means an eligible entity, as defined in section 3141, in a State whose State educational agency—

(A) does not participate in a program under subpart 1 of part A for a fiscal year; or

(B) submits a plan (or any amendment to a plan) that the Secretary, after reasonable notice and opportunity for a hearing, determines does not satisfy the requirements of such subpart.

(1~~5~~4) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(1~~6~~5) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term "tribally sanctioned educational authority" means—

(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

(B) any nonprofit institution or organization that is—

(i) chartered by the governing body of an Indian tribe to operate a school described in section 3112(a) or otherwise to oversee the delivery of educational services to members of the tribe; and

(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 of part A for individuals served by a school described in section 3112(a).

Sec. 3302

SEC. 3202. PARENTAL NOTIFICATION.

"(a) In General.—Each eligible entity receiving funds under this title to provide a language instruction educational program and academic content instruction program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of an English learner identified for participation in, or participating in, such program of—

"(1) the reasons for the identification of their child as an English learner and in need of placement in a language instruction educational program and academic content instruction program;

"(2) the child's level of English language proficiency, how that level was assessed, and for students that participated in a language instructional educational program in the prior year, and the status of the child's academic achievement;

"(3) the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and use of English and a native language in instruction;

"(4) how the program in which their child is, or will be participating, will appropriately respond to the educational strengths and needs of the child;

"(5) how the program will specifically help their child learn English and reflect age appropriate academic achievement standards for grade promotion and graduation;

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"(6) the specific exit requirements for the program, the expected rate of transition from the program into classrooms that are not tailored for English learners, and the expected rate of graduation from secondary school for English learners in the program if the child is in secondary school;

"(7) in the case of a child with a disability, how the program meets the objectives of the child's individualized education program; and

"(8) information pertaining to parental rights that includes written guidance—

"(A) detailing—

"(i) the parent's right to have the parent's child immediately removed from the program upon the parent's request; and

"(ii) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and

"(B) assisting parents in selecting among various programs and methods of instruction, if more than 1 program or method is offered by the eligible entity.

"(b) Receipt of Information.—The information described in subsection (a) shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

"(c) Special Rule Applicable During School Year.—For a child who has not been identified for participation in a language instruction educational program and academic content instruction program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) and (b) with respect to the parents of the child within 2 weeks of the child being placed in such program.

"(d) Parent and Family Engagement.—

"(1) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program and academic content instruction program shall implement an effective means of outreach to parents and family members of English learners to inform such parents and family members of how they can—

"(A) be involved in the education of their children; and

"(B) be active participants in assisting their children—

"(i) to learn English;

"(ii) to achieve at high levels in core academic subjects;

"(iii) to meet the same State academic content and student academic achievement standards as all children are expected to meet to become on track to college and career readiness; and

"(iv) to understand expectations for college readiness and career success.

"(2) RECEIPT OF RECOMMENDATIONS.—The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents described in such paragraph.

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"(e) Basis for Admission or Exclusion.—A child shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.

~~SEC. 3302. [20 U.S.C. 7012] PARENTAL NOTIFICATION.~~

~~(a) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program of—~~

~~(1) the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction educational program;~~

~~(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;~~

~~(3) the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instruction goals, and use of English and a native language in instruction;~~

~~(4) how the program in which their child is, or will be participating will meet the educational strengths and needs of the child;~~

~~(5) how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation;~~

~~(6) the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for limited English proficient children, and the expected rate of graduation from secondary school for such program if funds under this title are used for children in secondary schools;~~

~~(7) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and~~

~~(8) information pertaining to parental rights that includes written guidance—~~

~~(A) detailing—~~

~~(i) the right that parents have to have their child immediately removed from such program upon their request; and~~

~~(ii) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and~~

~~(B) assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the eligible entity.~~

~~(b) SEPARATE NOTIFICATION.—In addition to providing the information required to be provided under subsection (a), each eligible entity that is using funds provided under this title to provide a language instruction educational program, and that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform a parent or the parents of a child identified for participation in such program, or participating in such program, of such failure not later than 30 days after such failure occurs.~~

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~~(c) RECEIPT OF INFORMATION.—The information required to be provided under subsections (a) and (b) to a parent shall be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.~~

~~(d) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—For a child who has not been identified for participation in a language instruction educational program prior to the beginning of the school year, the eligible entity shall carry out subsections (a) through (c) with respect to the parents of the child within 2 weeks of the child being placed in such a program.~~

~~(e) PARENTAL PARTICIPATION.—~~

~~(1) IN GENERAL.—Each eligible entity using funds provided under this title to provide a language instruction educational program shall implement an effective means of outreach to parents of limited English proficient children to inform such parents of how they can—~~

~~(A) be involved in the education of their children; and~~

~~(B) be active participants in assisting their children—~~

~~(i) to learn English;~~

~~(ii) to achieve at high levels in core academic subjects; and~~

~~(iii) to meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.~~

~~(2) RECEIPT OF RECOMMENDATIONS.—The outreach described in paragraph (1) shall include holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents described in such paragraph.~~

~~(f) BASIS FOR ADMISSION OR EXCLUSION.—A child shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.~~

Sec. 3303

SEC. 32~~3~~03. [20 U.S.C. 7013] NATIONAL CLEARINGHOUSE.

The Secretary shall establish and support the operation of a National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs, which shall collect, analyze, synthesize, and disseminate information about language instruction educational programs for limited English proficient children, and related programs. The National Clearinghouse shall—

(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Institute of Education Sciences;

(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

(3) develop a system for improving the operation and effectiveness of federally funded language instruction educational programs;

(4) collect and disseminate information on—

(A) educational research and processes related to the education of limited English proficient children; and

(B) accountability systems that monitor the academic progress of limited English proficient children in language instruction educational programs, including information on academic content and English proficiency assessments for language instruction educational programs; and

(5) publish, on an annual basis, a list of grant recipients under this title.

Sec. 3304

SEC. 3[2~~3~~]04. [20 U.S.C. 7014] REGULATIONS.

In developing regulations under this title, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing ~~limited English proficient individuals~~English learners, and organizations representing teachers and other personnel involved in the education of ~~limited English proficient children~~English learners.

[“SEC. 3205. COMMISSION ON ASSESSMENT OF ENGLISH LEARNERS.~~]~~

[~~“~~(a) Commission on Assessment of English Learners.—~~]~~

[~~“~~(1) IN GENERAL.—The Secretary shall establish an independent commission on the assessment and advancement of English learners (referred to in this section as the ‘commission’) to carry out the activities described in subsection (c).~~]~~

[~~“~~(2) DATE OF APPOINTMENT.—The members of the commission shall be appointed not later than 6 months after the date of enactment of the [Short Title].~~]~~

[~~“~~(b) Composition.—~~]~~

[~~“~~(1) IN GENERAL.—The commission shall be comprised of individuals with experience and expertise in the educational achievement and development of English learners including ~~indiviudals~~individuals with expertise in ~~the following members:~~]

[~~“(A) 6 individuals who shall be selected by the Director of the Institute of Education Sciences, from candidates that are nominated by:~~]

[~~“(i) the National Academy of Sciences;~~]

[~~“(ii) the National Academy of Education;~~]

[~~“(iii) Teachers of English to Speakers of Other Languages, Inc.; and~~]

[~~“(iv) other professional associations with expertise in—~~]

1) the art of teaching English to speakers of other languages; and~~]~~

2) measurement and educational assessment systems;~~]~~

[~~“(B) 3 individuals who—~~]

~~—~~3) [~~“(i) have expertise in~~ educational assessment and accountability practices; ~~and~~]

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[“(ii) are selected by the Director of the Institute of Education Sciences, in consultation with the Secretary;]

[“(C) 2 individuals who—]

[“(i) are selected by the Assistant Secretary for Elementary and Secondary Education, in consultation with the Assistant Deputy Secretary and the Director of the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Children; and]

[“(ii) represent a State educational agency that serves a large number of English learners;]

[“(D) 2 individuals who—]

[“(i) are selected by the Assistant Secretary for Elementary and Secondary Education, in consultation with the Director of the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Children; and]

[“(ii) represent a local educational agency that serves a large number of English learners;]

[“(E) the Assistant Secretary of the Office of English Language Acquisition, who shall be an ex officio member; and]

[“(F) the Assistant Secretary of the Office of Elementary and Secondary Education, who shall be an ex officio member.]

[“(2) EXPERTISE OF MEMBERS.—The Secretary shall ensure that the individuals selected in accordance with paragraph (1) are experts who are competent, by virtue of their training, expertise, or experience, to evaluate instruction, assessments, and models for English learners.]

[“(c) Duties of the Commission.—The commission shall provide the Secretary with advice and recommendations about the following issues:]

[“(1) The development and approval of standards pertaining to English learners, in order to assist the Secretary in the review and approval of statewide accountability systems that are required under section 1111(a)(3).]

[“(2) The provision of regulations and guidance pertaining to the inclusion of English learners in assessment and accountability systems, including recommendations about appropriate accommodations and appropriate weights for assessments involving English learners.]

[“(3) Ensuring that State English language proficiency standards under section 1111(a)(1)(E) are properly aligned with college and career ready academic content standards [under section 1111(a)(2)].]

[“(4) The formation of peer review panels, under section 1111(b)(4), with regard to—]

[“(A) the inclusion on the panels of experts about English learners; and]

[“(B) processes to ensure that the work of the peer review panel is consistent with

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the standards and guidance developed by the commission.~~]~~

(5) Identifying ways to support local capacity building efforts to assist LEAs and schools in properly supporting English learners.

~~[~~"(6~~5~~) Ensuring that the research, development, and dissemination activities [of the Department] address identified gaps in knowledge for effectively including English learners in assessment and accountability practices.~~]~~

~~[~~"(d) Independently Commissioned Research.—The commission may independently commission research that is directly relevant to the implementation of accountability provisions under this Act for English learners.~~]~~

~~[~~"(e) Annual Report.—The commission shall, beginning not later than 1 year after the date on which all members of the commission have been appointed, submit an annual report to the Secretary and the authorizing committees of Congress containing the findings and recommendations described in subsection (c).

(7) Advising on ways to address the needs of English learners in all program planning at the Department of Education, including inter-and intra-agency coordination.

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PART DB—21ST CENTURY COMMUNITY LEARNING CENTERS

Sec. 4201

SEC. 4201. [20 U.S.C. 7171] PURPOSE; DEFINITIONS.

(a) PURPOSE.—The purpose of this part is to provideto assist States in providing opportunities for communities eligible entities to establish or expand activities in community learning centers that—

(1) provide students with before school, and after school, or summer learning opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student academic achievement standards in core academic subjects, such as reading and mathematics;

(2) offer students who attend low-performing schools a broad array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, counseling programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; and

(3) significantly increase the number of hours in a regular school day, week, or year in order to provide students with additional time for academic work and for additional subjects and enrichment activities that increase student achievement and engagement; and offer families of students served by community learning centers opportunities for literacy and related educational development.

(4) comprehensively redesign and implement an expanded school day, expanded school week, or expanded school year schedule for all students in a high-need school, to provide additional time for—

(A) instruction in core academic subjects;

(B) instruction in additional subjects and enrichment activities; and

(C) teachers and staff to collaborate, plan, and engage in professional development within and across grades and subjects.

(b) DEFINITIONS.—In this part:

(1) COMMUNITY LEARNING CENTER.—The term "community learning center" means an entity that —that provides 1 or more of the following:

(A) assists Before school, after school, or summer learning programs that assist students in meeting State and local academic achievement standards in core academic subjects, such as reading and mathematics, by providing the students with opportunities for academic enrichment activities and a broad array of other activities (such as drug and violence prevention, counseling, art, music, recreation, technology, and character education programs) during nonschool hours or periods when school is

not in session ~~(such as before and after school or during summer recess)~~ that reinforce and complement the regular academic programs of the schools attended by the students served.~~; and~~

"(B) Expanded learning time programs that significantly increase the total number of hours in a regular school day, week, or year, in order to provide students with the greatest academic needs with—

"(i) additional time to participate in academic activities that—

"(I) are aligned with the instruction that such students receive during the regular school day; and

"(II) are targeted to the academic needs of such students; and

"(ii) time to engage in enrichment and other activities that complement the academic program and contribute to a well-rounded education, which may include music and the arts, physical education, and experiential and work-based learning opportunities.

"(C) Expanded learning time initiatives that use an expanded school day, expanded school week, or expanded school year schedule to increase the total number of school hours for the school year at a high-need school by not less than 300 hours and redesign the school's program in a manner that includes additional time—

"(i) for academic work, and to support innovation in teaching, in order to improve the proficiency of participating students, particularly struggling students, in core academic subjects;

"(ii) to advance student learning for all students in all grades;

"(iii) for additional subjects and enrichment activities that contribute to a well-rounded education, which may include music and the arts, physical education, and experiential and work-based learning opportunities; and

"(iv) for teachers to engage in collaboration and professional planning, within and across grades and subjects. ~~(B) offers families of students served by such center opportunities for literacy and related educational development.~~

"(2) ELIGIBLE ENTITY.—

"(A) IN GENERAL.—The term 'eligible entity' means a partnership of—

"(i) 1 or more high-need local educational agencies; and

"(ii) 1 or more public or nonprofit organizations, including community-based organizations, with a demonstrated record of success in designing and implementing before school, after school, summer learning, or expanded learning time activities.

"(B) SPECIAL RULE.—A State educational agency shall deem a local educational agency applying for a grant under section 4204 without a partnering public or nonprofit organization to be an eligible entity if the local educational agency demonstrates that such agency is unable to partner with a public or nonprofit organization in reasonable geographic proximity or of sufficient quality to meet the

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requirements of this part.

~~(2) COVERED PROGRAM.—The term "covered program" means a program for which—~~

~~(A) the Secretary made a grant under part I of title X (as such part was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and~~

~~(B) the grant period had not ended on that date of enactment.~~

~~(3) ELIGIBLE ENTITY.—The term "eligible entity" means a local educational agency, community-based organization, another public or private entity, or a consortium of two or more of such agencies, organizations, or entities.~~

(3~~4~~) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

Sec. 4202

SEC. ~~4202~~4402. [20 U.S.C. 7172] ALLOTMENTS TO STATES.

(a) RESERVATION.—From the funds appropriated under section ~~4206~~ 3(n) for any fiscal year, the Secretary shall reserve—

~~(1) such amount as may be necessary to make continuation awards to grant recipients under covered programs (under the terms of those grants);~~

(1~~2~~) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to eligible entities carrying out programs under this part or conducting a national evaluation; and

(2~~3~~) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Affairs, to be allotted in accordance with their respective needs for assistance under this part, as determined by the Secretary, to enable the outlying areas and the Bureau to carry out the purpose of this part.

(b) STATE ALLOTMENTS.—

(1) DETERMINATION.—From the funds appropriated under section ~~4206~~ 3(n) for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A of title I for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except that no State shall receive less than an amount equal to one-half of 1 percent of the total amount made available to all States under this subsection.

(2) REALLOTMENT OF UNUSED FUNDS.—If a State does not receive an allotment under this part for a fiscal year, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

(c) STATE USE OF FUNDS.—

(1) IN GENERAL.—Each State that receives an allotment under this part shall reserve not less than 95 percent of the amount allotted to such State under subsection (b), for each fiscal

year for awards to eligible entities under section 4204.

(2) STATE ADMINISTRATION.—A State educational agency may use not more than 2 percent of the amount made available to the State under subsection (b) for—

(A) the administrative costs of carrying out its responsibilities under this part;

(B) establishing and implementing a peer review process for grant applications described in section 4204(b) (including consultation with the Governor and other State agencies ~~responsible for administering youth development programs and adult learning activities~~as applicable); and

supervising the\1\ awarding of funds to eligible entities (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities).

\1\So in law. The undesignated matter following subparagraph (B), as amended by section 401 of Public Law 107–110 (115 Stat. 1767), should probably read "(C) supervising the...".

(3) STATE ACTIVITIES.—A State educational agency may use not more than 3 percent of the amount made available to the State under subsection (b) for the following activities:

(A) Monitoring and comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.

(B) Providing capacity building, training, professional development and technical assistance under this part~~.~~ to eligible entitites, relating to activities such as-

(aa) "coordinating activities carried out under this part with other Federal, State, and local programs so as to implement high-quality programs; and"

(bb) "aligning activities carried out under this part with State academic content standards.

~~(C) Comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities assisted under this part.~~

~~(D) Providing training and technical assistance to eligible entities who are applicants for or recipients of awards under this part.~~

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Sec. 4203

SEC. ~~4203~~4403. [20 U.S.C. 7173] STATE APPLICATION.

(a) IN GENERAL.—In order to receive an allotment under section 4202 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

(1) designates the State educational agency as the agency responsible for the administration and supervision of programs assisted under this part;

(2) describes how the State educational agency will use funds received under this part, including funds reserved for State-level activities;

(3) contains an assurance that the State educational agency will make awards under this part only to eligible entities that propose to ~~serve~~ students who primarily attend high need

schools and schools that are identified through a State's accountability and improvement system under subsection (b) or (c)(2) of section 1116;

~~serve—~~

~~(A) students who primarily attend—~~

~~(i) schools eligible for schoolwide programs under section 1114; or~~

~~(ii) schools that serve a high percentage of students from low-income families; and~~

~~(B) the families of students described in subparagraph (A)~~;

(4) describes the State's rigorous, high-quality competition for grants under section 4204, including the procedures and criteria the State educational agency will use for reviewing applications and awarding funds to eligible entities on a competitive basis~~, which shall include procedures and criteria that take into consideration the likelihood that a proposed community learning center will help participating students meet local content and student academic achievement standards~~;

(5) describes how the State educational agency will ensure that awards made under this part are—

(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this part; and

(B) in amounts that are consistent with section 4204(h);

(6) describes the steps the State educational agency will take to ensure that programs implement effective strategies, including providing ongoing technical assistance and training, evaluation, and dissemination of promising practices;

"(7) describes how the State educational agency will assist eligible entities in coordinating funds received through the grant with other funding streams, in order to support a coherent and sustainable approach to funding and implementing programs and activities under this part and other programs under this Act; ~~(7) describes how programs under this part will be coordinated with programs under this Act, and other programs as appropriate;~~

(8) contains an assurance that the State educational agency—

(A) will make awards for programs for a period of ~~not less than 3 years and not more than 5 years~~not more than 3 years, and may extend a grant for an additional period of not more than 2 years if the eligible entity is achieving the intended outcomes of the grant; and

(B) will require each eligible entity seeking such an award to submit a plan describing how the community learning center to be funded through the award will continue after funding under this part ends;

(9) contains an assurance that funds appropriated to carry out this part will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this part and other similar programs;

(10) contains an assurance that the State educational agency will require eligible entities

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to describe in their applications under section 4204(b) how the transportation needs, if any, of participating students will be addressed;

(11) provides an assurance that the application was developed in consultation and coordination with appropriate State officials, including the chief State school officer, and other State agencies administering ~~before and after school (or summer school) programs, the heads of the State health and mental health agencies or their designees~~ before school, after school, summer learning, and expanded learning time programs and initiatives,, and representatives of teachers, parents, students, the business community, and community-based organizations;

(12) describes the results of the State's needs and resources assessment for ~~before and after school~~before school, after school, summer learning, and expanded learning time activities, which shall be based on the results of on-going State evaluation activities;

(13) describes how the State educational agency will evaluate, on a regular basis, and not less than every 3 years after the receipt of the grant the effectiveness of programs and activities carried out under this part, which shall include, at a minimum—

(A) a description of the benchmarks and performance goals that will be used to hold eligible entities accountable and to determine whether to provide eligible entities receiving a grant under section 4204 with an additional 2-year period of grand funding after the initial 3-year grant.

~~(A) a description of the performance indicators and performance measures that will be used to evaluate programs and activities; and~~

(B) public dissemination of the evaluations of programs and activities carried out under this part; and

(14) provides for timely public notice of intent to file an application and an assurance that the application will be available for public review after submission.

(b) 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.

(c) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and opportunity for a hearing.

(d) 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.

(e) RESPONSE.—If the State educational agency responds to the Secretary's notification described in subsection (d)(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 (d)(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 (b).

(f) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in subsection (d)(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. 4204

SEC. ~~4204~~4404. [20 U.S.C. 7174] LOCAL COMPETITIVE GRANT PROGRAM.

(a) IN GENERAL.—A State that receives funds under this part for a fiscal year shall provide the amount made available under section 4202(c)(1) to eligible entities for community learning centers in accordance with this part.

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive an award under this part, an eligible entity shall submit an application to the State educational agency at such time, in such manner, and including such information as the State educational agency may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

"(A) a description of the before school, after school, summer learning, or expanded learning time activities to be funded, including—

"(i) research-based evidence demonstrating that the proposed program will improve student achievement and engagement;

"(ii) as applicable, an explanation of how the program will offer students—

"(I) academic instruction that is aligned with the academic needs of the students; and

"(II) engaging enrichment activities that are aligned with the developmental needs and interests of the students, and that contribute to a well-rounded education;

"(iii) an assurance that the program will take place in a safe learning environment and an easily accessible facility;

"(iv) if applicable, a description of how students participating in the program will travel safely to and from home; and

"(v) a description of how the eligible entity will disseminate information about the program to the community in a manner that is understandable and accessible; ~~(A) a~~

~~description of the before and after school or summer recess activities to be funded, including—~~

~~(i) an assurance that the program will take place in a safe and easily accessible facility;~~

~~(ii) a description of how students participating in the program carried out by the community learning center will travel safely to and from the center and home; and~~

~~(iii) a description of how the eligible entity will disseminate information about the community learning center (including its location) to the community in a manner that is understandable and accessible;~~

(B) a description of how the ~~activity~~ program is expected to improve student academic achievement; and help keep students on track to college and career readiness;

(C) an identification of Federal, State, and local programs that will be combined or coordinated with the proposed program to make the most effective use of public resources;

(D) an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students attend;

"(E) as applicable, an explanation of how the program will offer students—

"(i) academic instruction that is aligned with the academic needs of the students; and

"(ii) engaging enrichment activities that are aligned with the developmental needs and interests of the students, and that contribute to a well-rounded education; ~~(E) a description of how the activities will meet the principles of effectiveness described in section 4205(b);~~

(F) an assurance that the program will primarily target students who attend ~~schools eligible for schoolwide programs under section 1114 and the families of such students~~high-need schools that are identified through a State's accountability and improvement system under subsections (b) or (c)(2) of section 1116;

(G) an assurance that funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds;

"(H) a description of the capacity of the eligible entity partners described in section 4201(b)(2)(A)(ii) to successfully implement the program, including the quality and experience of the management team of such partners ~~(H) a description of the partnership between a local educational agency, a community-based organization, and another public entity or private entity, if appropriate;~~

(I) an evaluation of the community needs and available resources for the community learning center and a description of how the program proposed to be carried out ~~in the center~~ will address those needs ~~(including the needs of working families)~~;

~~(J) a demonstration that the eligible entity has experience, or promise of success, in~~

~~providing educational and related activities that will complement and enhance the academic performance, achievement, and positive youth development of the students;~~

(J~~K~~) a description of a preliminary plan for how the community learning center will continue after funding under this part ends;

~~(L) an assurance that the community will be given notice of an intent to submit an application and that the application and any waiver request will be available for public review after submission of the application;~~

~~(M) if the eligible entity plans to use senior volunteers in activities carried out through the community learning center, a description of how the eligible entity will encourage and use appropriately qualified seniors to serve as the volunteers; and~~

(K~~N~~) such other information and assurances as the State educational agency may reasonably require.

(c) APPROVAL OF CERTAIN APPLICATIONS.—The State educational agency may approve an application under this part for a program to be located in a facility other than an elementary school or secondary school only if the program will be at least as available and accessible to the students to be served as if the program were located in an elementary school or secondary school.

~~(d) PERMISSIVE LOCAL MATCH.—~~

~~(1) IN GENERAL.—A State educational agency may require an eligible entity to match funds awarded under this part, except that such match may not exceed the amount of the grant award and may not be derived from other Federal or State funds.~~

~~(2) SLIDING SCALE.—The amount of a match under paragraph (1) shall be established based on a sliding fee scale that takes into account—~~

~~(A) the relative poverty of the population to be targeted by the eligible entity; and~~

~~(B) the ability of the eligible entity to obtain such matching funds.~~

~~(3) IN-KIND CONTRIBUTIONS.—Each State educational agency that requires an eligible entity to match funds under this subsection shall permit the eligible entity to provide all or any portion of such match in the form of in-kind contributions.~~

~~(4) CONSIDERATION.—Notwithstanding this subsection, a State educational agency shall not consider an eligible entity's ability to match funds when determining which eligible entities will receive awards under this part.~~

(d~~e~~) PEER REVIEW.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

(e~~f~~) GEOGRAPHIC DIVERSITY.—To the extent practicable, a State educational agency shall distribute funds under this part equitably among geographic areas within the State, including urban and rural communities.

(f~~g~~) DURATION OF AWARDS.—Grants under this part may be awarded for a period of ~~not less than 3 years and not more than 5 years~~ not more than 3 years, and may be extended for an additional period of n more than 2 years, if an eligible entity is achieving the intended outcomes

of the grant.

~~(h) AMOUNT OF AWARDS.—A grant awarded under this part may not be made in an amount that is less than $50,000.~~

"(g) Priority.—

"(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall give priority to high-quality applications that—

"(A) are based on strong research evidence for improving student learning, as measured by student achievement and other measures of student learning and development that are appropriate for, and aligned to, the program's goals and design;

"(B) propose to serve the highest percentage of students from low income families;

"(C) include a partnership agreement, signed by each partner of the eligible entity, that—

"(i) shows that the staff of each partner are committed to work collaboratively to implement the proposed activities, including through coordinated planning, collaborative implementation, and joint professional development and training opportunities;

"(ii) sets clear expectations, including measurable goals for each partner;

"(iii) requires the collection and reporting of data about the outcomes of programs funded under this part, in order to monitor progress toward achieving such goals and inform implementation; and

"(iv) specifies how student information will be shared to advance the goals of the proposed program and activities, including student academic achievement and engagement data, as appropriate and in accordance with Federal, State, and local laws; and

"(D) are submitted by eligible entities that will provide matching funds to carry out the activities supported by the grant, as described in paragraph (2).

"(2) MATCHING FUNDS.—

"(A) AMOUNT OF MATCHING FUNDS.—In awarding grants under this section, a State educational agency shall give priority to applications from eligible entities that, in addition to meeting the requirements of paragraph (1), provide matching funds in an amount not less than—

"(i) for the first year of an initial grant under this section, 10 percent of the cost of the activities;

"(ii) for the second year of such grant, 20 percent of the cost of the activities;

"(iii) for the third year of such grant, and for the first year of a subsequent grant under this section, 30 percent of the cost of the activities; and

"(iv) for the second or any succeeding year of such subsequent grant, 40 percent of the cost of the activities.

"(B) CASH OR IN KIND.—The eligible entity may provide the matching funds described in subparagraph (A) in cash or in kind, fairly evaluated, including plant, equipment, or services, but may not provide more than 50 percent of the matching funds in kind.

"(C) WAIVER.—A State educational agency may waive all or part of the matching requirement for priority described in this paragraph, on a case-by-case basis, upon a showing of serious financial hardship. ~~(i) PRIORITY.—~~

~~(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall give priority to applications—~~

~~(A) proposing to target services to students who attend schools that have been identified as in need of improvement under section 1116; and~~

~~(B) submitted jointly by eligible entities consisting of not less than 1—~~

~~(i) local educational agency receiving funds under part A of title I; and~~

~~(ii) community-based organization or other public or private entity.~~

~~(2) SPECIAL RULE.—The State educational agency shall provide the same priority under paragraph (1) to an application submitted by a local educational agency if the local educational agency demonstrates that it is unable to partner with a community-based organization in reasonable geographic proximity and of sufficient quality to meet the requirements of this part.~~

Sec. 4205

SEC. ~~4205~~4405. [20 U.S.C. 7175] LOCAL ACTIVITIES.

(a) AUTHORIZED ACTIVITIES.—Each eligible entity that receives an award under this part may use the award funds to carry out a broad array of ~~before and after school activities (including during summer recess periods)~~before school, after school, summer learning, or expanded learning time activities that advance student academic achievement, including—

(1) high-quality expanded learning time programs or initiatives;

(~~2~~1) remedial education activities and academic enrichment learning programs, including providing additional assistance to students to allow the students to improve their academic achievement;

(~~3~~2) mathematics and science education activities;

(~~4~~3) arts and music education activities;

(~~5~~4) entrepreneurial education programs;

(~~6~~5) tutoring services ~~(including those provided by senior citizen volunteers)~~ and mentoring programs;

(~~7~~6) programs that provide after school activities for limited English proficient students that emphasize language skills and academic achievement;

(~~8~~7) recreational activities;

(98) telecommunications and technology education programs;

(109) expanded library service hours;

(110) programs that promote parental involvement and family literacy;

(121) programs that provide assistance to students who have been truant, suspended, or expelled to allow the students to improve their academic achievement; and

(132) drug and violence prevention programs, counseling programs, and character education programs.

"(b) Performance Indicators.—Each State educational agency that receives a grant under this part shall collect, and annually report to the Secretary, information on the following performance indicators, disaggregated, as appropriate, by the subgroups described in section 1111(a)(2)(B)(ix):

"(1) The average time added to the school day, school week, or school year, if applicable.

"(2) Student participation and attendance rates for the programs funded under this part.

"(3) Student achievement in core academic subjects and high school graduation rates, as applicable, for students who participate in such programs. ~~(b) PRINCIPLES OF EFFECTIVENESS.—~~

~~(1) IN GENERAL.—For a program or activity developed pursuant to this part to meet the principles of effectiveness, such program or activity shall—~~

~~(A) be based upon an assessment of objective data regarding the need for before and after school programs (including during summer recess periods) and activities in the schools and communities;~~

~~(B) be based upon an established set of performance measures aimed at ensuring the availability of high quality academic enrichment opportunities; and~~

~~(C) if appropriate, be based upon scientifically based research that provides evidence that the program or activity will help students meet the State and local student academic achievement standards.~~

~~(2) PERIODIC EVALUATION.—~~

~~(A) IN GENERAL.—The program or activity shall undergo a periodic evaluation to assess its progress toward achieving its goal of providing high quality opportunities for academic enrichment.~~

~~(B) USE OF RESULTS.—The results of evaluations under subparagraph (A) shall be—~~

~~(i) used to refine, improve, and strengthen the program or activity, and to refine the performance measures; and~~

~~(ii) made available to the public upon request, with public notice of such availability provided.~~

~~Sec. 4206~~

~~SEC. 42064406. [20 U.S.C. 7176] AUTHORIZATION OF~~

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~~APPROPRIATIONS.~~

~~There are authorized to be appropriated—~~

~~(1) $1,250,000,000 for fiscal year 2002;~~

~~(2) $1,500,000,000 for fiscal year 2003;~~

~~(3) $1,750,000,000 for fiscal year 2004;~~

~~(4) $2,000,000,000 for fiscal year 2005;~~

~~(5) $2,250,000,000 for fiscal year 2006; and~~

~~(6) $2,500,000,000 for fiscal year 2007.~~

"~~Subpart 16~~Part F—~~Parental Assistance~~Parent and ~~Local~~ Family Information and Resource Centers

~~Sec. 5561~~

"SEC. ~~5561~~4601. ~~[20 U.S.C. 7273] PURPOSES~~PURPOSE.

"The ~~purposes~~purpose of this subpart ~~are the following:~~is to increase and enhance parent and family engagement in education by—

~~("~~(1) ~~To provide leadership,~~ providing support and technical assistance to State educational agencies;

"(2) supporting a community of practice related to effective parent and family engagement strategies and practices; and

"(3) as appropriate, providing information and training to local educational agencies, schools, parents and families, and community members.

"SEC. ~~556~~4602. DEFINITION OF ELIGIBLE ENTITY.

"In this subpart, the term 'eligible entity' means—

"(1) a nonprofit organization (including a statewide nonprofit organization); or

"(2) a consortium consisting of a nonprofit organization (including a statewide nonprofit organization) and a State educational agency or local educational agency.

"SEC. ~~556~~460~~3~~3. GRANTS AUTHORIZED.

~~, and financial support to nonprofit~~"(a) Parent and Family Information and Resource Centers.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable such eligible entities to operate State parent and family information and resource centers that—

"(1) assist the State educational agency in identifying, implementing, and replicating effective evidence-based parent, family, and community engagement strategies, including assisting the State educational agency in carrying out parent and family engagement strategies that are funded under section 1118 and other provisions of this Act;

"(2) provide technical assistance, training, information, and support, as appropriate (including support in turning around schools), to, at a minimum, high-need schools and schools that are served by high-need local educational agencies; and

"(3) strengthen partnerships among parents, family members, community-based organizations (including ~~statewide nonprofit~~faith-based organizations~~) and~~), schools, local educational agencies, employers, and other appropriate community members who are committed to ~~help the organizations~~improving and ~~agencies implement successful~~enhancing parent, family, and ~~effective parental involvement policies, programs, and activities that lead~~community engagement in order to ~~improvements in~~ improve student ~~academic~~ achievement and support positive child development.

~~(2) To strengthen partnerships among parents (including parents of children from birth through age 5), teachers, principals, administrators, and other school personnel in meeting the educational needs of children.~~

~~(3) To develop and strengthen the relationship between parents and their children's school.~~

~~(4) To further the developmental progress of children assisted~~"(b) Duration.—Grants awarded under this subpart~~.~~

~~(5) To coordinate activities funded under this subpart with parental involvement initiatives funded under section 1118 and other provisions of this Act.~~

~~(6) To provide~~ shall be for a ~~comprehensive approach to improving student learning, through coordination and integration of Federal, State, and local services and programs~~period of 5 years.

~~Sec. 5562~~

~~SEC. 5562. [20 U.S.C. 7273a]~~"(c ~~GRANTS AUTHORIZED.~~

~~(a) PARENTAL INFORMATION AND RESOURCE CENTERS.—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations (including statewide nonprofit organizations), and consortia of such organizations and local educational agencies, to establish school-linked or school-based parental information and resource centers that provide comprehensive training, information, and support to—~~

~~(1) parents of children enrolled in elementary schools and secondary schools;~~

~~(2) individuals who work with the parents of children enrolled in elementary schools and secondary schools;~~

~~(3) State educational agencies, local educational agencies, schools, organizations that support family-school partnerships (such as parent-teacher associations and Parents as Teachers organizations), and other organizations that carry out parent education and family involvement programs; and~~

~~(4) parents of children from birth through age 5.~~

~~(b~~) Geographic Distribution.—In awarding grants under this subpart, the Secretary shall~~, to the extent practicable,~~ ensure that ~~such grants are distributed~~not less than 1 grant is awarded to an eligible entity in ~~all geographic regions of the United States~~each State.

~~Sec. 5563~~

"(d) Priority.—In awarding grants under this subpart, the Secretary shall give priority to applications from eligible entities that have a demonstrated record of effectiveness in increasing and enhancing the engagement of parents and families whose children attend a high-need school or a school that is served by a high-need local educational agency.

"SEC. ~~5563. [20 U.S.C. 7273b]~~5564~~4~~604. APPLICATIONS.

~~(a) SUBMISSION.—Each nonprofit organization (including a statewide nonprofit organization), or a consortia of such an organization and a local educational agency,~~"(a) Submission.—Each eligible entity that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may

require.

~~(~~"~~(~~b) ~~CONTENTS~~Assurances.—Each application submitted under subsection (a~~),~~) shall include, at a minimum, ~~shall include assurances~~an assurance that the ~~organization or consortium~~ eligible entity will—

~~(~~"~~(~~1)(A) be governed by a board of directors ~~the membership,~~ of which ~~includes~~not less than 50 percent is comprised of members who are—

"(i) parents or family members of school-aged children in the State that the eligible entity serves, including educationally and economically disadvantaged parents; and

"(ii) community stakeholders who are committed to improving schools and increasing parent and family engagement; or

~~(~~"~~(~~B) be an organization or consortium that represents the interests of parents~~;~~

~~(2) establish a special advisory committee the membership of which includes—~~

~~(A) parents of children enrolled in elementary schools and secondary schools, who shall constitute a majority~~ and family members of ~~the members of the special advisory committee;~~

~~(B) representatives of education professionals with expertise in improving services for disadvantaged~~school-aged children; ~~and~~

~~(C) representatives of local elementary schools and secondary schools, including students and representatives from local youth organizations;~~

~~(3~~"~~(~~2) use ~~at least 50~~not less than 75 percent of the funds received under this subpart ~~in~~ for each fiscal year to serve areas with a demonstrated high ~~concentrations~~concentration of low-income families~~, in order to serve~~ ;

"(3) reserve not less than 20 percent of the funds received under this subpart for each fiscal year to establish, expand, or operate parent education programs for parents ~~who are severely educationally or economically disadvantaged~~whose children attend early childhood education and care programs;

~~(~~"~~(~~4) operate a parent and family information and resource center of sufficient size, scope, and quality to ~~ensure that the center is adequate to serve the parents in the area~~effectively carry out the purpose of this subpart;

~~(5)~~ "(5) ensure that parents and family members, including economically disadvantaged parents and family members with children who attend high-need schools or schools that are served by high-need local educational agencies, have access to leadership development training and other evidence-based strategies that provide the skills and resources parents and family members need to support school improvement, increase student achievement, and promote positive student development; and

"(6) demonstrate to the Secretary that a portion of the services provided by the eligible entity under the grant is supported through non-Federal contributions, which contributions may be in cash or in kind.

"(c) Contents.—In addition to the requirements described in subsection (b), each application submitted under subsection (a) shall, at a minimum—

"(1) describe how the eligible entity will serve both urban and rural areas throughout the State that is served by the eligible entity;

~~(6) design a center that meets the unique training, information, and support needs of parents of children enrolled in elementary schools and secondary schools, particularly such parents who are educationally or economically disadvantaged;~~

~~(7~~"(2) demonstrate the ~~capacity and expertise to conduct the effective training, information, and support~~ eligible entity's record of effectiveness in carrying out parent and family engagement activities ~~for which~~, including the provision of high-quality technical assistance ~~is sought;~~

~~(8) network with—~~

~~(A) local educational agencies and schools;~~

~~(B) parents of children enrolled in elementary schools and secondary schools;~~

~~(C) parent training and information centers assisted under section 671 of the Individuals with Disabilities Education Act;~~

~~(D) clearinghouses; and~~

~~(E) other organizations and agencies;~~

~~(9) focus on serving parents of children enrolled in elementary schools and secondary schools who are parents of low-income, minority, and limited English proficient children;~~

~~(10) use at least 30 percent of the funds received under this subpart in each fiscal year~~ to ~~establish, expand, or operate Parents as Teachers programs, Home Instruction for Preschool Youngsters programs, or other early childhood parent education programs;~~

~~(11) provide assistance to parents in areas such as understanding State and local standards and measures of student and school academic achievement;~~

~~(12) work with~~ State educational agencies and local educational agencies ~~to determine parental needs and the best means for delivery of services~~;

~~(13~~"(3) describe the process through which the eligible entity will—

"(A) leverage relationships with, and collect and exchange information among, partners; and

"(B) disseminate information about evidence-based best practices to support parent and family engagement strategies;

"(4) describe the eligible entity's strategy for serving parents and family members of children in the area served by the eligible entity, including parents and family members of students who are served by high-need local educational agencies;

"(5) describe how the eligible entity will assist the State educational agency in effectively supporting high-need local educational agencies in—

"(A) increasing parent and family member understanding of, and opportunities to develop the knowledge and skills to engage as full partners in, supporting academic achievement, child development, and school improvement; and

"(B) employing evidence-based strategies to—

"(i) increase the participation of economically disadvantaged and English learner parents and family members in school activities; and

"(ii) improve parent and family engagement strategies in low-performing schools served by high-need local educational agencies; and

"(6) identify ~~and coordinate~~the Federal, State, and local services and programs that ~~support improved student learning, including~~ prepare children to be ready for institutions of higher education and careers with which the eligible entity will coordinate, including—

"(A) programs supported under this Act~~,~~;

"(B) violence prevention programs~~,~~;

"(C) programs that serve at-risk or out-of-school youth;

"(D) nutrition programs~~,~~;

"(E) housing programs~~,~~;

"(F) Head Start and other early childhood care and education programs~~,~~;

"(G) adult education~~, and job training;~~ and literacy activities (as defined in section 203 of the Adult Education and Family Literacy Act); and

"(H) workforce development programs.

"SEC. ~~556~~4605. USES OF FUNDS.

~~(14) work with and foster partnerships with other agencies that provide programs and deliver services described in paragraph (13) to make such programs and services more accessible to children and families.~~

~~Sec. 5564~~

~~SEC. 5564. [20 U.S.C. 7273c] USES OF FUNDS.~~

~~(a) IN GENERAL.—Grant funds received under this subpart shall be used for one or more of the following:~~

~~(1) To assist parents in participating~~ "(a) Required Activities.—Each eligible entity that receives a grant under this subpart shall use such grant funds to provide services to parents, family members, educators, and community members and to assist State educational agencies, local educational agencies, and, where applicable, districtwide parent advisory committees in supporting parent and family engagement in education by carrying out the following activities:

"(1) Providing technical assistance to State educational agencies in—

"(A) reviewing and responding to local parent and family engagement plans (including, at a minimum, such plans submitted by high-need local educational agencies) in order to support evidence-based strategies and best practices in parent and family engagement;

"(B) the implementation of Federal and State laws, regulations, and guidance relating to parent and family engagement;

"(C) the implementation or replication of statewide evidence-based programs and strategies, especially for parents whose children are educationally and economically disadvantaged; and

"(D) applicable evaluation, reporting, and accountability processes.

"(2) Obtaining and disseminating information about the range of options, programs, services, and resources (including curricula) that are available at the national level, the State level, and the local level to assist school and local educational agency personnel in implementing evidence-based parent and family engagement strategies.

"(3) Coordinating parent and family engagement strategies with relevant Federal, State, and local services and programs.

"(4) Working with individuals and organizations with expertise in identifying and implementing evidence-based practices to improve parent and family engagement.

"(5) Coordinating and integrating early care and education programs with school-age programs, especially those programs focusing on supporting the transition of young children into kindergarten through grade 3, such as by increasing awareness of school readiness expectations among family and community members.

"(6) Implementing parent institutes or other leadership development strategies to ensure that parents and family members have the skills and resources needed to understand student and school data in order to make decisions, effectively communicate with school officials and educators, support school improvement, and increase student achievement.

"(b) Permissive Activities.—In addition to the activities required under subsection (a), each eligible entity that receives a grant under this subpart may use such grant funds to carry out the following activities:

"(1) Assisting parents and family members in the State to participate effectively in their children's education ~~and to help their children meet State and local standards, such as assisting parents —~~through the provision of direct services to parents and family members.

~~(A) to engage in activities that will improve student academic achievement, including understanding the accountability systems in place within their State educational agency and local educational agency and understanding their children's educational academic achievement in comparison to State and local standards;~~

~~(B)~~ "(2) Developing and disseminating templates for schools and local educational agencies to use to provide ~~follow-up support for their children's educational achievement;~~

~~(C) to communicate effectively with teachers, principals, counselors, administrators, and other school personnel;~~

~~(D) to become active participants in the development, implementation, and review of school-parent compacts, parent involvement policies, and school planning and improvement;~~

~~(E) to participate in the design and provision of assistance to students who are not making adequate~~information about curricula, academic expectations, academic assessments, and the results of academic ~~progress;~~

~~(F) to participate in State and local decisionmaking; and~~

~~(G) to train other parents (such as training related to Parents as Teachers activities).~~

~~(2) To obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents and school personnel who work with parents.~~

~~(3) To help the parents learn and use the technology applied in their children's education.~~

~~(4) To plan, implement, and fund activities for parents that coordinate the education of their children with other Federal, State, and local services and programs that serve their children or their families.~~

~~(5) To provide support for State or local educational personnel, if the participation of such personnel will further the activities assisted under the grant.~~

~~(6) To coordinate and integrate early childhood programs with school-age programs.~~

~~(b) PERMISSIVE ACTIVITIES.—Grant funds received under this subpart may be used to assist schools with activities including one or more of the following:~~

~~(1) Developing and implementing the schools' plans or activities under sections 1118 and 1119.~~

~~(2) Developing and implementing school improvement plans, including addressing problems that develop in the implementation of the schools' plans or activities under sections 1118 and 1119.~~

~~(3) Providing information about assessment and individual results to parents~~ assessments to family members in a manner and a language ~~the~~that such family members can understand.

~~(4) Coordinating the efforts of Federal, State, and local parent education and family involvement initiatives.~~

~~(5~~"(3) Providing training, information, and support to~~—~~ organizations that support partnerships among schools, parents, family members, and districtwide parent advisory committees, as applicable.

~~(A) State educational agencies;~~

~~(B) local educational agencies and schools, especially low-performing local educational agencies and schools; and~~

~~(C) organizations that support family-school partnerships.~~

~~Sec. 5565~~

"(4) Providing professional development to school and local educational agency staff (which may be provided jointly to educators and family members) to assist school and agency staff in developing and implementing strategies to increase and strengthen ongoing communication with parents and family members, including professional development opportunities that prepare teachers to have more focused, goal-oriented, and reciprocal parent-teacher conferences.

"SEC. ~~5565. [20 U.S.C. 7273d]~~5564606. ADMINISTRATIVE PROVISIONS.

~~("~~(a) Matching Funds for Grant Renewal.—For each fiscal year after the first fiscal year ~~in~~ for which an ~~organization or consortium~~eligible entity receives assistance under this subpart, the ~~organization or consortium~~eligible entity shall demonstrate ~~in the application submitted for such fiscal year,~~ that a portion of the services provided by the ~~organization or consortium~~eligible entity is supported through non-Federal contributions, which contributions may be in cash or in kind.

~~(b) SUBMISSION OF INFORMATION.—~~

~~("~~(b) Performance Accountability.—

"(1) ~~IN GENERAL.—~~PERFORMANCE INDICATORS.—Each ~~organization or consortium~~eligible entity receiving ~~assistance~~ a grant under this subpart shall submit to the Secretary~~, on~~ an annual ~~basis,~~report regarding the parent and family information ~~concerning the parental~~and resource centers assisted under this subpart. Such report shall be made publicly available, including through electronic means, and shall include, at a minimum, a description of how each parent and family information and resource center has performed with respect to the following indicators:

"(A) The number of local educational agencies or other entities that received assistance or support in the previous academic year.

"(B) The number of parents and family members who participated in the previous academic year in programs, activities, or strategies supported by the parent and family information and resource center, and—

"(i) the number of such parents whose children are eligible to be counted under section 1124(c)(1)(A);

"(ii) the number of such parents whose children are English learners; and

"(iii) the number of such parents who are parents of children with disabilities.

"(C) The outcomes directly attributable to the provision of assistance or support provided by the parent and family information and resource center, such as increased parent and family member participation in school planning activities, parent-teacher conferences, or the local educational agency budgeting process.

"(D) Other evidence-based indicators that the Secretary may reasonably require.

"(2) PERFORMANCE GOALS.—

"(A) IN GENERAL.—Each eligible entity that is awarded a grant under this subpart shall establish, in consultation with the Secretary, annual performance goals for each of the indicators described in paragraph (1). Such performance goals shall be made publicly available, including through electronic means.

"(B) TERMINATION.—If an eligible entity receiving grant funds under this subpart does not meet the performance goals established under this paragraph for 2 consecutive years, after the provision of technical assistance in the second consecutive year, the

Secretary shall terminate the grant and conduct a new competition for the grant.

"(C) LOSS OF ELIGIBILITY.—If an eligible entity has received a grant under this subpart and such grant has been terminated in accordance with subparagraph (B), the eligible entity shall not be eligible to participate in future grant competitions, or receive grant funds, under this subpart.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to each eligible entity receiving a grant under this subpart that does not meet the performance goals established under paragraph (2).

"(c) Report to Congress.—The Secretary shall prepare and submit an annual report to the authorizing committees, which shall—

"(1) include the information that each eligible entity submits to the Secretary in accordance with subsection (b)(1);

"(2) summarize and synthesize the best practices collected by the parent and family information and resource centers ~~assisted under this subpart, including the following information:~~

~~(A) The number of parents (including the number of minority and limited English proficient parents) who receive information and training.~~

~~(B) The types and modes of training, information, and support provided under this subpart.~~

~~(C) The strategies used to reach and serve parents of minority and limited English proficient children, parents with limited literacy skills, and other parents in need of the services provided under this subpart.~~

~~(D) The parental involvement policies and practices used by the center and an evaluation of whether such policies and practices are effective in~~for increasing and improving ~~home-school communication, student academic achievement, student and school academic achievement, and parental involvement in school planning, review, and improvement.~~parent, family, and community engagement; and

~~(E) The effectiveness of the activities that local educational agencies and schools are carrying out, with regard to parental involvement and other activities assisted under this Act, that lead to improved student academic achievement and improved student and school academic achievement.~~

~~(2) DISSEMINATION.—The Secretary shall disseminate annually to Congress and the public the information that each organization or consortium submits under paragraph (1).~~

~~(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training, information, and support programs and parental information and resource centers.~~

~~(~~"(3) be made available to the public (including through electronic means).

"(d) Rule of Construction.—Nothing in this subpart shall be construed to prohibit a ~~parental~~parent and family information and resource center from—

~~(~~"(1) ~~having~~allowing its employees or agents to meet with ~~a parent~~ family members at a

site that is not on school grounds; or

~~(~~"~~(~~2) working with another public or nonprofit agency that serves children.

~~(~~"~~(~~e) Parental Rights.—Notwithstanding any other provision of this subpart—

~~(~~"~~(~~1) no ~~person~~ individual (including a parent who educates a child at home, parent of a public school ~~parent~~student, or parent of a private school ~~parent~~student) shall be required to participate in any program of parent or family education or developmental screening under this subpart; and

~~(~~"~~(~~2) ~~no~~a program or center assisted under this subpart shall not take any action that infringes in any manner on the right of a parent to direct the education of ~~their children.~~such parent's child.".

~~(f) CONTINUATION OF AWARDS.—The Secretary shall use funds made available under this subpart to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under title IV of the Goals 2000: Educate America Act (as such title was in effect on the day before the date of enactment of the No Child Left Behind Act of 2001) for the duration of the grant or contract award.~~

~~Sec. 5566~~

~~SEC. 5566. [20 U.S.C. 7273e] LOCAL FAMILY INFORMATION CENTERS.~~

~~(a) IN GENERAL.—If the amount made available to carry out this subpart for a fiscal year is more than $50,000,000, the Secretary is authorized to award 50 percent of the amount that exceeds $50,000,000 as grants to, and enter into contracts and cooperative agreements with, local nonprofit parent organizations to enable the organizations to support local family information centers that help ensure that parents of students in elementary schools and secondary schools assisted under this subpart have the training, information, and support the parents need to enable the parents to participate effectively in their children's early childhood education, in their children's elementary and secondary education, and in helping their children to meet challenging State academic content and student academic achievement standards.~~

~~(b) LOCAL NONPROFIT PARENT ORGANIZATION DEFINED.—In this section, the term "local nonprofit parent organization" means a private nonprofit organization (other than an institution of higher education) that—~~

~~(1) has a demonstrated record of working with low-income individuals and parents;~~

~~(2)(A) has a board of directors, the majority of whom are parents of students in elementary schools and secondary schools assisted under part A of title I and located in the geographic area to be served by a local family information center; or~~

~~(B) has a special governing committee to direct and implement a local family information center, a majority of the members of whom are parents of students in schools assisted under part A of title I; and~~

~~(3) is located in a community with elementary schools and secondary schools that receive funds under part A of title I, and is accessible to the families of students in those schools.~~

PART C—MAGNET SCHOOLS ASSISTANCE

Sec. 5301

SEC. 5301. [20 U.S.C. 7231] FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Magnet schools are a significant part of the Nation's effort to achieve voluntary desegregation in our Nation's schools.

(2) "(2) The use of magnet schools has increased dramatically since the inception of the magnet schools assistance program under this Act, with more than 1,500,000 students nationwide attending such schools. ~~The use of magnet schools has increased dramatically since the inception of the magnet schools assistance program under this Act, with approximately 2,000,000 students nationwide attending such schools, of whom more than 65 percent are non-white.~~

(3) Magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts.

(4) It is in the best interests of the United States—

(A) to continue the Federal Government's support of local educational agencies that are implementing court-ordered desegregation plans and local educational agencies that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

"(B) to ensure that all students have equitable access to a high-quality public education that will prepare them to succeed in a highly competitive economy comprised of people from many different racial and ethnic backgrounds; and ~~(B) to ensure that all students have equitable access to a high quality education that will prepare all students to function well in a technologically oriented and a highly competitive economy comprised of people from many different racial and ethnic backgrounds; and~~

(C) to continue to desegregate and diversify schools by supporting magnet schools, recognizing that segregation exists between minority and nonminority students as well as among students of different minority groups.

(5) Desegregation efforts through magnet school programs are a significant part of our Nation's effort to achieve voluntary desegregation in schools and help to ensure equal educational opportunities for all students.

(b) PURPOSE.—The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students, which shall include assisting in the efforts of the United States to achieve voluntary desegregation

in public schools;

(2) the development and implementation of magnet school programs , particularly whole-school programs, that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State academic content standards and student academic achievement standards;

(3) the development and design of evidence-based educational methods and practices that promote diversity and increase high-quality public educational options;

(4) courses of instruction within magnet schools that will substantially increase the college- and career-readiness of students attending such schools; ~~(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary schools and public secondary schools and public educational programs;~~

~~(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the attainment of tangible and marketable vocational, technological, and professional skills of students attending such schools;~~

(5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding for the magnet schools is terminated; and

(6) ensuring that all students enrolled in the magnet school programs have equitable access to high quality education that will enable the students to succeed academically and continue with postsecondary education or productive employment.

Sec. 5302

SEC. 5302. [20 U.S.C. 7231a] DEFINITION.

For the purpose of this part, the term “magnet school” means a public elementary school, public secondary school, public elementary education center, or public secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

Sec. 5303

SEC. 5303. [20 U.S.C. 7231b] PROGRAM AUTHORIZED.

The Secretary, in accordance with this part, is authorized to award competitive grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

(1) part of an approved desegregation plan; and

(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

Sec. 5304

SEC. 5304. [20 U.S.C. 7231c] ELIGIBILITY.

A local educational agency, or consortium of such agencies where appropriate, is eligible to

receive a grant under this part to carry out the purpose of this part if such agency or consortium—

(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

(2) without having been required to do so, has adopted and is implementing, or will, if a grant is awarded to such local educational agency, or consortium of such agencies, under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

Sec. 5305

SEC. 5305. [20 U.S.C. 7231d] APPLICATIONS AND REQUIREMENTS.

(a) APPLICATIONS.—An eligible local educational agency, or consortium of such agencies, desiring to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(b) Information and Assurances.—Each application submitted under subsection (a) shall include—

"(1) a description of—

"(A) how a grant awarded under this part will be used to—

"(i) improve student academic achievement for all students and subgroups of students described in section 1111(a)(2)(B)(ix) attending the magnet school program; and

"(ii) promote desegregation, including how the proposed magnet school program will increase interaction among students of different social, economic, ethnic, and racial backgrounds, including the policies, programs, and activities aimed at increasing interaction among such students;

"(B)(i) a description of the evidence that the magnet school program that the applicant proposes to implement would improve student academic achievement and reduce minority group isolation; or

"(ii) if such evidence is not available, a rationale, based on current research findings, for how the program would improve student academic achievement and reduce minority group isolation;

"(C) how the applicant will continue the magnet school program after assistance under this part is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this part cannot be continued without the use of grant funds under this part;

"(D) how grant funds under this part will be used—

"(i) to improve student academic achievement for all students attending the magnet school programs; and

"(ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate;

"(E) the student application process, and selection criteria, if any, to be used by the proposed magnet school program;

"(F) how the applicant will conduct outreach and disseminate information about the proposed magnet school program, including the application and selection process, in a timely, clear, and accessible manner to all students and their parents and families and, to the extent practicable, in a language they can understand; and

"(G) how the applicant will assess, monitor, and evaluate the impact of the activities funded under this part on student academic achievement and integration; and

"(2) assurances that the applicant will—

"(A) use grant funds under this part for the purpose specified in section 5301(b);

"(B) employ highly rated school leaders and teachers in the courses of instruction assisted under this part;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will result in greater parent and family decisionmaking and engagement; and

"(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students." ~~(b) INFORMATION AND ASSURANCES.—Each application submitted under subsection (a) shall include—~~

~~(1) a description of—~~

~~(A) how a grant awarded under this part will be used to promote desegregation, including how the proposed magnet school programs will increase interaction among students of different social, economic, ethnic, and racial backgrounds;~~

~~(B) the manner and extent to which the magnet school program will increase student academic achievement in the instructional area or areas offered by the school;~~

~~(C) how the applicant will continue the magnet school program after assistance under this part is no longer available, and, if applicable, an explanation of why magnet schools established or supported by the applicant with grant funds under this part~~

~~cannot be continued without the use of grant funds under this part;~~

~~(D) how grant funds under this part will be used—~~

~~(i) to improve student academic achievement for all students attending the magnet school programs; and~~

~~(ii) to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate; and~~

~~(E) the criteria to be used in selecting students to attend the proposed magnet school program; and~~

~~(2) assurances that the applicant will—~~

~~(A) use grant funds under this part for the purposes specified in section 5301(b);~~

~~(B) employ highly qualified teachers in the courses of instruction assisted under this part;~~

~~(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—~~

~~(i) the hiring, promotion, or assignment of employees of the applicant or other personnel for whom the applicant has any administrative responsibility;~~

~~(ii) the assignment of students to schools, or to courses of instruction within the schools, of such applicant, except to carry out the approved plan; and~~

~~(iii) designing or operating extracurricular activities for students;~~

~~(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and~~

~~(E) give students residing in the local attendance area of the proposed magnet school program equitable consideration for placement in the program, consistent with desegregation guidelines and the capacity of the applicant to accommodate the students.~~

(c) SPECIAL RULE.—No grant shall be awarded under this part unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) ~~will be met~~are being met.

Sec. 5306

SEC. 5306. [20 U.S.C. 7231e] PRIORITY.

In awarding grants under this part, the Secretary shall give priority to applicants that—

"(1) have the highest quality applications or demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;

"(2) propose to carry out new magnet school programs, significantly revise existing magnet school programs, or significantly expand magnet school programs, in a manner that—

"(A) is aligned with other programs that have demonstrated a record of success in increasing student academic achievement and reducing minority group isolation; or

"(B) has a strong research basis for improving student academic achievement and reducing minority group isolation;

"(3) select, or propose to select, students to attend magnet school programs solely or primarily by lottery, rather than through academic examination or other selective enrollment methods; and

"(4) propose to serve the entire student population of a school. ~~(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out approved desegregation plans and the magnet school program for which the grant is sought;~~

~~(2) propose to carry out new magnet school programs, or significantly revise existing magnet school programs; and~~

~~(3) propose to select students to attend magnet school programs by methods such as lottery, rather than through academic examination.~~

Sec. 5307

SEC. 5307. [20 U.S.C. 7231f] USE OF FUNDS.

(a) IN GENERAL.—Grant funds made available under this part may be used by an eligible local educational agency, or consortium of such agencies—

"(1) for planning, outreach, and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, educational technology, materials, and equipment necessary to conduct programs in magnet schools;

"(3) for—

"(A) the compensation, or subsidization of the compensation, of elementary school and secondary school teachers, leaders, and other instructional staff who are highly rated; and

"(B) high-quality professional development and staff capacity-building activities, including those designed to recruit, prepare, support, and retain highly rated school teachers, leaders, and other instructional staff; and

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program;

"(5) for activities, which may include the formation of partnerships with public or nonprofit organizations to help enhance the program or promote parent and family decisionmaking and engagement that will build the recipient's capacity to operate magnet school programs once the grant period has ended;

"(6) to enable the local educational agency, or consortium of such agencies, to have more

flexibility in designing magnet schools for students in all grades; and

"(7) for other operational costs that cannot be met with other State or local sources.

~~(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;~~

~~(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation of materials, equipment, and computers, necessary to conduct programs in magnet schools;~~

~~(3) for the compensation, or subsidization of the compensation, of elementary school and secondary school teachers who are highly qualified, and instructional staff where applicable, who are necessary to conduct programs in magnet schools;~~

~~(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—~~

~~(A) are designed to make available the special curriculum that is offered by the magnet school program to students who are enrolled in the school but who are not enrolled in the magnet school program; and~~

~~(B) further the purpose of this part;~~

~~(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended;~~

~~(6) to enable the local educational agency, or consortium of such agencies, to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and~~

~~(7) to enable the local educational agency, or consortium of such agencies, to have flexibility in designing magnet schools for students in all grades.~~

(b) SPECIAL RULE.—Grant funds under this part may be used for activities described in paragraphs (2) and (3) of subsection (a) only if the activities are directly related to improving student academic achievement ~~based on the State's challenging academic content standards and student academic achievement standards or directly related to improving student reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological, and professional skills~~and growth and leading to students being on track to college and career readiness.

Sec. 5308

SEC. 5308. [20 U.S.C. 7231g] PROHIBITION.

Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

Sec. 5309

SEC. 5309. [20 U.S.C. 7231h] LIMITATIONS.

(a) DURATION OF AWARDS.—A grant under this part shall be awarded for ~~a period that shall~~

~~not exceed 3 fiscal years~~ an initial period of not more than 3 fiscal years, and may be renewed for not more than an additional 2 years if the Secretary finds that the grantee is achieving the intended outcomes of the grant and shows improvement in increasing student academic achievement and reducing minority-group isolation, and other indicators of success established by the Secretary.

(b) LIMITATION ON PLANNING FUNDS.—A local educational agency, or consortium of such agencies, may expend for planning (professional development shall not be considered to be planning for purposes of this subsection) not more than ~~50~~ 40 percent of the grant funds received under this part for the first year of the program and not more than ~~15~~ 10 percent of such funds for each of the second and third such years.

(c) AMOUNT.—No local educational agency, or consortium of such agencies, awarded a grant under this part shall receive more than $4,000,000 under this part for any 1 fiscal year.

(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than July 1 of the applicable fiscal year.

Sec. 5310

SEC. 5310. [20 U.S.C. 7231i] EVALUATIONS.

~~(a) RESERVATION.—The Secretary may reserve not more than 2 percent of the funds appropriated under section 5311(a) for any fiscal year to carry out evaluations, provide technical assistance, and carry out dissemination projects with respect to magnet school programs assisted under this part.~~

(a~~b~~) Impact of Activities.—From the amount reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this part, consistent with section 9601, including—~~CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—~~

(1) how and the extent to which magnet school programs lead to educational quality and improvement;

(2) the extent to which magnet school programs enhance student access to a high quality education;

(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students; and

(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

(b~~c~~) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

Sec. 5311

SEC. 5311. [20 U.S.C. 7231j] AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

~~(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.~~

~~(b)~~ AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (3)(u~~a~~) exceeds $75,000,000, the Secretary shall give priority in using such amounts in excess of $75,000,000 to awarding grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.

"PART ~~B~~D—PUBLIC CHARTER SCHOOLS

SEC. 5401. DISTRIBUTION OF FUNDS.

"From the funds appropriated to carry out this part for a fiscal year—

"(1) 85 percent shall be available to carry out subpart 1; and

"(2) 15 percent shall be available to carry out subpart 2.

"Subpart 1—Successful Charter ~~School Programs~~Schools Program

~~Sec. 5201~~

"SEC. ~~5201. [20 U.S.C. 7221] PURPOSE~~52~~2~~411. DEFINITIONS.

~~It is the purpose of this subpart to increase national understanding of the charter schools model by—~~

~~(1) providing financial assistance for the planning, program design, and initial implementation of charter schools;~~

~~(2) evaluating the effects of such schools, including the effects on students, student academic achievement, staff, and parents;~~

~~(3) expanding the number of high-quality charter schools available to students across the Nation; and~~

~~(4) encouraging the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.~~

~~Sec. 5202~~

~~SEC. 5202. [20 U.S.C. 7221a]~~"In this subpart:

"(1) CHARTER SCHOOL.—The term 'charter school' means a public school that—

"(A) is governed by a separate and independent board that exercises authority over 1 or more schools, including authority in the areas of governance, personnel, budget, schedule, and instructional program;

"(B) has ongoing, significant autonomy in the areas of—

"(i) the hiring, replacement, and salaries of the school staff;

"(ii) the school budget;

"(iii) scheduling formats for the school day and school year;

"(iv) the instructional programs of the school, including instructional models and curricula; and

"(v) the management and daily operation of the school;

"(C) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(D) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

"(E) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the charter school authorizer;

"(F) provides 1 or more programs of elementary education, secondary education, or both, and may also provide prekindergarten or adult education, in accordance with State law;

"(G) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(H) does not charge tuition;

"(I) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act of 1990, and part B of the Individuals with Disabilities Education Act;

"(J) is a school to which parents choose to send their children, and that admits students on the basis of a lottery if more students apply for admission than can be accommodated, except as modified by the Secretary by regulation in accordance with clause (v) or (vi) of section 1116(d)(6)(B);

"(K) ~~agrees to comply~~complies with the same Federal and State audit requirements as do other elementary schools, secondary schools, and prekindergarten and adult education programs, as applicable, in the State, unless such requirements are specifically waived for the purpose of this program;

"(L) meets all applicable Federal, State, and local health and safety requirements;

"(M) operates in accordance with State law; and

"(N) has a written performance contract with a charter school authorizer that includes—

"(i) a description of how student performance will be measured on the basis of—

"(I) State assessments that are required of other schools; and

"(II) any other assessments that are mutually agreeable to the charter school authorizer and the charter school;

"(ii) a requirement that student academic achievement and growth, consistent with section 1111, for each subgroup described in section 1111(a)(2)(B)(ix) will be used as a primary factor in decisions about the renewal or revocation of the charter, in addition to other criteria, as appropriate;

"(iii) the student academic achievement, growth (consistent with section 1111), and student retention goals, and, in the case of a high school, graduation rate goals for each subgroup described in section 1111(a)(2)(B)(ix), and any other goals to be achieved by the end of the contract period;

"(iv) the obligations and responsibilities of the charter school and the charter school authorizer; and

"(v) a description of the autonomy that will be granted to the charter school in each area described under paragraph (1)(B).

"(42) DEVELOPER.—The term 'developer' means any individual, group of individuals, or public nonprofit organization that—

"(A) has applied for, or been granted, a charter for a charter school; or

"(B) has received authorization to start a charter school.

"(53) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State educational agency;

"(B) a ~~PROGRAM AUTHORIZED.~~

~~(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 5203 to enable such agencies to conduct a charter school grant program in accordance with this subpart.~~

~~(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this subpart or does not have an application approved under section 5203, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 5203(c).~~

~~(c) PROGRAM PERIODS.—~~

~~(1) GRANTS TO STATES.—Grants awarded to State educational agencies under this subpart shall be for a period of not more than 3 years.~~

~~(2) GRANTS TO ELIGIBLE APPLICANTS.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this subpart shall be for a period of not more than 3 years, of which the eligible applicant may use—~~

~~(A) not more than 18 months for planning and program design;~~

~~(B) not more than 2 years for the initial implementation of a charter school; and~~

~~(C) not more than 2 years to carry out dissemination activities described in section 5204(f)(6)(B).~~

~~(d) LIMITATION.—A charter school may not receive—~~

~~(1) more than one grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or~~

~~(2) more than one grant for activities under subparagraph (C) of subsection (c)(2).~~

~~(e) PRIORITY TREATMENT.—~~

~~(1) IN GENERAL.—In awarding grants under this subpart for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 5211 (other than funds reserved to carry out section 5205(b)), the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).~~

~~(2) REVIEW AND EVALUATION PRIORITY CRITERIA.—The criteria referred to in paragraph (1) are that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the student academic achievement requirements and goals for charter schools as set forth under State law or the school's charter.~~

~~(3) PRIORITY CRITERIA.—The criteria referred to in paragraph (1) are the following:~~

~~(A) The State has demonstrated progress, in increasing the number of high-quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this subpart.~~

~~(B) The State—~~

~~(i) provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or~~

~~(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.~~

~~(C) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.~~

~~(f) AMOUNT CRITERIA.—In determining the amount of a grant to be awarded under this subpart to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating, or are approved to open, in the State.~~

~~Sec. 5203~~

~~SEC. 5203. [20 U.S.C. 7221b]~~ APPLICATIONS.

~~(a) APPLICATIONS FROM STATE AGENCIES.—Each State educational agency desiring a grant from the Secretary under this subpart shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.~~

~~(b) CONTENTS OF A STATE EDUCATIONAL AGENCY APPLICATION.—Each application submitted pursuant to subsection (a) shall—~~

~~(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State~~

~~educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program; and~~

~~(2) describe how the State educational agency—~~

~~(A) will inform each charter school in the State regarding—~~

~~(i) Federal funds that the charter school is eligible to receive; and~~

~~(ii) Federal programs in which the charter school may participate;~~

~~(B) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school; and~~

~~(C) will disseminate best or promising practices of charter schools to each~~ local educational agency ~~in the State; and~~

~~(3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—~~

~~(A) a description of the educational program to be implemented by the proposed charter school, including—~~

~~(i) how the program will enable all students to meet challenging State student academic achievement standards;~~

~~(ii) the grade levels or ages of children to be served; and~~

~~(iii) the curriculum and instructional practices to be used;~~

~~(B) a description of how the charter school will be managed;~~

~~(C) a description of—~~

~~(i) the objectives of the charter school; and~~

~~(ii) the methods by which the charter school will determine its progress toward achieving those objectives;~~

~~(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;~~

~~(E) a description of how parents and other members of the community will be involved in the planning, program design, and implementation of the charter school;~~

~~(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);~~

~~(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the eligible applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;~~

~~(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other~~

~~Federal programs administered by the Secretary;~~

~~(I) a description of how students in the community will be —~~

~~(i) informed about the~~ , except a charter school~~; and~~ that is considered a local educational agency under State law;

~~(ii) given an equal opportunity to attend the~~"(C) a charter school~~;~~ authorizer; or

~~(J) an assurance~~"(D) a charter management organization.

"(~~6~~4) EXPAND.—The term 'expand' means to significantly increase the student enrollment of an existing high-performing charter school through the addition of not less than 2 grades to such existing charter school over the course of a grant under this part.

"(~~7~~5) HIGH-PERFORMING CHARTER SCHOOL.—The term 'high-performing charter school' means—

"(A) in the case of a charter school that was not open or did not enroll students in the preceding school year, a charter school that ~~the eligible applicant will annually provide the Secretary and the State educational agency such information as may be~~has a written performance contract with a charter school authorizer that includes, at the schoolwide level and for each subgroup described in section 1111(a)(2)(B)(ix) for the most recent year for which such data are available—

"(i) student academic achievement and growth goals (as measured, in the case of a charter school that is an elementary school or secondary school, by performance on the statewide academic assessments required ~~to determine~~under section 1111(a)(2) and individual academic growth, consistent with section 1111) that are higher than the average student academic achievement and growth results, consistent with section 1111, in demographically similar schools in the State;

"(ii) student retention goals that are similar to, or greater than, the average student retention rates in demographically similar schools in the State; and

"(iii) if the charter school is a high school, goals for graduation rates, rates of student enrollment at institutions of higher education, and rates of student persistence at institutions of higher education that are higher than such average rates in demographically similar schools in the State; or

"(B) in the case of a charter school that was open and enrolled students for the preceding school year, a charter school that has, at the schoolwide level and for each subgroup described in section 1111(a)(2)(B)(ix) for the most recent year for which such data are available—

"(i) student academic achievement and growth results (as measured, in the case of a charter school that is an elementary school or secondary school, by performance on the statewide academic assessments required under section 1111(a)(2) and individual academic growth, consistent with section 1111) that are significantly higher than the average student academic achievement and growth results, consistent with section 1111, in demographically similar schools in the State;

"(ii) student retention rates that are similar to or higher than the average student

retention rates in demographically similar schools in the State; and

"(iii) if the school is a high school, higher graduation rates, rates of student enrollment at institutions of higher education, and rates of student persistence at institutions of higher education than such average rates in demographically similar schools in the State.

"(~~8~~6) REPLICATE.—The term 'replicate' means that an existing high-performing charter school will open 1 or more new campuses under a new or existing charter, or both, over the course of a grant under this part.

"SEC. 5~~2~~412. PROGRAM AUTHORIZED.

~~making satisfactory progress toward achieving the objectives~~"(a) In General.—From the amount available to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to enable such eligible entities to award subgrants to developers to create, expand, or replicate 1 or more high-performing charter schools, including through conversion of an existing school into a charter school.

"(b) Allocations.—The Secretary shall use not less than 65 percent of funds to award grants to eligible entities described in ~~subparagraph (C)(i);~~5~~2~~411(3~~5~~)(A~~A~~).

~~(K) an assurance that~~ "(c) Considerations.—In awarding grants under this subpart, the Secretary shall consider—

"(1) the geographic diversity of the eligible ~~applicant~~entities, including the distribution of grants among urban, suburban, and rural areas; and

"(2) the number of eligible entities in a State that are receiving grants under this subpart in any fiscal year.

"(d) Grant Amount.—

"(1) In determining the amount of each grant to be awarded under subsection (a), the Secretary shall consider—

"(A) the number of operating charter schools under the jurisdiction or in the service area of the eligible entity;

"(B) to the extent practicable, the number of students, including students on charter school waiting lists, that will ~~cooperate~~be served by high-performing charter schools that receive funds under this subpart; and

"(C) the amount of funds that is needed to implement the activities described in the approved application.

"(e) Duration.—

"(1) IN GENERAL.—Each grant awarded under this subpart shall be for an initial period of not more than 3 years.

"(2) RENEWAL.—The Secretary may renew a grant awarded under this subpart for an additional period of not more than 2 years, if the eligible entity is achieving the objectives of the grant and has shown improvement on the performance measures and targets described in section 5~~2~~417(a).

"(f) Limitations.—

"(1) GRANTS.—An eligible entity may not receive more than 1 grant at a time under this section.

"(2) SUBGRANTS.—A developer may not receive more than 1 subgrant at a time under this section.

"(g) Reservations.—An eligible entity that receives a grant under this subpart may use—

"(1) not more than a total of 5 percent of grant funds for administrative expenses associated with the grant, including for improving oversight or management of charter schools; and

"(2) in the case of an eligible entity described in section 5~~2~~411(3~~5~~)(C), not more than 5 percent of grant funds for improvements to charter school oversight and monitoring systems, including procedures for revoking or not renewing charters.

"(h) Waiver.—The Secretary may waive a statutory or regulatory requirement over which the Secretary exercises administrative authority, except a requirement described in section 5~~4~~211(1), if—

"(1) the waiver is requested in an approved application under this subpart; and

"(2) the Secretary determines that granting the waiver will promote the purpose of this subpart.

"SEC. 5~~2~~413. APPLICATIONS.

~~Secretary and the~~"(a) In General.—Each eligible entity desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(b) Contents.—

"(1) ELIGIBLE ENTITIES.—At a minimum, the application described in subsection (a) shall include a description of —

"(A) how the eligible entity will use grant funds to create, expand, or replicate 1 or more high-performing charter schools;

"(B) the need for the high-performing charter schools that the eligible entity seeks to support, including information that demonstrates the interest of parents and communities in increasing charter school enrollment capacity, such as the number of students who are on waiting lists for charter schools under the jurisdiction of the eligible entity;

"(C) the performance measures the eligible entity will use to measure outcomes;

"(D) how the eligible entity will provide information and support to parents, families, and students regarding the available charter school options in a simple, clear, and easily accessible format and, to the extent practicable, in a language that such parents, families, and students can understand;

"(E) how the eligible entity will coordinate the grant funds received under this subpart with other Federal, State, and local funds;

"(F) how the eligible entity will ensure that each charter school within such eligible entity's jurisdiction or service area—

"(i) meets the requirements of section 5~~2~~411(1); and

"(ii) provides equitable access and effectively serves the needs of all students, including children with disabilities and English learners, and implements outreach and recruitment practices that include families of such students;

"(G) how the eligible entity will award subgrants to developers, on a competitive basis and through a high-quality peer review process, including a description of the subgrant application;

"(H) how the eligible entity will target subgrants to high-performing charter schools that plan to serve students who attend schools that have been identified through the State accountability and improvement system described in section 1116;

"(I) the eligible entity's record, if applicable, of success in creating, expanding, replicating, managing, and overseeing high-performing charter schools, and closing unsuccessful schools;

"(J) how the eligible entity will hold charter schools within such eligible entity's jurisdiction accountable if such schools do not meet the objectives specified in the performance contract described in section 5~~2~~411(1)(N), including by closing unsuccessful schools; and

"(K) how charter school authorizers are approved, monitored, held accountable for establishing rigorous standards, periodically reviewed, and re-approved in the State in which the eligible entity operates, based on the performance of the charter schools that such charter school authorizers authorize, including in the areas of student safety, financial management, and compliance with all applicable statutes and regulations.

"(2) STATE EDUCATIONAL ~~agency in evaluating the program assisted under this subpart;~~AGENCIES.—Each eligible entity described in section 5~~2~~411(~~5~~3)(A) shall include in the application described in paragraph (1) (in addition to the requirements of such paragraph), the following:

~~(I) a~~"(A) A description of the State's laws, policies, or procedures, if applicable, that address—

"(i) how decisions are made to close unsuccessful charter schools, and how student academic achievement and growth, consistent with section 1111, for all students and for each subgroup of students described in section 1111(a)(2)(B)(ix), is a primary factor in such decisions;

"(ii) how charter schools are monitored and held accountable for—

"(I) meeting the requirements described in section 5~~2~~411(1); and

"(II) providing equitable access and effectively serving the needs of all students, including students with disabilities and English learners; and

"(iii) how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will

comply with ~~sections 613~~subsections (a)(5) and ~~613~~(e)(1)(B) of section 613 of the Individuals with Disabilities Education Act~~;~~.

~~(M) if~~"(B) Information about the eligible ~~applicant desires to use~~ entity's record of funding charter schools, including funding charter school facilities.

"(C) Information about the number of charter schools in the State that—

"(i) have been closed or have had charters revoked or not renewed in the preceding 5-year period, and the reasons for such closures, revocations, or non-renewals;

"(ii) have been identified through the State accountability and improvement system described in section 1116 in the preceding 5-year period;

"(iii) have met objectives specified in the performance contract described in section 5~~4~~211(1)(N); and

"(iv) are high-performing charter schools, and the percentage of such charter schools as compared to the total number of charter schools in the State.

"(3) LOCAL EDUCATIONAL AGENCIES.—Each eligible entity described in section 5~~4~~211(3~~5~~)(B) shall include in the application described in paragraph (1) (in addition to the requirements described in such paragraph), a description of the eligible entity's policies and procedures for—

"(A) ensuring that charter schools under the jurisdiction of such eligible entity have equitable access to school facilities;

"(B) complying with subsections (a)(5) and (e)(1)(B) of section 613 of the Individuals with Disabilities Education Act; and

"(C) supporting public school choice.

"(4) CHARTER SCHOOL AUTHORIZERS.—Each eligible entity described in section 5~~2~~411(3~~5~~)(C) shall include in the application described in paragraph (1) (in addition to the requirements of such paragraph), the following:

"(A) A demonstration that the eligible entity has explicit and clear policies and procedures in place for the approval, monitoring, renewal, and closure of charter schools, and an assurance that such policies and procedures make student academic achievement and growth, consistent with section 1111, for all students and for each subgroup of students described in section 1111(a)(2)(B)(ix), a primary factor in such decisions.

"(B) A description of how the eligible entity will make publicly available (in a clear and uniform format, a timely manner, and a form that is easily accessible, and, to the extent practicable, in a language that families and students can understand)—

"(i) information about the criteria and procedures for granting, denying, revoking, and renewing charters for charter schools; and

"(ii) the results of decisions relating to the granting, denial, revocation, and renewal of charters for charter schools, including performance data and other relevant information on which each decision is based.

"(C) Information about the number of charter schools that—

"(i) the charter school authorizer has authorized that have been closed or have had charters revoked or not renewed by the eligible entity in the preceding 5-year period, and the reasons for such closures, revocations, or non-renewals;

"(ii) have been identified through the State accountability and improvement system described in section 1116;

"(iii) the charter school authorizer has authorized that are high-performing charter schools, and the percentage of such charter schools as compared to the total number of charter schools that the charter school authorizer has authorized; and

"(iv) have met the objectives specified in the performance contract described in section 5421~~2~~1(1)(N).

"(5) CHARTER MANAGEMENT ORGANIZATIONS.—Each eligible entity described in section 5421~~2~~1(3~~5~~)(D) shall include in the application described in paragraph (1) (in addition to the requirements of such paragraph), a description of—

"(A) the qualifications of such eligible entity's management team; and

"(B) a multi-year financial and operating model for each of the high-performing charter schools that such eligible entity will create, expand, or replicate under the grant.

"(6) SPECIAL RULE.—In the case of a developer that plans to open a charter school in a jurisdiction or service area where no eligible entity will be awarding subgrants under this subpart for the fiscal year for which the developer applies, the Secretary may award a grant to such developer if such developer has an approved application that includes the requirements described in subparagraphs (A) through (F) of paragraph (1) and paragraph (5). The requirements of subsections (b) and (c) of section 5421~~2~~6 and section 5421~~2~~7(c) shall apply to a developer receiving a grant under this paragraph in the same manner as such sections apply to a developer receiving a subgrant ~~funds for dissemination~~ under section 5421~~2~~6, except that the developer shall submit the data under section 5421~~2~~7(c) directly to the Secretary.

"SEC. 52~~2~~414. SELECTION CRITERIA; PRIORITY.

"(a) Selection Criteria.—

"(1) IN GENERAL.—In awarding grants to eligible entities under this subpart, the Secretary shall consider—

"(A) the quality of the eligible entity's application;

"(B) the eligible entity's record, if applicable, of success in creating, expanding, replicating, managing, and overseeing high-performing charter schools;

"(C) the eligible entity's record of discontinuing funding or closing low-performing charter schools, including, as applicable, by revoking or not renewing the charters of such charter schools, and the eligible entity's commitment to discontinuing funding or closing low-performing charter schools in the future;

"(D) the extent to which the eligible entity demonstrates that such eligible entity will award subgrants targeted to serving students who attend schools that have been identified through the State accountability and improvement system described in section 1116;

"(E) the quality of the eligible entity's plan for supporting subgrant recipients, through such activities ~~under~~as technical assistance, in order to—

"(i) improve student academic achievement and growth, consistent with section ~~5202(c~~1111, for all students and for each subgroup of students described in section 1111(a)(2)(~~C), a description of those activities and how those activities will involve~~B)(ix); and

"(ii) promote effective outreach to, and recruitment of, students who are children with disabilities and students who are English learners, and the parents and families of such students; and

"(F) the extent to which the State in which the eligible entity operates provides for, and enforces, high-quality standards for charter school authorizers, including by establishing standards for rigorous and periodic reviews.

"(2) STATE EDUCATIONAL AGENCIES.—In the case of an applicant that is an eligible entity described in section 5~~2~~11(~~35~~)(A), in addition to the elements described in paragraph (1), the Secretary shall also consider, the extent to which such eligible entity—

"(A) ensures that charter schools ~~and~~ receive equitable funding compared to other public schools~~,~~ in the State, and a commensurate share of Federal, State, and local ~~educational agencies,~~revenues compared to public schools in the State, including equitable State funding to support early learning programs operated by charter schools in the State, in accordance with State law; and

"(B) provides charter schools with equitable access to funds for facilities (which may include funds for leasing or purchasing facilities or for making tenant improvements), assistance for facilities acquisition, access to public facilities, the ability to share in the proceeds of bonds and levies, or other support related to facilities.

"(3) LOCAL EDUCATIONAL AGENCIES.—In the case of an applicant that is an eligible entity described in section 5~~2~~11(~~53~~)(B) (except for a charter school that is considered a local educational agency under State law) in addition to the elements described in paragraph (1), the Secretary shall also consider—

"(A) if charter schools are operating within the area served by such eligible entity, the extent to which the eligible entity has policies and procedures in place to ensure that—

"(i) charter schools have equitable access to school facilities; or

"(ii) charter schools are not denied access to available public school facilities; and

"(B) the extent to which the eligible entity demonstrates support for public school choice.

"(4) CHARTER SCHOOL AUTHORIZERS.—In the case of an applicant that is an eligible entity described in section 5~~2~~411(~~5~~3)(C), in addition to the elements described in paragraph (1), the Secretary shall also consider the eligible entity's record of success in authorizing and supporting high-performing charter schools.

"(5) CHARTER MANAGEMENT ORGANIZATIONS.—In the case of an applicant that is an eligible entity described in section 5~~4~~211(~~3~~5)(D), in addition to the elements described in paragraph (1), as applicable, the Secretary shall also consider—

"(A) the quality of the eligible entity's management team; and

"(B) the quality of the eligible entity's multi-year financial and operating model.

"(b) Priority.—

"(1) STUDENTS FROM LOW-INCOME FAMILIES.—In awarding grants under this subpart, the Secretary shall give priority to eligible entities that propose to create, expand, or replicate high-performing charter schools that plan to enroll a large percentage of students from low-income families.

"(2) DIVERSITY.—In awarding grants under this subpart, the Secretary may give priority to eligible entities that propose to create, expand, or replicate a high-performing charter school that will have a diverse student population.

"(3) STATE EDUCATIONAL AGENCIES.—In the case of an applicant that is an eligible entity described in section 5~~4~~211(~~3~~5)(A), the Secretary shall give priority to such eligible entities—

"(A) from States that do not have a law that prohibits, or effectively inhibits, increasing the number of high-performing charter schools in the State;

"(B) from States that—

"(i) provide for, and adequately support, 2 or more charter school authorizers, of which not less than 1 is a statewide charter school authorizer; or

"(ii) in the case of a State in which local educational agencies are the only charter school authorizers—

"(I) allow for an appeals process through which developers~~, and potential developers~~ have an opportunity to appeal a denial to another authorizer that will issue a final determination regarding whether or not to grant the developer a charter; and

"(II) require charter school authorizers to indicate an affirmative interest in serving as charter school authorizers; and

"(C) that have a policy or procedure in place that ensures that charter schools are reauthorized or have their charter renewed not less than once every 5 years.

"SEC. 5~~2~~415. USES OF FUNDS.

~~(N) such other~~ "(a) Required Uses of Funds.—Each eligible entity receiving a grant under section 5~~2~~412(a) shall—

"(1) use not less than 90 percent of such grant funds to award subgrants to 1 or more

developers, as described under section 5~~2~~416, to enable such developers to create, expand, or replicate 1 or more high-performing charter schools (which may include opening new schools or converting existing schools into charter schools) in the area served by the eligible entity or under the jurisdiction of the eligible entity;

"(2) in awarding subgrants, give priority to developers that propose to create, expand, or replicate a high-performing charter school in which a large percentage of the students enrolled are from low-income families;

"(3) provide developers who are receiving a subgrant with support and technical assistance in—

"(A) improving student academic achievement and growth, consistent with section 1111;

"(B) effectively serving the needs of all students, including students who are children with disabilities and English learners; and

"(C) implementing outreach and recruitment practices that includes families of students who are children with disabilities and English learners;

"(4) directly, or through a partnership with a nonprofit organization (such as a community-based organization), develop and implement parent, family, and student information, outreach, and recruitment programs to provide information and support to parents, families, and students about the public school choice options available to them, including students who are children with disabilities and English learners, in a simple, clear, and easily accessible format and, to the extent practicable, in a language that such parents, families, and students can understand.

"(b) Permissible Use of Funds.—Each eligible entity receiving a grant under section 5~~2~~412(a) may use not more than 1 percent of grant funds to disseminate information to public schools in the eligible entity's jurisdiction or service area about lessons learned through the grant activities, in order to—

"(1) successfully address the education needs of all students, including students who are children with disabilities ane English learners; and

"(2) replicate high-performing charter school models.

"SEC. 5~~2~~416. SUBGRANTS.

"(a) Applications.—Each developer that desires to receive a subgrant under this subpart shall submit an application to the appropriate eligible entity at such time, in such form, and including such information and assurances as the ~~Secretary and the State educational agency may require.~~

~~(c) ELIGIBLE APPLICANT APPLICATION.—Each eligible applicant desiring a grant pursuant to section 5202(b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary~~ eligible entity may reasonably require~~.~~

~~(d) CONTENTS OF ELIGIBLE APPLICANT APPLICATION.—Each application submitted pursuant to subsection (c),~~ which shall ~~contain—~~

~~(1)~~include the information ~~and assurances described in subparagraphs (A) through (N) of subsection (b)(3), except that for purposes of this subsection~~ required under subparagraphs (~~J),~~

~~(K), and (N) of such subsection shall be applied by striking "and the State educational agency" each place such term appears;~~ A) through (F) of paragraph (1) and paragraph (5) of section 5~~2~~413(b).

~~(2) assurances~~"(b) Use of Funds.—A developer that ~~the State educational agency—~~

~~(A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and~~

~~(B) will assist each subgrantee in the State in receiving~~receives a ~~waiver under section 5204(e); and~~

~~(3) assurances that the eligible applicant has provided its authorized public chartering authority timely notice, and a copy, of the application, except that the State educational agency (or the Secretary, in the case of an application submitted to the Secretary) may waive the requirement of this paragraph in the case of an application for a precharter planning grant or~~ subgrant ~~if the authorized public chartering authority to which a charter school proposal will be submitted has not been determined at the time the grant or subgrant application is submitted.~~

~~Sec. 5204~~

~~SEC. 5204. [20 U.S.C. 7221c] ADMINISTRATION.~~

~~(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies~~ under this subpart ~~on the basis of the quality of the applications submitted under section 5203(b), after taking into consideration~~ shall use such ~~factors as—~~

~~(1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students in meeting State academic content standards and State student academic achievement standards;~~

~~(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;~~

~~(3) the ambitiousness of the objectives for the State charter school grant program;~~

~~(4) the quality of the strategy for assessing achievement of those objectives;~~

~~(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students;~~

~~(6) the number of high-quality charter schools created under this subpart in the State; and~~

~~(7) in the case of State educational agencies that propose to use grant~~ subgrant funds to ~~support dissemination activities under subsection (f)(6)(B), the quality of those activities and the likelihood that those activities will improve student academic achievement.~~

~~(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this subpart on the basis of the quality of the applications submitted under section 5203(c), after taking into consideration such factors as—~~

~~(1) the quality of the proposed curriculum and instructional practices;~~

~~(2) the degree of flexibility afforded by the State educational agency and, if applicable,~~

~~the local educational agency to the charter school;~~

~~(3) the extent of community support for the application;~~

~~(4) the ambitiousness of the objectives for the charter school;~~

~~(5) the quality of the strategy for assessing achievement of those objectives;~~

~~(6) the likelihood that the charter school will meet those objectives and improve educational results for students; and~~

~~(7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under subsection (f)(6)(B), the quality of those activities and the likelihood that those activities will improve student achievement.~~

~~(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this subpart, shall use a peer review process to review applications for assistance under this subpart.~~

~~(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this subpart, shall award grants and subgrants under this subpart in a manner that, to the extent possible, ensures that such grants and subgrants—~~

~~(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and~~

~~(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.~~

~~(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 5210(1), if—~~

~~(1) the waiver is requested in an approved application under this subpart; and~~

~~(2) the Secretary determines that granting such a waiver will promote the purpose of this subpart.~~

~~(f) USE OF FUNDS.—~~

~~(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this subpart shall use such grant funds to award subgrants to one~~create, expand, or replicate 1 or more ~~eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this subpart, except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6).~~

~~(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school, or to disseminate information about the charter school and successful practices in the charter school, in accordance with this subpart.~~

~~(3) ALLOWABLE ACTIVITIES.—An eligible applicant receiving a grant or subgrant under this subpart may use the grant or subgrant funds only for—~~

~~(A) post-award planning and design of the educational program~~high-performing charter

schools, which may include— carrying out the following activities:

~~(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and~~

~~(ii)~~ "(1) If necessary, carrying out not more than 12 months of planning and program design, unless such developer demonstrates the need for an additional planning period of not more than 3 months.

"(2) Recruiting and providing preparation, induction, and professional development ~~of~~ for teachers, school leaders, and other staff who will work in ~~the~~ a charter school~~; and~~ that is supported by the developer.

~~(B) initial implementation of the charter school, which may include—~~

~~(i) informing the community about the school;~~

~~(ii) acquiring~~"(3) Acquiring necessary equipment, supplies, and educational materials ~~and supplies;~~

~~(iii) acquiring or developing curriculum materials; and~~

~~(iv) other initial operational costs that cannot be met from State or local sources.~~

~~(4) ADMINISTRATIVE EXPENSES.—~~

~~(A) STATE EDUCATIONAL AGENCY ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this subpart.~~

~~(B) LOCAL ADMINISTRATIVE EXPENSES.—A local educational agency may not deduct funds for administrative fees or expenses from a subgrant awarded to an eligible applicant, unless the eligible applicant enters voluntarily into a mutually agreed upon arrangement for administrative services with the relevant local educational agency. Absent such approval, the local educational agency shall distribute all such subgrant funds to the eligible applicant without delay.~~

~~(5) REVOLVING LOAN FUNDS.—Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 10 percent of the grant funds for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a subgrant under this subpart, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of the eligible applicant until such time as the recipient begins receiving ongoing operational support from State or local financing sources.~~

~~(6) DISSEMINATION.—~~

~~(A) IN GENERAL.—A charter school may apply for funds under this subpart, whether or not the charter school has applied for or received funds under this subpart for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—~~

~~(i) substantial progress in improving student academic achievement;~~

~~(ii) high levels of parent satisfaction; and~~

~~(iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.~~

~~(B) ACTIVITIES.—A charter school described in subparagraph (A) may use funds reserved under paragraph (1) to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—~~

~~(i) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;~~

~~(ii) developing partnerships with other public schools, including charter schools, designed to improve student academic achievement in each of the schools participating in the partnership;~~

~~(iii) developing curriculum materials~~, including curricula, assessments, and ~~other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and~~instructional materials.

~~(iv) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.~~

~~(g) TRIBALLY CONTROLLED SCHOOLS.—Each State that receives a grant under this subpart and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) in determining—~~

~~(1) the eligibility of the school to receive any other Federal, State, or local aid; or~~

~~(2) the amount of such aid.~~

~~Sec. 5205~~

~~SEC. 5205. [20 U.S.C. 7221d]~~"(4) Professional development and implementation of systems for the delivery of appropriate services for students who are children with disabilities and English learners, including through centralizing, purchasing, or sharing the provision of such services with other organizations.

"(5) Providing transportation to students to and from the school.

"(6) Paying operational costs for a charter school that cannot be met through State or local funding sources.

"(7) Directly, or through a partnership with a nonprofit organization (including a community-based organization), developing and implementing parent, family, and student information and outreach programs to provide information and support to parents, families, and students about each charter school, in a simple, clear, and easily accessible format and, to the extent practicable, in a language that the parents, families, and students can

understand.

"(8) Developing and implementing effective outreach and recruitment strategies to inform families of students who are children with disabilities and students who are English learners about the charter school, the charter school admissions process, and the charter school's plan to effectively provide appropriate educational and related services to such students.

"(9) Evaluating and disseminating information, including through technical assistance, about the effectiveness of the activities supported by the subgrant.

"(c) Limitations.—Not more than 1 percent of subgrant funds may be used to carry out the activities described in subsection (b)(9).

"SEC. 5~~2~~4~~1~~17. PERFORMANCE MEASURES; REPORTS.

"(a) Performance Measures and Targets.—Each eligible entity receiving a grant under this subpart shall establish performance measures and annual targets, approved by the Secretary, for the charter schools that are created, expanded, or replicated with funds provided through a grant or subgrant under this subpart. Such measures and targets shall include, at a minimum, in the aggregate and disaggregated by each subgroup of students described in section 1111(a)(2)(B)(ix)—

"(1) the number of students enrolled in each charter school;

"(2) the number of students enrolled in each high-performing charter school;

"(3) the number of students enrolled in each high-performing charter school who were formerly attending a school that has been identified through the State accountability and improvement system described in section 1116;

"(4) student academic achievement and growth, consistent with section 1111, including, if applicable, performance on the State academic assessments required under section 1111(a)(2), and student growth consistent with section 1111;

"(5) student retention rates;

"(6) in the case of a public charter school that is a secondary school, student graduation rates, and student rates of enrollment and persistence in institutions of higher education; and

"(7) other measures required by the Secretary.

"(b) Reports.—Each eligible entity receiving a grant under this subpart shall annually prepare and submit a report to the Secretary containing the information described under subsection (a).

"(c) Developers.—Each developer receiving a subgrant under this subpart from an eligible entity shall provide the eligible entity with the data necessary to comply with the requirements of this section.

"~~NATIONAL ACTIVITIES.~~

~~(a) IN GENERAL.—The Secretary shall reserve for each fiscal year the greater of 5 percent or $5,000,000 of the amount appropriated to carry out this subpart, except that in no fiscal year shall the total amount so reserved exceed $8,000,000, to carry out the following activities:~~

~~(1) To provide charter schools, either directly or through State educational agencies, with—~~

~~(A) information regarding—~~

~~(i) Federal funds that charter schools are eligible to receive; and~~

~~(ii) other Federal programs in which charter schools may participate; and~~

~~(B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications.~~

~~(2) To provide for other evaluations or studies that include the evaluation of the impact of charter schools on student academic achievement, including information regarding—~~

~~(A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and~~

~~(B) the professional qualifications of teachers within a charter school and the turnover of the teaching force.~~

~~(3) To provide—~~

~~(A) information to applicants for assistance under this subpart;~~

~~(B) assistance to applicants for assistance under this subpart with the preparation of applications under section 5203;~~

~~(C) assistance in the planning and startup of charter schools;~~

~~(D) training and technical assistance to existing charter schools; and~~

~~(E) for the dissemination to other public schools of best or promising practices in charter schools.~~

~~(4) To provide (including through the use of one or more contracts that use a competitive bidding process) for the collection of information regarding the financial resources available to charter schools, including access to private capital, and to widely disseminate to charter schools any such relevant information and model descriptions of successful programs.~~

~~(5) To carry out evaluations of, technical assistance for, and information dissemination regarding, the per-pupil facilities aid programs. In carrying out the evaluations, the Secretary may carry out one or more evaluations of State programs assisted under this subsection, which shall, at a minimum, address—~~

~~(A) how, and the extent to which, the programs promote educational equity and excellence; and~~

~~(B) the extent to which charter schools supported through the programs are—~~

~~(i) held accountable to the public;~~

~~(ii) effective in improving public education; and~~

~~(iii) open and accessible to all students.~~

~~(b) PER-PUPIL FACILITIES AID PROGRAMS.—~~

~~(1) DEFINITION OF PER-PUPIL FACILITIES AID PROGRAM.—In this subsection, the term "per-~~

~~pupil facilities aid program" means a program in which a State makes payments, on a per-pupil basis, to charter schools to provide the schools with financing—~~

~~(A) that is dedicated solely for funding charter school facilities; or~~

~~(B) a portion of which is dedicated for funding charter school facilities.~~

~~(2) GRANTS.—~~

~~(A) IN GENERAL.—From the amount made available to carry out this subsection under paragraphs (2) and (3)(B) of section 5211(b) for any fiscal year, the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering per-pupil facilities aid programs.~~

~~(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.~~

~~(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—~~

~~(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;~~

~~(ii) 80 percent in the second such year;~~

~~(iii) 60 percent in the third such year;~~

~~(iv) 40 percent in the fourth such year; and~~

~~(v) 20 percent in the fifth such year.~~

~~(3) USE OF FUNDS.—~~

~~(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State.~~

~~(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.~~

~~(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.~~

~~(4) REQUIREMENTS.—~~

~~(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.~~

~~(B) STATE LAW.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—~~

~~(i) is specified in State law; and~~

~~(ii) provides annual financing, on a per-pupil basis, for charter school facilities.~~

~~(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.~~

~~(6) PRIORITIES.—In making grants under this subsection, the Secretary shall give priority to States that meet the criteria described in paragraph (2), and subparagraphs (A), (B), and (C) of paragraph (3), of section 5202(e).~~

~~(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).~~

~~Sec. 5206~~

SEC. ~~5206. [20 U.S.C. 7221e]~~52418. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

~~(~~"(a) In General.—For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

~~(~~"(b) Adjustment and Late Openings.—

~~(~~"(1) IN GENERAL.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

~~(~~"(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

~~Sec. 5207~~

"SEC. ~~5207. [20 U.S.C. 7221f] SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.~~

~~To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development~~

~~of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act, or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.~~

~~Sec. 5208~~

~~SEC. 5208. [20 U.S.C. 7221g]~~52~~4~~19. RECORDS TRANSFER.

"State educational agencies and local educational agencies~~,~~ receiving funds under part A of title I or any other Federal funds from the Secretary, shall, in the most timely manner possible and to the extent practicable, ~~shall~~ ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

"SEC. 5~~2~~4~~2~~20. NATIONAL ACTIVITIES.

"From funds made available under this subpart for each fiscal year, the Secretary may reserve not more than 2.5 percent for national activities to carry out (directly or through grants, contracts that use a competitive bidding process, or cooperative agreements) research, development, data collection, technical assistance, outreach, and dissemination activities, including—

"(1) research, technical assistance, and other activities to assist eligible entities receiving a grant under this subpart, and other eligible entities in improving the entity's capacity to—

"(A) create, expand, replicate, operate, or support high-performing charter schools that meet the needs of, and improve the outcomes for, all students, including students who are children with disabilities and English learners;

"(B) support charter school authorizers to improve quality through the adoption of research-based policies and procedures and increased capacity; and

"(C) work to turn around schools that have been identified through the State accountability and improvement system described in section 1116;

"(2) providing for the research and dissemination of information about specific charter school models and program characteristics for which there is strong evidence of a significant impact on improving student academic achievement and growth, consistent with section 1111, for all students, including students who are children with disabilities and English learners;

"(3) developing and implementing activities that help parents, families, students, and the community identify and access high-performing charter schools;

"(4) providing for the collection of information regarding the financial resources available to charter schools (including access to private capital) and widely disseminating to charter schools any such relevant information and model descriptions of successful programs;

~~"(5) carrying out the evaluation described in section 5221; and~~

"(~~6~~5) carrying out other related activities.

~~"SEC. 52421.~~ ~~Sec. 5209~~

~~SEC. 5209. [20 U.S.C. 7221h] PAPERWORK REDUCTION.~~

~~To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.~~

~~Sec. 5210~~

~~SEC. 5210. [20 U.S.C. 7221i]~~

~~DEFINITIONS.~~

~~In this subpart:~~

~~(1) CHARTER SCHOOL.—The term "charter school" means a public school that—~~

~~(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;~~

~~(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;~~

~~(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;~~

~~(D) provides a program of elementary or secondary education, or both;~~

~~(E) is nonsectarian in its programs, admissions policies, employment~~ practices~~, and all other operations, and is not affiliated with a sectarian school or religious institution;~~

~~(F) does not charge tuition;~~

~~(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;~~

~~(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;~~

~~(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;~~

~~(J) meets all applicable Federal, State, and local health and safety requirements;~~

~~(K) operates in accordance with State law; and~~

~~(L) has a written performance contract with the authorized public chartering agency~~

~~in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable~~ related to the ~~authorized public chartering agency and the charter school.~~

~~(2) DEVELOPER.—The term "developer" means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.~~

~~(3) ELIGIBLE APPLICANT.—The term "eligible applicant" means a developer that has—~~

~~(A) applied to an authorized public chartering authority to operate a charter school; and~~

~~(B) provided adequate and timely notice to that authority under section 5203(d)(3).~~

~~(4) AUTHORIZED PUBLIC CHARTERING AGENCY.—The term "authorized public chartering agency" means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.~~

~~Sec. 5211~~

~~SEC. 5211. [20 U.S.C. 7221j]~~~~activities supported under~~
~~AUTHORIZATION OF APPROPRIATIONS.~~

~~(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.~~

~~(b) RESERVATION.—From the amount appropriated under subsection (a) for each fiscal year, the Secretary shall reserve—~~

~~(1) $200,000,000 to carry out~~ this subpart~~, other than section 5205(b); and~~.

~~(2) any funds in excess of $200,000,000, that do not exceed $300,000,000, to carry out section 5205(b); and~~

~~(3)(A) 50 percent of any funds in excess of $300,000,000 to carry out this subpart, other than section 5205(b); and~~

~~(B) 50 percent of any funds in excess of $300,000,000 to carry out section 5205(b).~~

"Subpart 2—~~Credit Enhancement Initiatives To Assist~~ Charter School Facility Acquisition, Construction, and Renovation

~~Sec. 5221~~

"SEC. 52431.~~5221. [20 U.S.C. 7223]~~ PURPOSE.

"The purpose of this subpart is to provide grants to eligible entities to ~~permit the eligible entities to demonstrate innovative credit enhancement initiatives that assist charter~~improve access to facilities and facilities financing for high-performing charter schools and assist such

schools to address the cost of acquiring, constructing, and renovating facilities.

~~Sec. 5222~~

"SEC. 52432. DEFINITIONS.

"In this subpart:

"(1) HIGH-PERFORMING CHARTER SCHOOL.—The term 'high-performing charter school' has the meaning given such term in section 5211(6).

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State educational agency;

"(B) a local educational agency, except a charter school that is considered a local educational agency under State law~~;~~

"(C) a nonprofit entity;

"(D) a State financing authority; or

"(E) a consortium of entities described in any of subparagraphs (A) through (D).

"(3) PER-PUPIL FACILITIES AID PROGRAM.—The term 'per-pupil facilities aid program' means a program—

"(A) that is specified in State law;

"(B) that provides annual financing, on a per-pupil basis, for charter school facilities; and

"(C) in which a State makes payments, on a per-pupil basis, to charter schools to provide such schools with financing—

"(i) that is dedicated solely for funding charter school facilities; or

"(ii) a portion of which is dedicated for funding charter school facilities.

"~~SEC. 5222. [20 U.S.C. 7223a]~~52433. GRANTS TO ELIGIBLE ENTITIES.

~~(a)~~"(a) Credit Enhancement Grants.—The Secretary shall use ~~100~~not less than 65 percent of the amount available to carry out this subpart to award ~~not less than three~~ grants on a competitive basis to eligible entities ~~that have applications approved under this subpart~~to enable such eligible entities to demonstrate innovative credit enhancement methods of assisting high-performing charter schools to access private sector capital to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

~~(b) GRANTEE SELECTION.—~~

~~(1) EVALUATION OF APPLICATION.—The~~"(b) Other Facilities Grants.—The Secretary shall use the remainder of the amount available to carry out this subpart to award grants on a competitive basis to eligible entities to—

"(1) improve access to facilities and facilities financing for high-performing charter schools, through methods that may include—

"(A) leveraging State and local facilities funds, including the cost of implementing school bond programs that include high-performing charter schools;

"(B) implementing open-facilities-access programs or making available renovated or adapted space for high-performing charter schools; and

"(C) assist with constructing or improving, at low cost, facilities for high-performing charter schools through innovative methods; and

"(2) support an eligible entity described in section 5~~2~~411(~~5~~3)(A) in the establishment, enhancement, and administration of a per-pupil facilities aid program through Federal payments that shall be not more than—

"(A) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection;

"(B) 80 percent in the second such year;

"(C) 60 percent in the third such year;

"(D) 40 percent in the fourth such year; and

"(E) 20 percent in the fifth such year.

"(c) State Share of Per-Pupil Facilities Aid Program.—A State receiving a grant under subsection (b)(2) may partner with 1 or more organizations to provide not more than 50 percent of the State share of the cost of establishing, enhancing, or administering the per-pupil facilities aid program.

"(d) Grant Amount.—In determining the amount of each grant to be awarded under this subpart, the Secretary shall ~~evaluate each~~ consider—

"(1) the quality of the application submitted under section ~~5223, and shall determine whether the~~ 5234;

"(2) the number of students that are served or may be served by high-performing charter schools that would receive assistance under the grant program; and

"(3) the amount of funds that is needed to implement the activities described in the approved application.

"(e) Supplement Not Supplant.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended to provide programs for charter schools.

"SEC. 5~~2~~434. CHARTER SCHOOL OBJECTIVES

An eligible entity receiving a grant under this subpart shall use the funds to assist one or more high-performing charter schools to accomplish one or both of the following objectives:

(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

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(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

Section 5435. APPLICATIONS; SELECTION CRITERIA.

"(a) In General.—Each eligible entity desiring a grant under this subpart shall submit an application ~~is sufficient to merit approval~~to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

~~(2) DISTRIBUTION OF GRANTS.—The Secretary shall award at least one grant to an eligible entity described in section 5230(2)(A), at least one grant to an eligible entity described in section 5230(2)(B), and at least one grant to an eligible entity described in section 5230(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.~~

~~(c) GRANT CHARACTERISTICS.—Grants under this subpart shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.~~

~~(d) SPECIAL RULE.—In the event the Secretary determines that the funds made available under this subpart are insufficient to permit the Secretary to award not less than three grants in accordance with subsections (a) through (c), such three-grant minimum and subsection (b)(2) shall not apply, and the Secretary may determine the appropriate number of grants to be awarded in accordance with subsection (c).~~

~~Sec. 5223~~

~~SEC. 5223. [20 U.S.C. 7223b] APPLICATIONS.~~

~~(a) IN GENERAL.—To receive a grant under this subpart, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.~~

~~(~~"(b) Contents.—An application submitted under subsection (a) shall ~~contain~~include—

~~(~~"(1) a ~~statement identifying~~description of the activities ~~proposed~~that the eligible entity proposes to ~~be undertaken with~~carry out using funds received under this subpart~~, including how~~;

"(2) a demonstration that the eligible entity will ~~determine~~consider the quality of a charter school when determining—

"(A) which charter schools will receive assistance~~, and~~ under this subpart;

"(B) how much ~~and what types~~grant assistance will be provided to each charter school; and

"(C) the type of assistance that each charter ~~schools~~ school will receive;

~~(2) a description of the involvement of charter schools in the application's development~~

and the design of the proposed activities;

(“(3) a description of the eligible entity’s expertise in capital market financingrecord of successfully carrying out the activities that such eligible entity proposes to carry out;

(4)“(4) if applicable, the eligible entity’s record of leveraging private-sector funding and a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools; ;

(“(5) a descriptionan explanation of how the eligible entity possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

(“(6) in the case of an application submitted by a an eligible entity that includes 1 or more State governmental entityor local educational agencies, a description of the actions that the entity has taken, or will take, to ensureagency’s policies and procedures for ensuring that charter schools within the State receive the funding the charter schools need to have adequateequitable access to school facilities; and

(“(7) such other information as the Secretary may reasonably require.

Sec. 5224

SEC. 5224. [20 U.S.C. 7223c] CHARTER SCHOOL OBJECTIVES.

An eligible entity receiving a grant“(c) Selection Criteria.—In awarding grants under this subpart, the Secretary shall use the funds deposited in consider—

“(1) the reserve account established under section 5225(a) to assist one or morequality of the eligible entity’s application;

“(2) the extent to which the eligible entity proposes to support high-performing charter schools to access private sector capital to accomplish one or both of the following objectives:that plan to enroll a large percentage of students from low-income families;

(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

Sec. 5225

“(3) the geographic diversity of the eligible entities, including the distribution of grants between urban and rural areas; and

“(4) the number of eligible entities in a State that are receiving grants under this subpart in any fiscal year.

“SEC. 5225. [20 U.S.C. 7223d]5243655. RESERVE ACCOUNT.

~~(~~"~~(~~a) Use of Funds.—To assist charter schools ~~to accomplish the objectives~~with addressing the cost of acquiring, constructing, and renovating facilities and accessing facilities and facilities financing, as described in section ~~5224,~~5~~2~~433(a), an eligible entity receiving a grant under this subpart shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under this subpart (other than funds used for administrative costs in accordance with section ~~5226~~5~~2~~43~~6~~7) in a reserve account established and maintained by the eligible entity for this purpose. Amounts deposited in such account shall be used by the eligible entity for ~~one~~1 or more of the following purposes:

~~(~~"~~(~~1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in subsection (a) or (b) of section ~~5224~~5233.

~~(~~"~~(~~2) Guaranteeing and insuring leases of personal and real property for an objective described in section ~~5224~~5433(a).

~~(~~"~~(~~3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

~~(~~"~~(~~4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

~~(~~"~~(~~b) Investment.—Funds received under this subpart and deposited in the reserve account established under subsection (a) shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

~~(~~"~~(~~c) Reinvestment of Earnings.—Any earnings on funds received under this subpart shall be deposited in the reserve account established under subsection (a) and used in accordance with such subsection.

~~Sec. 5226~~

"SEC. ~~5226. [20 U.S.C. 7223e]~~5~~2~~437~~6~~. LIMITATION ON ADMINISTRATIVE COSTS.

"An eligible entity may use not more than ~~0.25~~2.5 percent of the funds received under this subpart for the administrative costs of carrying out its responsibilities under this subpart.

~~Sec. 5227~~

"SEC. ~~5227. [20 U.S.C. 7223f]~~5~~2~~438~~7~~. AUDITS AND REPORTS.

~~(~~"~~(~~a) Financial Record Maintenance and Audit.—The financial records of each eligible entity receiving a grant under this subpart shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

~~(~~"~~(~~b) Reports.—

~~(~~"~~(~~1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this subpart annually shall submit to the Secretary a report of its operations and activities under this subpart.

~~(~~"~~(~~2) CONTENTS.—Each annual report submitted under paragraph (1) shall include—

~~(~~"~~(~~A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

~~(~~"~~(~~B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

~~(~~"~~(~~C) if applicable, an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under this subpart in leveraging private funds;

~~(~~"~~(~~D) a listing and description of the charter schools served during the reporting period~~;~~

~~(E) a description~~ and the performance of ~~the activities carried out by the eligible entity to assist~~such charter schools in ~~meeting the objectives set forth in~~increasing student achievement and growth, consistent with section ~~5224~~1111; and

"(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 5434; and

(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this subpart during the reporting period, if applicable.

"(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this subpart.

~~Sec. 5228~~

"SEC. ~~5228. [20 U.S.C. 7223g]~~52~~4~~38. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

"No financial obligation of an eligible entity entered into pursuant to this subpart (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this subpart.

~~Sec. 5229~~

"SEC. ~~5229. [20 U.S.C. 7223h]~~52~~4~~39. RECOVERY OF FUNDS.

~~(~~"~~(~~a) In General.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

~~(~~"~~(~~1) all of the funds in a reserve account established by an eligible entity under section

~~5225~~5436(a) if the Secretary determines, not earlier than 2 years after the date on which the eligible entity first received funds under this subpart, that the eligible entity has failed to make substantial progress in carrying out the purposes described in section ~~5225~~5436(a); or

~~(~~"(2) all or a portion of the funds in a reserve account established by an eligible entity under section ~~5225~~5436(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section ~~5225~~5436(a).

~~(~~"(b) Exercise of Authority.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve ~~one~~1 or more of the purposes described in section ~~5225~~5436(a).

~~(~~"(c) Procedures.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act shall apply to the recovery of funds under subsection (a).

~~(~~"(d) Construction.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act~~.~~".

~~Sec. 5230~~

~~SEC. 5230. [20 U.S.C. 7223i] DEFINITIONS.~~

~~In this subpart:~~

~~(1) CHARTER SCHOOL.—The term "charter school" has the meaning given such term in section 5210.~~

~~(2) ELIGIBLE ENTITY.—The term "eligible entity" means—~~

~~(A) a public entity, such as a State or local governmental entity;~~

~~(B) a private nonprofit entity; or~~

~~(C) a consortium of entities described in subparagraphs (A) and (B).~~

~~Sec. 5231~~

~~SEC. 5231. [20 U.S.C. 7223j] AUTHORIZATION OF APPROPRIATIONS.~~

~~For the purpose of carrying out this subpart, there are authorized to be appropriated $150,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003.~~

~~Subpart 3—Voluntary Public School Choice Programs~~

~~Sec. 5241~~

~~SEC. 5241. [20 U.S.C. 7225] GRANTS.~~

~~(a) AUTHORIZATION.—From funds made available under section 5248 to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the entities to establish or expand a program of public school choice (referred to in this subpart as a "program") in accordance with this subpart.~~

(b) DURATION.—Grants awarded under subsection (a) may be awarded for a period of not more than 5 years.

Sec. 5242

SEC. 5242. [20 U.S.C. 7225a] USES OF FUNDS.

(a) REQUIRED USE OF FUNDS.—An eligible entity that receives a grant under this subpart shall use the grant funds to provide students selected to participate in the program with transportation services or the cost of transportation to and from the public elementary schools and secondary schools, including charter schools, that the students choose to attend under the program.

(b) PERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this subpart may use the grant funds for—

(1) planning or designing a program (for not more than 1 year);

(2) the cost of making tuition transfer payments to public elementary schools or secondary schools to which students transfer under the program;

(3) the cost of capacity-enhancing activities that enable high-demand public elementary schools or secondary schools to accommodate transfer requests under the program;

(4) the cost of carrying out public education campaigns to inform students and parents about the program; and

(5) other costs reasonably necessary to implement the program.

(c) NONPERMISSIBLE USES OF FUNDS.—An eligible entity that receives a grant under this subpart may not use the grant funds for school construction.

(d) ADMINISTRATIVE EXPENSES.—The eligible entity may use not more than 5 percent of the funds made available through the grant for any fiscal year for administrative expenses.

Sec. 5243

SEC. 5243. [20 U.S.C. 7225b] APPLICATIONS.

(a) SUBMISSION.—An eligible entity that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—An application submitted under subsection (a) shall include—

(1) a description of the program for which the eligible entity seeks funds and the goals for such program;

(2) a description of how and when parents of students will be given the notice required under section 5245(a)(2);

(3) a description of how students will be selected for the program;

(4) a description of how the program will be coordinated with, and will complement and enhance, other related Federal and non-Federal projects;

(5) if the program is to be carried out by a partnership, the name of each partner and a description of the partner's responsibilities; and

(6) such other information as the Secretary may require.

Sec. 5244

SEC. 5244. [20 U.S.C. 7225c] PRIORITIES.

In awarding grants under this subpart, the Secretary shall give priority to an eligible entity —

(1) whose program would provide the widest variety of choices to all students in participating schools;

(2) whose program would, through various choice options, have the most impact in allowing students in low-performing schools to attend higher-performing schools; and

(3) that is a partnership that seeks to implement an interdistrict approach to carrying out a program.

Sec. 5245

SEC. 5245. [20 U.S.C. 7225d] REQUIREMENTS AND VOLUNTARY PARTICIPATION.

(a) PARENT AND COMMUNITY INVOLVEMENT AND NOTICE.—In carrying out a program under this subpart, an eligible entity shall —

(1) develop the program with —

(A) the involvement of parents and others in the community to be served; and

(B) individuals who will carry out the program, including administrators, teachers, principals, and other staff; and

(2) provide to parents of students in the area to be served by the program with prompt notice of —

(A) the existence of the program;

(B) the program's availability; and

(C) a clear explanation of how the program will operate.

(b) SELECTION OF STUDENTS.—An eligible entity that receives a grant under this subpart shall select students to participate in a program on the basis of a lottery, if more students apply for admission to the program than can be accommodated.

(c) VOLUNTARY PARTICIPATION.—Student participation in a program funded under this subpart shall be voluntary.

Sec. 5246

SEC. 5246. [20 U.S.C. 7225e] EVALUATIONS.

(a) IN GENERAL.—From the amount made available to carry out this subpart for any fiscal year, the Secretary may reserve not more than 5 percent —

(1) to carry out evaluations;

(2) to provide technical assistance; and

(3) to disseminate information.

(b) EVALUATIONS.—In carrying out the evaluations under subsection (a), the Secretary shall, at a minimum, address—

(1) how, and the extent to which, the programs promote educational equity and excellence;

(2) the characteristics of the students participating in the programs; and

(3) the effect of the programs on the academic achievement of students participating in the programs, particularly students who move from schools identified under section 1116 to schools not so identified, and on the overall quality of participating schools and districts.

Sec. 5247

SEC. 5247. [20 U.S.C. 7225f] DEFINITIONS.

In this subpart:

(1) CHARTER SCHOOL.—The term "charter school" has the meaning given such term in section 5210.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) one or more State educational agencies;

(B) one or more local educational agencies; or

(C) a partnership of—

(i) one or more—

(I) State educational agencies; and

(II) local educational agencies or other public, for-profit, or nonprofit entities; or

(ii) one or more—

(I) local educational agencies; and

(II) public, for-profit, or nonprofit entities.

(3) LOW-PERFORMING SCHOOL.—The term "low-performing school" means a public elementary school or secondary school that has failed to make adequate yearly progress, as described in section 1111(b), for two or more consecutive years.

Sec. 5248

SEC. 5248. [20 U.S.C. 7225g] AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subpart $100,000,000 for fiscal year 2002 and each of the 5 succeeding fiscal years.

~~Subpart 3~~Part E—Voluntary Public School Choice ~~Programs~~

~~Sec. 5241~~

"SEC. ~~5241~~5501. ~~[20 U.S.C. 7225]~~ GRANTS.

~~("~~(a) Authorization.—From funds made available under section ~~5248~~ 3(w) to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the entities to establish or expand a program of public school choice (referred to in this subpart as a ~~"program")~~'program') in accordance with this subpart.

~~("~~(b) Duration.—Grants awarded under subsection (a) may be awarded for a period of 3 years and may be renewed for not more than ~~5 years~~an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant.

~~Sec. 5242~~

"SEC. ~~5242~~5502. ~~[20 U.S.C. 7225a]~~ USES OF FUNDS.

~~("~~(a) Required Use of Funds.—An eligible entity that receives a grant under this subpart shall use the grant funds to ~~provide~~establish or expand inter- or intra-district public school choice programs for students ~~selected to participate in~~attending the ~~program with transportation services or the cost of transportation to and from the~~lowest-performing schools to attend high-quality public elementary schools and secondary schools, including charter schools~~, that the students choose to attend under the program~~.

~~("~~(b) Permissible Uses of Funds.—An eligible entity that receives a grant under this subpart may use the grant funds for—

~~("~~(1) planning or designing a program (for not more than 1 year);

~~("~~(2) ~~the cost of making~~transportation services to and from high-quality schools for participating students;

"(3) improving public school finance systems to allow school funding to follow students, including tuition transfer payments to high-quality public elementary schools or secondary schools to which students transfer under the program;

~~(3) the cost of~~"(4) capacity-enhancing activities that enable high-~~demand~~quality public elementary schools or secondary schools to accommodate transfer requests under the program;

~~(4) the cost of carrying out~~ "(5) public education and recruitment campaigns to inform students ~~and~~ attending the lowest-performing schools and their parents about the program and to facilitate their participation; and

~~(5~~"(6) other costs reasonably necessary to implement the program, such as the development of lottery systems.

~~("~~(c) Nonpermissible Uses of Funds.—An eligible entity that receives a grant under this subpart may not use the grant funds for school construction.

~~("~~(d) Administrative Expenses.—The eligible entity may use not more than 5 percent of the funds made available through the grant for any fiscal year for administrative expenses.

~~Sec. 5243~~

"SEC. ~~5243~~5503.~~ [20 U.S.C. 7225b]~~ APPLICATIONS.

~~("~~(a) Submission.—An eligible entity that desires a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

~~("~~(b) Contents.—An application submitted under subsection (a) shall include a comprehensive plan that describes—

~~("~~(1) the activities to be carried out;

"(2) how the activities—

"(A) will increase access to high-quality schools for students attending the lowest-performing schools;

"(B) will increase the student academic achievement and student growth of students participating in the grant activities, including English learners and students with disabilities; and

"(C) if applicable, will increase diversity;

"(3) how students will be selected to participate in grant activities, including the design and implementation of a lottery system if the program is oversubscribed, and how students and parents will be informed of their opportunity to participate;

"(4) how the program will be coordinated with and leverage other related Federal and non-Federal funding and programs;

"(5) how the applicant will continue to implement the plan after the period of the grant has expired;

"(6) if the activities required under section 5245(a)(2) are to be carried out in partnership with a public or other nonprofit organization, a description of the ~~program for which the~~ organization's experience, capacity, responsibilities, and how the eligible entity ~~seeks funds and the goals for~~ will monitor the public or other nonprofit organization's effectiveness in carrying our such ~~program;~~activities; and

~~(2) a description of how and when parents of students will be given the notice required under section 5245(a)(2);~~

~~(3) a description of how students will be selected for the program;~~

~~(4) a description of how the program will be coordinated with, and will complement and enhance, other related Federal and non-Federal projects;~~

~~(5) if the program is to be carried out by a partnership, the name of each partner and a description of the partner's responsibilities; and~~

~~(6~~"(7) such other information as the Secretary may require.

~~Sec. 5244~~

"(c) Selection Criteria.—In selecting grantees under this part, the Secretary shall consider—

"(1) the quality of the applicant's comprehensive plan;

"(2) the extent to which the applicant can demonstrate that its grant activities will increase student academic achievement and student growth for students participating in the grant activities, including English learners and students with disabilities; and

"(3) the extent to which the applicant can demonstrate that its grant activities will ensure that parents and students are informed of the program, in a clear and uniform format and, to the extent practicable, in a language that the parents and students can understand, to increase the likelihood that parents will have their children participate in the grantee's program.

"SEC. ~~5244~~5504.~~ [20 U.S.C. 7225c]~~ PRIORITIES.

"In awarding grants under this subpart, the Secretary shall give priority to an eligible entity that proposes to—

~~("~~"(1) ~~whose~~ establish or expand an inter-district choice program ~~would provide the widest variety~~that serves a large percentage of ~~choices to all~~ students ~~in participating schools;~~

~~(2) whose program would, through various choice options, have the most impact in allowing students in~~from low-~~performing schools to attend higher-performing schools~~income families; and

~~(3) that is a partnership that seeks to implement an interdistrict approach to carrying out a program.~~

~~Sec. 5245~~

"(2) establish or expand a program that will increase diversity.

"SEC. ~~5245~~5505.~~ [20 U.S.C. 7225d]~~ REQUIREMENTS AND VOLUNTARY PARTICIPATION.

~~("~~"(a) Parent and Community Involvement and Notice.—In carrying out a program under this subpart, an eligible entity shall— carry out the following:

~~("~~"(1) ~~develop~~Develop the program with—

~~("~~"(A) the involvement of parents and ~~others~~other education stakeholders in the community to be served; and

~~("~~"(B) individuals who will carry out the program, including administrators, teachers, principals, and other staff~~; and~~.

~~(2) provide to parents of students in the area to be served by the program with prompt notice of—~~

~~(A) the existence of the program;~~

~~(B) the program's availability; and~~

~~(C) a clear explanation of how the program will operate.~~

~~("~~"(2) Develop and carry out the following activities, alone or in partnership with a public or other nonprofit organization that has a record of success in implementing such activities:

"(A) Disseminating timely and accurate information about the program to parents of students attending the lowest-performing schools, in a clear and uniform format and, to the extent practicable, in a language that they can understand, including through the use of a variety of effective and innovative outreach approaches, such as by sending customized letters to each family about available programs.

"(B) Providing education and training to parents of students attending the lowest-performing schools to enable the parents to use the information provided under subparagraph (A) in their decisions about their children's education.

"(b) Selection of Students.—An eligible entity that receives a grant under this subpart shall select students to participate in a program on the basis of a lottery, if more students apply for admission to the program than can be accommodated.

~~(~~"(c) Voluntary Participation.—Student participation in a program funded under this subpart shall be voluntary.

~~Sec. 5246~~

"(d) Performance Measures.—

"(1) IN GENERAL.—Each eligible entity awarded a grant under this part shall establish performance measures and targets that—

"(A) are approved by the Secretary;

"(B) are implemented for each program established or expanded with funds provided under this part; and

"(C) at a minimum, track—

"(i) the number of students participating;

"(ii) the participating students' academic achievement and student growth;

"(iii) in the case of participating high school students, their graduation rates; and

"(iv) any other measure required by the Secretary.

"(2) REPORTS.—Each eligible entity awarded a grant under this part shall annually report to the Secretary on its performance on the measures and targets established under paragraph (1), and shall provide that information both in the aggregate and disaggregated for each subgroup of students described in section 1111(a)(2)(B)(ix).

"SEC. ~~5246~~5506. ~~[20 U.S.C. 7225e]~~ EVALUATIONS.

~~(~~"(a) From the amount reserved for evaluation activities in accordance with section 9601(a), the Secretary, acting through the Director of the Institute of Education Sciences, shall, in consultation with the relevant program office at the Department, evaluate the implementation and impact of the activities supported under this part, consistent with section 9601, including—

~~In General.—From the amount made available to carry out this subpart for any fiscal year, the Secretary may reserve not more than 5 percent—~~

~~("(1) to carry out evaluations;~~

~~(“(2) to provide technical assistance; and~~

~~(“(3) to disseminate information on best practices.~~

~~(“(b) Evaluations.—In carrying out the evaluations under subsection (a), the Secretary shall, at a minimum, address—~~

~~(~~“(1) how, and the extent to which, the programs promote educational equity and excellence;

~~(~~“(2) the characteristics of the students participating in the programs; and

~~(~~“(3) the effect of the programs on the academic achievement and student growth of students participating in the programs~~, particularly~~ both in the aggregate and disaggregated for each subgroup of students ~~who move from schools identified under section 1116 to schools not so identified, and on the overall quality of participating schools and districts.~~described in section 1111(a)(2)(B)(ix).

~~Sec. 5247~~

“SEC. ~~5247~~5507.~~ [20 U.S.C. 7225f]~~ DEFINITIONS.

“In this subpart:

~~(~~“(1) CHARTER SCHOOL.—The term “‘charter ~~school”~~school’ has the meaning given such term in section 5210.

~~(~~“(2) ELIGIBLE ENTITY.—The term “‘eligible ~~entity”~~entity’ means—

~~(~~“(A) one or more ~~State~~high-need local educational agencies~~;~~

~~(B) one~~ applying with 1 or more other local educational agencies; or

~~(C) a partnership of—~~

~~(i) one~~“(B) a State educational agency applying with 1 or more—

~~(I) State educational agencies; and~~

~~(II)~~ high-need local educational agencies ~~or other public, for-profit, or nonprofit entities; or~~.

~~(ii) one or more—~~

~~(I) local educational agencies; and~~

~~(II) public, for-profit, or nonprofit entities.~~

~~(~~“(3) ~~LOW~~LOWEST-PERFORMING SCHOOL.—The term ~~“low-~~ ‘lowest-performing ~~school”~~school’ means a public elementary school or secondary school that has ~~failed~~been identified as an achievement gap school pursuant to section 1116(b) or a persistently low-achieving school pursuant to ~~make adequate yearly progress, as described in section 1111(b), for two or more consecutive years.~~section 1116(c).

~~Sec. 5248~~

~~“SEC. 5248. [20 U.S.C. 7225g] AUTHORIZATION OF~~

~~APPROPRIATIONS.~~

~~"~~There are authorized to be appropriated to carry out this subpart $100,000,000 for fiscal year 2002 and each of the 5 succeeding fiscal years.[_____].".

PART B—RURAL EDUCATION INITIATIVE

Sec. 6201

SEC. 6201. [20 U.S.C. 7341] SHORT TITLE.

This part may be cited as the "Rural Education Achievement Program".

Sec. 6202

SEC. 6202. [20 U.S.C. 7341a] PURPOSE.

It is the purpose of this part to address the unique needs of rural school districts that frequently—

(1) lack the personnel and resources needed to compete effectively for Federal competitive grants; and

(2) receive formula grant allocations in amounts too small to be effective in meeting their intended purposes.

Subpart 1—Small, Rural School Achievement Program

~~Sec. 6211~~

~~SEC. 6211. [20 U.S.C. 7345] USE OF APPLICABLE FUNDING.~~

~~(a) ALTERNATIVE USES.—~~

~~(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding that the agency is eligible to receive from the State educational agency for a fiscal year to carry out local activities authorized under any of the following provisions:~~

~~(A) Part A of title I.~~

~~(B) Part A or D of title II.~~

~~(C) Title III.~~

~~(D) Part A or B of title IV.~~

~~(E) Part A of title V.~~

~~(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1), by a date that is established by the State educational agency for the notification.~~

~~(b) ELIGIBILITY.—~~

~~(1) IN GENERAL.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—~~

~~(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or~~

~~(II) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and~~

~~(ii) all of the schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary; or~~

~~(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).~~

~~(2) CERTIFICATION.—The Secretary shall determine whether to waive the criteria described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and concurrence by the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.~~

~~(c) APPLICABLE FUNDING DEFINED.—In this section, the term "applicable funding" means funds provided under any of the following provisions:~~

~~(1) Subpart 2 and section 2412(a)(2)(A) of title II.~~

~~(2) Section 4114.~~

~~(3) Part A of title V.~~

~~(d) DISBURSEMENT.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time as the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.~~

~~(e) APPLICABLE RULES.—Applicable funding under this section shall be available to carry out local activities authorized under subsection (a).~~

Sec. 6211~~2~~

SEC. 6211~~2~~. [20 U.S.C. 7345a] ~~GRANT~~ PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities consistent with section 6101(b) ~~activities authorized under any of the following provisions:~~

~~(1) Part A of title I.~~

~~(2) Part A or D of title II.~~

~~(3) Title III.~~

~~(4) Part A or B of title IV.~~

~~(5) Part A of title V.~~

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(b) ALLOCATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant under subsection (a) to a local educational agency eligible under ~~section 6211(b)~~subsection (d) for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received by the agency under the provisions of law described in ~~section 6211(c)~~subparagraphs (A) through (C) of section 6231(a)(1) for the preceding fiscal year.

(2) DETERMINATION OF INITIAL AMOUNT.—

(A) IN GENERAL.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.

(B) APPROPRIATION MORE THAN $211,723,832.—Notwithstanding subparagraph (A), if the appropriation for this part is more than $211,723,832, a grant under this part shall not be less than $25,000, and the initial amount may not exceed $80,000. ~~(2) DETERMINATION OF INITIAL AMOUNT.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students, in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the initial amount may not exceed $60,000.~~

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(3) RATABLE ADJUSTMENT.—

(A) IN GENERAL.—If the amount made available to carry out this section for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

(c) DISBURSEMENT.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that fiscal year.

(d) Eligibility.—

(1) IN GENERAL.—A local educational agency shall be eligible for a grant under this section if—

(A)(i)(I) the total number of students in average daily attendance at all of the schools served by the local educational agency is fewer than 600; or

(II) each county or locale in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile; and

(ii) each of the schools served by the local educational agency is designated with a school locale code of 33, 41, 42, or 43, as determined by the Secretary; or

(B) the agency meets at least one of the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the State educational agency's request to waive the criterion described in subparagraph (A)(ii).

(2) CERTIFICATION.—The Secretary shall determine whether to waive the criterion described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency, and with the concurrence of the State educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

(e) Special Eligibility Rule.—

(1) ELIGIBILITY.—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year shall be eligible to receive funds for such fiscal year under subpart 2.

(2) LIMITATION ON RECEIPT OF GRANTS.—A local educational agency may receive grant funding under subpart 1 or subpart 2, but may not receive grant funding under both such subparts. If a local educational agency is eligible to receive a grant under subpart 1 or subpart 2, the local educational agency may choose which grant the agency will receive. ~~(d) SPECIAL ELIGIBILITY RULE.—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year is not eligible to receive funds for such fiscal year under subpart 2.~~

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Sec. 6212~~3~~

SEC. 6212. ACADEMIC ACHIEVEMENT ASSESSMENTS.

"Each local educational agency that uses or receives funds under this subpart for a fiscal year shall administer assessments that are consistent with section 1111(a)(2). ~~SEC. 6213. [20 U.S.C. 7345b] ACCOUNTABILITY.~~

~~(a) ACADEMIC ACHIEVEMENT ASSESSMENT.—Each local educational agency that uses or receives funds under this subpart for a fiscal year shall administer an assessment that is consistent with section 1111(b)(3).~~

~~(b) DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 6211(c) shall—~~

~~(1) after the third year that a local educational agency in the State participates in a program under this subpart and on the basis of the results of the assessments described in subsection (a), determine whether the local educational agency participating in the program made adequate yearly progress, as described in section 1111(b)(2);~~

~~(2) permit only those local educational agencies that participated and made adequate yearly progress, as described in section 1111(b)(2), to continue to participate; and~~

~~(3) permit those local educational agencies that participated and failed to make adequate yearly progress, as described in section 1111(b)(2), to continue to participate only if such local educational agencies use applicable funding under this subpart to carry out the requirements of section 1116.~~

Subpart 2—Rural and Low-Income School Program

Sec. 6221

SEC. 6221. [20 U.S.C. 7351] PROGRAM AUTHORIZED.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—From amounts appropriated under section 6234 for this subpart for a fiscal year that are not reserved under subsection (c), the Secretary shall award grants (from allotments made under paragraph (2)) for the fiscal year to State educational agencies that have applications submitted under section 6223 approved to enable the State educational agencies to award grants to eligible local educational agencies for local authorized activities described in section 6222(a).

(2) ALLOTMENT.—From amounts described in paragraph (1) for a fiscal year, the Secretary shall allot to each State educational agency for that fiscal year an amount that bears the same ratio to those amounts as the number of students in average daily attendance served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

(3) SPECIALLY QUALIFIED AGENCIES.—

(A) ELIGIBILITY AND APPLICATION.—If a State educational agency elects not to participate in the program under this subpart or does not have an application submitted under section 6223 approved, a specially qualified agency in such State desiring a grant under this subpart may submit an application under such section directly to the Secretary to receive an award under this subpart.

(B) DIRECT AWARDS.—The Secretary may award, on a competitive basis or by formula, the amount the State educational agency is eligible to receive under paragraph (2) directly to a specially qualified agency in the State that has submitted an application in accordance with subparagraph (A) and obtained approval of the application.

(C) SPECIALLY QUALIFIED AGENCY DEFINED.—In this subpart, the term "specially qualified agency" means an eligible local educational agency served by a State educational agency that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year under this subsection.

(b) LOCAL AWARDS.—

(1) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this subpart if—

(A) 20 percent or more of the children ages 5 through 17 years served by the local educational agency are from families with incomes below the poverty line; and

(B) all of the schools served by the agency are designated with a school locale code of ~~6, 7, or 8,~~33, 41, 42, or 43 as determined by the Secretary.

(2) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—

(A) on a competitive basis;

(B) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools in the State; or

(C) according to an alternative formula, if, prior to awarding the grants, the State educational agency demonstrates, to the satisfaction of the Secretary, that the alternative formula enables the State educational agency to allot the grant funds in a manner that serves equal or greater concentrations of children from families with incomes below the poverty line, relative to the concentrations that would be served if the State educational agency used the formula described in subparagraph (B).

(c) RESERVATIONS.—From amounts appropriated under section 6234 for this subpart for a fiscal year, the Secretary shall reserve—

(1) one-half of 1 percent to make awards to elementary schools or secondary schools operated or supported by the ~~Bureau of Indian Affairs~~Bureau of Indian Education, to carry out the activities authorized under this subpart; and

(2) one-half of 1 percent to make awards to the outlying areas in accordance with their respective needs, to carry out the activities authorized under this subpart.

(d) Special Eligibility Rule.—A local educational agency that is eligible to receive a grant under this subpart and is also eligible to receive a grant under subpart 1, may receive a grant under this subpart for a fiscal year only if the local educational agency does not receive a grant under subpart 1 for such fiscal year.

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Sec. 6222

SEC. 6222. [20 U.S.C. 7351a] USES OF FUNDS.

(a) Local Awards.—Grant funds awarded to local educational agencies under this subpart shall be used to carry out local-level activities consistent with section 6101(b). ~~(a) LOCAL AWARDS.—Grant funds awarded to local educational agencies under this subpart shall be used for any of the following:~~

~~(1) Teacher recruitment and retention, including the use of signing bonuses and other financial incentives.~~

~~(2) Teacher professional development, including programs that train teachers to utilize technology to improve teaching and to train special needs teachers.~~

~~(3) Educational technology, including software and hardware, as described in part D of title II.~~

~~(4) Parental involvement activities.~~

~~(5) Activities authorized under the Safe and Drug-Free Schools program under part A of title IV.~~

~~(6) Activities authorized under part A of title I.~~

~~(7) Activities authorized under title III.~~

(b) ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under this subpart may not use more than 5 percent of the amount of the grant for State administrative costs and to provide technical assistance to eligible local educational agencies.

Sec. 6223

SEC. 6223. [20 U.S.C. 7351b] APPLICATIONS.

(a) IN GENERAL.—Each State educational agency or specially qualified agency desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(b) CONTENTS.—At a minimum, each application submitted under subsection (a) shall include information on specific measurable goals and objectives to be achieved through the activities carried out through the grant, which may include specific educational goals and objectives relating to—

(1) increased student academic achievement;

(2) decreased student dropout rates; or

(3) such other factors as the State educational agency or specially qualified agency may choose to measure.

Sec. 6224

SEC. 6224. [20 U.S.C. 7351c] ACCOUNTABILITY.

(a) STATE REPORT.—Each State educational agency that receives a grant under this subpart shall prepare and submit an annual report to the Secretary. The report shall describe—

(1) the method the State educational agency used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;

(2) how local educational agencies and schools used funds provided under this subpart; and

(3) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 6223.

(b) SPECIALLY QUALIFIED AGENCY REPORT.—Each specially qualified agency that receives a grant under this subpart shall provide an annual report to the Secretary. Such report shall describe—

(1) how such agency uses funds provided under this subpart; and

(2) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 6223.

(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to ~~the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate~~the authorizing committees a biennial report. The report shall describe—

(1) the methods the State educational agencies used to award grants to eligible local educational agencies, and to provide assistance to schools, under this subpart;

(2) how local educational agencies and schools ~~local educational\1\ agencies and schools~~ used funds provided under this subpart; and

(3) the degree to which progress has been made toward meeting the goals and objectives described in the applications submitted under section 6223.

(d) ACADEMIC ACHIEVEMENT ~~ASSESSMENT~~ASSESSMENTS.—Each local educational agency or specially qualified agency that receives a grant under this subpart for a fiscal year shall administer ~~an assessment that is consistent with section 1111(b)(3)~~asssessments that are consistent with section 1111(a)(2).

~~(e) DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency or specially qualified agency that receives a grant under this subpart shall—~~

~~(1) after the third year that a local educational agency or specially qualified agency in the State receives funds under this subpart, and on the basis of the results of the assessments described in subsection (d)—~~

~~(A) in the case of a local educational agency, determine whether the local educational agency made adequate yearly progress, as described in section 1111(b)(2); and~~

~~(B) in the case of a specially qualified agency, submit to the Secretary information that would allow the Secretary to determine whether the specially qualified agency has made adequate yearly progress, as described in section 1111(b)(2);~~

~~(2) permit only those local educational agencies or specially qualified agencies that made adequate yearly progress, as described in section 1111(b)(2), to continue to receive grants under this subpart; and~~

~~(3) permit those local educational agencies or specially qualified agencies that failed to make adequate yearly progress, as described in section 1111(b)(2), to continue to receive such grants only if the State educational agency disbursed such grants to the local educational agencies or specially qualified agencies to carry out the requirements of section 1116.~~

Subpart 3—General Provisions

Sec. 6231

SEC. 6231. CHOICE OF PARTICIPATION.

"If a local educational agency is eligible for funding under subpart 1 and subpart 2 of this part, such local educational agency may choose to participate in either subpart 1 or subpart 2.

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SEC. 6232~~1~~. [20 U.S.C. 7355] ANNUAL AVERAGE DAILY ATTENDANCE DETERMINATION.

(a) CENSUS DETERMINATION.—Each local educational agency desiring a grant under section 6211~~2~~ and each local educational agency or specially qualified agency desiring a grant under subpart 2 shall—

(1) not later than December 1 of each year, conduct a census to determine the number of students in average daily attendance in kindergarten through grade 12 at the schools served by the agency; and

(2) not later than March 1 of each year, submit the number described in paragraph (1) to the Secretary (and to the State educational agency, in the case of a local educational agency

seeking a grant under subpart (2)).

(b) PENALTY.—If the Secretary determines that a local educational agency or specially qualified agency has knowingly submitted false information under subsection (a) for the purpose of gaining additional funds ~~under section 6212 or subpart 2~~under this part, then the agency shall be fined an amount equal to twice the difference between the amount the agency received ~~under this section~~ under this partand the correct amount the agency would have received ~~under section 6212 or subpart 2~~under this part if the agency had submitted accurate information under subsection (a).

Sec. 6232

SEC. 6233~~2~~. [20 U.S.C. 7355a] SUPPLEMENT, NOT SUPPLANT.

Funds made available under ~~subpart 1 or subpart 2~~this part shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

Sec. 6233

SEC. 6234~~3~~. [20 U.S.C. 7355b] RULE OF CONSTRUCTION.

Nothing in this part shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services, pursuant to State law or a written agreement, from entering into similar arrangements for the use, or the coordination of the use, of the funds made available under this part.

Sec. 6234

~~SEC. 6234. [20 U.S.C. 7355c] AUTHORIZATION OF APPROPRIATIONS.~~

~~There are authorized to be appropriated to carry out this part $300,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years, to be distributed equally between subparts 1 and 2.~~

ESEA OF 1965

ESEA OF 1965

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

PART A—INDIAN EDUCATION

Sec. 7101

SEC. 7101. [20 U.S.C. 7401] STATEMENT OF POLICY.

It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

Sec. 7102

SEC. 7102. PURPOSE.

"It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities—

"(1) to ensure the academic achievement of Indian and Alaska Native students by meeting their unique cultural, language, and educational needs, consistent with section 1111(a);

"(2) to ensure that Indian and Alaska Native students gain knowledge and understanding of Native communities, languages, tribal histories, traditions, and cultures; and

"(3) to ensure that principals, teachers, and other staff who serve Indian and Alaska Native students have the ability to provide culturally appropriate and effective instruction to such students. ~~SEC. 7102. [20 U.S.C. 7402] PURPOSE.~~

~~(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State student academic achievement standards as all other students are expected to meet.~~

~~(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—~~

~~(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;~~

~~(2) the education of Indian children and adults;~~

~~(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and~~

~~(4) research, evaluation, data collection, and technical assistance.~~

Subpart 1—Formula Grants to Local Educational Agencies

Sec. 7111

SEC. 7111. PURPOSE.

"It is the purpose of this subpart to support local educational agencies in developing elementary school and secondary school programs that are designed to—

"(1) meet the unique cultural, language, and educational needs of Indian students; and

"(2) ensure that all students meet the college and career ready student academic achievement standards adopted under section 1111(a)(1).~~SEC. 7111. [20 U.S.C. 7421] PURPOSE.~~

~~It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—~~

~~(1) are based on challenging State academic content and student academic achievement standards that are used for all students; and~~

~~(2) are designed to assist Indian students in meeting those standards.~~

Sec. 7112

SEC. 7112. [20 U.S.C. 7422] GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

(a) IN GENERAL.—The Secretary may make grants, from allocations made under section 7113, to local educational agencies ~~and Indian tribes~~Indian tribes, and tribal organizations, in accordance with this section and section 7113.

(b) LOCAL EDUCATIONAL AGENCIES.—

(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 7117 who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

(A) was at least 10; or

(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to,

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~~a reservation~~an Indian reservation.

"(c) Indian Tribes and Tribal Organizations.—

"(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(5) for such grant, an Indian tribe, a tribal organization (as defined for purposes of this title by section 4 of the Indian Self Determination and Education Act (25 U.S.C. 450b)), or a consortium of such entities that represents not less than \1/3\ of the eligible Indian children who are served by such local educational agency may apply for such grant.

"(2) SPECIAL RULE.—

"(A) IN GENERAL.—The Secretary shall treat each Indian tribe, tribal organization, or consortium of such entities applying for a grant pursuant to paragraph (1) as if such entity were a local educational agency for purposes of this subpart.

"(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, tribal organization, or consortium shall not be subject to the requirements of subsections (b)(9) or (c)(5) of section 7114 or section 7118(c).

"(3) ELIGIBILITY.—If more than 1 Indian tribe, tribal organization, or consortium of such entities qualify to apply for a grant under paragraph (1), the entity that represents the most eligible Indian children who are served by the local educational agency shall be eligible to receive the grant.

"(4) UNAFFILIATED INDIAN TRIBES.—An Indian tribe that operates a school and is not affiliated with either the local educational agency or the Bureau of Indian Education, shall be eligible to apply for a grant under this subpart.

"(5) ASSURANCE TO SERVE ALL INDIAN CHILDREN.—An Indian tribe, tribal organization, or consortium of such entities that qualifies to apply for a grant under paragraph (1) shall provide in the application an assurance that the entity will use the grant funds to provide services to all Indian students served by the local educational agency.~~(c) INDIAN TRIBES.—~~

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~~(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a committee under section 7114(c)(4) for such grant, an Indian tribe that represents not less than \1/2\ of the eligible Indian children who are served by such local educational agency may apply for such grant.~~

~~(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe is not subject to section 7114(c)(4), section 7118(c), or section 7119.~~

Sec. 7113

SEC. 7113. [20 U.S.C. 7423] AMOUNT OF GRANTS.

(a) AMOUNT OF GRANT AWARDS.—

(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

(A) the number of Indian children who are eligible under section 7117 and served by such agency; and

(B) the greater of—

(i) the average per pupil expenditure of the State in which such agency is located; or

(ii) 80 percent of the average per pupil expenditure of all the States.

(2) REDUCTION.—The Secretary shall reduce the amount of each allocation otherwise determined under this section in accordance with subsection (e).

(b) MINIMUM GRANT.—

(1) IN GENERAL.—Notwithstanding subsection (e), an entity that is eligible for a grant under section 7112, and a school that is operated or supported by the ~~Bureau of Indian Affairs~~Bureau of Indian Education that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

(2) CONSORTIA.—Local educational agencies may form a consortium with other local education agencies, Indian tribes, or tribal organizations for the purpose of obtaining grants and operating programs under this subpart.

(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

(c) DEFINITION.—For the purpose of this section, the term "average per pupil expenditure", used with respect to a State, means an amount equal to—

(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

(d) SCHOOLS OPERATED OR SUPPORTED BY THE ~~BUREAU OF INDIAN AFFAIRS~~ BUREAU OF INDIAN EDUCATION.—

(1) IN GENERAL.—Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

(A) the total number of Indian children enrolled in schools that are operated by—

(i) the Bureau of Indian ~~Affairs~~education; or

(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

(B) the greater of—

(i) the average per pupil expenditure of the State in which the school is located; or

(ii) 80 percent of the average per pupil expenditure of all the States.

(2) SPECIAL RULE.—Any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 7114, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 7114(c)(54), section 7118(c), or section 7119.

(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 7152(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

Sec. 7114

SEC. 7114. [20 U.S.C. 7424] APPLICATIONS.

(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

(2)(A) ~~is consistent with~~supports the State, tribal, and local plans submitted under other provisions of this Act; and

(B) includes academic content and student academic achievement goals for such children, and benchmarks for attaining ~~such goals, that are based on the challenging State academic content and student academic achievement standards adopted under title I for all children~~such goals, to ensure such students meet the same challenging student academic achievement standards adopted under title I for all children;

"(3) explains how the local educational agency will use the funds made available under this subpart to supplement other Federal, State, and local programs that meet the needs of such students; ~~(3) explains how Federal, State, and local programs, especially programs carried out under title I, will meet the needs of such students;~~

(4) demonstrates how funds made available under this subpart will be used for activities described in section 7115;

(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; ~~and~~

(6) describes how the local educational agency—

(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

(B) will provide the results of each assessment referred to in subparagraph (A) to—

(i) the committee described in subsection (c)(~~5~~4); and

(ii) "(ii) the Indian tribes whose children are served by the local educational agency; and ~~the community served by the local educational agency; and~~

(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A); and

(7) provides an assurance that the local educational agency will coordinate activities under this title with other Federal programs supporting educational and related services administered by such agency;

"(8) provides an assurance that the local educational agency conducted outreach to parents and family members to meet the requirements under subsection (c)(5);

"(9) describes—

"(A) the formal process the local educational agency used to collaborate with Indian tribes located in the community in the development of the comprehensive programs; and

"(B) the actions taken as a result of the collaboration.~~.~~

(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for ~~the education of Indian children, and not to supplant such funds~~services and activities consistent with those ~~described~~described in this subpart, and not to supplant such funds;

"(2) the local educational agency will use funds received under this subpart only for activities described and authorized under this subpart;

(~~3~~2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

(A) carry out the functions of the Secretary under this subpart; and

(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective, as measured by the State academic assessments required under section 1111(a)(2), high school graduation rates,

and other academic outcomes as appropriate, in improving the educational achievement of Indian students served by such agency;

(43) the program for which assistance is sought—

(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

(B) will use the best available talents and resources, including individuals from the Indian community; and

(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

(54) the local educational agency developed the program with the participation and written approval of a committee—

(A) that is composed of, and selected by—

(i) parents and family members of Indian children in the local educational agency's schools;

(ii) teachers in the schools; and

(iii) if appropriate, Indian students attending secondary schools of the agency;

(B) a majority of whose members are parents and family members of Indian children;

(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents and family members of the children, and representatives of the area, to be served;

(D) with respect to an application describing a schoolwide program in accordance with section 7115(c), that has—

(i) reviewed in a timely fashion the program; and

(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaska Native students; and

(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws; and

"(F) that shall determine the extent to which the activities of the local educational agency will address the unique cultural, language, and education needs of Indian students; and

"(G) that shall determine the extent to which grant funds will directly enhance the educational experiences of American Indian students.

Sec. 7115

SEC. 7115. [20 U.S.C. 7425] AUTHORIZED SERVICES AND ACTIVITIES.

(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 7111, for services and activities that—

(1)\1\ are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 7114(a) solely for the services and activities described in such application;

\1\Margin so in law.

(2) are designed with special regard for the language and cultural needs of the Indian students; and

(3) supplement and enrich the regular school program of such agency.

(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

"(1) activities that support Native American language immersion programs and Native American language restoration programs, which may be taught by traditional leaders

(2~~1~~) culturally related activities that support the program described in the application submitted by the local educational agency;

(3~~2~~) ~~early childhood~~high-quality care and education and family programs that emphasize school readiness;

(4~~3~~) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State academic content and student academic achievement standards;

~~(~~"(5) programs that promote parent, family, and tribal engagement to meet the unique needs of Indian and Alaska Native children;~~4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;~~

(6~~5~~) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Career and Technical Education Act of 2006, including programs for tech-prep education, mentoring, and apprenticeship;

(7~~6~~) ~~activities to educate individuals concerning substance abuse and to prevent substance abuse~~activities to educate individuals so as to prevent violence, suicide, and substance abuse;

(8~~7~~) the acquisition of equipment, but only if the acquisition of the equipment is essential to achieve the purpose described in section 7111;

(9~~8~~) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

(“(10) activities that incorporate culturally and linguistically relevant curriculum content into classroom instruction that is responsive to the unique learning styles of Indian and Alaska Native children to ensure that such children are better able to meet the student academic achievement standards, consistent with section 1111(a);9) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;

(110) family literacy services; and

(121) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniorstraditional leaders; and

“(13) dropout prevention strategies, and strategies—

“(A) to meet the educational needs of at-risk Indian students in correctional facilities; and

“(B) to support Indian students who are transitioning between local educational agencies and such facilities——from such facilities to schools served by local educational agencies.

(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

(1) the committee established pursuant to section 7114(c)(54) approves the use of the funds for the schoolwide program; and

(2) the schoolwide program is consistent with the purpose described in section 7111.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

“(e) Limitation on Use of Funds.—Funds provided to a grantee under this subpart may not be used for long-distance travel expenses for training activities available locally or regionally.

Sec. 7116

SEC. 7116. [20 U.S.C. 7426] INTEGRATION OF SERVICES AUTHORIZED.

(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

(b) CONSOLIDATION OF PROGRAMS.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the entity, shall authorize the entity to consolidate, in accordance with such plan, the federally funded education and related services programs of the entity and the Federal programs, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (a) shall include funds for any Federal program

exclusively serving Indian children, or the funds reserved under any Federal program to exclusively serve Indian children, under which the entity is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services that would be used to serve Indian students.

(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

(1) identify the programs or funding sources to be consolidated;

(2) be consistent with the objectives of this section concerning authorizing the services to be integrated in a demonstration project;

(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

(5) identify the projected expenditures under the plan in a single budget;

(6) identify the State, tribal, or local agency or agencies to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies, or procedures that the entity believes need to be waived in order to implement the plan;

(8) set forth measures for academic content and student academic achievement goals designed to be met within a specific period of time; and

(9) be approved by a committee formed in accordance with section 7114(c)(5~~4~~), if such a committee exists.

(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the entity to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the entity or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the objectives of this subpart or those provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

(f) PLAN APPROVAL.—Within 90 days after the receipt of an entity's plan by the Secretary, the Secretary shall inform the entity, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the entity shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the ~~No Child Left Behind Act of 2001~~[short title to be supplied], the Secretary of Education, the Secretary of the Interior, the Secretary of Health and Human Services, and the

head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation and coordination of the demonstration projects authorized under this section. The lead agency head for a demonstration project under this section shall be—

(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or

(2) the Secretary of Education, in the case of any other entity.

(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency shall include—

(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

(i) REPORT REQUIREMENTS.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format shall require that reports described in subsection (h), together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including making a demonstration of student academic achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

(l) ADMINISTRATION OF FUNDS.—

(1) IN GENERAL.—Program funds for the consolidated programs shall be administered in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted that shall be allocated to such program.

(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were

authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

(m) OVERAGE.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

(n) FISCAL ACCOUNTABILITY.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to chapter 75 of title 31, United States Code.

"(o) Report on Statutory Obstacles to, and Best Practices for, Program Integration.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of the [short title], the Secretary of Education shall submit a report to the authorizing committees, the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the implementation of the demonstration projects authorized under this section.

"(2) CONTENTS.—Such report shall identify—

"(A) statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section; and

"(B) the best practices for program integration that result in increased student proficiency, graduation rates, and other relevant academic outcomes for Indian and Alaska Native students.~~(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—~~

~~(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.~~

~~(2) FINAL REPORT.—Not later than 5 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.~~

~~(p) DEFINITIONS.—For the purposes of this section, the term "Secretary" means—~~

~~(1) the Secretary of the Interior, in the case of an entity meeting the definition of a contract or grant school under title XI of the Education Amendments of 1978; or~~

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~~(2) the Secretary of Education, in the case of any other entity.~~

Sec. 7117

SEC. 7117. [20 U.S.C. 7427] STUDENT ELIGIBILITY FORMS.

(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

(b) FORMS.—The form described in subsection (a) shall include—

(1) either—

(A)(i) the name of the tribe or band of Indians (as defined in section 7151) with respect to which the child claims membership;

(ii) the enrollment or membership number establishing the membership of the child (if readily available); and

(iii) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

(B) the name, the enrollment or membership number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership data, of any parent or grandparent of the child from whom the child claims eligibility under this subpart, if the child is not a member of the tribe or band of Indians (as so defined);

(2) a statement of whether the tribe or band of Indians (as so defined), with respect to which the child, or parent or grandparent of the child, claims membership, is federally recognized;

(3) the name and address of the parent or legal guardian of the child;

(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

(5) any other information that the Secretary considers necessary to provide an accurate program profile.

(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 7151.

"(d) Forms and Standards of Proof.—

"(1) TYPES OF PROOF.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or tribal organization may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or tribal organization.

"(2) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as required by this section on the day before the date of enactment of the [short title to be supplied] and that met the requirements of this section, as this section was in effect on the day before the date of enactment of such Act, shall remain valid for such Indian student. ~~(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–86 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—~~

~~(1) to establish eligibility under this subpart; and~~

~~(2) to meet the requirements of subsection (a).~~

~~(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.~~

(e~~f~~) MONITORING AND EVALUATION REVIEW.—

(1) IN GENERAL.—

(A) REVIEW.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of and the geographic location of each local educational agency.

"(B) EXCEPTION.—A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for an entitlement under the Indian Elementary and Secondary School Assistance Act.~~(B) EXCEPTION.—A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for an entitlement under the Indian Elementary and Secondary School Assistance Act.~~

"(f) Technical Assistance.—The Secretary shall either directly or through a contract provide technical assistance to a local educational agency upon request, in addition to any technical assistance available under section 1116 or available through the Institute of Education Sciences, to support the services and activities described under this section, including for the—

"(1) development of applications under this section;

"(2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart;

"(3) integration of activities under this title with other educational activities established

by the local educational agency; and

"(4) coordination of activities under this title with programs administered by each Federal agency providing grants for the provision of educational and related services."; and

~~(7) in subsection (g), by striking "the Bureau of Indian Affairs" and inserting "the Bureau of Indian Education.~~

(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

(A) be ineligible to apply for any other grant under this subpart; and

(B) be liable to the United States for any funds from the grant that have not been expended.

(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 7113.

(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in calculating the amount of a grant under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, the Secretary shall use only one of the following, as selected by the school:

(1) A count of the number of students in the schools certified by the Bureau.

(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

(h) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (g)(1)), the local educational agency shall—

(1) establish a date on, or a period not longer than 31 consecutive days during, which the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 7114; and

(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

Sec. 7118

SEC. 7118. [20 U.S.C. 7428] PAYMENTS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 7113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this chapter in determining the eligibility of the local educational agency for State aid, or the

amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 7113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis, was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

(2) FAILURE TO MAINTAIN EFFORT.—If, for the preceding fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort for such agency at the level specified in paragraph (1), the Secretary shall—

(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and

(B) not use the reduced amount of the agency and State expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

(3) WAIVER.—

(A) IN GENERAL.—The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

(B) FUTURE DETERMINATIONS.—The Secretary shall not use the reduced amount of the agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

(2) otherwise become available for reallocation under this subpart.

Sec. 7119

SEC. 7119. [20 U.S.C. 7429] STATE EDUCATIONAL

AGENCY REVIEW.

Before submitting an application to the Secretary under section 7114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, the agency shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

Sec. 7121

SEC. 7121. [20 U.S.C. 7441] IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.

(a) PURPOSE.—

(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children and youth.

(2) COORDINATION.—The Secretary shall take the necessary actions to achieve the coordination of activities assisted under this subpart with—

(A) other programs funded under this Act; and

(B) other Federal programs operated for the benefit of American Indian and Alaska Native children and youth.

(b) ELIGIBLE ENTITIES.—In this section, the term "eligible entity" means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), or a consortium of such entities.

(c) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose of this section, including—

(A) innovative programs related to the educational needs of educationally disadvantaged children and youth;

(B) educational services that are not available to such children and youth in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

(C) bilingual and bicultural programs and projects;

(D) special health and nutrition services, and other related activities, that address the

special health, social, emotional and psychological problems of Indian children;

(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of high school graduation for Indian children;

(F) comprehensive guidance, counseling, and testing services;

(~~"~~(G) high-quality early childhood education and care programs that are effective in preparing young children to be on track for college and career readiness by the end of grade 3, including kindergarten and prekindergarten programs, family-based preschool programs that emphasize school readiness, screening and referral, and the provision of services to Indian children and youth with disabilities; ~~G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;~~

(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary to postsecondary education;

(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

(K) family literacy services;

(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately ~~qualified tribal elders and seniors; or~~ traditional leaders;

(M) other services that meet the purpose described in this section; or

"(N) other services that meet the purpose described in this section.~~"~~

(2) PROFESSIONAL DEVELOPMENT.—~~Professional development of~~High-quality professional development of teaching professionals and paraprofessionals may be a part of any program assisted under this section.

(d) GRANT REQUIREMENTS AND APPLICATIONS.—

(1) GRANT REQUIREMENTS.—

(A) IN GENERAL.—The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

(B) PRIORITY.—In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

(C) PROGRESS.—The Secretary shall ~~make a grant payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant only if the Secretary determines~~award grants for an initial period of not more than 3 years and may renew such grants for not more than an additional 2 years if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.

(2) DISSEMINATION GRANTS.—

(A) IN GENERAL.—In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

(B) DETERMINATION.—The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—

(i) has been adequately reviewed;

(ii) has demonstrated educational merit; and

(iii) can be replicated.

(3) APPLICATION.—

(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

(i) a description of how ~~parents of Indian children and representatives of Indian tribes~~ family members of Indian children and youth and official representatives designated by the Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

(iii) ~~information~~ evidence demonstrating that the proposed program for the activities is a ~~scientifically based~~evidence-based research program, where applicable, which may include a program that has been modified to be culturally appropriate for students who will be served;

(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

(v) such other assurances and information as the Secretary may reasonably require.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

"(f) Continuation.—Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the [short title] may continue to carry out such activities under such grant in accordance with the terms of that grant award.

Sec. 7122

SEC. 7122. [20 U.S.C. 7442] PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

(a) PURPOSES.—The purposes of this section are—

"(1) to increase the number of qualified Indian teachers and administrators serving Indian students;

"(2) to recruit and provide training and support to qualified Indian individuals to enable such individuals to become highly rated teachers or administrators; and ~~(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;~~

~~(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and~~

(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term "eligible entity" means—

(1) an institution of higher education, including an Indian institution of higher education;

(2) a State educational agency or local educational agency, in consortium with an institution of higher education;

(3) an Indian tribe or organization, in consortium with an institution of higher education; and

(4) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to carry out the activities described in subsection (d).

(d) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Grant funds under this section shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support, and may include programs designed to train tribal elders and seniors.

(2) SPECIAL RULES.—

(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

(B) PROGRAM.—For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

"(3) CONTINUATION.—Notwithstanding any other provision of this section, a grantee that is carrying out activities pursuant to a grant awarded under this section prior to the date of enactment of the [short title] may continue to carry out such activities under such grant in accordance with the terms of that award

"(e) Application.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require. At a minimum, an application under this section shall describe how the eligible entity will—

"(1) recruit qualified Indian individuals, such as students who may not be of traditional college age, to become teachers or principals;

"(2) use funds made available under the grant to support the recruitment, preparation, and professional development of Indian teachers or principals in local educational agencies that serve a high proportion of Indian students; and

"(3) assist participants in meeting the requirements under subsection (h). ~~(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.~~

(f) SPECIAL RULE.—In awarding grants under this section, the Secretary—

(1) shall consider the prior performance of the eligible entity; and

(2) may not limit eligibility to receive a grant under this section on the basis of—

(A) the number of previous grants the Secretary has awarded such entity; or

(B) the length of any period during which such entity received such grants.

"(g) Grant Period.—The Secretary shall award grants under this section for an initial period of not more than 3 years, and may renew such grants for not more than an additional 2 years if the Secretary finds that the grantee is achieving the objectives of the grant. ~~(g) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.~~

(h) SERVICE OBLIGATION.—

(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

(A) perform work—

(i) related to the training received under this section; and

(ii) ~~that benefits Indian people; or~~ in a local educational agency that serves a high proportion of Indian students; or

(B) repay all or a prorated part of the assistance received.

(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning compliance with the work requirement under paragraph (1).

Subpart 3—National Activities

Sec. 7131

SEC. 7131. [20 U.S.C. 7451] NATIONAL RESEARCH ACTIVITIES.

(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 7152(b) for each fiscal year to—

(1) conduct research related to effective approaches for ~~the education~~improving the academic achievement and development of Indian children and adults;

~~(2) evaluate federally assisted education programs from which Indian children and adults may benefit;~~

(2~~3~~) collect and analyze data on the educational status and needs of ~~Indians; and~~Indian students;

"(3) provide technical assistance and logistical support to grantees under this subpart; and

(4) carry out other activities that are consistent with the purpose of this part.

(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

c) Coordination.—Research activities supported under this section—

"(1) shall be coordinated with appropriate offices within the Department; and

"(2) may include collaborative research activities that are jointly funded and carried out by the Bureau of Indian Education and the Institute of Education Sciences. ~~(c) COORDINATION.—Research activities supported under this section—~~

~~(1) shall be carried out in consultation with the Institute of Education Sciences to ensure that such activities are coordinated with and enhance the research and development activities supported by the Institute; and~~

~~(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education Programs and the Institute of Education Sciences.~~

SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS FOR STUDENTS THROUGH NATIVE AMERICAN LANGUAGE.

"(a) Purpose.—It is the purpose of this section to improve educational opportunities and academic achievement of Indian and Alaska Native students through Native American language programs and to foster the acquisition of Native American language.

"(b) Eligible Entities.—In this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education), or a consortium of such entities.

"(c) Grants Authorized.—The Secretary shall award grants to eligible entities to enable such entities to carry out the following activities:

"(1) Native American language programs that—

"(A) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours per year per student;

"(B) provide for the involvement of parents, caregivers, and families of students enrolled in the program;

"(C) utilize, and may include the development of instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

"(D) provide support for professional development activities; and

"(E) include a goal of all students achieving—

"(i) fluency in a Native American language; and

"(ii) academic proficiency in mathematics, English, reading or language arts, and science.

"(2) Native American language restoration programs that—

"(A) provide instruction in not less than 1 Native language;

"(B) provide support for professional development activities for teachers of Native American languages;

"(C) develop instructional materials for the programs; and

"(D) include the goal of increasing proficiency and fluency in not less than 1 Native American language.

"(d) Application.—

"(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CERTIFICATION.—An eligible entity that submits an application for a grant to carry out the activity specified in subsection (c)(1), shall include in such application a certification that assures that such entity has experience and a demonstrated record of effectiveness in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

"(e) Grant Duration.—The Secretary shall make grants under this section only on a multi-year basis for a period not to exceed 5 years.

"(f) Definition.—In this section, the term 'average' means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native language program during a school year divided by the total number of students enrolled in the program.

"(g) Administrative Costs.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of the funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

"(2) EXCEPTION.—An elementary school or secondary school for Indian students that receives funds from a recipient of a grant under subsection (c) for any fiscal year may use not more than 10 percent of the funds for administrative purposes.

"SEC. 7133. IMPROVING STATE AND TRIBAL EDUCATIONAL AGENCY COLLABORATION.

"The Secretary, in consultation with the Director of the Bureau of Indian Education, shall conduct a study of the relationship among State educational agencies, local educational agencies, and other relevant State and local agencies, and tribes or tribal representatives to—

"(1) identify examples of best practices in collaboration among those entities that result in the provision of better services to Indian students; and

"(2) provide recommendations on—

"(A) State educational agency functions that tribal educational agencies could perform;

"(B) areas and agency functions in which greater State educational agency and tribal educational agency collaboration is needed; and

"(C) other steps to reducing barriers to serving Indian students, especially such students who are at risk of academic failure.".

~~Sec. 7132~~

~~SEC. 7132. [20 U.S.C. 7452] IN-SERVICE TRAINING FOR TEACHERS OF INDIAN CHILDREN.~~

~~(a) GRANTS AUTHORIZED.—In addition to the grants authorized by section 7122(c), the Secretary may make grants to eligible consortia for the provision of high quality in-service training. The Secretary may make such a grant to—~~

~~(1) a consortium of a tribal college and an institution of higher education that awards a degree in education; or~~

~~(2) a consortium of—~~

~~(A) a tribal college;~~

(B) an institution of higher education that awards a degree in education; and

(C) one or more elementary schools or secondary schools operated by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.

(b) USE OF FUNDS.—

(1) IN-SERVICE TRAINING.—A consortium that receives a grant under subsection (a) shall use the grant funds only to provide high-quality in-service training to teachers, including teachers who are not Indians, in schools of local educational agencies with substantial numbers of Indian children enrolled in their schools, in order to better meet the needs of those children.

(2) COMPONENTS.—The training described in paragraph (1) shall include such activities as preparing teachers to use the best available scientifically based research practices and learning strategies, and to make the most effective use of curricula and materials, to respond to the unique needs of Indian children in their classrooms.

(c) PREFERENCE FOR INDIAN APPLICANTS.—In applying section 7143 to this section, the Secretary shall give a preference to any consortium that includes one or more of the entities described in section 7143.

Sec. 7133

SEC. 7133. [20 U.S.C. 7453] FELLOWSHIPS FOR INDIAN STUDENTS.

(a) FELLOWSHIPS.—

(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

(A) of not more than 4 academic years; and

(B) that leads—

(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field; or

(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which such a fellowship recipient is pursuing a course of study, in lieu of tuition charged to such recipient, such amounts as the Secretary may determine to be

~~necessary to cover the cost of education provided to such recipient.~~

~~(d) SPECIAL RULES.—~~

~~(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the first fellowship.~~

~~(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—~~

~~(A) the amount of the funding for the fellowship; and~~

~~(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.~~

~~(3) PRIORITY.—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.~~

~~(e) SERVICE OBLIGATION.—~~

~~(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—~~

~~(A) perform work—~~

~~(i) related to the training for which the individual receives the assistance under this section; and~~

~~(ii) that benefits Indian people; or~~

~~(B) repay all or a prorated portion of such assistance.~~

~~(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of assistance under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).~~

~~(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.~~

~~Sec. 7134~~

~~SEC. 7134. [20 U.S.C. 7454] GIFTED AND TALENTED INDIAN STUDENTS.~~

~~(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—~~

~~(1) establish two centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and~~

~~(2) support demonstration projects described in subsection (c).~~

~~(b) ELIGIBLE ENTITIES.—The Secretary shall make grants, or enter into contracts, for the activities described in subsection (a), to or with—~~

~~(1) two tribally controlled community colleges that—~~

~~(A) are eligible for funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978; and~~

~~(B) are fully accredited; or~~

~~(2) the American Indian Higher Education Consortium, if the Secretary does not receive applications that the Secretary determines to be approvable from two colleges that meet the requirements of paragraph (1).~~

~~(c) USE OF FUNDS.—~~

~~(1) IN GENERAL.—Funds made available through the grants made, or contracts entered into, by the Secretary under subsection (b) shall be used for—~~

~~(A) the establishment of centers described in subsection (a); and~~

~~(B) carrying out demonstration projects designed to—~~

~~(i) address the special needs of Indian students in elementary schools and secondary schools who are gifted and talented; and~~

~~(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.~~

~~(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (b) to carry out a demonstration project under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project.~~

~~(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (b) may include—~~

~~(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—~~

~~(i) identifying the emotional and psychosocial needs of such students; and~~

~~(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the projects;~~

~~(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines hold a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—~~

~~(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and~~

~~(ii) carrying out mentoring and apprenticeship programs;~~

~~(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under~~

such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

(D) the use of public television in meeting the special educational needs of such gifted and talented children;

(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children as are needed to enable such children to benefit from the projects.

(4) APPLICATION.—Each eligible entity desiring a grant or contract under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

(d) ADDITIONAL GRANTS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (hereafter referred to individually in this section as a "Bureau school") for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

(A) gifted and talented students;

(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

(D) mathematics and science education.

(2) APPLICATIONS.—Each Bureau school desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

(5) GRANT PERIOD.—Subject to the availability of appropriations, a grant awarded under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

(6) DISSEMINATION.—

(A) COOPERATIVE EFFORTS.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

(B) REPORT.—The Secretary shall prepare and submit to the Secretary of the Interior and to Congress a report concerning any results from activities described in this subsection.

(7) EVALUATION COSTS.—

(A) DIVISION.—The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under subsection (a).

(B) GRANTS AND CONTRACTS.—If no funds are provided under subsection (b) for—

(i) the evaluation of activities assisted under paragraph (1);

(ii) technical assistance and coordination with respect to such activities; or

(iii) the dissemination of the evaluations referred to in clause (i),

the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.

Sec. 7135

SEC. 7135. [20 U.S.C. 7455] GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

(2) develop education codes for schools within the territorial jurisdiction of the tribe;

(3) provide support services and technical assistance to schools serving children of the tribe; and

(4) perform child find screening services for the preschool aged children of the tribe to—

(A) ensure placement in appropriate educational facilities; and

(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

(b) PERIOD OF GRANT.—Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3 year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

(c) APPLICATION FOR GRANT.—

(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

(2) CONTENTS.—Each application described in paragraph (1) shall contain—

(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

(d) RESTRICTION.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.

Sec. 7136

SEC. 7136. [20 U.S.C. 7456] IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

(a) IN GENERAL.—The Secretary shall make grants to State educational agencies, local educational agencies, and Indian tribes, institutions, and organizations—

(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

(2) to assist in the establishment and operation of programs that are designed to

stimulate—

(A) the provision of basic literacy opportunities for all nonliterate Indian adults; and

(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

(d) APPLICATIONS.—

(1) IN GENERAL.—Each entity desiring a grant or contract under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

(2) CONTENTS.—Each application described in paragraph (1) shall contain—

(A) a statement describing the activities to be conducted and the objectives to be achieved under the grant or contract; and

(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant or contract are achieved.

(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates that—

(A) there has been adequate participation, by the individuals to be served and the appropriate tribal communities, in the planning and development of the activities to be assisted; and

~~(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.~~

~~(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.~~

~~(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant or contract made or entered into under this section for a fiscal year may be used to pay for administrative costs.~~

Subpart 4—Federal Administration

Sec. 7141

SEC. 7141. [20 U.S.C. 7471] NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the "Council"), which shall—

(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

(2) represent different geographic areas of the United States.

(b) DUTIES.—The Council shall—

(1) advise the Secretary and the Secretary of the Interior concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

(A) with respect to which the Secretary has jurisdiction; and

(B)(i) that includes Indian children or adults as participants; or

(ii) that may benefit Indian children or adults;

(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

(3) submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

(B) recommendations concerning the funding of any program described in subparagraph (A).

Sec. 7142

SEC. 7142. [20 U.S.C. 7472] PEER REVIEW.

The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or subpart 3.

Sec. 7143

SEC. 7143. [20 U.S.C. 7473] PREFERENCE FOR INDIAN APPLICANTS.

In making grants and entering into contracts or cooperative agreements under subpart 2 or subpart 3, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

Sec. 7144

SEC. 7144. [20 U.S.C. 7474] MINIMUM GRANT CRITERIA.

The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or subpart 3 unless the application is for a grant, contract, or cooperative agreement that is—

(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

(2) based on relevant research findings.

Subpart 5—Definitions; Authorizations of Appropriations

Sec. 7151

SEC. 7151. [20 U.S.C. 7491] DEFINITIONS.

For the purposes of this part:

(1) ADULT.—The term "adult" means an individual who—

(A) has attained the age of 16 years; or

(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

~~(2) FREE PUBLIC EDUCATION.—The term "free public education" means education that is—~~

~~(A) provided at public expense, under public supervision and direction, and without tuition charge; and~~

~~(B) provided as elementary or secondary education in the applicable State or to preschool children.~~

(2~~3~~) INDIAN.—The term "Indian" means an individual who is—

(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

(i) any tribe or band terminated since 1940; and

(ii) any tribe or band recognized by the State in which the tribe or band resides;

(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

(C) considered by the Secretary of the Interior to be an Indian for any purpose;

(D) an Eskimo, Aleut, or other Alaska Native; or

(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the Improving America's Schools Act of 1994.

"(3) TRADITIONAL LEADERS.—The term 'traditional leaders' has the meaning given the term in the Native American Languages Act of 1990 (25 U.S.C. 2902).

Sec. 7152

SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) Subpart 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $104,331,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.

"(b) Subparts 2 and 3.—For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated $22,351,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years. ~~SEC. 7152. [20 U.S.C. 7492] AUTHORIZATIONS OF APPROPRIATIONS.~~

~~(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $96,400,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.~~

~~(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3, there are authorized to be appropriated $24,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.~~

PART B—~~NATIVE HAWAIIAN EDUCATION~~NATIVE HAWAIIAN EDUCATION; ALASKA NATIVE EDUCATION

SUBPART 1- HAWAIIAN EDUCATION Sec. 7201

SEC. 7201. [20 U.S.C. 7511] SHORT TITLE.

This ~~part~~ subpart may be cited as the "Native Hawaiian Education Act".

Sec. 7202

SEC. 7202. FINDINGS.

"Congress finds the following:

"(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States,

Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

"(2) The United States has recognized and reaffirmed that—

"(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

"(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

"(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

"(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

"(E) the aboriginal, indigenous people of the United States have—

"(i) a continuing right to autonomy in their internal affairs; and

"(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

"(3) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

"(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

"(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

"(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

"(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

"(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

"(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

"(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

"(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

"(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

"(4) In 1993, 2005, and 2009 the Kamehameha Schools Bishop Estate released an updated findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

"(A) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

"(B) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

"(C) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

"(D) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

"(E) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed 4 or more years of college; and

"(F) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs.

"(5) Native Hawaiian students served by the State of Hawaii Department of Education has risen from 20 percent in 1980 to 26 percent in 2008, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

"(6) Despite the consequences of more than 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

"(7) The State of Hawaii, in the constitution and statutes of the State of Hawaii—

"(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

"(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii, which may be used as the language of instruction for all subjects and grades in the public school system; and

"(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program. ~~SEC. 7202. [20 U.S.C. 7512] FINDINGS.~~

~~Congress finds the following:~~

~~(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.~~

~~(2) At the time of the arrival of the first nonindigenous people in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and~~

~~religion.~~

~~(3) A unified monarchal government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.~~

~~(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawaii, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawaii, and entered into treaties and conventions with the Kingdom of Hawaii to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.~~

~~(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawaii, the Kingdom of Hawaii, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawaii, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103-150 (107 Stat. 1510).~~

~~(6) In 1898, the joint resolution entitled "Joint Resolution to provide for annexing the Hawaiian Islands to the United States", approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawaii, including the government and crown lands of the former Kingdom of Hawaii, to the United States, but mandated that revenue generated from the lands be used "solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes".~~

~~(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.~~

~~(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: "One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.".~~

~~(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b-1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area "only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.".~~

~~(10) Under the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.~~

(11) In 1959, under the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", the United States also ceded to the State of Hawaii title to the public lands formerly held by the United States, but mandated that such lands be held by the State "in public trust" and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawaii for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

(12) The United States has recognized and reaffirmed that —

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once-sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have —

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in —

(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

(14) In 1981, Congress instructed the Office of Education to submit to Congress a

~~comprehensive report on Native Hawaiian education. The report, entitled the "Native Hawaiian Educational Assessment Project", was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.~~

~~(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.~~

~~(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—~~

~~(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—~~

~~(i) late or no prenatal care;~~

~~(ii) high rates of births by Native Hawaiian women who are unmarried; and~~

~~(iii) high rates of births to teenage parents;~~

~~(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;~~

~~(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;~~

~~(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;~~

~~(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;~~

~~(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed four or more years of college;~~

~~(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—~~

~~(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;~~

~~(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawaii; and~~

~~(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and~~

~~(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawaii Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.~~

~~(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawaii.~~

~~(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.~~

~~(19) Following the overthrow of the Kingdom of Hawaii in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawaii, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: "I ka "o8lelo no8 ke ola; I ka "o8lelo no8 ka make. In the language rests life; In the language rests death.".~~

~~(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.~~

~~(21) The State of Hawaii, in the constitution and statutes of the State of Hawaii —~~

~~(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;~~

~~(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawaii, which may be used as the language of instruction for all subjects and grades in the public school system; and~~

~~(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.~~

Sec. 7203

SEC. 7203. PURPOSES.

"The purposes of this subpart are to—

"(1) develop, implement, assess, expand, and evaluate innovative educational programs,

Native Hawaiian language medium programs, Native Hawaiian culture-based education programs, and other education programs to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs to help such students meet challenging State academic content standards and challenging State student academic achievement standards;

"(2) provide guidance to appropriate Federal, State, and local agencies to more effectively and efficiently focus resources, including resources made available under this subpart, on the development and implementation of—

"(A) innovative educational programs for Native Hawaiian students;

"(B) rigorous and substantive Native Hawaiian language programs; and

"(C) Native Hawaiian culture-based educational programs; and

"(3) create a system by which information from programs funded under this subpart will be collected, analyzed, evaluated, reported, and used in decision making activities with respect to the types of grants awarded under this subpart. ~~SEC. 7203. [20 U.S.C. 7513] PURPOSES.~~

~~The purposes of this part are to—~~

~~(1) authorize and develop innovative educational programs to assist Native Hawaiians;~~

~~(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;~~

~~(3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and~~

~~(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.~~

Sec. 7204

SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.

"(a) Establishment of Native Hawaiian Education Council.—In order to better effectuate the purposes of this subpart through the coordination of educational and related services and programs available to Native Hawaiian students, including those programs receiving funding under this subpart, the Secretary shall establish a Native Hawaiian Education Council (referred to in this subpart as the 'Education Council').

"(b) Composition.—

"(1) IN GENERAL.—The Education Council shall consist of 15 members of whom—

"(A) 1 shall be the President of the University of Hawaii (or a designee);

"(B) 1 shall be the Governor of the State of Hawaii (or a designee);

"(C) 1 shall be the Superintendent of the State of Hawaii Department of Education (or a designee);

"(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

"(E) 1 shall be the executive director of Hawaii's Charter School Network (or a designee);

"(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a designee);

"(G) 1 shall be the chairperson of the Queen Liliuokalani Trust (or a designee);

"(H) 1 shall be a member, selected by the other members of the Education Council, who represents a private grant-making entity;

"(I) 1 shall be the Mayor of the County of Hawaii (or a designee);

"(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

"(K) 1 shall be the Mayor of the County of Kauai (or a designee);

"(L) 1 shall be appointed by the Mayor of Maui County from the Island of either Molokai or Lanai;

"(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

"(N) 1 shall be the Chairperson the Hawaiian Homes Commission (or a designee); and

"(O) 1 shall be the Chairperson of the Hawaii Workforce Development Council (or a designee representing the private sector)

"(2) LIMITATION.—A member (including a designee) while serving on the Education Council, shall not be a recipient of grant funds that are awarded under this part.

"(c) Chair, Vice Chair.—

"(1) SELECTION.—The Education Council shall select a Chair and a Vice Chair from among the members of the Education Council.

"(2) TERM LIMITS.—The Chair and Vice Chair shall each serve for 2-year terms.

"(d) Native Hawaiian Education Council Grant.—The Secretary shall make a grant to the Education Council to carry out the following activities:

"(1) Coordinate the educational and related services and programs available to Native Hawaiian students, including the programs assisted under this subpart.

"(2) Assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education.

"(3) Provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this subpart, relating to Native Hawaiian student education, and serve, where appropriate, in an advisory capacity.

"(4) Make direct grants and subgrants, if such grants and subgrants would enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

(5) Hire an executive director who shall execute the duties and powers of the Education Council described in subsection (e).

"(e) Duties and Powers of the Education Council.—

"(1) IN GENERAL.—The Education Council shall—

"(A) provide technical assistance to Native Hawaiian organizations that are grantees or potential grantees under this part;

"(B) obtain from such grantees information regarding grants awarded under this part, including information about—

"(i) the effectiveness of such grantees in meeting the educational priorities established by the Education Council, as described in subparagraph (F); and

"(ii) the effectiveness of such grantees in carrying out any of the activities described in section 7205(b)(2) that are related to the specific goals and purposes of each grantee's grant project;

"(C) assess and define the educational needs of Native Hawaiians;

"(D) assess the programs and services currently available to address the educational needs of Native Hawaiians;

"(E) assess and evaluate the individual and aggregate impact achieved by grantees in improving Native Hawaiian educational performance and meeting the goals of this part;

"(F) prepare and submit to the Secretary, before the end of each calendar year, annual reports that contain—

"(i) a description of the activities of the Education Council during the preceding calendar year;

"(ii) recommendations of the Education Council, if any, regarding priorities established under section 7205(b);

"(iii) significant barriers to achieving the goals of this part;

"(iv) a summary of each community listening session described in subsection (h);

"(v) recommendations to establish priorities for funding under this part, based on an assessment of—

"(I) the educational needs of Native Hawaiians;

"(II) programs and services currently available to address such needs;

"(III) the effectiveness of existing programs in improving the educational performance of Native Hawaiians to help such students meet challenging State student academic achievement standards; and

"(IV) priorities for funding in specific geographic communities; and

"(G) hold annual community consultations, as described in subsection (h).

"(f) Community Consultations.—

"(1) IN GENERAL.—The Education Council shall hold not less than one community consultation each year on each of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and Kauai, at which—

"(A) not less than 3 members of the Education Council shall be in attendance;

"(B) the Education Council shall gather community input regarding—

"(i) current grantees;

"(ii) priorities and needs; and

"(iii) other Native Hawaiian education issues; and

"(C) the Education Council shall report to the community on the outcomes of the grants awarded under this part.

"(2) SUPPORT FOR COMMUNITY CONSULTATIONS.—The Education Council may, from the funds made available to the Education Council under section 7205(g)(2)(A), provide such financial support to the community consultations described in paragraph (1) as the Education Council determines to be appropriate.

"(g) Administrative Provisions Relating to Education Council.—The Education Council shall meet at the call of the Chair of the Council, or upon request by a majority of the members of the Education Council, but in any event not less often than every 120 days.

"(h) Funding.—

"(1) IN GENERAL.—For each fiscal year, the Secretary shall provide to the Education Council (including through grants and contracts) the amount described in section 7205(i), to remain available until expended.

"(2) NO COMPENSATION.—Each member of the Education Council, and each member of a community council, Kupuna council, or other working group established by the Education Council, shall serve without compensation.

"(i) Report.—Not later than 3 years after the date of enactment of the [the Elementary and Secondary Education Reauthorization Act of 2011], the Secretary shall prepare and submit to the Committee on Indian Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a report that—

"(1) summarizes the annual reports of the Education Council;

"(2) describes the allocation and use of funds under this subpart and the information gathered since the first annual report submitted by the Education Council to the Secretary under this section; and

"(3) contains recommendations for changes in Federal, State, and local policy to advance the purposes of this subpart.

"(j) Federal Advisory Committee Act Applicability; Term of Council.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Council, except that section 14 of such Act shall not apply.

(k) TERMINATION—The Education Council shall terminate on the date that is the expiration of the 10-year period following the date of enactment of [the Elementary and Secondary Education Reauthorization Act of 2011].

~~SEC. 7204. [20 U.S.C. 7514] NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.~~

~~(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (hereafter in this part referred to as the "Education Council").~~

~~(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.~~

~~(c) CONDITIONS AND TERMS.—~~

~~(1) CONDITIONS.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawaii Office of Hawaiian Affairs shall serve as a member of the Education Council.~~

~~(2) APPOINTMENTS.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.~~

~~(3) TERMS.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).~~

~~(4) COUNCIL DETERMINATIONS.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.~~

~~(d) NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.—The Secretary shall make a direct grant to the Education Council to carry out the following activities:~~

~~(1) Coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part.~~

~~(2) Assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education.~~

~~(3) Provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity.~~

~~(4) Make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).~~

~~(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—~~

(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

(2) ANNUAL REPORT.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

(f) ESTABLISHMENT OF ISLAND COUNCILS.—

(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as an "island council") for the following islands:

(A) Hawaii.

(B) Maui.

(C) Molokai.

(D) Lanai.

(E) Oahu.

(F) Kauai.

(G) Niihau.

(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least three-fourths of the members of each island council shall be Native Hawaiians.

(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

(i) REPORT.—Not later than 4 years after the date of enactment of the No Child Left Behind Act of 2001, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a

~~report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.~~

Sec. 7205

SEC. 7205. PROGRAM AUTHORIZED.

"(a) Grants and Contracts.—In order to carry out programs that meet the purposes of this subpart, the Secretary is authorized to award grants to, or enter into contracts with—

"(1) Native Hawaiian educational organizations;

"(2) Native Hawaiian community-based organizations;

"(3) public and private nonprofit organizations, agencies, and institutions with experience in successfully developing or operating Native Hawaiian education and workforce development programs or programs of instruction in the Native Hawaiian language;

"(4) charter schools; and

"(5) consortia of the organizations, agencies, and institutions described in paragraphs (1) through (4).

"(b) Priority.—In providing grants and entering into contracts under this subpart, the Secretary shall give priority to—

"(1) programs that meet the educational priorities established by the Education Council under section 7204(g)(1)(F);

"(2) programs designed to improve the academic achievement of Native Hawaiian students by meeting their unique cultural and language needs in order to help such students meet challenging State academic content standards and challenging State student academic achievement standards, including activities relating to—

"(A) achieving competence in reading, literacy, mathematics, and science for students in preschool through grade 3;

"(B) the educational needs of at-risk children and youth;

"(C) professional development for teachers and administrators;

"(D) the use of Native Hawaiian language and preservation or reclamation of Native Hawaiian culture-based educational practices;

"(E) preparation for employment in fields in which Native Hawaiians are underemployed or underrepresented; and

"(F) other programs relating to the activities described in this subpart; and

"(3) programs in which a State educational agency, local educational agency, institution of higher education, or a State educational agency or local educational agency in partnership with an institution of higher education apply for a grant or contract under this part as part of a partnership or consortium involving—

"(A) a Native Hawaiian community-based organization;

"(B) a Native Hawaiian education organization;

"(C) a Native Hawaiian focused public charter school; or

"(D) a Native Hawaiian organization.

"(c) Authorized Activities.—Activities provided through programs carried out under this subpart may include—

"(1) the development and maintenance of a statewide Native Hawaiian early childhood education and care system to provide a continuum of high-quality services for Native Hawaiian children from the prenatal period through the age of kindergarten entry;

"(2) the operation of family-based education centers that provide such services as—

"(A) programs for Native Hawaiian parents and their infants from the prenatal period of infancy through age 3;

"(B) preschool programs for Native Hawaiian children; and

"(C) research on, and development and assessment of, family-based early care and education and preschool programs for Native Hawaiians;

"(3) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;

"(4) activities to meet the special needs of Native Hawaiian students with disabilities, including—

"(A) the identification of such students and their needs;

"(B) the provision of support services to the families of those students; and

"(C) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

"(5) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

"(A) educational, psychological, social, emotional, and developmental activities designed to assist in the educational progress of such students; and

"(B) activities that involve the parents of such students in a manner designed to assist in the students' educational progress;

"(6) the development of academic and vocational curricula to address the needs of Native Hawaiian children, youth, and adults, including curriculum materials in the Hawaiian language, mathematics, science, engineering, and technology curricula that incorporate Native Hawaiian tradition and culture;

"(7) professional development activities for educators, including—

"(A) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

"(B) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

"(C) the recruitment and preparation of Native Hawaiian individuals, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers or leaders;

"(8) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

"(A) early care and education programs, including preschool programs;

"(B) before- and after-school programs and Saturday academies;

"(C) career and technical and adult education programs; and

"(D) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children and youth and incorporate appropriately qualified Native Hawaiian elders and seniors;

"(9) activities, including program co-location, to enable Native Hawaiian individuals to enter and complete programs of postsecondary education, including—

"(A) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to Native Hawaiian students entering professions in which Native Hawaiians are underrepresented;

"(B) family literacy services;

"(C) counseling and support services for students receiving scholarship assistance;

"(D) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships;

"(E) assistance with completing the college admissions and financial aid application process; and

"(F) faculty development activities designed to promote the matriculation of Native Hawaiian students;

"(10) activities that recognize and supports the unique needs of Native Hawaiian youth to complete quality workforce preparation and training programs and activities, including apprenticeship programs;

"(11) research and data collection activities to determine the educational status and needs of Native Hawaiian children and youth;

"(12) other research and evaluation activities related to programs carried out under this subpart; and

"(13) other activities, consistent with the purposes of this subpart, to meet the educational needs of Native Hawaiian children and youth.

"(d) Additional Activities.—From funds made available to carry out this section, the Secretary

shall support the following:

"(1) Development of a body of Native Hawaiian law.

"(2) Repair and renovation of public schools that serve high concentrations of Native Hawaiian students.

"(3) Informal education programs that present traditional Hawaiian knowledge, science, astronomy, and the environment through State museums or learning centers.

"(e) Special Rule and Conditions.—

"(1) INSTITUTIONS OUTSIDE HAWAII.—The Secretary may not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawaii from receiving a scholarship pursuant to subsection (c)(9)(A).

"(2) SCHOLARSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a scholarship awarded under subsection (c)(9)(A). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

"(f) Treatment of Funds.—

"(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this subpart shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this subpart.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any nonprofit entity or Native Hawaiian community-based organization that receives a grant or other funds under this subpart.

"(g) Administrative Costs.—

"(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of funds provided to a recipient of a grant or contract under subsection (a) for any fiscal year may be used for administrative purposes.

"(2) EXCEPTION.—Not more than 10 percent of funds provided under subsection (a) for any fiscal year to a nonprofit entity serving the Native Hawaiian community may be used for administrative purposes.

"(h) Supplement Not Supplant.—Funds made available under this section shall be used to supplement, and not supplant, any State or local funds used to achieve the purposes of this subpart.

"(i) Authorization of Appropriations.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section and section 7204 such sums as may be necessary for fiscal year 2012 and each of the 5 succeeding fiscal years.

"(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve, for each of fiscal years 2012 through 2017 not less than $500,000 for the Education Council.

"(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.

~~SEC. 7205. [20 U.S.C. 7515] PROGRAM AUTHORIZED.~~

~~(a) GENERAL AUTHORITY.—~~

~~(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—~~

~~(A) Native Hawaiian educational organizations;~~

~~(B) Native Hawaiian community-based organizations;~~

~~(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and~~

~~(D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),~~

~~to carry out programs that meet the purposes of this part.~~

~~(2) PRIORITIES.—In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—~~

~~(A) beginning reading and literacy among students in kindergarten through third grade;~~

~~(B) the needs of at-risk children and youth;~~

~~(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and~~

~~(D) the use of the Hawaiian language in instruction.~~

~~(3) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—~~

~~(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;~~

~~(B) the operation of family-based education centers that provide such services as—~~

~~(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;~~

~~(ii) preschool programs for Native Hawaiians; and~~

~~(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;~~

~~(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;~~

(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

(i) the identification of such students and their needs;

(ii) the provision of support services to the families of those students; and

(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

(ii) activities that involve the parents of those students in a manner designed to assist in the students' educational progress;

(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

(G) professional development activities for educators, including—

(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

(i) preschool programs;

(ii) after-school programs;

(iii) vocational and adult education programs; and

(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;

(I) activities, including program co-location, to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need,

~~with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;~~

~~(ii) family literacy services;~~

~~(iii) counseling and support services for students receiving scholarship assistance;~~

~~(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and~~

~~(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;~~

~~(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;~~

~~(K) other research and evaluation activities related to programs carried out under this part; and~~

~~(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.~~

~~(4) SPECIAL RULE AND CONDITIONS.—~~

~~(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree-granting institution of higher education outside of the State of Hawaii from receiving a scholarship pursuant to paragraph (3)(I).~~

~~(B) SCHOLARSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a scholarship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.~~

~~(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a recipient of a grant or contract under subsection (a) for any fiscal year may be used for administrative purposes.~~

~~(c) AUTHORIZATION OF APPROPRIATIONS.—~~

~~(1) IN GENERAL.—There are authorized to be appropriated to carry out this section and section 7204 such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.~~

~~(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall reserve $500,000 for fiscal year 2002 and each of the 5 succeeding fiscal years to make a direct grant to the Education Council to carry out section 7204.~~

~~(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available until expended.~~

Sec. 7206

SEC. 7206. ADMINISTRATIVE PROVISIONS.

"(a) Application Required.—

"(1) IN GENERAL.—No grant may be made under this subpart, and no contract may be entered into under this subpart, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this subpart.

"(2) ACADEMIC PROJECTS.—Applications submitted under this subpart to carry out projects and activities that are academic in nature shall describe—

"(A) the criteria that will be used to ensure that such projects and activities use evidence-based strategies and methods; and

"(B) the process through which the applicant will monitor and report such activities, including the achievement of identified objectives.

"(b) Applications to Education Council.—The Secretary shall provide to the Education Council a copy of each grant or contract application submitted under this subpart.

"(c) Annual Report.—

"(1) IN GENERAL.—Each entity that receives a grant under this subpart shall submit to the Secretary an annual report, in such form and containing such information as the Secretary may require that determines the extent to which activities carried out with funds provided under this subpart are effective in improving the educational achievement of Native Hawaiian students served by such funds.

"(2) CONTENT.—As a part of the information reported under paragraph (1), each entity that receives a grant under this subpart shall provide data, using information from the most recent year for which data are available, on—

"(A) the academic achievement of the Native Hawaiian students the entity serves, as measured by the State assessments required under section 1111(a) and the high school graduation and college-going rates of those students; and

"(B) such other measures as the Secretary may prescribe.

~~SEC. 7206. [20 U.S.C. 7516] ADMINISTRATIVE PROVISIONS.~~

~~(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.~~

~~(b) SPECIAL RULE.—Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.~~

Sec. 7207

SEC. 7207. [20 U.S.C. 7517] DEFINITIONS.

In this subpart:

1) COMMUNITY COUNCIL.—The term 'community council' means a group that—

"(A) is comprised of a majority of Native Hawaiians who live in a particular geographic area; and

"(B) is created for the express purpose of receiving and providing information to the Education Council.

~~"(2) COUNCIL FOR NATIVE HAWAIIAN ADVANCEMENT.—The term 'Council for Native Hawaiian Advancement' means the nonprofit member-based association of Native Hawaiian organizations.~~

~~"(3) HAWAII 3R'S.—The term 'Hawaii 3R's' means the nonprofit entity that supports the repair, renovation, and restoration of public schools through public-private partnerships, including through contributions of financial resources, professional services, equipment, time, and labor to enhance learning environments.~~

~~"(4) KUPUNA COUNCIL.—The term 'Kupuna council' means a council composed of elders who are knowledgeable and skilled in Native Hawaiian language and cultural practices.~~

(5~~1~~) NATIVE HAWAIIAN.—The term "Native Hawaiian" means any individual who is—

(A) a citizen of the United States; and

(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii, as evidenced by—

(i) genealogical records;

(ii) Kupuna (elders) or Kamaaina (long-term community residents) verification; or

(iii) certified birth records.

(6~~2~~) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term "Native Hawaiian community-based organization" means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

(7~~3~~) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term "Native Hawaiian educational organization" means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians;

(B) has Native Hawaiians in substantive and policymaking positions within the organization;

(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

(D) has demonstrated expertise in the education of Native Hawaiian youth; and

(E) has demonstrated expertise in research and program development.

(8~~4~~) NATIVE HAWAIIAN LANGUAGE.—The term "Native Hawaiian language" means the

single Native American language indigenous to the original inhabitants of the State of Hawaii.

(95) NATIVE HAWAIIAN ORGANIZATION.—The term "Native Hawaiian organization" means a private nonprofit organization that—

(A) serves the interests of Native Hawaiians;

(B) has Native Hawaiians in substantive and policymaking positions within the organization; and

(C) is recognized by the Governor of Hawaii for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

(106) OFFICE OF HAWAIIAN AFFAIRS.—The term "Office of Hawaiian Affairs" means the Office of Hawaiian Affairs established by the Constitution of the State of Hawaii.

PART CSUBPART 2—ALASKA NATIVE EDUCATION

Sec. 7301

SEC. 7301. [20 U.S.C. 7541] SHORT TITLE.

This part subpart may be cited as the "Alaska Native Educational Equity, Support, and Assistance Act".

Sec. 7302

SEC. 7302. [20 U.S.C. 7542] FINDINGS.

Congress finds and declares the following:

(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

(3) Alaska Native children enter and exit school with serious educational handicaps.

(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

(5) The programs authorized in this partsubpart, combined with expanded Head Start, infant learning, and early childhood education programs, and parent education programs, are essential if educational handicaps are to be overcome.

(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

(7) Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

Sec. 7303

SEC. 7303. [20 U.S.C. 7543] PURPOSES.

The purposes of this subpart are as follows:

(1) To recognize the unique educational needs of Alaska Natives.

(2) To authorize the development of supplemental educational programs to benefit Alaska Natives.

(3) To supplement existing programs and authorities in the area of education to further the purposes of this subpart.

(4) To provide direction and guidance to appropriate Federal, State and local agencies to focus resources, including resources made available under thissub part, on meeting the educational needs of Alaska Natives.

Sec. 7304

SEC. 7304. [20 U.S.C. 7544] PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—

(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this subpart.

(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this subpart may include the following:

(A) The development and implementation of plans, methods, and strategies to improve the education of Alaska Natives.

(B) The development of curricula and educational programs that address the educational needs of Alaska Native students, including the following:

(i) Curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives.

(ii) Instructional programs that make use of Native Alaskan languages.

(iii) Networks that introduce successful programs, materials, and techniques to urban and rural schools.

(C) Professional development activities for educators, including the following:

(i) Programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students.

(ii) In-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students.

(iii) Recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska.

"(D) The development and operation of high-quality early care and education programs, including home visiting and home-based programs for Alaska Native preschool children, that ensure the active involvement of families and communities in their children's education from the earliest ages. ~~(D) The development and operation of home instruction programs for Alaska Native preschool children, to ensure the active involvement of parents in their children's education from the earliest ages.~~

(E) Family literacy services.

(F) The development and operation of student enrichment programs in ~~science and mathematics~~science, technology, engineering, and mathematics that—

(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math;

(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs; and

(iii) may include activities that recognize and support the unique cultural linguistic and educational needs of Alaska Native children, and incorporate appropriately qualified Alaska Native elders and seniors.

(G) Research and data collection activities to determine the educational status and needs of Alaska Native children and youth and adults.

(H) Other research and evaluation activities related to programs carried out under this part.

(I) Remedial and enrichment programs to assist Alaska Native students in performing at a high level on standardized tests and in becoming on track to college and career readiness.

(J) Education and training of Alaska Native students, such as students who may not be of traditional college age, enrolled in a degree program that will lead to certification or licensing as teachers.

(K) Parenting education for parents ~~and caregivers~~, caregivers, and families of Alaska Native children to improve parenting and caregiving skills (including skills relating to ~~discipline and~~nurturing positive social and emotional development, discipline, and cognitive development), including parenting education provided through in-home visitation of new mothers.

(L) Cultural education programs operated by the Alaska Native Heritage Center and

designed to share the Alaska Native culture with students.

"(M) Cultural exchange programs designed to share Alaska Native culture that place urban students in a rural setting. ~~(M) A cultural exchange program operated by the Alaska Humanities Forum and designed to share Alaska Native culture with urban students in a rural setting, which shall be known as the Rose Cultural Exchange Program.~~

(N) Activities carried out through Even Start programs carried out under subpart 3 of part B of title I and Head Start programs carried out under the Head Start Act, including the training of teachers for programs described in this subparagraph.

"(O) Other high-quality early care and education programs, including high-quality preschool programs. ~~(O) Other early learning and preschool programs.~~

(P) Dropout prevention programs operated by the Cook Inlet Tribal Council's Partners for Success program.

(Q) An Alaska Initiative for Community Engagement program.

(R) Career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment with opportunities for advancement and economic self-sufficiency, including programs providing tech-prep, mentoring, training, ~~and apprenticeship activities.~~and apprenticeship and pre-apprenticeship programs and acitvities.

(S) Provision of operational support and purchasing of equipment, to develop regional ~~vocational~~ area career and technical education schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 through 12, or at higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities.

(T) Other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native ~~children and adults~~children and youth, and adults, including, as appropriate, other activities authorized under this Act.

3) HOME-BASED PROGRAMS.—Home-based early care and education programs for Alaska Native preschool children carried out under paragraph (2)(D) may include the following:

"(A) Programs for families and their infants, from the prenatal period through age 3.

"(B) High-quality preschool programs focused on school readiness.

"(C) Professional development, education, and support for parents in such areas as high-quality literacy instruction, storytelling, social and emotional development, numeracy, technology, and critical thinking. ~~(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include the following:~~

~~(A) Programs for parents and their infants, from the prenatal period of the infant through age 3.~~

~~(B) Preschool programs.~~

~~(C) Training, education, and support for parents in such areas as reading readiness,~~

~~observation, story telling, and critical thinking.~~

(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

(c) PRIORITIES.—In awarding grants or contracts to carry out activities described in subsection (a)(2), except for activities listed in subsection (d)(2), the Secretary shall give priority to applications from Alaska Native regional nonprofit organizations, or consortia that include at least one Alaska Native regional nonprofit organization.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2012 and each of the 5 succeeding fiscal years. ~~(d) AUTHORIZATION OF APPROPRIATIONS.—~~

~~(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.~~

~~(2) AVAILABILITY OF FUNDS.—Of the funds appropriated and made available under this section for a fiscal year, the Secretary shall make available—~~

~~(A) not less than $1,000,000 to support activities described in subsection (a)(2)(K);~~

~~(B) not less than $1,000,000 to support activities described in subsection (a)(2)(L);~~

~~(C) not less than $1,000,000 to support activities described in subsection (a)(2)(M);~~

~~(D) not less than $2,000,000 to support activities described in subsection (a)(2)(P);~~ ~~and~~

~~(E) not less than $2,000,000 to support activities described in subsection (a)(2)(Q).~~

Sec. 7305

SEC. 7305. [20 U.S.C. 7545] ADMINISTRATIVE PROVISIONS.

(a) APPLICATION REQUIRED.—No grant may be made under this subpart, and no contract may be entered into under this subpart, unless the entity seeking the grant or contract submits an application to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this subpart.

(b) APPLICATIONS.—A State educational agency or local educational agency may apply for an award under this subpart only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

(c) CONSULTATION REQUIRED.—Each applicant for an award under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this subpart shall inform each local educational agency serving students who would participate in the program to be carried out under the grant or contract about the application.

Sec. 7306

(e) ANNUAL REPORT.—

(1) IN GENERAL.—Each entity that receives a grant under this subpart shall submit to the Secretary an annual report, in such form and containing such information as the Secretary may require, to determine the extent to which activities carried out with funds provided under this subpart are effective in improving the educational achievement of Alaska Native students served by such funds.

(2) CONTENT.—As a part of the information reported under paragraph (1), each entity that receives a grant under this subpart shall provide data, using information from the most recent year for which that data is available, on—

"(A) the academic achievement of the Alaska Native students the entity serves, as measured by the State assessments required under section 1111(a) and the high school graduation and college-going rates of those students; and

"(B) such other measures as the Secretary may prescribe.

SEC. 7306. [20 U.S.C. 7546] DEFINITIONS.

In this subpart:

(1) ALASKA NATIVE.—The term "Alaska Native" has the same meaning as the term "Native" has in section 3(b) of the Alaska Native Claims Settlement Act.

(2) ALASKA NATIVE ORGANIZATION.—The term "Alaska Native organization" means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and another organization that—

(A) has or commits to acquire expertise in the education of Alaska Natives; and

(B) has Alaska Natives in substantive and policymaking positions within the organization.

ESEA OF 1965

ESEA OF 1965

TITLE VIII—IMPACT AID

Sec. 8001

SEC. 8001. [20 U.S.C. 7701] PURPOSE.

In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children in a manner that promotes control by local educational agencies with little or no Federal or State involvement, because certain activities of the Federal Government, such as activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes and activities under section 511 of the Servicemembers Civil Relief Act, place a financial burden on the local educational agencies serving areas where such activities are carried out, and to help such children meet ~~challenging State standards~~ college and career ready State academic content and student academic achievement standards under section 1111(a)(1), it is the purpose of this title to provide financial assistance to local educational agencies that—

(1) experience a substantial and continuing financial burden due to the acquisition of real property by the United States;

(2) educate children who reside on Federal property and whose parents are employed on Federal property;

(3) educate children of parents who are in the military services and children who live in low-rent housing;

(4) educate heavy concentrations of children whose parents are civilian employees of the Federal Government and do not reside on Federal property; or

(5) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Federal lands and because of the difficulty of raising local revenue through bond referendums for capital projects due to the inability to tax Federal property.

Sec. 8002

SEC.8002. [20 U.S.C. 7702]PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.\1\

\1\Subsection (f) of section 801 of the No Child Left Behind Act of 2001 (115 Stat. 1949) provides:

(f) APPLICATION FOR PAYMENT.—Notwithstanding any other provision of law, the Secretary shall treat as timely filed an application under section 8002 (20 U.S.C. 7702) from Academy School District 20, Colorado, for a payment for fiscal year 1999, and shall process that application from funds appropriated for that section for fiscal year 2001.

(a) IN GENERAL.—Where the Secretary, after consultation with any local educational agency

and with the appropriate State educational agency, determines for a fiscal year ending prior to October 1, [" "]~~2003~~—

(1) that the United States owns Federal property in the local educational agency, and that such property—

(A) has been acquired by the United States since 1938;

(B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; and

(C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of—

(i) all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); or

(ii) all real property in the local educational agency as assessed in the first year preceding or succeeding acquisition, whichever is greater, only if—

(I) the assessment of all real property in the local educational agency is not made at the same time or times that such Federal property was so acquired and assessed; and

(II) State law requires an assessment be made of property so acquired; and

(2) that such agency is not being substantially compensated for the loss in revenue resulting from such ownership by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property,

then such agency shall be eligible to receive the amount described in subsection (b).

(b) AMOUNT.—

(1) IN GENERAL.—(A)(i)(I) Subject to subclauses (II) and (III), the amount that a local educational agency shall be paid under subsection (a) for a fiscal year shall be calculated in accordance with paragraph (2).

(II) Except as provided in subclause (III), the Secretary may not reduce the amount of a payment under this section to a local educational agency for a fiscal year by (aa) the amount equal to the amount of revenue, if any, the agency received during the previous fiscal year from activities conducted on Federal property eligible under this section and located in a school district served by the agency, including amounts received from any Federal department or agency (other than the Department of Education) from such activities, by reason of receipt of such revenue, or (bb) any other amount by reason of receipt of such revenue.

(III) If the amount equal to the sum of (aa) the proposed payment under this section to a local educational agency for a fiscal year and (bb) the amount of revenue described in subclause (II)(aa) received by the agency during the previous fiscal year, exceeds the maximum amount the agency is eligible to receive under this section for the fiscal year involved, then the Secretary shall reduce the amount of the proposed payment under this section by an amount equal to such excess amount.

(ii) For purposes of clause (i), the amount of revenue that a local educational agency

receives during the previous fiscal year from activities conducted on Federal property shall not include payments received by the agency from the Secretary of Defense to support—

(I) the operation of a domestic dependent elementary or secondary school; or

(II) the provision of a free public education to dependents of members of the Armed Forces residing on or near a military installation.

(B) If funds appropriated under section ~~8014~~3(~~z~~a)(1) are insufficient to pay the amount determined under subparagraph (A), the Secretary shall calculate the payment for each eligible local educational agency in accordance with subsection (h).

(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section that, when added to the amount such agency receives under section 8003(b), exceeds the maximum amount that such agency is eligible to receive for such fiscal year under section 8003(b)(1)(C), or the maximum amount that such agency is eligible to receive for such fiscal year under this section, whichever is greater.

(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In calculating the amount that a local educational agency is eligible to receive for a fiscal year, the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies, or imputed for fiscally dependent local educational agencies, to the current annually determined estimated taxable ~~aggregate assessed~~ value of such acquired Federal property.

(3) Determination of taxable value for eligible federal property.—

(A) In general.—In determining the total taxable value of such acquired Federal property for fiscal year 2011 and each succeeding fiscal year, the Secretary shall—

(i) first determine the total taxable value for the purpose of levying property tax for school purposes for current expenditures of real property located within the boundaries of such local educational agency;

(ii) then determine the per acre value of the eligible Federal property by dividing the total taxable value as determined in clause (i) by the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres eligible under this section; and

(iii) multiply the per acre value as calculated under clause (ii) by the number of Federal acres eligible under this section.

(B) Special rule.—When 2 or more local educational agencies share Federal property eligible under this section, a local educational agency may ask the Secretary to calculate the per acre value of each local educational agency as provided under subparagraph (A) and apply the average of these per acre values to the acres of the Federal property in that agency.";

~~(3) DETERMINATION OF AGGREGATE ASSESSED VALUE.—Such aggregate assessed value of such acquired Federal property shall be determined on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined, and provided to the Secretary, by the local official responsible for assessing the~~

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~~value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.~~

(c) APPLICABILITY TO TENNESSEE VALLEY AUTHORITY ACT.—For the purpose of this section, any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933 shall not be regarded as Federal property.

(d) OWNERSHIP BY UNITED STATES.—The United States shall be deemed to own Federal property for the purposes of this Act, where—

(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and

(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—

(A) restricts some or any construction on such property;

(B) requires that the property be used in perpetuity for the public purposes for which the property was conveyed;

(C) requires the grantee of the property to report to the Federal Government (or its agent) regarding information on the use of the property;

(D) except with the approval of the Federal Government (or its agent), prohibits the sale, lease, assignment, or other disposal of the property unless such sale, lease, assignment, or other disposal is to another eligible government agency; and

(E) reserves to the Federal Government a right of reversion at any time the Federal Government (or its agent) deems it necessary for the national defense.

(e) LOCAL EDUCATIONAL AGENCY CONTAINING FOREST SERVICE LAND AND SERVING CERTAIN COUNTIES.—Beginning with fiscal year 1995, a local educational agency shall be deemed to meet the requirements of subsection (a)(1)(C) if such local educational agency meets the following requirements:

(1) ACREAGE AND ACQUISITION BY THE FOREST SERVICE.—The local educational agency serves a school district that contains between 20,000 and 60,000 acres of land that has been acquired by the Forest Service of the Department of Agriculture between 1915 and 1990, as demonstrated by written evidence from the Forest Service satisfactory to the Secretary.

(2) COUNTY CHARTER.—The local educational agency serves a county chartered under State law in 1875 or 1890.

(f) SPECIAL RULE.—(1) Beginning with fiscal year 1994, and notwithstanding any other provision of law limiting the period during which fiscal year 1994 funds may be obligated, the Secretary shall treat the local educational agency serving the Wheatland R–II School District, Wheatland, Missouri, as meeting the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) (20 U.S.C. 237(a)(1)(C)) or subsection (a)(1)(C).

(2)\1\ For each fiscal year beginning with fiscal year 1999, the Secretary shall treat the Webster School District, Day County, South Dakota as meeting the eligibility requirements of subsection

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(a)(1)(C) of this section.

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(3)\1\ For each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Central Union, California; Island, California; Hill City, South Dakota; and Wall, South Dakota local educational agencies as meeting the eligibility requirements of subsection (a)(1)(C) of this section.

~~(4)\1\ For the purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hot Springs, South Dakota local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 for fiscal year 1994 if the Secretary has received the fiscal year 1994 application, as well as Exhibits A and B not later than December 1, 1999.~~

~~(5)\1\ For purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hueneme, California local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 if the Secretary has received the fiscal year 1995 application not later than December 1, 1999.~~

\1\Margin so in law.

(g) Former Districts.—

(1) Consolidations.—For fiscal year 2006 and all succeeding fiscal years, if a local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of 2 or more former school districts, the local educational agency may elect to have the Secretary determine its eligibility and any amount for which the local educational agency is eligible under this section for any fiscal year on the basis of one or more of those former districts, as designated by the local educational agency.

(2) Eligible local educational agencies.—A local educational agency referred to in paragraph (1) is—

(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied, and was determined to be eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as the section was in effect for that fiscal year; or

(B) a local educational agency formed by the consolidation of 2 or more districts, at least one of which was eligible for assistance under this section for the fiscal year proceeding the year of consolidation, if—

(i) for fiscal years 2006 through 2011, the local educational agency had notified the Secretary of the designation not later than 30 days after the date of enactment of the [_____ Act of ___]; and

(ii) for fiscal year 2012, and any subsequent fiscal year, the local educational agency includes the designation in its application under section 8005 or any timely amendment to such application.

"(3) Availability of funds.—Notwithstanding any other provision of law limiting the period during which the Secretary may obligate funds appropriated for any fiscal year after 2005, the Secretary may obligate funds remaining after final payments have been made from any of such

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fiscal years to carry out this subsection.";

~~(g) FORMER DISTRICTS.—~~

~~(1) IN GENERAL.—Where the school district of any local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at any time such agency files an application under section 8005) for any fiscal year after fiscal year 1994 to have (A) the eligibility of such local educational agency, and (B) the amount which such agency shall be eligible to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school districts as such agency shall designate in such election.~~

~~(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for and was determined eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect for such fiscal year.~~

(h) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For any fiscal year for which the amount appropriated under section ~~8014(a)~~3(z)(1) is insufficient to pay to each eligible local educational agency the full amount determined under subsection (b), the Secretary shall make payments to each local educational agency under this section as follows:

(1) ~~FOUNDATION PAYMENTS~~ FOUNDATION PAYMENTS ~~FOR PRE-1995 RECIPIENTS.—~~

(A) IN GENERAL.—The Secretary shall first make a foundation payment to each local educational agency that was eligible to receive a payment under this section for fiscal year 2007. ~~is eligible to receive a payment under this section for the fiscal year involved and that filed, or has been determined pursuant to statute to have filed a timely application, and met, or has been determined pursuant to statute to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994) for any of the fiscal years 1989 through 1994.~~

(B) AMOUNT.—The amount of a payment under subparagraph (A) for a local educational agency shall be equal to 90 percent of the payment the local educational agency received in 2006.~~38 percent of the local educational agency's maximum entitlement amount under section 2 of the Act of September 30, 1950, for fiscal year 1994 (or if the local educational agency did not meet, or has not been determined pursuant to statute to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950 for fiscal year 1994, the local educational agency's maximum entitlement amount under such section 2 for the most recent fiscal year preceding 1994).~~

(C) INSUFFICIENT APPROPRIATIONS.—If the amount appropriated under section ~~8014(a)~~3(z)(1) is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

(2) FOUNDATION PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES DETERMINED ELIGIBLE AFTER FISCAL YEAR 2007.—

(A) First year.—From any amounts remaining after making payments under paragraph (1) for the fiscal year involved, the Secretary shall make a payment, in an amount determined in accordance with subparagraph (C), to each local educational agency that the Secretary determines eligible for a payment under this section for a fiscal year after fiscal year 2007, for the fiscal year for which such agency was determined eligible for such payment.

(B) Second and succeeding years.—For any succeeding fiscal year after the first fiscal year that a local educational agency receives a foundation payment under subparagraph (A), the amount of the local educational agency's foundation payment under this paragraph for such succeeding fiscal year shall be equal to the local educational agency's foundation payment under this paragraph for the first fiscal year.

(C) Amounts.—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

(i) Calculate the local educational agency's maximum payment under subsection (b).

(ii) Calculate the percentage that the amount appropriated under section ~~8014(a)~~3(z)(1) for the most recent fiscal year for which the Secretary has completed making payments under this section is of the total maximum payments for such fiscal year for all local educational agencies eligible for a payment under subsection (b) and multiply the agency's maximum payment by such percentage.

(iii) Multiply the amount determined under clause (ii) by 90 percent.

(3) Remaining funds.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) or (2) for the fiscal year involved in an amount that bears the same relation to the remainder as a percentage share determined for the local educational agency (by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b), data from the most current fiscal year shall be used."; ~~(2) PAYMENTS FOR 1995 RECIPIENTS.—~~

~~(A) IN GENERAL.—From any amounts remaining after making payments under paragraph (1) for the fiscal year involved, the Secretary shall make a payment to each eligible local educational agency that received a payment under this section for fiscal year 1995, or whose application under this section for fiscal year 1995 was determined pursuant to statute to be timely filed for purposes of payments for subsequent fiscal years.~~

~~(B) AMOUNT.—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:~~

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~~(i) Calculate the difference between the amount appropriated to carry out this section for fiscal year 1995 and the total amount of foundation payments made under paragraph (1) for the fiscal year.~~

~~(ii) Determine the percentage share for each local educational agency described in subparagraph (A) by dividing the assessed value of the Federal property of the local educational agency for fiscal year 1995 determined in accordance with subsection (b)(3), by the total eligible national assessed value of the eligible Federal property of all such local educational agencies for fiscal year 1995, as so determined.~~

~~(iii) Multiply the percentage share described in clause (ii) for the local educational agency by the amount determined under clause (i).~~

~~(3) SUBSECTION (i) RECIPIENTS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make payments in accordance with subsection (i).~~

~~(4) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1), (2), and (3) for the fiscal year involved—~~

~~(A) the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) for the fiscal year involved in an amount that bears the same relation to 25 percent of the remainder as the amount the local educational agency received under paragraph (1) for the fiscal year involved bears to the amount all local educational agencies received under paragraph (1) for the fiscal year involved; and~~

~~(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b), data from the most current fiscal year shall be used.~~

(i) SPECIAL PAYMENTS.—

(1) IN GENERAL.—For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) applies, the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year involved (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2).

(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this paragraph is a local educational agency that—

(A) received a payment under this section for fiscal year 1996;

(B) serves a school district that contains all or a portion of a United States military academy;

(C) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

(D) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.

[(j) Repealed by section 801(d) of P.L. 107–110 (115 Stat. 1948)]

~~(k) SPECIAL RULE.—For purposes of payments under this section for each fiscal year beginning with fiscal year 1998—~~

~~(1) the Secretary shall, for the Stanley County, South Dakota local educational agency, calculate payments as if subsection (c) had been in effect for fiscal year 1994; and~~

~~(2) the Secretary shall treat the Delaware Valley, Pennsylvania local educational agency as if it had filed a timely application under section 2 of Public Law 81–874 for fiscal year 1994.~~

(~~l~~j) PRIOR YEAR DATA.—Notwithstanding any other provision of this section, in determining the eligibility of a local educational agency for a payment under subsection (b) or (h)(3)~~(h)(4)(B)~~ of this section for a fiscal year, and in calculating the amount of such payment, the Secretary—

(1) shall use data from the prior fiscal year with respect to the Federal property involved, including data with respect to the assessed value of the property and the real property tax rate for current expenditures levied against or imputed to the property; and

(2) shall use data from the second prior fiscal year with respect to determining the amount of revenue referred to in subsection (b)(1)(A)(i).

(~~m~~k) ELIGIBILITY.—

(1) OLD FEDERAL PROPERTY.—Except as provided in paragraph (2), a local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government, before the date of the enactment of the Impact Aid Reauthorization Act of 2000, shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 7 years after the date of the enactment of such Act.

(2) COMBINED FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government before the date of the enactment of the Impact Aid Reauthorization Act of 2000 shall be eligible to receive the payment if—

(A) the Federal property, when combined with other Federal property in the school district served by the local educational agency acquired by the Federal Government

after the date of the enactment of such Act, meets the requirements of subsection (a); and

(B) the local educational agency submits an application for a payment under this section not later than 7 years after the date of acquisition of the Federal property acquired after the date of the enactment of such Act.

(3) NEW FEDERAL PROPERTY.—A local educational agency that is eligible to receive a payment under this section for Federal property acquired by the Federal Government after the date of the enactment of the Impact Aid Reauthorization Act of 2000 shall be eligible to receive the payment only if the local educational agency submits an application for a payment under this section not later than 7 years after the date of acquisition.

(~~n~~l) LOSS OF ELIGIBILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary shall make a minimum payment to a local educational agency described in paragraph (2), for the first fiscal year that the agency loses eligibility for assistance under this section as a result of property located within the school district served by the agency failing to meet the definition of Federal property under section 8013(5)(C)(iii), in an amount equal to 90 percent of the amount received by the agency under this section for the preceding year.

(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this paragraph is an agency that—

(A) was eligible for, and received, a payment under this section for fiscal year 2002; and

(B) beginning in fiscal year ~~2003~~ 2012 or a subsequent fiscal year, is no longer eligible for payments under this section as provided for in subsection (a)(1)(C) as a result of the transfer of the Federal property involved to a non-Federal entity.

(m) Records.—The Secretary may base a determination of eligibility under subsection (a)(1) on original records (including facsimiles or other reproductions of those records) documenting the assessed value of real property, prepared by a legally authorized official as of the time of the Federal acquisition, or other records that the Secretary determines to be appropriate and reliable, including Federal agency records or local historical records.

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Sec. 8003

SEC.8003. [20 U.S.C. 7703]PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) COMPUTATION OF PAYMENT.—

(1) IN GENERAL.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b) or (d) for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency (including those children enrolled in a State that has a State open enrollment policy but not including children enrolled in a distance learning program who are not residing within the geographic boundaries of the agency), and for whom such agency provided free public education, during the preceding school year and who, while in

attendance at such schools—

(A)(i) resided on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the school district of such agency; or

(ii) resided on Federal property with a parent who is an official of, and accredited by, a foreign government and is a foreign military officer;

(B) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code);

(C) resided on Indian lands;

(D)(i) had a parent on active duty in the uniformed services (as defined by section 101 of title 37, United States Code) but did not reside on Federal property; or

(ii) had a parent who is an official of, and has been accredited by, a foreign government and is a foreign military officer but did not reside on Federal property;

(E) resided in low-rent housing;

(F) resided on Federal property and is not described in subparagraph (A) or (B); or

(G) resided with a parent employed on Federal property situated—

(i) in whole or in part in the county in which such agency is located, or in whole or in part in such agency if such agency is located in more than one county; or

(ii) if not in such county, in whole or in part in the same State as such agency.

(2) DETERMINATION OF WEIGHTED STUDENT UNITS.—For the purpose of computing the basic support payment under subsection (b), the Secretary shall calculate the total number of weighted student units for a local educational agency by adding together the results obtained by the following computations:

(A) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of 1.0.

(B) Multiply the number of children described in paragraph (1)(C) by a factor of 1.25.

(C) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of .35 if the local educational agency has—

(i) a number of such children described in such subparagraphs which exceeds 5,000; and

(ii) an average daily attendance for all children which exceeds 100,000.

(D) Multiply the number of children described in subparagraph (D) of paragraph (1) by a factor of .20.

(E) Multiply the number of children described in subparagraph (E) of paragraph (1) by a factor of .10.

(F) Multiply the number of children described in subparagraphs (F) and (G) of

paragraph (1) by a factor of .05.

(3) SPECIAL RULE.—The Secretary shall only compute a payment for a local educational agency for children described in subparagraph (F) or (G) of paragraph (1) if the number of such children equals or exceeds 1,000 or such number equals or exceeds 10 percent of the total number of students in average daily attendance in the schools of such agency.

(4) MILITARY INSTALLATION AND INDIAN HOUSING UNDERGOING RENOVATION OR REBUILDING.—

(A) IN GENERAL.—(i) For purposes of computing the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider such children to be children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that such children would have resided in housing on Federal property in accordance with paragraph (1)(B) except that such housing was undergoing renovation or rebuilding, or was authorized for demolition, on the date for which the Secretary determines the number of children under paragraph (1).

(ii) For purposes of computing the amount of a payment for a local educational agency that received a payment for children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application, the Secretary shall consider such children to be children described in paragraph (1)(C) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of the Interior or the Secretary of Housing and Urban Development, that such children would have resided in housing on Indian lands in accordance with paragraph (1)(C) except that such housing was undergoing renovation or rebuilding, or was authorized for demolition, on the date for which the Secretary determines the number of children under paragraph (1).

(B) LIMITATIONS.—(i)(I) Children described in paragraph (1)(D)(i) may be deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding, or authorized for demolition, in accordance with subparagraph (A)(i) for a period not to exceed 4 fiscal years (which are not required to run consecutively)~~3 fiscal years~~.

(II) The number of children described in paragraph (1)(D)(i) who are deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding, or authorized for demolition, in accordance with subparagraph (A)(i) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.

(ii)(I) Children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application may be deemed to be children described in paragraph (1)(C) with respect to housing on Indian lands undergoing renovation or rebuilding, or authorized for demolition, in accordance with subparagraph (A)(ii) for a period not

to exceed 4 fiscal years (which are not required to run consecutively)~~3 fiscal years~~.

(II) The number of children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application who are deemed to be children described in paragraph (1)(C) with respect to housing on Indian lands undergoing renovation or rebuilding, or authorized for demolition, in accordance with subparagraph (A)(ii) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.

(5) MILITARY "BUILD TO LEASE" PROGRAM HOUSING.—

(A) IN GENERAL.—For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10, United States Code (commonly known as the "Build to Lease" program), as added by section 801 of the Military Construction Authorization Act, 1984, or under lease of off-base property under subchapter IV of chapter 169 of title 10, United States Code (10 U.S.C. 2871 et seq.), to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated.

(B) ADDITIONAL REQUIREMENTS.—If the property described in subparagraph (A) is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency that is applying to receive a payment under this section, then the Secretary—

(i) shall require the local educational agency to provide certification from an appropriate official of the Department of Defense that the property is being used to provide military housing; and

(ii) shall reduce the amount of the payment under this section by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.

(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

(1) BASIC SUPPORT PAYMENTS.—

(A) IN GENERAL.—From the amount appropriated under section ~~8014(b)~~3(z)(2) for a fiscal year, the Secretary is authorized to make basic support payments to eligible local educational agencies with children described in subsection (a).

(B) ELIGIBILITY.—A local educational agency is eligible to receive a basic support payment under subparagraph (A) for a fiscal year with respect to a number of children determined under subsection (a)(1) only if the number of children so determined with respect to such agency amounts to the lesser of—

(i) at least 400 such children; or

(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education.

(C) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2), multiplied by the greater of—

(i) one-half of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made;

(ii) one-half of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made;

(iii) the comparable local contribution rate certified by the State, as determined under regulations prescribed to carry out the Act of September 30, 1950 (Public Law 874, 81st Congress), as such regulations were in effect on January 1, 1994; or

(iv) the average per-pupil expenditure of the State in which the local educational agency is located, multiplied by the local contribution percentage.

(D) DATA.—If satisfactory data from the third preceding fiscal year are not available for any of the expenditures described in clause (i) or (ii) of subparagraph (C), the Secretary shall use data from the most recent fiscal year for which data that are satisfactory to the Secretary are available.

(E) SPECIAL RULE.—For purposes of determining the comparable local contribution rate under subparagraph (C)(iii) for a local educational agency described in section 222.39(c)(3) of title 34, Code of Federal Regulations, that had its comparable local contribution rate for fiscal year 1998 calculated pursuant to section 222.39 of title 34, Code of Federal Regulations, the Secretary shall determine such comparable local contribution rate as the rate upon which payments under this subsection for fiscal year 2000 were made to the local educational agency adjusted by the percentage increase or decrease in the per pupil expenditure in the State serving the local educational agency calculated on the basis of the second most recent preceding school year compared to the third most recent preceding school year for which school year data are available.

(F) INCREASE IN LOCAL CONTRIBUTION RATE DUE TO UNUSUAL GEOGRAPHIC FACTORS.—If the current expenditures in those local educational agencies which the Secretary has determined to be generally comparable to the local educational agency for which a computation is made under subparagraph (C) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in such agency, a level of education equivalent to that maintained in such other agencies, then the Secretary shall increase the local contribution rate for such agency under subparagraph (C)(iii) by such an amount which

the Secretary determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. The amount of any such supplementary payment may not exceed the per-pupil share (computed with regard to all children in average daily attendance), as determined by the Secretary, of the increased current expenditures necessitated by such unusual geographic factors.

(G) Beginning with fiscal year 2002, for the purpose of calculating a payment under this paragraph for a local educational agency whose local contribution rate was computed under subparagraph (C)(iii) for the previous year, the Secretary shall use a local contribution rate that is not less than 95 percent of the rate that the LEA received for the preceding year.

(2) BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—\1\

\1\Paragraph (2) of section 802(a) and subsection (b) of such section of the No Child Left Behind Act of 2001 (115 Stat. 1949) provides:

(2) EFFECTIVE DATE.—The Secretary shall consider an application for a payment under section 8003(b)(2) for fiscal year 2002 from a qualified local educational agency described in section 8003(b)(2)(C)(iv), as added by paragraph (1), as meeting the requirements of section 8003(b)(2)(C)(iii), and shall provide a payment under section 8003(b)(2) for fiscal year 2002, if the agency submits to the Secretary an application for payment under such section not later than 30 days after the date of enactment of this Act.

(b) APPLICATIONS FOR PAYMENT.—

(1) WARNER PUBLIC SCHOOLS, MUSKOGEE COUNTY, OKLAHOMA.—Notwithstanding any other provision of law, the Secretary of Education shall treat as timely filed an application under section 8003 (20 U.S.C. 7703) from Warner Public Schools, Muskogee County, Oklahoma, for a payment for fiscal year 2002, and shall process that application for payment, if the Secretary has received the fiscal year 2002 application not later than 30 days after the date of enactment of this Act.

(2) PINE POINT SCHOOL, SCHOOL DISTRICT 25, MINNESOTA.—Notwithstanding any other provision of law, the Secretary shall treat as timely filed an application under section 8003 (20 U.S.C. 7703) from Pine Point School, School District 25, Minnesota, for a payment for fiscal year 2002, and shall process that application for payment, if the Secretary has received the fiscal year 2002 application not later than 30 days after the date of enactment of this Act.

(A) IN GENERAL.—(i) From the amount appropriated under section ~~8014(b)~~3(z)(2) for a fiscal year, the Secretary is authorized to make basic support payments to eligible heavily impacted local educational agencies with children described in subsection (a).

(ii) A local educational agency that receives a basic support payment under this paragraph for a fiscal year shall not be eligible to receive a basic support payment under paragraph (1) for that fiscal year.

(B) ELIGIBILITY FOR ~~CONTINUING~~ HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(i) In general.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number

of children determined under subsection (a)(1) if the agency—

(I) is a local educational agency whose boundaries are the same as a Federal military installation, or whose boundaries are the same as island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government, and that has no taxing authority;

(II) is a local educational agency that—

(aa) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that is not less than 45 percent;

(bb) has a per-pupil expenditure that is less than—

(AA) for an agency that has a total student enrollment of 500 or more students, 125 percent of the average per-pupil expenditure of the State in which the agency is located; or

(BB) for an agency that has a total student enrollment of less than 500 students, 150 percent of the average per-pupil expenditure of the State in which the agency is located, or the average per-pupil expenditure of 3 or more comparable local educational agencies in the State in which the agency is located; and

(cc) is an agency that—

(AA) has a tax rate for general fund purposes that is not less than 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

(BB) was eligible to receive a payment under this subsection for fiscal year 2012 and is located in a State that by State law has eliminated ad valorem tax as a revenue source for local educational agencies; or

(III) is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,500 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).

(ii) Loss of eligibility.—

(I) In general.—Subject to subclause (II), a heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of such clause for the subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

(II) Exception.—A local educational agency that is eligible under subparagraph (A) but whose tax rate for general fund purposes falls below 95 percent of the average tax rate for general fund purposes of local

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educational agencies in the State for two consecutive years shall lose its eligibility and be subject to subclause (I). ~~(i) IN GENERAL.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) with respect to a number of children determined under subsection (a)(1) if the agency—~~

~~(I) received an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000; and~~

~~(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation;~~

~~(bb) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 35 percent, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is not less than 95 percent of the average tax rate for general fund purposes of local educational agencies in the State;~~

~~(cc) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency which is not less than 30 percent, and has a tax rate for general fund purposes which is not less than 125 percent of the average tax rate for general fund purposes for comparable local educational agencies in the State;~~

~~(dd) has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1); or~~

~~(ee) meets the requirements of subsection (f)(2) applying the data requirements of subsection (f)(4) (as such subsections were in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000).~~

~~(ii) LOSS OF ELIGIBILITY.—A heavily impacted local educational agency that met the requirements of clause (i) for a fiscal year shall be ineligible to receive a basic support payment under subparagraph (A) if the agency fails to meet the requirements of clause (i) for a subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.~~

(iii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements

of clause (i) for that subsequent fiscal year, except that such agency shall not receive a basic support payment under this paragraph until the fiscal year succeeding the fiscal year for which the eligibility determination is made.

(iv) Special rule.—Notwithstanding clause (i)(II), a local educational agency shall be considered eligible to receive a basic support payment under subparagraph (A) with respect to the number of children determined under subsection (a)(1) if the agency—

(I) has an enrollment of children described in subsection (a)(1), including, for purposes of determining eligibility, those children described in subparagraphs (F) and (G) of such subsection, that constitutes a percentage of the total student enrollment of the agency that is not less than 35 percent; and

(II) was eligible to receive assistance under this paragraph for fiscal year 2001.

(C) Maximum amount for heavily impacted local educational agencies.—

(i) In general.—Except as provided for in subparagraph (D), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by the greater of—

(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

(ii) Special rules.—

(I) Calculations for local educational agencies with large numbers of certain eligible children.—

(aa) In general.—In the case of a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) of subsection (a)(1), and that has an enrollment of children described in subparagraphs (A), (B), or (C) of such subsection equal to at least 10 percent of the agency's total enrollment, the Secretary shall calculate the weighted student units of the children described in subparagraphs (D) or (E) of such subsection by multiplying the number of such children by a factor of 0.55.

(bb) Exception.—Notwithstanding subclause (I), any local educational agency that received a payment under this clause for fiscal year 2006, shall not be required to have an enrollment of children described in subparagraph (A), (B), or (C) of subsection (a)(1) equal to at least 10 percent of the agency's total enrollment for purposes of subclause (I).

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(II) Calculations for local educational agencies with small numbers of eligible children.—For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

(III) Calculations for certain other local educational agencies.—For a local educational agency that does not qualify under paragraph (2)(B)(i)(I) and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

(D) Maximum amount for large heavily impacted local educational agencies.—

(i) Applicable formula.—

(I) In general.—Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

(II) Heavily impacted local educational agencies.—A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 5,500 of such children are children described in subparagraph (A) and (B) of subsection (a)(1).

(ii) Factor.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraph (A) and (B) of subsection (a)(1) shall be 1.35. ~~(C) ELIGIBILITY FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—~~

~~(i) IN GENERAL.—A heavily impacted local educational agency that did not receive an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000 is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency is a local educational agency whose boundaries are the same as a Federal military installation (or if the agency is a qualified local educational agency as described in clause (iv)), or the agency—~~

~~(I) has an enrollment of children described in subsection (a)(1) that constitutes a percentage of the total student enrollment of the agency that—~~

~~(aa) is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection; or~~

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(bb) is not less than 40 percent if such agency does not receive a payment on behalf of such children;

(II)(aa) for a local educational agency that has a total student enrollment of 350 or more students, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local education agency or three comparable local educational agencies in the State in which the local educational agency is located; and

(III) has a tax rate for general fund purposes that is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State.

(ii) RESUMPTION OF ELIGIBILITY.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency is a local educational agency whose boundaries are the same as a Federal military installation (or if the agency is a qualified local educational agency as described in clause (iv)), or meets the requirements of clause (i), for that subsequent fiscal year, except that such agency shall continue to receive a basic support payment under this paragraph for the fiscal year for which the ineligibility determination is made.

(iii) APPLICATION.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

(iv) QUALIFIED LOCAL EDUCATIONAL AGENCY.—A qualified local educational agency described in this clause is an agency that meets the following requirements:

(I) The boundaries of the agency are the same as island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government.

(II) The agency has no taxing authority.

(III) The agency received a payment under paragraph (1) for fiscal year 2001.

(D) MAXIMUM AMOUNT FOR REGULAR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i) Except as provided in subparagraph (E), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under

~~subsection (a)(2) and subject to clause (ii), multiplied by the greater of—~~

~~(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or~~

~~(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.~~

~~(ii)(I) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), the Secretary shall calculate the weighted student units of such children for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 0.55.~~

~~(II) For a local educational agency that has an enrollment of 100 or fewer children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.~~

~~(III) For a local educational agency that does not qualify under (B)(i)(II)(aa) of this subsection and has an enrollment of more than 100 but not more than 1,000 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.~~

~~(E) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—(i)(I) Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).~~

~~(II) A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are children described in subsection (a)(1) and not less than 6,000 of such children are children described in subparagraphs (A) and (B) of subsection (a)(1).~~

~~(ii) For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.~~

(~~F~~E) DATA.—For purposes of providing assistance under this paragraph the Secretary shall use ~~the Secretary—~~ student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.

~~(i) shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph; and~~

~~(ii) except as provided in subparagraph (C)(i)(I), shall include all of the~~

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~~children described in subparagraphs (F) and (G) of subsection (a)(1) enrolled in schools of the local educational agency in determining (I) the eligibility of the agency for assistance under this paragraph, and (II) the amount of such assistance if the number of such children meet the requirements of subsection (a)(3).~~

(~~G~~F) DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES.—For the purpose of determining average tax rates for general fund purposes for local educational agencies in a State under this paragraph (except under subparagraph (B)(i)(II)(bb)~~(C)(i)(II)(bb)~~), the Secretary shall use either—

(i) the average tax rate for general fund purposes for comparable local educational agencies, as determined by the Secretary in regulations; or

(ii) the average tax rate of all the local educational agencies in the State.

(~~H~~G) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION OF MILITARY HOUSING.—

(i) ELIGIBILITY.—For any fiscal year, a heavily impacted local educational agency that received a basic support payment under this paragraph for the prior fiscal year, but is ineligible for such payment for the current fiscal year under subparagraph (B), (C), or (D),~~(B), (C), (D), or (E)~~, as the case may be, due to ~~by reason of~~ the conversion of military housing units to private housing described in clause (iii), or as the direct result of base realignment and closure or modularization as determined by the Secretary of Defense, force structure change, or force relocation, shall be deemed to meet the eligibility requirements under subparagraph (B) or (C), as the case may be, for the period during which the housing units are undergoing such conversion or during such time as activities associated with base realignment and closure, modularization, force structure change, or force relocation are ongoing.

(ii) AMOUNT OF PAYMENT.—The amount of a payment to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (C) or (D)~~(D) or (E)~~, as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year and under the same provisions of subparagraph (C) or (D)~~(D) or (E)~~ under which the agency was paid during the prior fiscal year.

(iii) CONVERSION OF MILITARY HOUSING UNITS TO PRIVATE HOUSING DESCRIBED.—For purposes of clause (i), "conversion of military housing units to private housing" means the conversion of military housing units to private housing units pursuant to subchapter IV of chapter 169 of title 10, United States Code, or pursuant to any other related provision of law.

(3) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

(A) IN GENERAL.—For any fiscal year in which the sums appropriated under section ~~8014(b)~~3(z)(2) are insufficient to pay to each local educational agency the full amount computed under paragraphs (1) and (2), the Secretary shall make payments in

accordance with this paragraph.

(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (1).—(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereafter in this title referred to as the "threshold payment") in lieu of basic support payments under paragraph (1) by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

(I) the percentage of federally connected children for each local educational agency determined by calculating the fraction, the numerator of which is the total number of children described under subsection (a)(1) and the denominator of which is the total number of children in average daily attendance at the schools served by such agency; and

(II) the percentage that funds under paragraph (1)(C) represent of the total budget of the local educational agency, determined by calculating the fraction, the numerator of which is the total amount of funds calculated for each local educational agency under this paragraph, and the denominator of which is the total current expenditures for such agency in the second preceding fiscal year for which the determination is made.

(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

(iii) For the purpose of determining the percentages described in subclauses (I) and (II) of clause (i) that are applicable to the local educational agency providing free public education to students in grades 9 through 12 residing on Hanscom Air Force Base, Massachusetts, the Secretary shall consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under such subclause (I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under subclause (II).

(iv) In the case of a local educational agency that is providing a program of distance learning to children not residing within the geographic boundaries of the agency, the Secretary shall disregard such children from such agency's total enrollment when calculating the percentage under clause (i)(I) and shall disregard any funds received for such children when calculating the total current expenditures attributed to the operation of such agency when calculating the percentage under clause (i)(II).

(~~i~~v) In the case of a local educational agency that has a total student enrollment of fewer than 1,000 students and that has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or less than the average per-pupil expenditure of all the States, the total percentage used to calculate threshold payments under clause (i) shall not be less than 40 percent.

(C) LEARNING OPPORTUNITY THRESHOLD PAYMENTS IN LIEU OF PAYMENTS UNDER PARAGRAPH (2).—For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2)

shall be equal to the amount obtained under paragraph (2)(D)~~subparagraph (D) or (E) of paragraph (2), as the case may be~~.

(D) Ratable distribution.—

(i) In general.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section ~~8014(b)~~3(z)(2) exceed the amount required to pay each local educational agency 100 percent of the local educational agency's threshold payment under subparagraph (B), the Secretary shall distribute the excess sums to each eligible local educational agency that has not received the agency's maximum payment amount computed under paragraph (1) or (2) (as the case may be) by multiplying—

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(I) a percentage, the denominator of which is the difference between the maximum payment amount computed under paragraph (1) or (2) (as the case may be) for all local educational agencies and the amount of the threshold payment (as calculated under subparagraphs (B) and (C)) of all local educational agencies, and the numerator of which is the aggregate amount of the excess sums; by

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(II) the difference between the maximum payment amount computed under paragraph (1) or (2) (as the case may be) for the agency and the amount of the threshold payment as calculated under subparagraphs (B) and (C) for the agency.

(ii) Insufficient payments.—For each fiscal year described in subparagraph (A) for which the sums appropriated under section ~~8014(b)~~3(z)(2) are insufficient to pay each local educational agency all of the local educational agency's threshold payment described in clause (i), the Secretary shall reduce the local contribution rate for the local educational agencies under paragraphs (1)(C) and (2)(D)(i) by the uniform percentage necessary to make payments under clause (i) to each local educational agency at 100 percent of the local educational agencies' threshold payments.

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(iii) Increases.—If the sums appropriated under section ~~8014(b)~~3(z)(2) are sufficient to increase the threshold payment above the 100 percent threshold payment described in clause (i), then the Secretary shall increase payments on the same basis as such payments were reduced, except no local educational agency may receive a payment amount greater than 100 percent of the maximum payment calculated under this subsection. ~~(D) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computations made under subparagraphs (B) and (C).~~

(4) States with only one local educational agency.—

(A) IN GENERAL.—In any of the 50 States of the United States in which there is only one local educational agency, the Secretary shall, for purposes of subparagraphs (B) and (C) of paragraph (1) or subparagraphs (B) through (D) of paragraph (2), as the case may be, paragraph (3) of this subsection, and subsection (e), consider each administrative school district in the State to be a separate local educational agency.

(B) COMPUTATION OF MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENT AND THRESHOLD PAYMENT.—In computing the maximum payment amount under paragraph (1)(C) or subparagraph (D) or (E) of paragraph (2), as the case may be, and the learning opportunity threshold payment under subparagraph (B) or (C) of paragraph (3), as the case may be, for an administrative school district described in subparagraph (A)—

(i) the Secretary shall first determine the maximum payment amount and the total current expenditures for the State as a whole; and

(ii) the Secretary shall then—

(I) proportionately allocate such maximum payment amount among the administrative school districts on the basis of the respective weighted student units of such districts; and

(II) proportionately allocate such total current expenditures among the administrative school districts on the basis of the respective number of students in average daily attendance at such districts.

(5) LOCAL EDUCATIONAL AGENCIES AFFECTED BY REMOVAL OF FEDERAL PROPERTY.—

(A) IN GENERAL.—In computing the amount of a basic support payment under this subsection for a fiscal year for a local educational agency described in subparagraph (B), the Secretary shall meet the additional requirements described in subparagraph (C).

(B) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this subparagraph is a local educational agency with respect to which Federal property (i) located within the boundaries of the agency, and (ii) on which one or more children reside who are receiving a free public education at a school of the agency, is transferred by the Federal Government to another entity in any fiscal year beginning on or after the date of the enactment of the Impact Aid Reauthorization Act of 2000 so that the property is subject to taxation by the State or a political subdivision of the State.

(C) ADDITIONAL REQUIREMENTS.—The additional requirements described in this subparagraph are the following:

(i) For each fiscal year beginning after the date on which the Federal property is transferred, a child described in subparagraph (B) who continues to reside on such property and who continues to receive a free public education at a school of the agency shall be deemed to be a child who resides on Federal property for purposes of computing under the applicable subparagraph of subsection (a)(1) the amount that the agency is eligible to receive under this subsection.

(ii)(I) For the third fiscal year beginning after the date on which the Federal property is transferred, and for each fiscal year thereafter, the Secretary shall, after computing the amount that the agency is otherwise eligible to receive under this subsection for the fiscal year involved, deduct from such amount an amount equal to the revenue received by the agency for the immediately preceding fiscal year as a result of the taxable status of the former Federal property.

(II) For purposes of determining the amount of revenue to be deducted in accordance with subclause (I), the local educational agency—

(aa) shall provide for a review and certification of such amount by an appropriate local tax authority; and

(bb) shall submit to the Secretary a report containing the amount certified under item (aa).

(c) PRIOR YEAR DATA.—

(1) IN GENERAL.—Except as provided in subsections (b)(1)(D), (b)(2), and paragraph (2), all calculations under this section shall be based on data for each local educational agency from not later than the fiscal year preceding the fiscal year for which the agency is making application for payment.

(2) Exception.—Calculation of payments for a local educational agency shall be based on data from the fiscal year for which the agency is making an application for payment if such agency—

(A) is newly established by a State, for the first year of operation of such agency only;

(B) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary in consultation with the Secretary of Defense, the Secretary of Interior, or the heads of other Federal agencies)—

(i) of not less than 10 percent, or 100 students, of children described in—

(I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

(II) subparagraph (F) or (G) of subsection (a)(1), but only to the extent such children are civilian dependents of employees of the Department of Defense or the Department of the Interior; and

(ii) that is the direct result of closure or realignment of military installations under the base closure process or the relocation of members of the Armed Forces and civilian employees of the Department of Defense as part of force structure changes or movements of units or personnel between military installations or because of actions initiated by the Secretary of Interior or the head of another Federal agency; or

(C) was eligible to receive a payment under this section for the previous fiscal year and has had an overall increase in enrollment (as determined by the Secretary)—

(i) of not less than 10 percent of children described in subsection (a)(1), or not less than 100 of such children; and

(ii) that is the direct result of the closure of a local educational agency that received a payment under paragraph (1) or (2) of subsection (b) in the previous fiscal year. ~~(2) EXCEPTION.—Calculations for a local educational agency that is newly established by a State shall, for the first year of operation of such agency, be based on data from the fiscal year for which the agency is making application~~

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~~for payment.~~

(d) CHILDREN WITH DISABILITIES.—

(1) IN GENERAL.—From the amount appropriated under section ~~8014(e)~~3(z)(3) for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

(A) multiplying the number of children described in subparagraphs (A)(ii), (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) by a factor of 1.0; and

(B) multiplying the number of children described in subparagraph (D) of subsection (a)(1) who are eligible to receive services under such Act by a factor of 0.5.

(2) USE OF FUNDS.—A local educational agency that receives funds under paragraph (1) shall use such funds to provide a free appropriate public education to children described in paragraph (1) in accordance with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(e) HOLD HARMLESS.—

(1) In general.—Subject to paragraph (2), the total amount the Secretary shall pay a local educational agency under subsection (b)—

(A) for fiscal year 2012, shall not be less than 90 percent of the total amount that the local educational agency received under paragraphs (1) and (2) of subsection (b) for fiscal year 2011;

(B) for fiscal year 2013, shall not be less than 85 percent of the total amount that the local educational agency received under paragraphs (1) and (2) of subsection (b) for fiscal year 2011; and

(C) for fiscal year 2014, shall not be less than 80 percent of the total amount that the local educational agency received under paragraphs (1) and (2) of subsection (b) for fiscal year 2011. ~~(1) IN GENERAL.—Subject to paragraphs (2) and (3), the total amount the Secretary shall pay a local educational agency under subsection (b)—~~

~~(A) for fiscal year 2001 shall not be less than 85 percent of the total amount that the local educational agency received under subsections (b) and (f) for fiscal year 2000; and~~

~~(B) for fiscal year 2002 shall not be less than 70 percent of the total amount that the local educational agency received under subsections (b) and (f) for fiscal year 2000.~~

~~(2) MAXIMUM AMOUNT.—The total amount provided to a local educational agency under subparagraph (A) or (B) of paragraph (1) for a fiscal year shall not exceed the maximum basic support payment amount for such agency determined under paragraph (1) or (2) of subsection (b), as the case may be.~~

(~~2~~3) RATABLE REDUCTIONS.—

(A) IN GENERAL.—If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) for such year, then the Secretary shall ratably

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reduce the payments to all such agencies for such year.

(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

(f) OTHER FUNDS.—Notwithstanding any other provision of law, a local educational agency receiving funds under this section may also receive funds under section 386 of the National Defense Authorization Act for Fiscal Year 1993 or such section's successor authority.

~~(g) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under sections 8002 and 8003(b) for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.~~

Sec. 8004

SEC.8004. [20 U.S.C. 7704]POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.

(a) IN GENERAL.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall establish policies and procedures to ensure that—

(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how the local educational agency may help such children realize the benefits of such programs and activities;

(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

(5) parents and Indian tribes are afforded an opportunity to present their views to such agency regarding such agency's general educational program.

(b) RECORDS.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall maintain records demonstrating such agency's compliance with the requirements contained in subsection (a).

(c) WAIVER.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall not be required to comply with the requirements of subsections (a) and (b) for any fiscal year with respect to any Indian tribe from which such agency has received a written statement that the agency need not comply with those

subsections because the tribe is satisfied with the provision of educational services by such agency to such children.

(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.—The Secretary shall—

(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable such agencies, parents, and tribes to carry out this section; and

(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.

(e) COMPLAINTS.—

(1) IN GENERAL.—(A) Any tribe, or its designee, which has students in attendance at a local educational agency may, in its discretion and without regard to the requirements of any other provision of law, file a written complaint with the Secretary regarding any action of a local educational agency taken pursuant to, or relevant to, the requirements of this section.

(B) Within ten working days from receipt of a complaint, the Secretary shall—

(i) designate a time and place for a hearing into the matters relating to the complaint at a location in close proximity to the local educational agency involved, or if the Secretary determines there is good cause, at some other location convenient to both the tribe, or its designee, and the local educational agency;

(ii) designate a hearing examiner to conduct the hearing; and

(iii) notify the affected tribe or tribes and the local educational agency involved of the time, place, and nature of the hearing and send copies of the complaint to the local educational agency and the affected tribe or tribes.

(2) HEARING.—The hearing shall be held within 30 days of the designation of a hearing examiner and shall be open to the public. A record of the proceedings shall be established and maintained.

(3) EVIDENCE; RECOMMENDATIONS; COST.—The complaining tribe, or its designee, and the local educational agency shall be entitled to present evidence on matters relevant to the complaint and to make recommendations concerning the appropriate remedial actions. Each party to the hearing shall bear only its own costs in the proceedings.

(4) FINDINGS AND RECOMMENDATIONS.—Within 30 days of the completion of the hearing, the hearing examiner shall, on the basis of the record, make written findings of fact and recommendations concerning appropriate remedial action, if any, which should be taken. The hearing examiner's findings and recommendations, along with the hearing record, shall be forwarded to the Secretary.

(5) WRITTEN DETERMINATION.—Within 30 days of the Secretary's receipt of the findings, recommendations, and record, the Secretary shall, on the basis of the record, make a written determination of the appropriate remedial action, if any, to be taken by the local educational agency, the schedule for completion of the remedial action, and the reasons for the Secretary's decision.

(6) COPIES PROVIDED.—Upon completion of the Secretary's final determination, the Secretary shall provide the complaining tribe, or its designee, and the local educational agency with copies of the hearing record, the hearing examiner's findings and recommendations, and the Secretary's final determination. The final determination of the Secretary shall be subject to judicial review.

(7) CONSOLIDATION.—In all actions under this subsection, the Secretary shall have discretion to consolidate complaints involving the same tribe or local educational agency.

(8) WITHHOLDING.—If the local educational agency rejects the determination of the Secretary, or if the remedy required is not undertaken within the time established and the Secretary determines that an extension of the time established will not effectively encourage the remedy required, the Secretary shall withhold payment of all moneys to which such local agency is eligible under section 8003 until such time as the remedy required is undertaken, except where the complaining tribe or its designee formally requests that such funds be released to the local educational agency, except that the Secretary may not withhold such moneys during the course of the school year if the Secretary determines that such withholding would substantially disrupt the educational programs of the local educational agency.

(9) REJECTION OF DETERMINATION.—If the local educational agency rejects the determination of the Secretary and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the Bureau of Indian Affairs or by contract with the Bureau of Indian Affairs, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action under such subsection (d) was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under section 8003. In such event, funds under such section shall not be withheld pursuant to paragraph (8) and no further complaints with respect to such students may be filed under paragraph (1).

(f) CONSTRUCTION.—This section is based upon the special relationship between the Indian nations and the United States and nothing in this section shall be construed to relieve any State of any duty with respect to any citizens of that State.

Sec. 8005

SEC.8005. [20 U.S.C. 7705]APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

(a) IN GENERAL.—A local educational agency desiring to receive a payment under section 8002 or 8003 shall—

(1) submit an application for such payment to the Secretary; and

(2) provide a copy of such application to the State educational agency.

(b) CONTENTS.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—

(1) information to determine the eligibility of the local educational agency for a payment and the amount of such payment; and

(2) where applicable, an assurance that such agency is in compliance with section 8004 (relating to children residing on Indian lands).

(c) DEADLINE FOR SUBMISSION.—The Secretary shall establish deadlines for the submission of applications under this section.

(d) APPROVAL.—

(1) IN GENERAL.—The Secretary shall approve an application submitted under this section that—

(A) except as provided in paragraph (2), is filed by the deadline established under subsection (c); and

(B) otherwise meets the requirements of this title.

(2) REDUCTION IN PAYMENT.—The Secretary shall approve an application filed not more than 60 days after a deadline established under subsection (c), or not more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to paragraph (3)(A), as the case may be, that otherwise meets the requirements of this title, except that, notwithstanding section 8003(e), the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.

(3) LATE APPLICATIONS.—

(A) NOTICE.—The Secretary shall, as soon as practicable after the deadline established under subsection (c), provide to each local educational agency that applied for a payment under section 8002 or 8003 for the prior fiscal year, and with respect to which the Secretary has not received an application for a payment under either such section (as the case may be) for the fiscal year in question, written notice of the failure to comply with the deadline and instruction to ensure that the application is filed not later than 60 days after the date on which the Secretary sends the notice.

(B) ACCEPTANCE AND APPROVAL OF LATE APPLICATIONS.—The Secretary shall not accept or approve any application of a local educational agency that is filed more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to subparagraph (A).

(4) STATE APPLICATION AUTHORITY.—Notwithstanding any other provision of law, a State educational agency that had been accepted as an applicant for funds under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) in fiscal year 1994 shall be permitted to continue as an applicant under the same conditions by which such agency made application during such fiscal year only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.

Sec. 8007

SEC. 8007. [20 U.S.C. 7707] CONSTRUCTION.\1\

\1\Section 1810 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (H.R. 5408 as introduced in the 106th Congress and enacted by section 1 of Public Law 106–398; 114 Stat. 1654A–383) repealed section 8006 of the Elementary and Secondary Education Act of 1965.

(a) CONSTRUCTION PAYMENTS AUTHORIZED.—

(1) IN GENERAL.—From 40 percent of the amount appropriated for each fiscal year under section ~~8014(ed)~~3(z)(4), the Secretary shall make payments in accordance with this subsection to each local educational agency that receives a basic support payment under section 8003(b) for that fiscal year.

(2) ADDITIONAL REQUIREMENTS.—A local educational agency that receives a basic support payment under section 8003(b)(1) shall also meet at least one of the following requirements:

(A) The number of children determined under section 8003(a)(1)(C) for the agency for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year.

(B) The number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) for the agency for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year.

(C) The agency is eligible under section 8003(b)(2) or is receiving a basic support payment under circumstances described in section 8003(b)(2)(B)(ii).

(3) AMOUNT OF PAYMENTS.—

(A) LOCAL EDUCATIONAL AGENCIES IMPACTED BY MILITARY DEPENDENT CHILDREN.—The amount of a payment to each local educational agency described in this subsection that is impacted by military dependent children for a fiscal year shall be equal to—

(i)(II) 20 percent of the amount appropriated under section ~~8014(e)~~3(z)(4) for such fiscal year; divided by

(II) the total number of weighted student units of children described in subparagraphs (B) and (D)(i) of section 8003(a)(1) for all local educational agencies described in this subsection (as calculated under section 8003(a)(2)), including the number of weighted student units of such children attending a school facility described in section 8008(a) if the Secretary does not provide assistance for the school facility under that section for the prior fiscal year; multiplied by

(ii) the total number of such weighted student units for the agency.

(B) LOCAL EDUCATIONAL AGENCIES IMPACTED BY CHILDREN WHO RESIDE ON INDIAN LANDS.—The amount of a payment to each local educational agency described in this subsection that is impacted by children who reside on Indian lands for a fiscal year shall be equal to—

(i)(I) 20 percent of the amount appropriated under section ~~8014(ed)~~3(z)(4) for

such fiscal year; divided by

(II) the total number of weighted student units of children described in section 8003(a)(1)(C) for all local educational agencies described in this subsection (as calculated under section 8003(a)(2)); multiplied by

(ii) the total number of such weighted student units for the agency.

(4) USE OF FUNDS.—Any local educational agency that receives funds under this subsection shall use such funds for construction, as defined in section 8013(3).

(b) SCHOOL FACILITY EMERGENCY AND MODERNIZATION GRANTS AUTHORIZED.—

(1) IN GENERAL.—From 60 percent of the amount appropriated for each fiscal year under section ~~8014(ed)~~3(z)(4), the Secretary—

(A) shall award emergency grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out emergency repairs of school facilities; and

(B) shall award modernization grants in accordance with this subsection to eligible local educational agencies to enable the agencies to carry out the modernization of school facilities.

(2) PRIORITY.—In approving applications from local educational agencies for emergency grants and modernization grants under this subsection, the Secretary shall give priority to applications in accordance with the following:

(A) The Secretary shall first give priority to applications for emergency grants from local educational agencies that meet the requirements of paragraph (3)(A) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(B) The Secretary shall next give priority to applications for emergency grants from local educational agencies that meet the requirements of subparagraph (C) or (D) of paragraph (3) and, among such applications for emergency grants, shall give priority to those applications of local educational agencies based on the severity of the emergency, as determined by the Secretary.

(C) The Secretary shall next give priority to applications for modernization grants from local educational agencies that meet the requirements of paragraph (3)(B) and, among such applications for modernization grants, shall give priority to those applications of local educational agencies based on the severity of the need for modernization, as determined by the Secretary.

(D) The Secretary shall next give priority to applications for modernization grants from local educational agencies that meet the requirements of subparagraph (C) or (D) of paragraph (3) and, among such applications for modernization grants, shall give priority to those applications of local educational agencies based on the severity of the need for modernization, as determined by the Secretary.

(3) ELIGIBILITY REQUIREMENTS.—

(A) EMERGENCY GRANTS.—A local educational agency is eligible to receive an emergency grant under paragraph (2)(A) if—

(i) the agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal agent)—

(I) has no practical capacity to issue bonds;

(II) has minimal capacity to issue bonds and is at not less than 75 percent of the agency's limit of bonded indebtedness; or

(III) does not meet the requirements of subclauses (I) and (II) but is eligible to receive funds under section 8003(b)(2) for the fiscal year; and

(ii) the agency is eligible to receive assistance under subsection (a) for the fiscal year and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

(B) MODERNIZATION GRANTS.—A local educational agency is eligible to receive a modernization grant under paragraph (2)(C) if—

(i) the agency is eligible to receive assistance under this title for the fiscal year;

(ii) the agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal agent) meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i); and

(iii) the agency has facility needs resulting from the presence of the Federal Government, such as the enrollment of federally connected children, the presence of tax-exempt Federal property, or an increase in enrollment due to the expansion of Federal activities, housing privatization, or the acquisition of Federal property.

(C) ADDITIONAL ELIGIBILITY FOR EMERGENCY AND MODERNIZATION GRANTS.—(i) A local educational agency is eligible to receive an emergency grant or a modernization grant under subparagraph (B) or (D) of paragraph (2), respectively, if the agency meets the following requirements:

(I) The agency receives a basic support payment under section 8003(b) for the fiscal year and the agency meets at least one of the following requirements:

(aa) The number of children determined under section 8003(a)(1)(C) for the agency for the preceding school year constituted at least 40 percent of the total student enrollment in the schools of the agency during the preceding school year.

(bb) The number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) for the agency for the preceding school year constituted at least 40 percent of the total student enrollment in the schools of the agency during the preceding school year.

(II) The agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, the agency's fiscal agent) is at not less than 75 percent of the agency's limit of bonded indebtedness.

(III) The agency has an assessed value of real property per student that may be taxed for school purposes that is less than the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the local educational agency is located.

(ii) A local educational agency is also eligible to receive a modernization grant under this subparagraph if the agency is eligible to receive assistance under section 8002 for the fiscal year and meets the requirements of subclauses (II) and (III) of clause (i).

(D) SPECIAL RULE.—

(i) IN GENERAL.—Any school described in clause (ii) that desires to receive an emergency grant or a modernization grant under subparagraph (B) or (D) of paragraph (2), respectively, shall, except as provided in the following sentence, submit an application in accordance with paragraph (6), and shall otherwise be treated as a local educational agency for the purpose of this subsection. The school shall submit an application for the grant to the local educational agency of such school and the agency shall submit the application on behalf of the school to the Secretary.

(ii) SCHOOL DESCRIBED.—A school described in this clause is a school that meets the following requirements:

(I) The school is located within the geographic boundaries of a local educational agency that does not meet the applicable eligibility requirements under subparagraph (A), (B), or (C) for a grant under this subsection.

(II) The school meets at least one of the following requirements:

(aa) The number of children determined under section 8003(a)(1)(C) for the school for the preceding school year constituted at least 40 percent of the total student enrollment in the school during the preceding school year.

(bb) The number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) for the school for the preceding school year constituted at least 40 percent of the total student enrollment in the school during the preceding school year.

(III) The school is located within the geographic boundaries of a local educational agency that meets the requirements of subclauses (II) and (III) of subparagraph (C)(i).

(E) RULE OF CONSTRUCTION.—For purposes of subparagraph (A)(i), a local educational agency—

(i) has no practical capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is less than $25,000,000; and

(ii) has minimal capacity to issue bonds if the total assessed value of real property that may be taxed for school purposes is at least $25,000,000 but not more than $50,000,000.

(4) AWARD CRITERIA.—In awarding emergency grants and modernization grants under this subsection, the Secretary shall consider the following factors:

(A) The ability of the local educational agency to respond to the emergency, or to pay for the modernization project, as the case may be, as measured by—

(i) the agency's level of bonded indebtedness;

(ii) the assessed value of real property per student that may be taxed for school purposes compared to the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the agency is located;

(iii) the agency's total tax rate for school purposes (or, if applicable, for capital expenditures) compared to the average total tax rate for school purposes (or the average capital expenditure tax rate, if applicable) in the State in which the agency is located; and

(iv) funds that are available to the agency, from any other source, including subsection (a), that may be used for capital expenditures.

(B) The percentage of property in the agency that is nontaxable due to the presence of the Federal Government.

(C) The number and percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1) served in the school facility with the emergency or served in the school facility proposed for modernization, as the case may be.

(D) In the case of an emergency grant, the severity of the emergency, as measured by the threat that the condition of the school facility poses to the health, safety, and well-being of students.

(E) In the case of a modernization grant—

(i) the severity of the need for modernization, as measured by such factors as—

(I) overcrowding, as evidenced by the use of portable classrooms, or the potential for future overcrowding because of increased enrollment; or

(II) the agency's inability to utilize technology or offer a curriculum in accordance with contemporary State standards due to the physical limitations of the current school facility; and

(ii) the age of the school facility proposed for modernization.

(5) OTHER AWARD PROVISIONS.—

(A) GENERAL PROVISIONS.—

(i) LIMITATIONS ON AMOUNT OF FUNDS.—

(I) IN GENERAL.—The amount of funds provided under an emergency grant or a modernization grant awarded under this subsection to a local educational agency that meets the requirements of subclause (II) or (III) of paragraph (3)(A)(i) for purposes of eligibility under subparagraph (A) or (B) of paragraph (3) or that meets the requirements of clause (i) or (ii) of

paragraph (3)(C) for purposes of eligibility under such paragraph (3)(C), or to a school that is eligible under paragraph (3)(D)—

(aa) shall not exceed 50 percent of the total cost of the project to be assisted under this subsection; and

(bb) shall not exceed $4,000,000 during any 4-year period.

(II) IN-KIND CONTRIBUTIONS.—A local educational agency may use in-kind contributions to meet the matching requirement of subclause (I)(aa).

(ii) PROHIBITIONS ON USE OF FUNDS.—A local educational agency may not use funds provided under an emergency grant or modernization grant awarded under this subsection for—

(I) a project for a school facility for which the agency does not have full title or other interest;

(II) stadiums or other school facilities that are primarily used for athletic contests, exhibitions, or other events for which admission is charged to the general public; or

(III) the acquisition of real property.

(iii) SUPPLEMENT, NOT SUPPLANT.—A local educational agency shall use funds provided under an emergency grant or modernization grant awarded under this subsection only to supplement the amount of funds that would, in the absence of the Federal funds provided under the grant, be made available from non-Federal sources to carry out emergency repairs of school facilities or to carry out the modernization of school facilities, as the case may be, and not to supplant such funds.

(iv) MAINTENANCE COSTS.—Nothing in this subsection shall be construed to authorize the payment of maintenance costs in connection with any school facility modernized in whole or in part with Federal funds provided under this subsection.

(v) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this subsection shall comply with all relevant Federal, State, and local environmental laws and regulations.

(vi) CARRY-OVER OF CERTAIN APPLICATIONS.—A local educational agency that applies for an emergency grant or a modernization grant under this subsection for a fiscal year and does not receive the grant for the fiscal year shall have the application for the grant considered for the following fiscal year, subject to the priority requirements of paragraph (2) and the award criteria requirements of paragraph (4).

(B) EMERGENCY GRANTS; PROHIBITION ON USE OF FUNDS.—A local educational agency that is awarded an emergency grant under this subsection may not use amounts under the grant for the complete or partial replacement of an existing school facility unless such replacement is less expensive or more cost-effective than correcting the identified emergency.

(6) APPLICATION.—A local educational agency that desires to receive an emergency grant

or a modernization grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain the following:

(A) A description of how the local educational agency meets the award criteria under paragraph (4), including the information described in clauses (i) through (iv) of paragraph (4)(A) and subparagraphs (B) and (C) of paragraph (4).

(B) In the case of an application for an emergency grant—

(i) a description of the school facility deficiency that poses a health or safety hazard to the occupants of the facility and a description of how the deficiency will be repaired; and

(ii) a signed statement from an appropriate local official certifying that a deficiency in the school facility threatens the health or safety of the occupants of the facility or that prevents the use of all or a portion of the building.

(C) In the case of an application for a modernization grant—

(i) an explanation of the need for the school facility modernization project;

(ii) the date on which original construction of the facility to be modernized was completed;

(iii) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility; and

(iv) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located.

(D) A description of the project for which a grant under this subsection will be used, including a cost estimate for the project.

(E) A description of the interest in, or authority over, the school facility involved, such as an ownership interest or a lease arrangement.

(F) Such other information and assurances as the Secretary may reasonably require.

(7) REPORT.—

(A) IN GENERAL.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate congressional committees a report that contains a justification for each grant awarded under this subsection for the prior fiscal year.

(B) DEFINITION.—In this paragraph, the term "appropriate congressional committees" means—

(i) the Committee on Appropriations and the Committee on Education and the Workforce of the House of Representatives; and

(ii) the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate.

Sec. 8008

SEC. 8008. [20 U.S.C. 7708] FACILITIES.

(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section ~~8014(fe)~~3(z)(5), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994).

(b) TRANSFER OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Acts were in effect on January 1, 1958).

(2) OTHER REQUIREMENTS.—Any such transfer shall be without charge to such agency or entity, and prior to such transfer, the transfer shall be consented to by the local educational agency or other appropriate entity, and may be made on such terms and conditions as the Secretary deems appropriate to carry out the purposes of this title.

Sec. 8009

SEC.8009. [20 U.S.C. 7709]STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.

(a) GENERAL PROHIBITION.—Except as provided in subsection (b), a State may not—

(1) consider payments under this title in determining for any fiscal year—

(A) the eligibility of a local educational agency for State aid for free public education; or

(B) the amount of such aid; or

(2) make such aid available to local educational agencies in a manner that results in less State aid to any local educational agency that is eligible for such payment than such agency would receive if such agency were not so eligible.

(b) STATE EQUALIZATION PLANS.—

(1) IN GENERAL.—A State may reduce State aid to a local educational agency that receives a payment under section 8002 or 8003(b) (except the amount calculated in excess of 1.0 under section 8003(a)(2)(B) and, with respect to a local educational agency that receives a payment under section 8003(b)(2), the amount in excess of the amount that the agency would receive if the agency were deemed to be an agency eligible to receive a payment under section 8003(b)(1) and not section 8003(b)(2)) for any fiscal year if the Secretary determines, and certifies under subsection (c)(3)(A), that the State has in effect a program of State aid that equalizes expenditures for free public education among local educational agencies in the State.

(2) COMPUTATION.—

(A) IN GENERAL.—For purposes of paragraph (1), a program of State aid equalizes expenditures among local educational agencies if, in the second fiscal year preceding the fiscal year for which the determination is made, the amount of per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the highest such per-pupil expenditures or revenues did not exceed the amount of such per-pupil expenditures made by, or per-pupil revenues available to, the local educational agency in the State with the lowest such expenditures or revenues by more than 25 percent.

(B) OTHER FACTORS.—In making a determination under this subsection, the Secretary shall—

(i) disregard local educational agencies with per-pupil expenditures or revenues above the 95th percentile or below the 5th percentile of such expenditures or revenues in the State; and

(ii) take into account the extent to which a program of State aid reflects the additional cost of providing free public education in particular types of local educational agencies, such as those that are geographically isolated, or to particular types of students, such as children with disabilities.

(3) EXCEPTION.—Notwithstanding paragraph (2), if the Secretary determines that the State has substantially revised its program of State aid, the Secretary may certify such program for any fiscal year only if—

(A) the Secretary determines, on the basis of projected data, that the State's program will meet the disparity standard described in paragraph (2) for the fiscal year for which the determination is made; and

(B) the State provides an assurance to the Secretary that, if final data do not demonstrate that the State's program met such standard for the fiscal year for which the determination is made, the State will pay to each affected local educational agency the amount by which the State reduced State aid to the local educational agency.

(c) PROCEDURES FOR REVIEW OF STATE EQUALIZATION PLANS.—

(1) WRITTEN NOTICE.—

(A) IN GENERAL.—Any State that wishes to consider payments described in subsection (b)(1) in providing State aid to local educational agencies shall submit to the Secretary, not later than 120 days before the beginning of the State's fiscal year, a written notice of such State's intention to do so.

(B) CONTENTS.—Such notice shall be in the form and contain the information the Secretary requires, including evidence that the State has notified each local educational agency in the State of such State's intention to consider such payments in providing State aid.

(2) OPPORTUNITY TO PRESENT VIEWS.—Before making a determination under subsection (b), the Secretary shall afford the State, and local educational agencies in the State, an opportunity to present their views.

(3) QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State

aid qualifies under subsection (b), the Secretary shall—

(A) certify the program and so notify the State; and

(B) afford an opportunity for a hearing, in accordance with section 8011(a), to any local educational agency adversely affected by such certification.

(4) NON-QUALIFICATION PROCEDURES.—If the Secretary determines that a program of State aid does not qualify under subsection (b), the Secretary shall—

(A) so notify the State; and

(B) afford an opportunity for a hearing, in accordance with section 8011(a), to the State, and to any local educational agency adversely affected by such determination.

(d) TREATMENT OF STATE AID.—

(1) IN GENERAL.—If a State has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State, payments under this title for any fiscal year may be taken into consideration by such State in determining the relative—

(A) financial resources available to local educational agencies in that State; and

(B) financial need of such agencies for the provision of free public education for children served by such agency, except that a State may consider as local resources funds received under this title only in proportion to the share that local tax revenues covered under a State equalization program are of total local tax revenues.

(2) PROHIBITION.—A State may not take into consideration payments under this title before such State's program of State aid has been certified by the Secretary under subsection (c)(3).

(e) REMEDIES FOR STATE VIOLATIONS.—

(1) IN GENERAL.—The Secretary or any aggrieved local educational agency may, not earlier than 150 days after an adverse determination by the Secretary against a State for violation of subsections (a) or (d)(2) or for failure to carry out an assurance under subsection (b)(3)(B), and if an administrative proceeding has not been concluded within such time, bring an action in a United States district court against such State for such violations or failure.

(2) IMMUNITY.—A State shall not be immune under the 11th amendment to the Constitution of the United States from an action described in paragraph (1).

(3) RELIEF.—The court shall grant such relief as the court determines is appropriate.

Sec. 8010

SEC. 8010. [20 U.S.C. 7710] FEDERAL ADMINISTRATION.

(a) PAYMENTS IN WHOLE DOLLAR AMOUNTS.—The Secretary shall round any payments under this title to the nearest whole dollar amount.

(b) OTHER AGENCIES.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion

assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may require to carry out this title.

(c) SPECIAL RULES.—

(1) CERTAIN CHILDREN ELIGIBLE UNDER SUBPARAGRAPHS (A) AND (G)(ii) OF SECTION 8003(a)(1).—(A) The Secretary shall treat as eligible under subparagraph (A) of section 8003(a)(1) any child who would be eligible under such subparagraph except that the Federal property on which the child resides or on which the child's parent is employed is not in the same State in which the child attends school, if such child meets the requirements of paragraph (2)~~paragraph (3) of this subsection~~.

(B) The Secretary shall treat as eligible under subparagraph (G) of section 8003(a)(1) any child who would be eligible under such subparagraph except that such child does not meet the requirements of clause (ii) of such subparagraph, if such child meets the requirements of paragraph (3) of this subsection.

(2) REQUIREMENTS.—A child meets the requirements of this paragraph if—

(A) such child resides—

(i) in a State adjacent to the State in which the local educational agency serving the school such child attends is located; or

(ii) with a parent employed on Federal property in a State adjacent to the State in which such agency is located;

(B) the schools of such agency are within a more reasonable commuting distance of such child's home than the schools of the local educational agency that serves the school attendance area where such child resides;

(C) attending the schools of the local educational agen3cy that serves the school attendance area where such child resides will impose a substantial hardship on such child;

(D) the State in which such child attends school provides funds for the education of such child on the same basis as all other public school children in the State, unless otherwise permitted under section 8009(b) of this title; and

(E) such agency received a payment for fiscal year 1999 under section 8003(b) on behalf of children described in paragraph (1).

(d) Timely Payments.—

(1) In general.—Subject to paragraph (2), the Secretary shall pay a local educational agency the full amount that the agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

(2) Payments with respect to fiscal years in which insufficient funds are appropriated.—For a fiscal year in which the amount appropriated under section ~~8014~~3(z) is insufficient to

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pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting 'is available to pay the agency' for 'the agency is eligible to receive' each place the term appears.

Sec. 8011

SEC. 8011. [20 U.S.C. 7711] ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.

(a) ADMINISTRATIVE HEARINGS.—A local educational agency and a State that is adversely affected by any action of the Secretary under this title or under the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, United States Code if the local educational agency or State, as the case may be, submits to the Secretary a request for the hearing not later than 60 days after the date of the action of the Secretary under this title.

(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—

(1) IN GENERAL.—A local educational agency or a State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 30 working days (as determined by the local educational agency or State) after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

(2) FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) REVIEW.—The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

Sec. 8012

SEC. 8012. [20 U.S.C. 7712] FORGIVENESS OF OVERPAYMENTS.

Notwithstanding any other provision of law, the Secretary may forgive the obligation of a local educational agency to repay, in whole or in part, the amount of any overpayment received under this title, or under this title's predecessor authorities, if the Secretary determines that the overpayment was made as a result of an error made by—

(1) the Secretary; or

(2) the local educational agency and repayment of the full amount of the overpayment will result in an undue financial hardship on the agency and seriously harm the agency's educational program.

Sec. 8013

SEC. 8013. [20 U.S.C. 7713] DEFINITIONS.

For purposes of this title:

(1) ARMED FORCES.—The term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard~~and Marine Corps~~.

(2) AVERAGE PER-PUPIL EXPENDITURE.—The term "average per-pupil expenditure" means—

(A) the aggregate current expenditures of all local educational agencies in the State; divided by

(B) the total number of children in average daily attendance for whom such agencies provided free public education.

(3) CONSTRUCTION.—The term "construction" means—

(A) the preparation of drawings and specifications for school facilities;

(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;

(C) inspecting and supervising the construction of school facilities; and

(D) debt service for such activities.

(4) CURRENT EXPENDITURES.—The term "current expenditures" means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but does not include expenditures for community services, capital outlay, and debt service, or any expenditures made from funds awarded under part A of title I and title VI. The determination of whether an expenditure for the replacement of equipment is considered a current expenditure or a capital outlay shall be determined in accordance with generally accepted accounting principles as determined by the State.

(5) FEDERAL PROPERTY.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) through (F), the term "Federal property" means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—

(i) owned by the United States or leased by the United States from another entity;

(ii)(I) held in trust by the United States for individual Indians or Indian tribes;

(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;

(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation;

(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes; or

(V) used for low-rent housing, as described in paragraph (10), that is located on land described in subclause (I), (II), (III), or (IV) of this clause or on land that met one of those descriptions immediately before such property's use for such housing;

(iii)(I) part of a low-rent housing project assisted under the United States Housing Act of 1937;

(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the Stewart B. McKinney Homeless Assistance Act\1\; or

\1\Section 2 of Public Law 106–400 (114 Stat. 1675) provides that "Any reference in any law, regulation, document, paper, or other record of the United States to the Stewart B. McKinney Homeless Assistance Act shall be deemed to be a reference to the 'McKinney-Vento Homeless Assistance Act'."

(III)\2\ used for affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or

\2\Margin so in law.

(iv) owned by a foreign government or by an international organization.

(B) SCHOOLS PROVIDING FLIGHT TRAINING TO MEMBERS OF AIR FORCE.—The term "Federal property" includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy, any school providing flight training to members of the Air Force under contract with the Air Force at an airport owned by a State or political subdivision of a State.

(C) NON-FEDERAL EASEMENTS, LEASES, LICENSES, PERMITS, IMPROVEMENTS, AND CERTAIN OTHER REAL PROPERTY.—The term "Federal property" includes, whether or not subject to taxation by a State or a political subdivision of a State—

(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;

(ii) any improvement on Federal property as otherwise described in this paragraph; and

(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year

of such sale or transfer.

(D) CERTAIN POSTAL SERVICE PROPERTY AND PIPELINES AND UTILITY LINES.—Notwithstanding any other provision of this paragraph, the term "Federal property" does not include—

(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or

(ii) pipelines and utility lines.

(E) PROPERTY WITH RESPECT TO WHICH STATE OR LOCAL TAX REVENUES MAY NOT BE EXPENDED, ALLOCATED, OR AVAILABLE FOR FREE PUBLIC EDUCATION.—Notwithstanding any other provision of this paragraph, "Federal property" does not include any property on which children reside that is otherwise described in this paragraph if—

(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or

(ii) no tax revenues of the State are allocated or available for the free public education of such children.

(F) PROPERTY LOCATED IN THE STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR LOW-INCOME HOUSING.—The term "Federal property" includes any real property located in the State of Oklahoma that—

(i) is owned by an Indian housing authority and used for low-income housing (including housing assisted under or authorized by the Native American Housing Assistance and Self-Determination Act of 1996); and

(ii) at any time—

(I) was designated by treaty as tribal land; or

(II) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

(6) FREE PUBLIC EDUCATION.—The term "free public education" means education that is provided—

(A) at public expense, under public supervision and direction, and without tuition charge; and

(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—

(i) includes preschool education; and

(ii) does not include any education provided beyond grade 12.

(7) INDIAN LANDS.—The term "Indian lands" means any Federal property described in paragraph (5)(A)(ii) or (5)(F).

(8) LOCAL CONTRIBUTION PERCENTAGE.—

(A) IN GENERAL.—The term "local contribution percentage" means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.

(B) HAWAII AND DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the average local contribution percentage for the 50 States and the District of Columbia.

(9) LOCAL EDUCATIONAL AGENCY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "local educational agency"—

(i) means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district; and

(ii) includes any State agency that directly operates and maintains facilities for providing free public education.

(B) EXCEPTION.—The term "local educational agency" does not include any agency or school authority that the Secretary determines on a case-by-case basis—

(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) or increasing the amount of such assistance; or

(ii) is not constituted or reconstituted for legitimate educational purposes.

(10) LOW-RENT HOUSING.—The term "low-rent housing" means housing located on property that is described in paragraph (5)(A)(iii).

(11) MODERNIZATION.—The term "modernization" means repair, renovation, alteration, or construction, including—

(A) the concurrent installation of equipment; and

(B) the complete or partial replacement of an existing school facility, but only if such replacement is less expensive and more cost-effective than repair, renovation, or alteration of the school facility.

(12) REVENUE DERIVED FROM LOCAL SOURCES.—The term "revenue derived from local sources" means—

(A) revenue produced within the boundaries of a local educational agency and available to such agency for such agency's use; or

(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as such funds were collected as a local revenue source.

(13) SCHOOL FACILITIES.—The term "school facilities" includes—

(A) classrooms and related facilities; and

(B) equipment, machinery, and utilities necessary or appropriate for school purposes.

~~Sec. 8014~~

~~SEC. 8014. [20 U.S.C. 7714] AUTHORIZATION OF APPROPRIATIONS.~~

~~(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 8002, there are authorized to be appropriated $32,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.~~

~~(b) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under section 8003(b), there are authorized to be appropriated $809,400,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.~~

~~(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 8003(d), there are authorized to be appropriated $50,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.~~

~~(e)\1\ CONSTRUCTION.—For the purpose of carrying out section 8007, there are authorized to be appropriated $10,052,000 for fiscal year 2000 and such sums as may be necessary for fiscal year 2001, $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the five succeeding fiscal years.~~

~~\1\Section 1817(d) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (H.R. 5408 as introduced in the 106th Congress and enacted by section 1 of Public Law 106–398; 114 Stat. 1654A–388) repealed subsection (d) of section 8014 of the Elementary and Secondary Education Act of 1965.~~

~~(f) FACILITIES MAINTENANCE.—For the purpose of carrying out section 8008, there are authorized to be appropriated $5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the seven succeeding fiscal years.~~

~~Subpart 1—Transitions to Teaching~~

~~CHAPTER A—TROOPS-TO-TEACHERS PROGRAM~~

~~Sec. 2301~~

~~SEC. 2301. [20 U.S.C. 6671] DEFINITIONS.~~

“1154. Assistance to eligible members to obtain employment as teachers: Troops-to-Teachers Program

“(a) Definitions.—In this ~~chapter~~section:

~~(~~“(1) ~~ARMED FORCES~~PROGRAM.—The term ~~“Armed Forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard.~~

~~(2) MEMBER OF THE ARMED FORCES.—The term “member of the Armed Forces” includes a former member of the Armed Forces.~~

~~(3) PROGRAM.—The term “Program”~~‘Program’ means the Troops-to-Teachers Program authorized by this ~~chapter~~section.

~~(4) RESERVE COMPONENT~~“(2) CHARTER SCHOOL.—The term ~~“reserve component” means—~~

~~(A)~~‘charter school’ has the ~~Army National Guard~~meaning given that term in section 5210 of the ~~United States;~~

~~(B) the Army Reserve;~~

~~(C) the Navy Reserve;~~

~~(D) the Marine Corps Reserve;~~

~~(E) the Air National Guard of the United States;~~

~~(F) the Air Force Reserve;~~Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

~~(G) the Coast Guard Reserve.~~

~~(5) SECRETARY CONCERNED.—The term “Secretary concerned” means—~~

~~(A) the Secretary of the Army, with respect to matters concerning a reserve component of the Army;~~

~~(B) the Secretary of the Navy, with respect to matters concerning reserve components named in subparagraphs (C) and (D) of paragraph (4);~~

~~(C) the Secretary of the Air Force, with respect to matters concerning a reserve component of the Air Force; and~~

~~(D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard Reserve.~~

~~Sec. 2302~~

~~SEC. 2302. [20 U.S.C. 6672] AUTHORIZATION OF TROOPS-TO-TEACHERS PROGRAM.~~

~~(a) PURPOSE.—The purpose of this section is to authorize a mechanism for the funding and administration of the Troops-to-Teachers Program, which was originally established by the Troops-to-Teachers Program Act of 1999 (title XVII of the National Defense~~ "(3) ADDITIONAL TERMS.—The terms 'elementary school', 'highly qualified teacher', 'local educational agency', 'secondary school', and 'State' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(b) Program Authorization ~~Act for Fiscal Year 2000) (20 U.S.C. 9301 et seq.).~~

~~(b) PROGRAM AUTHORIZED~~.—The Secretary of Defense may carry out a program (to be known as the ~~"~~'Troops-to-Teachers ~~Program")—~~ Program')—

~~(~~"(1) to assist eligible members of the ~~Armed Forces~~armed forces described in ~~section 2303~~subsection (c) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

~~(~~"(2) to facilitate the employment of such members—

~~(~~"(A) by local educational agencies or public charter schools that the Secretary of Education identifies as—

~~(~~"(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

~~(~~"(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; and

~~(~~"(B) in elementary schools or secondary schools, or as vocational or technical teachers.

~~(c) ADMINISTRATION OF PROGRAM.—The Secretary shall enter into a memorandum of agreement with the Secretary of Defense under which the Secretary of Defense, acting through the Defense Activity for Non-Traditional Education Support of the Department of Defense, will perform the actual administration of the Program, other than section 2306. Using funds appropriated to the Secretary to carry out this chapter, the Secretary shall transfer to the Secretary of Defense such amounts as may be necessary to administer the Program pursuant to the memorandum of agreement.~~

~~(d) INFORMATION REGARDING PROGRAM.—The Secretary shall provide to the Secretary of Defense information regarding the Program and applications to participate in the Program, for distribution as part of preseparation counseling provided under section 1142 of title 10, United States Code, to members of the Armed Forces described in section 2303.~~

~~(e) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who meet the criteria described in section 2303, including~~

~~meeting education qualification requirements under subsection 2303(c)(2). Such members shall not be eligible for financial assistance under subsections (c) and (d) of section 2304.~~

~~Sec. 2303~~

~~SEC. 2303. [20 U.S.C. 6673] RECRUITMENT AND SELECTION OF PROGRAM PARTICIPANTS.~~

~~(a~~"(c) Eligibility and Application Process.—

"(1) ELIGIBLE ~~MEMBERS~~MEMBERS.—The following members of the ~~Armed Forces~~armed forces are eligible for selection to participate in the Program:

~~(1~~"(A) Any member who—

~~(A) on or after October 1, 1999,~~"(i) on or after the date of the enactment of the [Elementary and Secondary Education Reauthorization Act of 2011], becomes entitled to retired or retainer pay ~~in the manner provided in~~under this title ~~10~~ or title 14~~, United States Code; ~~;

~~(B~~"(ii) has an approved date of retirement that is within ~~1~~one year after the date on which the member submits an application to participate in the Program; or

~~(C) has been transferred~~"(iii) transfers to the Retired Reserve.

~~(2~~"(B) Any member who, on or after the date of the enactment of the ~~No Child Left Behind~~[Elementary and Secondary Education Reauthorization Act of ~~2001~~—2011]—

~~(A)~~(~~"~~(i)(I) is separated or released from active duty after ~~6~~4 or more years of continuous active duty immediately before the separation or release; or

~~(ii~~"(II) has completed a total of at least ~~10~~ten years of active duty service, 10 years of service computed under section 12732 of this title ~~10, United States Code~~, or 10 years of any combination of such service; and

~~(B~~"(ii) executes a reserve commitment agreement for a period of not less than 3 years under ~~subsection (e)(2~~paragraph (5)(B).

~~(3~~"(C) Any member who, on or after the date of the enactment of the ~~No Child Left Behind~~[Elementary and Secondary Education Reauthorization Act of ~~2001,~~2011], is retired or separated for physical disability under chapter 61 of this title ~~10, United States Code~~.

~~(4) Any member who—~~

~~(A) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after 6 or more years of continuous active duty immediately before the discharge or release; or~~

~~(B) applied for the teacher placement program administered under section 1151 of title 10, United States Code, before the repeal of that section, and satisfied the eligibility criteria specified in subsection (c) of such section 1151.~~

~~(b) SUBMISSION OF APPLICATIONS.—~~

~~(1) FORM AND SUBMISSION.—~~"(2) SUBMITTAL OF APPLICATIONS.—(A) Selection of eligible members of the ~~Armed Forces~~armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary ~~within the time periods specified in paragraph (2).~~. An application shall be in such form and contain such information as the Secretary may require.

~~(2) TIME FOR SUBMISSION.—~~"(B) An application ~~shall~~may be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if—

~~(A) in the case of a member described in paragraph (1)(A), (2), or (3) of subsection (a),~~ the application is submitted not later than ~~4~~2 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member~~; or~~.

~~(B) in the case of a member described in subsection (a)(4), the application is submitted not later than September 30, 2003.~~

~~(c~~"(3) SELECTION ~~CRITERIA.—~~

~~(1) ESTABLISHMENT.—~~CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.—(A) Subject to ~~paragraphs (2~~subparagraphs (B) and (~~3~~C), the Secretary shall prescribe the criteria to be used to select eligible members of the ~~Armed Forces~~armed forces to participate in the Program.

~~(2) EDUCATIONAL BACKGROUND.—~~

~~(A) ELEMENTARY OR SECONDARY SCHOOL TEACHER.—~~"(B)(i) If a member of the ~~Armed Forces described in paragraph (1), (2), or (3) of subsection (a)~~armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

~~(B) VOCATIONAL OR TECHNICAL TEACHER.—~~"(ii) If a member of the ~~Armed Forces described in paragraph (1), (2), or (3) of subsection (a)~~armed forces is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—

~~ave~~"(I) to have received~~\1\~~ the equivalent of ~~1~~one year of college from an accredited institution of higher education and have ~~6~~3 or more years of military experience in a vocational or technical field; or

~~\1\So in law. The matter following subparagraph (B), as amended by section 201 or Public Law 107–110 (115 Stat. 1650), should probably read "(i) to have...".~~

~~(ii~~"(II) to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.

~~(3) HONORABLE SERVICE.—~~"(C) A member of the ~~Armed Forces~~armed forces is eligible to participate in the Program only if the member's last period of service in the ~~Armed Forces~~armed forces was honorable, as characterized by the Secretary concerned ~~(as defined in section 101(a)(9) of title 10, United States Code).~~. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation,

or release only if the member's last period of service is characterized as honorable by the Secretary concerned ~~(as so defined).~~.

~~(d~~"(4) SELECTION ~~PRIORITIES~~PRIORITIES.—In selecting eligible members of the ~~Armed Forces~~armed forces to receive assistance under the Program, the Secretary shall give priority to members who—

"(A) have educational or military experience in science, mathematics, special education, or vocational or technical subjects; and

"(B) agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

~~(e~~"(5) OTHER ~~CONDITIONS~~CONDITIONS ON ~~SELECTION.—~~

~~(1) SELECTION SUBJECT TO FUNDING.—~~SELECTION.—(A) The Secretary may not select an eligible member of the ~~Armed Forces~~armed forces to participate in the Program ~~under this section~~ and receive financial assistance ~~under section 2304~~ unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under ~~section 2304~~subsection (d) with respect to the member.

~~(2) RESERVE COMMITMENT AGREEMENT.—~~"(B) The Secretary may not select an eligible member of the ~~Armed Forces~~armed forces described in ~~subsection (a)(2)(A~~paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under ~~section 2304~~subsection (d) unless—

~~(A) the Secretary notifies the Secretary concerned and the member that the Secretary has reserved a full stipend or bonus under section 2304 for the member; and~~

~~(B)~~ the member executes a written agreement ~~with the Secretary concerned~~ to serve as a member of the Selected Reserve of a reserve component of the ~~Armed Forces~~armed forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).

~~Sec. 2304~~

~~SEC. 2304. [20 U.S.C. 6674] PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.~~

~~(a~~"(d) Participation Agreement and Financial Assistance.—

~~(~~"(1) ~~IN GENERAL.—~~PARTICIPATION AGREEMENT.—(A) An eligible member of the ~~Armed Forces~~armed forces selected to participate in the Program under ~~section 2303~~subsection (c) and receive financial assistance under this ~~section~~subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

~~(A~~"(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher, and to become a highly qualified teacher; and

~~(B~~"(ii) to accept an offer of full-time employment as an elementary school teacher,

secondary school teacher, or vocational or technical teacher for not less than 3 school years with a ~~high-need~~ local educational agency or public charter school~~, as such terms are defined in section 2101, to begin~~ receiving grants under part A of title I of the ~~school year after obtaining that certification or licensing.~~ Elementary and Secondary Education Act of 1965 (20 U.S.C.6311 et seq.).

~~(2) WAIVER.—~~"(B) The Secretary may waive the 3-year commitment described in ~~paragraph (1)(B~~subparagraph (A)(ii) for a participant if the Secretary determines ~~such~~the waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (~~f~~e), for failure to meet the 3-year commitment.

~~(b~~"(2) VIOLATION OF ~~PARTICIPATION AGREEMENT; EXCEPTIONS~~PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under ~~subsection (a~~paragraph (1) during any period in which the participant—

~~(1~~"(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

~~(2~~"(B) is serving on active duty as a member of the ~~Armed Forces~~armed forces;

~~(3~~"(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

~~(4~~"(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

~~(5~~"(E) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

~~(6~~"(F) satisfies ~~the provisions of additional reimbursement exceptions that~~such other criteria as may be prescribed by the Secretary.

~~(c~~"(3) STIPEND FOR ~~PARTICIPANTS.—~~

~~(1) STIPEND AUTHORIZED.—~~PARTICIPANTS.—(A) Subject to ~~paragraph (2~~subparagraph (B), the Secretary may pay to a participant in the Program selected under this section ~~2303~~ a stipend in an amount of not more than $5,000.

~~(2) LIMITATION.—~~"(B) The total number of stipends that may be paid under ~~paragraph (1~~subparagraph (A) in any fiscal year may not exceed 5,000.

~~(d~~"(4) BONUS FOR ~~PARTICIPANTS.—~~

~~(1) BONUS AUTHORIZED.—~~PARTICIPANTS.—(A) Subject to ~~paragraph (2~~subparagraph (B), the Secretary may, in lieu of paying a stipend under ~~subsection (c~~paragraph (3), pay a bonus of $10,000 to a participant in the Program selected under this section ~~2303~~ who agrees in the participation agreement under ~~subsection (a~~paragraph (1) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in a high-need school.

~~(2) LIMITATION.—~~"(B) The total number of bonuses that may be paid under ~~paragraph (1~~subparagraph (A) in any fiscal year may not exceed 3,000.

~~(3) HIGH-NEED SCHOOL DEFINED.—In this subsection,~~"(C) For purposes of subparagraph (A), the term ~~"~~'high-need ~~school"~~school' means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

~~(A) LOW-INCOME CHILDREN.—~~"(i) At least 50 percent of the students enrolled in the school were from low-income families (as described in ~~section 2302~~subsection (b)(2)(A)(i)).

~~(B) CHILDREN WITH DISABILITIES.—~~"(ii) The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act~~.~~ (20 U.S.C. 1411 et. seq.).

~~(e~~"(5) TREATMENT OF ~~STIPEND~~ STIPEND AND ~~BONUS~~BONUS.—A stipend or bonus paid under this ~~section~~subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965~~.~~ (20 U.S.C. 1070 et. seq.).

~~(f~~"(e) Reimbursement Under Certain Circumstances.—

~~(~~"(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under ~~this section~~subsection (d) shall be required to repay the stipend or bonus under the following circumstances:

~~(A) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—~~"(A) The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (~~a~~d)(1).

~~(B) TERMINATION OF EMPLOYMENT.—~~"(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

~~(~~"(C) ~~FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—~~ The participant executed a written agreement with the Secretary concerned under ~~section 2303(e)(2~~subsection (c)(5)(B) to serve as a member of a reserve component of the ~~Armed Forces~~armed forces for a period of 3 years and fails to complete the required term of service.

~~(~~"(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under ~~this section~~subsection (d) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the ~~3~~three years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

~~(~~"(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this

subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11~~, United States Code,~~ shall not release a participant from the obligation to reimburse the Secretary under this subsection.

~~(~~"~~(~~4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

~~(g~~"(f) Relationship to Educational Assistance Under Montgomery GI Bill.—The receipt by a participant in the Program of a stipend or bonus under this ~~section~~subsection (d) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38~~, United States Code,~~ or chapter 1606 of this title ~~10, United States Code~~.

~~Sec. 2305~~

~~SEC. 2305. [20 U.S.C. 6675] PARTICIPATION BY STATES.~~

~~(a~~"(g) Participation by States.—

"(1) DISCHARGE OF ~~STATE ACTIVITIES THROUGH CONSORTIA~~STATE ACTIVITIES THROUGH CONSORTIA OF ~~STATES~~STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

~~(b~~"(2) ASSISTANCE TO ~~STATES.—~~

~~(1) GRANTS AUTHORIZED.—~~STATES.—(A) Subject to ~~paragraph (2~~subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the ~~Armed Forces~~armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers.

~~(2) LIMITATION.—~~"(B) The total amount of grants made under ~~paragraph (1~~subparagraph (A) in any fiscal year may not exceed $5,000,000~~.~~.".

~~Sec. 2306~~

~~SEC. 2306. [20 U.S.C. 6676] SUPPORT OF INNOVATIVE PRERETIREMENT TEACHER CERTIFICATION PROGRAMS.~~

~~(a) PURPOSE.—The purpose of this section is to provide funding to develop, implement, and demonstrate teacher certification programs.~~

~~(b) DEVELOPMENT, IMPLEMENTATION AND DEMONSTRATION.—The Secretary may enter into a memorandum of agreement with a State educational agency, an institution of higher education, or a consortia of State educational agencies or institutions of higher education, to develop, implement, and demonstrate teacher certification programs for members of the Armed Forces described in section 2303(a)(1)(B) for the purpose of assisting such members to consider and~~

prepare for a career as a highly qualified elementary school teacher, secondary school teacher, or vocational or technical teacher upon retirement from the Armed Forces.

(c) PROGRAM ELEMENTS.—A teacher certification program under subsection (b) shall—

(1) provide recognition of military experience and training as related to certification or licensing requirements;

(2) provide courses of instruction that may be conducted on or near a military installation;

(3) incorporate alternative approaches to achieve teacher certification, such as innovative methods to gaining field-based teaching experiences, and assessment of background and experience as related to skills, knowledge, and abilities required of elementary school teachers, secondary school teachers, or vocational or technical teachers;

(4) provide for courses to be delivered via distance education methods; and

(5) address any additional requirements or specifications established by the Secretary.

(d) APPLICATION PROCEDURES.—

(1) IN GENERAL.—A State educational agency or institution of higher education (or a consortium of State educational agencies or institutions of higher education) that desires to enter into a memorandum under subsection (b) shall prepare and submit to the Secretary a proposal, at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State educational agency, institution, or consortium is operating a program leading to State approved teacher certification.

(2) PREFERENCE.—The Secretary shall give preference to State educational agencies, institutions, and consortia that submit proposals that provide for cost sharing with respect to the program involved.

(e) CONTINUATION OF PROGRAMS.—Upon successful completion of the demonstration phase of teacher certification programs funded under this section, the continued operation of the teacher certification programs shall not be the responsibility of the Secretary. A State educational agency, institution, or consortium that desires to continue a program that is funded under this section after such funding is terminated shall use amounts derived from tuition charges to continue such program.

(f) FUNDING LIMITATION.—The total amount obligated by the Secretary under this section for any fiscal year may not exceed $10,000,000.

Sec. 2307

SEC. 2307. [20 U.S.C. 6677] REPORTING REQUIREMENTS.

(a) REPORT REQUIRED.—Not later than March 31, 2006, the Secretary (in consultation with the Secretary of Defense and the Secretary of Homeland Security) and the Comptroller General of the United States shall submit to Congress a report on the effectiveness of the Program in the recruitment and retention of qualified personnel by local educational agencies and public charter schools.

(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following:

(1) The number of participants in the Program.

(2) The schools in which the participants are employed.

(3) The grade levels at which the participants teach.

(4) The academic subjects taught by the participants.

(5) The rates of retention of the participants by the local educational agencies and public charter schools employing the participants.

(6) Such other matters as the Secretary or the Comptroller General of the United States, as the case may be, considers to be appropriate.

CHAPTER B—TRANSITION TO TEACHING PROGRAM

Sec. 2311

SEC. 2311. [20 U.S.C. 6681] PURPOSES.

The purposes of this chapter are—

(1) to establish a program to recruit and retain highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, as teachers in high-need schools, including recruiting teachers through alternative routes to certification; and

(2) to encourage the development and expansion of alternative routes to certification under State-approved programs that enable individuals to be eligible for teacher certification within a reduced period of time, relying on the experience, expertise, and academic qualifications of an individual, or other factors in lieu of traditional course work in the field of education.

Sec. 2312

SEC. 2312. [20 U.S.C. 6682] DEFINITIONS.

In this chapter:

(1) ELIGIBLE PARTICIPANT.—The term "eligible participant" means—

(A) an individual with substantial, demonstrable career experience, including a highly qualified paraprofessional; or

(B) an individual who is a graduate of an institution of higher education who—

(i) has graduated not more than 3 years before applying to an eligible entity to teach under this chapter; and

(ii) in the case of an individual wishing to teach in a secondary school, has completed an academic major (or courses totaling an equivalent number of credit hours) in the academic subject that the individual will teach.

(2) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term "high-need local educational agency" has the meaning given the term in section 2102.

(3) HIGH-NEED SCHOOL.—The term "high-need school" means a school that—

(A) is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more; or

(B)(i) is located in an area with a high percentage of out-of-field teachers, as defined in section 2102;

(ii) is within the top quartile of elementary schools and secondary schools statewide, as ranked by the number of unfilled, available teacher positions at the schools;

(iii) is located in an area in which there is a high teacher turnover rate; or

(iv) is located in an area in which there is a high percentage of teachers who are not certified or licensed.

Sec. 2313

SEC. 2313. [20 U.S.C. 6683] GRANT PROGRAM.

(a) IN GENERAL.—The Secretary may establish a program to make grants on a competitive basis to eligible entities to develop State and local teacher corps or other programs to establish, expand, or enhance teacher recruitment and retention efforts.

(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall be—

(1) a State educational agency;

(2) a high-need local educational agency;

(3) a for-profit or nonprofit organization that has a proven record of effectively recruiting and retaining highly qualified teachers, in a partnership with a high-need local educational agency or with a State educational agency;

(4) an institution of higher education, in a partnership with a high-need local educational agency or with a State educational agency;

(5) a regional consortium of State educational agencies; or

(6) a consortium of high-need local educational agencies.

(c) PRIORITY.—In making such a grant, the Secretary shall give priority to a partnership or consortium that includes a high-need State educational agency or local educational agency.

(d) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity described in subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—The application shall describe—

(A) one or more target recruitment groups on which the applicant will focus its recruitment efforts;

(B) the characteristics of each such target group that—

(i) show the knowledge and experience of the group's members; and

(ii) demonstrate that the members are eligible to achieve the objectives of this

section;

(C) describe how the applicant will use funds received under this section to develop a teacher corps or other program to recruit and retain highly qualified midcareer professionals (which may include highly qualified paraprofessionals), recent college graduates, and recent graduate school graduates, as highly qualified teachers in high-need schools operated by high-need local educational agencies;

(D) explain how the program carried out under the grant will meet the relevant State laws (including regulations) related to teacher certification or licensing and facilitate the certification or licensing of such teachers;

(E) describe how the grant will increase the number of highly qualified teachers, in high-need schools operated by high-need local educational agencies (in urban or rural school districts), and in high-need academic subjects, in the jurisdiction served by the applicant; and

(F) describe how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit (particularly through activities that have proven effective in retaining highly qualified teachers), train, place, support, and provide teacher induction programs to program participants under this chapter, including providing evidence of the commitment of the institutions, agencies, or organizations to the applicant's programs.

(e) DURATION OF GRANTS.—The Secretary may make grants under this section for periods of 5 years. At the end of the 5-year period for such a grant, the grant recipient may apply for an additional grant under this section.

(f) EQUITABLE DISTRIBUTION.—To the extent practicable, the Secretary shall ensure an equitable geographic distribution of grants under this section among the regions of the United States.

(g) USES OF FUNDS.—

(1) IN GENERAL.—An entity that receives a grant under this section shall use the funds made available through the grant to develop a teacher corps or other program in order to establish, expand, or enhance a teacher recruitment and retention program for highly qualified mid-career professionals (including highly qualified paraprofessionals), and recent graduates of an institution of higher education, who are eligible participants, including activities that provide alternative routes to teacher certification.

(2) AUTHORIZED ACTIVITIES.—The entity shall use the funds to carry out a program that includes two or more of the following activities:

(A) Providing scholarships, stipends, bonuses, and other financial incentives, that are linked to participation in activities that have proven effective in retaining teachers in high-need schools operated by high-need local educational agencies, to all eligible participants, in an amount not to exceed $5,000 per participant.

(B) Carrying out pre- and post-placement induction or support activities that have proven effective in recruiting and retaining teachers, such as—

(i) teacher mentoring;

(ii) providing internships;

(iii) providing high-quality, preservice coursework; and

(iv) providing high-quality, sustained inservice professional development.

(C) Carrying out placement and ongoing activities to ensure that teachers are placed in fields in which the teachers are highly qualified to teach and are placed in high-need schools.

(D) Making payments to pay for costs associated with accepting teachers recruited under this section from among eligible participants or provide financial incentives to prospective teachers who are eligible participants.

(E) Collaborating with institutions of higher education in developing and implementing programs to facilitate teacher recruitment (including teacher credentialing) and teacher retention programs.

(F) Carrying out other programs, projects, and activities that are designed and have proven to be effective in recruiting and retaining teachers, and that the Secretary determines to be appropriate.

(G) Developing long-term recruitment and retention strategies including developing—

(i) a statewide or regionwide clearinghouse for the recruitment and placement of teachers;

(ii) administrative structures to develop and implement programs to provide alternative routes to certification;

(iii) reciprocity agreements between or among States for the certification or licensing of teachers; or

(iv) other long-term teacher recruitment and retention strategies.

(3) EFFECTIVE PROGRAMS.—The entity shall use the funds only for programs that have proven to be effective in both recruiting and retaining teachers.

(h) REQUIREMENTS.—

(1) TARGETING.—An entity that receives a grant under this section to carry out a program shall ensure that participants in the program recruited with funds made available under this section are placed in high-need schools operated by high-need local educational agencies. In placing the participants in the schools, the entity shall give priority to the schools that are located in areas with the highest percentages of students from families with incomes below the poverty line.

(2) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, State and local public funds expended for teacher recruitment and retention programs, including programs to recruit the teachers through alternative routes to certification.

(3) PARTNERSHIPS AND CONSORTIA OF LOCAL EDUCATIONAL AGENCIES.—In the case of a partnership established by a local educational agency to carry out a program under this chapter, or a consortium of such agencies established to carry out a program under this

chapter, the local educational agency or consortium shall not be eligible to receive funds through a State program under this chapter.

(i) PERIOD OF SERVICE.—A program participant in a program under this chapter who receives training through the program shall serve a high-need school operated by a high-need local educational agency for at least 3 years.

(j) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines to be appropriate to ensure that program participants who receive a stipend or other financial incentive under subsection (g)(2)(A), but fail to complete their service obligation under subsection (i), repay all or a portion of such stipend or other incentive.

(k) ADMINISTRATIVE FUNDS.—No entity that receives a grant under this section shall use more than 5 percent of the funds made available through the grant for the administration of a program under this chapter carried out under the grant.

Sec. 2314

SEC. 2314. [20 U.S.C. 6684] EVALUATION AND ACCOUNTABILITY FOR RECRUITING AND RETAINING TEACHERS.

(a) EVALUATION.—Each entity that receives a grant under this chapter shall conduct—

(1) an interim evaluation of the program funded under the grant at the end of the third year of the grant period; and

(2) a final evaluation of the program at the end of the fifth year of the grant period.

(b) CONTENTS.—In conducting the evaluation, the entity shall describe the extent to which local educational agencies that received funds through the grant have met the goals relating to teacher recruitment and retention described in the application.

(c) REPORTS.—The entity shall prepare and submit to the Secretary and to Congress interim and final reports containing the results of the interim and final evaluations, respectively.

(d) REVOCATION.—If the Secretary determines that the recipient of a grant under this chapter has not made substantial progress in meeting such goals and the objectives of the grant by the end of the third year of the grant period, the Secretary—

(1) shall revoke the payment made for the fourth year of the grant period; and

(2) shall not make a payment for the fifth year of the grant period.

CHAPTER C—GENERAL PROVISIONS

Sec. 2321

SEC. 2321. [20 U.S.C. 6691] AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $150,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5

~~succeeding fiscal years.~~

~~(b) RESERVATION.—From the funds appropriated to carry out this subpart for fiscal year 2002, the Secretary shall reserve not more than $30,000,000 to carry out chapter A.~~