

1 **Purpose: In the nature of a substitute.**

2

3

4 **S. __**

5

6 ~~Title:~~ To amend the Elementary and Secondary Education Act
7 of 1965.

8

9 **Referred to the Committee on _____ and ordered to be**
10 **printed**

11 **Ordered to lie on the table and to be printed**

12 **AMENDMENT IN THE NATURE OF A SUBSTITUTE INTENDED TO**
13 **BE PROPOSED BY _____**

14 **Viz:**

15 **Strike all after the enacting clause and insert the following:** ~~Be it enacted by the Senate and~~
16 ~~House of Representatives of the United States of America in Congress assembled,~~

17 **SECTION 1. SHORT TITLE.**

18 This Act may be cited as the “Elementary and Secondary Education Reauthorization Act of
19 2011”.

20 **SEC. 2. TABLE OF CONTENTS.**

21 The table of contents for this Act is as follows:

22 Sec.1.Short title.

23 Sec.2.Table of contents.

24 Sec.3.References.

25 Sec.4.Transition.

26 Sec.5.Effective dates.

27 Sec.6.Table of contents of the Elementary and Secondary Education Act of 1965.

28 Sec.7.Authorization of appropriations.

29 **TITLE I—ENSURING COLLEGE AND CAREER**
30 **READINESS FOR ALL STUDENTS**

31 Sec.1001.Purpose.

1 Sec.1002.State reservations.

2 **PART A—Improving the Academic Achievement of the**
3 **Disadvantaged**

4 Sec.1111.State and local requirements.

5 Sec.1112.Local educational agency plans.

6 Sec.1113.Eligible school attendance areas.

7 Sec.1114.Schoolwide programs.

8 Sec.1115.Targeted assistance schools.

9 Sec.1116.School performance.

10 Sec.1117.Blue ribbon schools.

11 Sec.1118.Parent and family engagement.

12 Sec.1119.Qualifications for teachers and paraprofessionals.

13 Sec.1120.Comparability of services.

14 Sec.1121.Coordination requirements.

15 Sec.1122.Grants **for the outlying areas and the Secretary of the Interior.**

16 **Sec.1123.Allocations to States.**

17 **Sec.1124.Education finance incentive grant program.**

18 **Sec.1125.Grants** for State assessments and related activities.

19 **PART B—Pathways to College**

20 Sec.1201.Improving secondary schools.

21 Sec.1202.Accelerated learning.

22 Sec.1203.Reorganization.

23 **PART C—Education of Migratory Children**

24 Sec.1301.Program purpose.

25 Sec.1302.Program authorized.

26 Sec.1303.State allocations.

27 Sec.1304.State applications; services.

28 Sec.1305.Secretarial approval; peer review.

29 Sec.1306.Comprehensive needs assessment and service-delivery plan; authorized activities.

30 Sec.1307.Bypass.

31 Sec.1308.National activities.

1 Sec.1309.Performance data; evaluations and study; State assistance.

2 Sec.1310.Definitions.

3 **PART D—Prevention and Intervention Programs for Children**
4 **and Youth Who Are Neglected, Delinquent, or At-risk**

5 Sec.1401.Purpose and program authorization.

6 Sec.1402.Allocation of funds.

7 Sec.1403.State plan and State agency applications.

8 Sec.1404.Use of funds.

9 Sec.1405.Institution-wide projects.

10 Sec.1406.Transition services.

11 **Sec.1407.Program evaluation.**

12 **Sec.1408.Purpose** ~~Sec.1407.Purpose~~ of local agency programs.

13 ~~Sec.1408.Programs~~ **Sec.1409.Programs** operated by local educational agencies.

14 ~~Sec.1409.Local~~ **Sec.1410.Local** educational agency applications.

15 ~~Sec.1410.Uses~~ **Sec.1411.Uses** of funds.

16 ~~Sec.1411.Program~~ **Sec.1412.Program** requirements for correctional facilities receiving funds
17 under this section.

18 ~~Sec.1412.Accountability.~~ **Sec.1413.Accountability.**

19 ~~Sec.1413.Definitions.~~ **Sec.1414.Program evaluations.**

20 **Sec.1415.Definitions.**

21 **PART E—General Provisions**

22 Sec.1501.Reorganization.

23 **TITLE II—SUPPORTING EXCELLENT TEACHERS AND**
24 **PRINCIPALS**

25 Sec.2101.Supporting excellent teachers and principals.

26 **TITLE III—LANGUAGE AND ACADEMIC CONTENT**
27 **INSTRUCTION FOR ENGLISH LEARNERS AND**
28 **IMMIGRANT STUDENTS**

29 Sec.3001.Reorganization.

30 Sec.3002.Purposes.

31 Sec.3003.Formula grants to States.

- 1 Sec.3004.Native American and Alaska Native children in school.
- 2 Sec.3005.State educational agency plans.
- 3 Sec.3006.Within-State allocations.
- 4 Sec.3007.Subgrants to eligible entities.
- 5 Sec.3008.Local plans.
- 6 Sec.3009.Evaluations.
- 7 Sec.3010.Reporting requirements.
- 8 Sec.3011.Coordination with related programs.
- 9 Sec.3012.Rules of construction.
- 10 Sec.3013.Prohibition.
- 11 Sec.3014.National activities.
- 12 Sec.3015.Definitions.
- 13 Sec.3016.Parental notification.
- 14 Sec.3017.Regulations.

15 **TITLE IV—SUPPORTING SUCCESSFUL,**
16 **WELL-ROUNDED STUDENTS**

- 17 Sec.4101.Redesignations.
- 18 Sec.4102.Improving literacy instruction and student achievement.
- 19 Sec.4103.Improving science, technology, engineering, and math instruction and student
- 20 achievement.
- 21 Sec.4104.Successful, safe, and healthy students.
- 22 Sec.4105.21st Century Community Learning Centers.
- 23 Sec.4106.Promise neighborhoods.
- 24 Sec.4107.Parent and family information and resource centers.
- 25 Sec.4108.Programs of national significance.

26 **TITLE V—PROMOTING INNOVATION**

27 **PART A—Race to the Top**

- 28 Sec.5101.Race to the Top.

29 **PART B—Investing in Innovation**

- 30 Sec.5201.Investing in innovation.

31 **PART C—Magnet Schools Assistance**

- 1 Sec.5301.Findings and purpose.
- 2 Sec.5302.Program authorized.
- 3 Sec.5303.Applications and requirements.
- 4 Sec.5304.Priority.
- 5 Sec.5305.Use of funds.
- 6 Sec.5306.Limitations.
- 7 Sec.5307.Evaluations.
- 8 Sec.5308.Availability of funds for grants to agencies not previously assisted.

9 PART D—Public Charter Schools

- 10 Sec.5401.Public charter schools.

11 PART E—Voluntary Public School Choice

- 12 Sec.5501.Voluntary public school choice.

13 TITLE VI—PROMOTING FLEXIBILITY; RURAL 14 EDUCATION

15 ~~PART A—Promoting Flexibility~~

- 16 Sec.6101.Promoting flexibility.

17 **Sec.6102.Rural education.**

18 **Sec.6103.General provisions.**

19 TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA 20 NATIVE EDUCATION

21 PART A—Indian Education

- 22 Sec.7101.Purpose.

23 subpart 1—formula grants to local educational agencies

- 24 Sec.7111.Formula grant purpose.
- 25 Sec.7112.Grants to local educational agencies, tribes, and tribal organizations.
- 26 Sec.7113.Amount of grants.
- 27 Sec.7114.Applications.
- 28 Sec.7115.Authorized services and activities.
- 29 Sec.7116.Integration of services authorized.
- 30 Sec.7117.Student eligibility forms.

1 subpart 2—special programs and projects to improve
2 educational opportunities for indian children and youth

3 Sec.7121.Improvement of educational opportunities for Indian children and youth.

4 Sec.7122.Professional development for teachers and education professionals.

5 subpart 3—national activities

6 Sec.7131.National activities.

7 subpart 4—federal administration

8 Sec.7141.National Advisory Council on Indian Education.

9 subpart 5—definitions; authorization of appropriations

10 Sec.7151.Definitions.

11 Sec.7152.Authorizations of appropriations.

12 **PART B—Native Hawaiian Education; Alaska Native**
13 **Education**

14 Sec.7201.Native Hawaiian education and Alaska Native education.

15 subpart 1—native hawaiian education

16 Sec.7202.Findings.

17 Sec.7203.Purposes.

18 Sec.7204.Native Hawaiian Education Council.

19 Sec.7205.Program authorized.

20 Sec.7206.Administrative provisions.

21 Sec.7207.Definitions.

22 subpart 2—alaska native ~~student education~~ **education**

23 ~~Sec.7211.Program authorized.~~

24 ~~Sec.7212.Administrative provisions.~~ **Sec.7301.Alaska Native Education.**

25 **TITLE VIII—IMPACT AID**

26 Sec.8001.Purpose.

27 Sec.8002.Payments relating to Federal acquisition of real property.

28 Sec.8003.Payments for eligible federally connected children.

29 Sec.8004.Construction.

30 Sec.8005.Facilities.

1 Sec.8006.Federal administration.

2 Sec.8007.Definitions.

3 Sec.8008.Conforming amendment.

4 **Sec.8009.Eligibility for impact aid payment.**

5 **TITLE IX—GENERAL PROVISIONS**

6 Sec.9101.Definitions.

7 Sec.9102.Unsafe school choice option.

8 Sec.9103.Evaluation authority.

9 Sec.9104.Conforming amendments.

10 **TITLE X—HOMELESS EDUCATION**

11 ~~**X—REDESIGNATIONS AND AMENDMENTS TO OTHER**~~
12 ~~**STATUTES**~~

13 ~~**PART A—Homeless Education**~~

14 Sec.10011.Short title.

15 Sec.10012.Education for homeless children and youth.

16 ~~**PART B—Redesignations**~~

17 ~~**Sec.10021.Redesignations.**~~

18 **SEC. 3. REFERENCES.**

19 Except as otherwise expressly provided, whenever in this Act an amendment or repeal is
20 expressed in terms of an amendment to, or repeal of, a section or other provision, the reference
21 shall be considered to be made to a section or other provision of the Elementary and Secondary
22 Education Act of 1965 (20 U.S.C. 6301 et seq.).

23 **SEC. 4. TRANSITION.**

24 (a) Multi-year Awards.—Except as otherwise provided in this Act, the recipient of a
25 multi-year award under the Elementary and Secondary Education Act of 1965, as that Act was in
26 effect prior to the date of enactment of this Act, shall continue to receive funds in accordance
27 with the terms of that award, except that no additional funds may be awarded after September 30,
28 2012.

29 (b) Planning and Transition.—Notwithstanding any other provision of law, a recipient of funds
30 under the Elementary and Secondary Education Act of 1965, as that Act was in effect prior to the
31 date of enactment of this Act, may use funds available to the recipient under that predecessor
32 authority to carry out necessary and reasonable planning and transition activities in order to
33 ensure an orderly implementation of programs authorized by this Act, and the amendments made
34 by this Act.

1 (c) Orderly Transition.—The Secretary shall take such steps as are necessary to provide for the
2 orderly transition to, and implementation of, programs authorized by this Act, and by the
3 amendments made by this Act, from programs authorized by the Elementary and Secondary
4 Education Act of 1965, as that Act was in effect prior to the date of enactment of this Act.

5 **SEC. 5. EFFECTIVE DATES.**

6 (a) In General.—Except as otherwise provided in this Act, this Act, and the amendments made
7 by this Act, shall be effective upon the date of enactment of this Act.

8 (b) Noncompetitive Programs.—With respect to noncompetitive programs under which any
9 funds are allotted by the Secretary of Education to recipients on the basis of a formula, this Act,
10 and the amendments made by this Act, shall take effect on July 1, 2012.

11 (c) Competitive Programs.—With respect to programs that are conducted by the Secretary on
12 a competitive basis, this Act, and the amendments made by this Act, shall take effect with
13 respect to appropriations for use under those programs for fiscal year 2012.

14 (d) Impact Aid.—With respect to title VIII (Impact Aid), this Act, and the amendments made
15 by this Act, shall take effect with respect to appropriations for use under that title for fiscal year
16 2012.

17 **SEC. 6. TABLE OF CONTENTS OF THE ELEMENTARY** 18 **AND SECONDARY EDUCATION ACT OF 1965.**

19 Section 2 is amended to read as follows:

20 **“SEC. 2. TABLE OF CONTENTS.**

21 “The table of contents for this Act is as follows:

22 “Sec.1.Short title.

23 “Sec.2.Table of contents.

24 “Sec.3.Authorization of appropriations.

25 **“TITLE I—ENSURING COLLEGE AND CAREER** 26 **READINESS FOR ALL STUDENTS**

27 “Sec.1001.Purpose.

28 “Sec.1002.State administration.

29 **“Part A—Improving the Academic Achievement of the** 30 **Disadvantaged**

31 **“subpart 1—basic program requirements**

32 “Sec.1111.State and local requirements.

33 “Sec.1112.Local educational agency plans.

1 “Sec.1113.Eligible school attendance areas.

2 “Sec.1114.Schoolwide programs.

3 “Sec.1115.Targeted assistance schools.

4 “Sec.1116.School performance.

5 “Sec.1117.Blue ribbon schools.

6 “Sec.1118.Parent and family engagement.

7 “Sec.1119.Qualifications for teachers and paraprofessionals.

8 “Sec.1120.Participation of children enrolled in private schools.

9 “Sec.1120A.Fiscal requirements.

10 “Sec.1120B.Coordination requirements.

11 “subpart 2—allocations

12 “Sec.1121.Grants for the outlying areas and the Secretary of the Interior.

13 “Sec.1122.Allocations to States.

14 “Sec.1124.Basic grants to local educational agencies.

15 “Sec.1124A.Concentration grants to local educational agencies.

16 “Sec.1125.Targeted grants to local educational agencies.

17 “Sec.1125AA.Adequacy of funding of targeted grants to local educational agencies in fiscal
18 years after fiscal year 2001.

19 “Sec.1125A.Education finance incentive grant program.

20 “Sec.1126.Special allocation procedures.

21 “Sec.1127.Carryover and waiver.

22 “subpart 3—grants for state assessments and related activities

23 “Sec.1131.Grants for state assessments and related activities.

24 “Part B—Pathways to College

25 “subpart 1—improving secondary schools

26 “Sec.1201.Secondary school reform.

27 “subpart 2—accelerated learning

28 “Sec.1221.Purposes.

29 “Sec.1222.Funding distribution rule.

30 “Sec.1223.Advanced Placement and International Baccalaureate examination fee program.

31 “Sec.1224.Advanced Placement and International Baccalaureate incentive program grants.

1 “Sec.1225.Supplement, not supplant.

2 “Sec.1226.Definitions.

3 “Part C—Education of Migratory Children

4 “Sec.1301.Program purpose.

5 “Sec.1302.Program authorized.

6 “Sec.1303.State allocations.

7 “Sec.1304.State applications; services.

8 “Sec.1305.Secretarial approval; peer review.

9 “Sec.1306.Comprehensive needs assessment and service-delivery plan; authorized activities.

10 “Sec.1307.Bypass.

11 “Sec.1308.National activities.

12 “Sec.1309.Performance data.

13 “Sec.1310.Evaluation and study.

14 “Sec.1311.State assistance in determining number of migratory children.

15 “Sec.1312.Definitions.

16 “Part D—Prevention and Intervention Programs for Children 17 and Youth Who Are Neglected, Delinquent, or At-risk

18 “Sec.1401.Purpose and program authorization.

19 “Sec.1402.Payments for programs under this part.

20 “subpart 1—state agency programs

21 “Sec.1411.Eligibility.

22 “Sec.1412.Allocation of funds.

23 “Sec.1413.State reallocation of funds.

24 “Sec.1414.State plan and State agency applications.

25 “Sec.1415.Use of funds.

26 “Sec.1416.Institution-wide projects.

27 “Sec.1417.Three-year programs or projects.

28 “Sec.1418.Transition services.

29 ~~“Sec.1419.Evaluation; technical assistance; annual model program.”~~ **“Sec.1419.Program**
30 **evaluation.**

31 “subpart 2—local agency programs

1 “Sec.1421.Purpose.

2 “Sec.1422.Programs operated by local educational agencies.

3 “Sec.1423.Local educational agency applications.

4 “Sec.1424.Uses of funds.

5 “Sec.1425.Program requirements for correctional facilities receiving funds under this section.

6 “Sec.1426.Accountability.

7 **“subpart 3—general provisions**

8 “Sec.1431.Program evaluations.

9 “Sec.1432.Definitions.

10 **“Part E—General Provisions**

11 “Sec.1501.Federal regulations.

12 “Sec.1502.Agreements and records.

13 “Sec.1503.State administration.

14 “Sec.1504.Local educational agency spending audits.

15 “Sec.1505.Prohibition against Federal mandates, direction, or control.

16 “Sec.1506.Rule of construction on equalized spending.

17 “Sec.1507.State report on dropout data.

18 “Sec.1508.Regulations for sections 1111 and 1116.

19 **“TITLE II—SUPPORTING EXCELLENT TEACHERS AND**
20 **PRINCIPALS**

21 **“Part A—Teacher and Principal Training and Recruiting Fund**

22 “Sec.2101.Purpose.

23 “Sec.2102.Definitions.

24 **“subpart 1—grants to states**

25 “Sec.2111.Allotments to States.

26 “Sec.2112.State applications.

27 “Sec.2113.State use of funds.

28 **“subpart 2—subgrants to local educational agencies**

29 “Sec.2121.Allocations to local educational agencies.

30 “Sec.2122.Local applications and needs assessment.

1 “Sec.2123.Local use of funds.

2 “subpart 3—national leadership activities

3 “Sec.2131.National leadership activities.

4 “subpart 4—accountability

5 “Sec.2141.Accountability.

6 “Part B—Teacher Pathways

7 “Sec.2201.Teacher Pathways.

8 “Part C—Teacher Incentive Fund Program

9 “Sec.2301.Purposes; definitions.

10 “Sec.2302.Teacher incentive fund grants.

11 “Sec.2303.Accountability.

12 “Sec.2304.Evaluation.

13 “Sec.2305.Reservation for evaluation; technical assistance; and program outreach.

14 “TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH
15 LEARNERS AND IMMIGRANT STUDENTS

16 “Part A—English Language Acquisition, Language
17 Enhancement, and Academic Achievement Act

18 “Sec.3101.Short title.

19 “Sec.3102.Purposes.

20 “subpart 1—grants and subgrants for english language
21 acquisition and language enhancement

22 “Sec.3111.Formula grants to States.

23 “Sec.3112.Native American and Alaska Native children in school.

24 “Sec.3113.State educational agency plans.

25 “Sec.3114.Within-State allocations.

26 “Sec.3115.Subgrants to eligible entities.

27 “Sec.3116.Local plans.

28 “subpart 2—accountability and administration

29 “Sec.3121.Evaluations.

30 “Sec.3122.Reporting requirements.

1 “Sec.3123.Coordination with related programs.

2 “Sec.3124.Rules of construction.

3 “Sec.3125.Legal authority under State law.

4 “Sec.3126.Civil rights.

5 “Sec.3127.Programs for Native Americans and Puerto Rico.

6 “Sec.3128.Prohibition.

7 **“subpart 3—national activities**

8 “Sec.3131.Professional Development Grants.

9 “Sec.3132.Commission on Assessment of English Learners.

10 **“Part B—General Provisions**

11 “Sec.3201.Definitions.

12 “Sec.3202.Parental notification.

13 “Sec.3203.National Clearinghouse.

14 “Sec.3204.Regulations.

15 **“TITLE IV—SUPPORTING SUCCESSFUL,
16 WELL-ROUNDED STUDENTS**

17 **“Part A—IMPROVING LITERACY INSTRUCTION AND
18 STUDENT ACHIEVEMENT**

19 “Sec.4101.Short title.

20 “Sec.4102.Purpose.

21 “Sec.4103.Definitions.

22 “Sec.4104.Program Authorized.

23 “Sec.4105.State planning grants.

24 “Sec.4106.State implementation grants.

25 “Sec.4107.State activities.

26 “Sec.4108.Subgrants to eligible entities in support of birth through kindergarten entry literacy.

27 “Sec.4109.Subgrants to eligible entities in support of kindergarten through grade 12 literacy.

28 “Sec.4110.National evaluation, information dissemination, and technical assistance.

29 “Sec.4111.Consequences of insufficient progress, reporting requirements, and conflicts of
30 interest.

31 “Sec.4112.Rules of construction.

1 “Part B—Improving Science, Technology, Engineering, and
2 Mathematics Instruction and Student Achievement

3 “Sec.4201.Purpose.

4 “Sec.4202.Definitions.

5 “Sec.4203.Grants; allotments.

6 “Sec.4204.Applications.

7 “Sec.4205.Authorized activities.

8 “Sec.4206.Performance metrics; report.

9 “Sec.4207.Evaluation.

10 “Sec.4208.Supplement not supplant.

11 “Sec.4209.Maintenance of effort.

12 “Part C—Successful, Safe, and Healthy Students

13 “Sec.4301.Purpose.

14 “Sec.4302.Definitions.

15 “Sec.4303.Reservations.

16 “Sec.4304.Successful, safe, and healthy student State grants.

17 “Sec.4305.Funds reserved for Secretary.

18 “Sec.4306.Prohibited use of funds.

19 “Sec.4307.Federal and State nondiscrimination laws.

20 “Part D—21st Century Community Learning Centers

21 “Sec.4401.Purpose; definitions.

22 “Sec.4402.Allotments to States.

23 “Sec.4403.State application.

24 “Sec.4404.Local competitive grant program.

25 “Sec.4405.Local activities.

26 “Sec.4406.Authorization of appropriations.

27 “Part E—Promise Neighborhoods.

28 “Sec.4501.Short title.

29 “Sec.4502.Purpose.

30 “Sec.4503.Definitions.

31 “subpart 1—promise neighborhood partnership grants

1 “Sec.4511.Program Authorized.

2 “Sec.4512.Eligible Entities.

3 “Sec.4513.Application requirements.

4 “Sec.4514.Use of funds.

5 “Sec.4515.Report and publicly available data.

6 “Sec.4516.Accountability.

7 **“subpart 2—promise school grants**

8 “Sec.4521.Program Authorized.

9 “Sec.4522.Definition of eligible entity.

10 “Sec.4523.Application requirements; priority.

11 “Sec.4524.Use of funds.

12 “Sec.4525.Report and publicly available data.

13 “Sec.4526.Accountability.

14 **“subpart 3—general provisions**

15 “Sec.4531.National activities.

16 **“Part F—Parent and Family Information and Resource Centers**

17 “Sec.4601.Purpose.

18 “Sec.4602.Definition of eligible entity.

19 “Sec.4603.Grants authorized.

20 “Sec.4604.Applications.

21 “Sec.4605.Uses of funds.

22 “Sec.4606.Administrative provisions.

23 **“Part G—Ready-to-Learn**

24 “Sec.4701.Ready-to-Learn.

25 **“TITLE V—PROMOTING INFORMED PARENTAL**
26 **CHOICE AND INNOVATIVE PROGRAMS**

27 **“Part A—Race to the Top**

28 “Sec.5101.Purposes.

29 “Sec.5102.Reservation of Funds.

30 “Sec.5103.Race to the Top Program.

1 “Sec.5104.Application Process.

2 “Sec.5105.Performance Measures.

3 “Sec.5106.Uses of Funds.

4 “Sec.5107.Reporting.

5 “Part B—Investing in Innovation

6 “Sec.5201.Purposes.

7 “Sec.5202.National activities.

8 “Sec.5203.Program authorized; length of grants; priorities.

9 “Sec.5204.Applications.

10 “Sec.5205.Uses of funds.

11 “Sec.5206.Performance measures.

12 “Sec.5207.Reporting.

13 “Part C—Magnet Schools Assistance

14 “Sec.5301.Findings and purpose.

15 “Sec.5302.Definition.

16 “Sec.5303.Program authorized.

17 “Sec.5304.Eligibility.

18 “Sec.5305.Applications and requirements.

19 “Sec.5306.Priority.

20 “Sec.5307.Use of funds.

21 “Sec.5308.Prohibition.

22 “Sec.5309.Limitations.

23 “Sec.5310.Evaluations.

24 “Sec.5311.Availability of funds for grants to agencies not previously assisted.

25 “Part D—Public Charter Schools

26 “Sec.5401.Distribution of Funds.

27 “subpart 1—successful charter schools program

28 “Sec.5411.Definitions.

29 “Sec.5412.Program authorized.

30 “Sec.5413.Applications.

31 “Sec.5414.Selection criteria; priority.

1 “Sec.5415.Uses of funds.

2 “Sec.5416.Subgrants.

3 “Sec.5417.Performance measures; reports.

4 “Sec.5418.Federal formula allocation during first year and for successive enrollment expansions.

5 “Sec.5419.Records transfer.

6 “Sec.5420.National activities.

7 **“subpart 2—charter school facility acquisition, construction, and**
8 **renovation**

9 “Sec.5431.Purpose.

10 “Sec.5432.Definitions.

11 “Sec.5433.Grants to eligible entities.

12 “Sec.5434.Charter School Objectives.

13 “Sec.5435.Applications; Selection criteria.

14 “Sec.5436.Reserve account.

15 “Sec.5437.Limitation on administrative costs.

16 “Sec.5438.Audits and reports.

17 “Sec.5439.No full faith and credit for grantee obligations.

18 “Sec.5440.Recovery of funds.

19 **“Part E—Voluntary Public School Choice**

20 “Sec.5501.Grants.

21 “Sec.5502.Uses of funds.

22 “Sec.5503.Applications.

23 “Sec.5504.Priorities.

24 “Sec.5505.Requirements and voluntary participation.

25 “Sec.5506.Evaluations.

26 “Sec.5507.Definitions.

27 **“TITLE VI—PROMOTING FLEXIBILITY; RURAL**
28 **EDUCATION**

29 **“Part A—Transferability**

30 “Sec.6101.Transferability of funds.

31 **“Part B—Rural Education Achievement Program**

1 “Sec.6201.Short title.

2 “Sec.6202.Purpose.

3 “subpart 1—small, rural school achievement program

4 “Sec.6211.Program authorized.

5 “Sec.6212.Academic achievement assessments.

6 “subpart 2—rural and low-income school program

7 “Sec.6221.Program authorized.

8 “Sec.6222.Uses of funds.

9 “Sec.6223.Applications.

10 “Sec.6224.Accountability.

11 “subpart 3—general provisions

12 “Sec.6231.Choice of participation.

13 “Sec.6232.Annual average daily attendance determination.

14 “Sec.6233.Supplement, not supplant.

15 “Sec.6234.Rule of construction.

16 “TITLE VII—INDIAN, NATIVE HAWAIIAN, AND
17 ALASKA NATIVE EDUCATION

18 “Part A—Indian Education

19 “Sec.7101.Statement of policy.

20 “Sec.7102.Purpose.

21 “subpart 1—formula grants to local educational agencies

22 “Sec.7111.Purpose.

23 “Sec.7112.Grants to local educational agencies and tribes.

24 “Sec.7113.Amount of grants.

25 “Sec.7114.Applications.

26 “Sec.7115.Authorized services and activities.

27 “Sec.7116.Integration of services authorized.

28 “Sec.7117.Student eligibility forms.

29 “Sec.7118.Payments.

30 “Sec.7119.State educational agency review.

1 “subpart 2—special programs and projects to improve
2 educational opportunities for indian children

3 “Sec.7121.Improvement of educational opportunities for Indian children and youth.

4 “Sec.7122.Professional development for teachers and education professionals.

5 “subpart 3—national activities

6 “Sec.7131.National research activities.

7 “Sec.7132.Improvement of academic success for students through native american language.

8 “Sec.7133.Improving State and tribal educational agency collaboration.

9 “subpart 4—federal administration

10 “Sec.7141.National Advisory Council on Indian Education.

11 “Sec.7142.Peer review.

12 “Sec.7143.Preference for Indian applicants.

13 “Sec.7144.Minimum grant criteria.

14 “subpart 5—definitions; authorizations of appropriations

15 “Sec.7151.Definitions.

16 “Sec.7152.Authorizations of appropriations.

17 “Part B—Native Hawaiian Education; Alaska Native Education

18 “subpart 1—hawaiian education

19 “Sec.7201.Short title.

20 “Sec.7202.Findings.

21 “Sec.7203.Purposes.

22 “Sec.7204.Native Hawaiian Education Council.

23 “Sec.7205.Program authorized.

24 “Sec.7206.Administrative provisions.

25 “Sec.7207.Definitions.

26 “subpart 2—alaska native education

27 “Sec.7301.Short title.

28 “Sec.7302.Findings.

29 “Sec.7303.Purposes.

30 “Sec.7304.Program authorized.

1 “Sec.7305.Administrative provisions.

2 “Sec.7306.Definitions.

3 “TITLE VIII—IMPACT AID

4 “Sec.8001.Purpose.

5 “Sec.8002.Payments relating to Federal acquisition of real property.

6 “Sec.8003.Payments for eligible federally connected children.

7 “Sec.8004.Policies and procedures relating to children residing on Indian lands.

8 “Sec.8005.Application for payments under sections 8002 and 8003.

9 “Sec.8007.Construction.

10 “Sec.8008.Facilities.

11 “Sec.8009.State consideration of payments in providing State aid.

12 “Sec.8010.Federal administration.

13 “Sec.8011.Administrative hearings and judicial review.

14 “Sec.8012.Forgiveness of overpayments.

15 “Sec.8013.Definitions.

16 “TITLE IX—GENERAL PROVISIONS

17 “Part A—Definitions

18 “Sec.9101.Definitions.

19 “Sec.9102.Applicability of title.

20 “Sec.9103.Applicability to Bureau of Indian Affairs operated schools.

21 “Part B—Flexibility in the Use of Administrative and Other 22 Funds

23 “Sec.9201.Consolidation of State administrative funds for elementary and secondary education
24 programs.

25 “Sec.9202.Single local educational agency States.

26 “Sec.9203.Consolidation of funds for local administration.

27 “Sec.9204.Consolidated set-aside for Department of the Interior funds.

28 “Part C—Coordination of Programs; Consolidated State and 29 Local Plans and Applications

30 “Sec.9301.Purpose.

31 “Sec.9302.Optional consolidated State plans or applications.

1 “Sec.9303.Consolidated reporting.

2 “Sec.9304.General applicability of State educational agency assurances.

3 “Sec.9305.Consolidated local plans or applications.

4 “Sec.9306.Other general assurances.

5 “Part D—Waivers

6 “Sec.9401.Waivers of statutory and regulatory requirements.

7 “Part E—Uniform Provisions

8 “subpart 1—private schools

9 “Sec.9501.Participation by private school children and teachers.

10 “Sec.9502.Standards for by-pass.

11 “Sec.9503.Complaint process for participation of private school children.

12 “Sec.9504.By-pass determination process.

13 “Sec.9505.Prohibition against funds for religious worship or instruction.

14 “Sec.9506.Private, religious, and home schools.

15 “subpart 2—other provisions

16 “Sec.9521.Maintenance of effort.

17 “Sec.9522.Prohibition regarding State aid.

18 “Sec.9523.Privacy of assessment results.

19 “Sec.9524.School prayer.

20 “Sec.9525.Equal access to public school facilities.

21 “Sec.9526.General prohibitions.

22 “Sec.9527.Prohibitions on Federal Government and use of Federal funds.

23 “Sec.9528.Armed Forces recruiter access to students and student recruiting information.

24 “Sec.9529.Prohibition on federally sponsored testing.

25 “Sec.9530.Limitations on national testing or certification for teachers.

26 “Sec.9531.Prohibition on nationwide database.

27 “Sec.9532.Unsafe school choice option.

28 “Sec.9533.Prohibition on discrimination.

29 “Sec.9534.Civil rights.

30 “Sec.9535.Rulemaking.

31 “Sec.9536.Severability.

1 “subpart 3—teacher liability protection

2 “Sec.9541.Short title.

3 “Sec.9542.Purpose.

4 “Sec.9543.Definitions.

5 “Sec.9544.Applicability.

6 “Sec.9545.Preemption and election of State nonapplicability.

7 “Sec.9546.Limitation on liability for teachers.

8 “Sec.9547.Allocation of responsibility for noneconomic loss.

9 “Sec.9548.Effective date.

10 “Part F—Evaluations

11 “Sec.9601.Evaluation authority.

12 “Part G—Miscellaneous Provisions

13 “subpart 1—gun possession

14 “Sec.9701.Gun-free requirements.

15 “subpart 2—environmental tobacco smoke

16 “Sec.9721.Short title.

17 “Sec.9722.Definitions.

18 “Sec.9723.Nonsmoking policy for children’s services.

19 “Sec.9724.Preemption.”.

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

21 The Act (20 U.S.C. 6301 et seq.) is amended by inserting after section 2 the following:

22 **“SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) Local Educational Agency Grants.—

24 “(1) IN GENERAL.—There are authorized to be appropriated to carry out part A of title I
25 (except for section 1116(d)) **and 1125A**) such sums as may be necessary for fiscal year
26 2012 and each of the 4 succeeding fiscal years.

27 “(2) SCHOOL IMPROVEMENT GRANTS, NATIONAL ACTIVITIES, AND EVALUATION.—

28 “(A) IN GENERAL.—There are authorized to be appropriated to carry out section
29 1116(d) such sums as may be necessary for fiscal year 2012 and each of the 4
30 succeeding fiscal years.

31 “(B) RESERVATION FOR NATIONAL ACTIVITIES.—Of the amounts appropriated under
32 subparagraph (A) for a fiscal year, the Secretary shall reserve not more than 2 percent

1 for the national activities described in section 1116(d)(6).

2 **“(3) EDUCATION FINANCE INCENTIVE GRANT PROGRAM.—There are authorized to be**
3 **appropriated to carry out section 1125A such sums as may be necessary for fiscal year**
4 **2012 and each of the 4 succeeding fiscal years.**

5 “(b) Grants for State Assessments and the National Assessment of Educational Progress.—

6 “(1) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—For the purpose of
7 administering the State assessments under the National Assessment of Educational
8 Progress, there are authorized to be appropriated such sums as may be necessary for fiscal
9 year 2012 and each of the 4 succeeding fiscal years.

10 “(2) STATE ASSESSMENTS AND RELATED ACTIVITIES.—For the purpose of carrying out
11 assessment and related activities, there are authorized to be appropriated such sums as may
12 be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

13 “(c) State Administration and State Accountability Support.—For the purposes of carrying out
14 section 1003, State Administration and State Accountability Support, there are authorized to be
15 appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding
16 fiscal years.

17 “(d) Pathways to College.—For the purposes of carrying out part B of title I, Pathways to
18 College, there are authorized to be appropriated such sums as may be necessary for fiscal year
19 2012 and each of the 4 succeeding fiscal years.

20 “(e) Education of Migratory Children.—For the purposes of carrying out part C of title I,
21 Education of Migratory Children, there are authorized to be appropriated such sums as may be
22 necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

23 “(f) Neglected and Delinquent.—For the purposes of carrying out part D of title I, Prevention
24 and Intervention Programs for Children and Youth Who are Neglected and Delinquent, or
25 At-risk, there are authorized to be appropriated such sums as may be necessary for fiscal year
26 2012 and each of the 4 succeeding fiscal years.

27 “(g) Continuous Improvement and Support for Teachers and Principals.—For the purposes of
28 carrying out part A of title II, Continuous Improvement and Support for Teachers and Principals,
29 there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and
30 each of the 4 succeeding fiscal years.

31 “(h) Teacher Pathways to the Classroom.—For the purposes of carrying out part B of title II,
32 Teacher Pathways to the Classroom, there are authorized to be appropriated such sums as may be
33 necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

34 “(i) Teacher Incentive Fund.—For the purposes of carrying out part C of title II, Teacher
35 Incentive Fund, there are authorized to be appropriated such sums as may be necessary for fiscal
36 year 2012 and each of the 4 succeeding fiscal years.

37 “(j) English Learners and Immigrant Students.—For the purposes of carrying out title III,
38 Improving the Academic Achievement of English Learners and Immigrant Students, there are
39 authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the
40 4 succeeding fiscal years.

41 “(k) Improving Literacy Instruction and Student Achievement.—For the purposes of carrying

1 out part A of title IV, Improving Literacy Instruction and Student Achievement, there are
2 authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the
3 4 succeeding fiscal years.

4 “(l) Improving Science, Technology, Engineering, and Mathematics Instruction and Student
5 Achievement.—For the purposes of carrying out part B of title IV, Improving Science,
6 Technology, Engineering, and Mathematics Instruction and Student Achievement, there are
7 authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each of the
8 4 succeeding fiscal years.

9 “(m) Successful, Safe, and Healthy Students.—For the purposes of carrying out part C of title
10 IV, Successful, Safe, and Healthy Students, there are authorized to be appropriated such sums as
11 may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

12 “(n) 21st Century Community Learning Centers.—For the purposes of carrying out part D of
13 title IV, 21st Century Community Learning Centers, there are authorized to be appropriated such
14 sums as may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

15 “(o) Promise Neighborhoods.—For the purposes of carrying out part E of title IV, Promise
16 Neighborhoods, there are authorized to be appropriated such sums as may be necessary for fiscal
17 year 2012 and each of the 4 succeeding fiscal years.

18 “(p) Parent and Family Information and Resource Centers.—For the purposes of carrying out
19 part F of title IV, Parent and Family Information and Resource Centers, there are authorized to
20 be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding
21 fiscal years.

22 “(q) Ready to Learn.—For the purposes of carrying out part G of title IV, Ready to Learn,
23 there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and
24 each of the 4 succeeding fiscal years.

25 “(r) Programs of National Significance.—For the purposes of carrying out part H of title IV,
26 Programs of National Significance, there are authorized to be appropriated such sums as may be
27 necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

28 “(s) Race to the Top.—For the purposes of carrying out part A of title V, Race to the Top,
29 there are authorized to be appropriated such sums as may be necessary for fiscal year 2012 and
30 each of the 4 succeeding fiscal years.

31 “(t) Investing in Innovation.—For the purposes of carrying out part B of title V, Investing in
32 Innovation, there are authorized to be appropriated such sums as may be necessary for fiscal year
33 2012 and each of the 4 succeeding fiscal years.

34 “(u) Magnet Schools Assistance.—For the purposes of carrying out part C of title V, Magnet
35 Schools Assistance, there are authorized to be appropriated such sums as may be necessary for
36 fiscal year 2012 and each of the 4 succeeding fiscal years.

37 “(v) Public Charter Schools.—For the purposes of carrying out part D of title V, Public
38 Charter Schools, there are authorized to be appropriated such sums as may be necessary for fiscal
39 year 2012 and each of the 4 succeeding fiscal years.

40 “(w) Voluntary Public School Choice.—For the purposes of carrying out part E of title V,
41 Voluntary Public School Choice, there are authorized to be appropriated such sums as may be

1 necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

2 “(x) Rural Education Achievement Program.—For the purposes of carrying out part B of title
3 VI, Rural Education Achievement Program, there are authorized to be appropriated such sums as
4 may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

5 “(y) Indian, Native Hawaiian, and Alaska Native Education.—For the purposes of carrying out
6 title VII, Indian Native Hawaiian, and Alaska Native Education, there are authorized to be
7 appropriated such sums as may be necessary for fiscal year 2012 and each of the 4 succeeding
8 fiscal years.

9 “(z) Impact Aid.—For the purposes of carrying out title VIII, Impact Aid, there are authorized
10 to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4
11 succeeding fiscal years.

12 “(1) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of
13 making payments under section 8002, there are authorized to be appropriated such sums as
14 may be necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

15 “(2) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL
16 AGENCIES.—For the purpose of making payments under section 8003(b), there are
17 authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each
18 of the 4 succeeding fiscal years.

19 “(3) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments
20 under section 8003(d), there are authorized to be appropriated such sums as may be
21 necessary for fiscal year 2012 and each of the 4 succeeding fiscal years.

22 “(4) CONSTRUCTION.—For the purpose of carrying out section 8007, there are authorized
23 to be appropriated such sums as may be necessary for fiscal year 2012 and each of the 4
24 succeeding fiscal years.

25 “(5) FACILITIES MAINTENANCE.—For the purpose of carrying out section 8008, there are
26 authorized to be appropriated such sums as may be necessary for fiscal year 2012 and each
27 of the 4 succeeding fiscal years.”.

28 TITLE I—ENSURING COLLEGE AND CAREER 29 READINESS FOR ALL STUDENTS

30 SEC. 1001. PURPOSE.

31 Section 1001 (20 U.S.C. 6301) is amended to read as follows:

32 “SEC. 1001. PURPOSE.

33 “The purpose of this title is to ensure that every child has a fair, equal, and significant
34 opportunity to obtain a high-quality education, succeed from the earliest grades, and graduate
35 from high school ready for college, career, and citizenship. This purpose can be accomplished
36 by—

37 “(1) setting high expectations for children to graduate from high school college and
38 career ready;

1 “(2) supporting high-quality teaching that uses student achievement data, professional
2 collaboration, meaningful feedback, effective technologies, student engagement,
3 multi-tiered systems of support, and other evidence-based practices to continuously improve
4 instruction and encourage new models of teaching and learning;

5 “(3) removing barriers to, and encouraging State and local innovation and leadership in,
6 education based on the evaluation of success and continuous improvement, especially in
7 providing excellent instruction, high-quality assessments, meaningful accountability,
8 evidence-based supports and interventions in underperforming schools, highly effective
9 educators, a well-rounded education, and other key factors for success;

10 “(4) providing additional resources and supports to meet the needs of disadvantaged
11 students, including children from low-income families and those attending high-poverty
12 schools, English learners, migratory children, children with disabilities, Indian children, and
13 neglected or delinquent children;

14 “(5) focusing on increasing student achievement and closing achievement gaps,
15 especially achievement gaps between minority and nonminority students and between
16 disadvantaged children and their more advantaged peers;

17 “(6) removing barriers and promoting integration across all levels of education, and
18 across Federal education programs;

19 “(7) streamlining Federal requirements to reduce burden on States, districts local
20 educational agencies, schools, and educators; and

21 “(8) strengthening parental engagement and coordination of student, family, and
22 community supports to promote student success.”.

23 SEC. 1002. STATE RESERVATIONS.

24 Title I (20 U.S.C. 6301 et seq.) is amended—

25 (1) by striking sections 1002 and 1003; and

26 (2) by redesignating section 1004 as section 1002; and

27 (3) in section 1002 (as redesignated by paragraph (2))—

28 (A) in the section heading, by inserting “and state accountability and support” before
29 the period at the end;

30 (B) by redesignating paragraphs (1) and (2) of subsection (a) as subparagraphs (A)
31 and (B), respectively, and by aligning the margins of such subparagraphs with the
32 margins of subparagraph (A) of section 1111(a)(1);

33 (C) by redesignating subsection (b) as paragraph (2) of subsection (a), and by
34 aligning the margins of such paragraph with the margins of paragraph (1) of section
35 1111(a);

36 (D) by striking “In General.—Except as provided in subsection (b)” and inserting
37 the following: “State Administration.—

38 “(1) IN GENERAL.—Except as provided in paragraph (2)”;

39 (E) in subsection (a)(2) (as redesignated by subparagraph (C)), by striking

1 “subsection (a)(1)” and inserting “paragraph (1)(A)”; and

2 (F) by adding at the end the following:

3 “(b) Accountability and Support.—

4 “(1) IN GENERAL.—Each State may reserve not more than 4 percent of the amount the
5 State receives under subpart 2 of part A to carry out paragraph (2) and to carry out the State
6 and local educational agency responsibilities under sections 1116, which may include
7 carrying out a statewide system of technical assistance and support for local educational
8 agencies.

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

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

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

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

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

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

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

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

28 “(A) the relative allocations the State educational agency made to those agencies for
29 that fiscal year under subpart 2 of part A; or

30 “(B) section 1126(c).

31 “(5) SPECIAL RULE.—Notwithstanding any other provision of this subsection, the amount
32 of funds reserved by the State educational agency under this subsection in any fiscal year
33 shall not decrease the amount of funds each local educational agency receives under subpart
34 2 below the amount received by such local educational agency under such subpart for the
35 preceding fiscal year.

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

1 PART A—IMPROVING THE ACADEMIC ACHIEVEMENT
2 OF THE DISADVANTAGED

3 SEC. 1111. STATE AND LOCAL REQUIREMENTS.

4 Section 1111 (20 U.S.C. 6301) is amended to read as follows:

5 “SEC. 1111. STATE AND LOCAL REQUIREMENTS.

6 “(a) Academic Standards, Academic Assessments, and Accountability Requirements.—

7 “(1) REQUIREMENTS FOR COLLEGE AND CAREER READY STATE STANDARDS.—In order to
8 receive a grant under this part, each State shall demonstrate that the State meets the
9 following requirements:

10 “(A) COLLEGE AND CAREER READY ALIGNED STANDARDS FOR READING OR
11 LANGUAGE ARTS AND MATHEMATICS.—

12 “(i) IN GENERAL.—The State shall—

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

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

20 “(ii) ALIGNMENT OF COLLEGE AND CAREER READY STANDARDS.—Each State
21 plan shall demonstrate that the State has adopted college and career ready
22 academic content standards and college and career ready student academic
23 achievement standards that are aligned with—

24 “(I) academic coursework, without the need for remediation, at public
25 institutions of higher education in the State;

26 “(II) relevant State career and technical education standards; and

27 “(III) appropriate career skills.

28 “(iii) REQUIREMENTS FOR ACADEMIC CONTENT STANDARDS.—College and
29 career ready academic content standards shall—

30 “(I) be used by the State, and by local educational agencies, public
31 elementary schools, and public secondary schools in the State to carry out
32 the requirements of this part;

33 “(II) be the same standards that the State applies to all public elementary
34 and secondary schools and students in the State;

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

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

1 “(iv) REQUIREMENTS FOR STUDENT ACADEMIC ACHIEVEMENT
2 STANDARDS.—College and career ready student academic achievement standards
3 for a subject shall—

4 “(I) be aligned with the State’s academic content standards described in
5 clause (iii); and

6 “(II) establish levels of performance ~~“(at a minimum,~~ basic, on-track, and
7 advanced ~~)~~ **levels**) that determine how well students are mastering the
8 material in the State academic content standards.

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

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

15 “(B) SCIENCE STANDARDS.—A State—

16 “(i) shall demonstrate that the State has adopted, **by not later than December**
17 **31, 2013**, statewide academic content standards and student academic
18 achievement standards in science that are aligned with the knowledge and skills
19 needed to be college and career ready, as described in subparagraph (A)(ii);

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

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

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

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

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

36 “(ii) such alternate academic achievement standards—

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

39 “(II) ~~promote~~ **provide** access to the general curriculum and the student
40 academic achievement standards required under this paragraph for such

1 subject; and

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

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

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

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

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

15 “(iv) are updated, not later than 1 year after the State adopts any new academic
16 content standards in reading or language arts under this paragraph, in order to
17 align the English language proficiency standards with the new content standards.

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

22 “(G) EXISTING STANDARDS.—**Nothing in this part shall prohibit a State from**
23 **revising, consistent with this section, any standard adopted under this part**
24 **before, on, or after the date of enactment of the Elementary and Secondary**
25 **Education Reauthorization Act of 2011.**

26 “(2) ACADEMIC ASSESSMENTS.—

27 “(A) STATE ASSESSMENTS.—The State plan shall demonstrate that the State
28 educational agency, in consultation with local educational agencies, shall, beginning
29 not later than the beginning of the 2015–2016 school year, adopt and implement
30 statewide assessments that—

31 “(i) include statewide assessments in reading or language arts, and
32 mathematics, annually for grades 3 through 8 and not less frequently than once
33 during grades 10 through 12, that—

34 “(I) are aligned with the State’s academic content standards in such
35 subjects under paragraph (1)(A);

36 “(II) are administered to all public elementary and secondary school
37 students in the State;

38 “(III) measure individual academic achievement;

39 “(IV) in the case of a State described in subsection (b)(1)(B), measure
40 individual student growth, including measuring whether students are ~~making~~

1 ~~adequate student growth~~ **attaining growth in accordance with clauses (i)**
2 **and (ii) of such subsection; and**

3 “(V) may, at the State’s choosing—

4 “(aa) be administered through a single summative assessment each
5 year; or

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

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

15 “(I) student achievement relative to the State’s science student academic
16 achievement standards under paragraph (1)(B);

17 “(II) individual academic achievement; and

18 “(III) in the case of a State described in subsection (b)(1)(B), individual
19 student growth, including measuring whether students are ~~making adequate~~
20 ~~student growth;~~ **attaining growth in accordance with clauses (i) and (ii) of**
21 **such subsection;**

22 “(iii) include the English language proficiency assessments and any alternate
23 assessments described in subparagraphs (D) and (E), respectively; and

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

27 “(B) REQUIREMENTS FOR ASSESSMENTS.—The assessments administered under this
28 paragraph shall—

29 “(i) be the same academic assessments used to measure the achievement of all
30 students;

31 “(ii) be used only for purposes for which such assessments are valid and
32 reliable, and be consistent with relevant, nationally recognized professional and
33 technical standards;

34 “(iii) be used only if the State educational agency provides to the Secretary
35 evidence that the assessments used are of adequate technical quality for each
36 purpose required under this Act and are consistent with the requirements of this
37 section, which evidence the Secretary may make public;

38 “(iv) involve multiple measures of student academic achievement, including
39 measures that assess higher-order thinking skills and understanding;

40 “(v) provide for—

1 “(I) the participation in such assessments of all students;
2 “(II) the reasonable adaptations ~~and valid and reliable accommodations~~ for
3 children with disabilities ~~(as defined under section 602(3) of the Individuals-~~
4 ~~with Disabilities Education Act)~~ necessary to measure the academic
5 achievement of such children in a subject, relative to the State academic
6 content standards and State student academic achievement standards under
7 paragraph (1) for such subject; and

8 **“(III) the valid and reliable accommodations for children with**
9 **disabilities necessary to measure the academic achievement of such**
10 **children in a subject, relative to the State academic content standards**
11 **and State student academic achievement standards under paragraph (1)**
12 **for such subject; and**

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

24 “(vi) notwithstanding clause ~~(v)(III)~~**(v)(IV)**, include the academic assessment
25 (using tests written in English) of reading or language arts of any student who has
26 attended school in the United States (not including Puerto Rico) for 3 or more
27 consecutive school years, except that, if the local educational agency determines,
28 on a case-by-case individual basis, that academic assessments in another language
29 or form would likely yield more accurate and reliable information on what such
30 student knows and can do, the local educational agency may make a
31 determination to assess such student in the appropriate language other than
32 English for a period that does not exceed 2 additional consecutive years, if such
33 student has not yet reached a level of English language proficiency sufficient to
34 yield valid and reliable information on what such student knows and can do on
35 tests (written in English) of reading or language arts;

36 “(vii) include students who have attended schools in a local educational agency
37 for a full academic year but have not attended a single school for a full academic
38 year;

39 “(viii) produce individual student interpretive, descriptive, and diagnostic
40 reports that allow parents, teachers, and principals to understand and address the
41 specific academic needs of students and include information regarding
42 achievement on the academic assessments aligned with State academic
43 achievement standards, and that are provided to parents, teachers, and
44 principals—

1 “(I) as soon as is practicably possible after the assessment is given;

2 “(II) in an understandable and uniform format; and

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

4 “(ix) enable results to be disaggregated within the State, local educational
5 agency, and school by gender, by each major racial and ethnic group, by English
6 language proficiency status, by migrant status, by status as a student with a
7 disability, and by economically disadvantaged status, except that, in the case of a
8 local educational agency or a school, such disaggregation shall not be required in
9 a case in which the results would reveal personally identifiable information about
10 an individual student;

11 “(x) be consistent with widely accepted professional testing standards and
12 objectively measure academic achievement, knowledge, and skills;

13 “(xi) not evaluate or assess personal or family beliefs and attitudes or publicly
14 disclose personally identifiable information;

15 “(xii) enable itemized score analyses to be produced and reported, consistent
16 with clause (ii), to local educational agencies and schools, so that parents,
17 teachers, principals, and administrators can interpret and address the specific
18 academic needs of students as indicated by the students’ achievement on
19 assessment items;

20 “(xiii) produce student achievement and other student data that can be used to
21 inform determinations of individual principal and teacher effectiveness for
22 purposes of evaluation and for determining the needs of principals and teachers
23 for professional development and support; and

24 “(xiv) **consistent with subsection (a)(3)(D)**, be administered to not less than
25 95 percent of all students, and not less than 95 percent of each subgroup of
26 students described in clause (ix), who are enrolled in the school.

27 “(C) LANGUAGES OF ASSESSMENTS.—The State shall identify the languages other
28 than English that are present in the participating student population in the State and
29 indicate, in the State’s plan under subsection (b), the languages for which yearly
30 student academic assessments included in the State’s accountability system under
31 paragraph (3) are not available and are needed. The State shall make every effort to
32 develop assessments in such languages and may request assistance from the Secretary
33 if linguistically accessible academic assessments are needed. Upon request, the
34 Secretary shall assist with the identification of appropriate academic assessments in
35 such languages, but shall not mandate a specific academic assessment or mode of
36 instruction.

37 “(D) ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY.—

38 “(i) IN GENERAL.—Each State plan shall demonstrate that local educational
39 agencies in the State will, not later than the beginning of the 2015–2016 school
40 year, provide for the annual assessment of English language proficiency of all
41 English learners in the schools served by the State educational agency.

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

3 “(I) be aligned with the State’s English language proficiency standards
4 under paragraph (1)(E);

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

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

9 “(E) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT
10 COGNITIVE DISABILITIES.—A State may provide alternate assessments that are aligned
11 with alternate academic achievement standards described in paragraph (1)(D) for
12 students with the most significant cognitive disabilities, if the State—

13 “(i) establishes and monitors implementation of clear and appropriate
14 guidelines for individualized education program teams (as defined in section
15 614(d)(1)(B) of the Individuals with Disabilities Education Act) to apply in
16 determining, on a subject-by-subject basis, when a child’s significant cognitive
17 disability justifies assessment based on alternate academic achievement standards;

18 “(ii) ensures that parents of the students whom the State plans to assess using
19 alternate assessments are ~~informed~~ **involved in the decision** that their child’s
20 academic achievement will be measured against alternate academic achievement
21 standards ~~and~~, **consistent with section 614(d)(1)(A)(i)(VI)(bb) of the**
22 **Individuals with Disabilities Education Act and are informed** whether
23 participation in such assessment ~~precludes~~ **may preclude** the student from
24 completing the requirements for a regular high school diploma, as determined by
25 the State;

26 “(iii) provides evidence that students with the most significant cognitive
27 disabilities are, to the **maximum** extent practicable, included in the general
28 curriculum and in assessments aligned with such curriculum, **as described in**
29 **section 601(c)(5)(A) of the Individuals with Disabilities Education Act;**

30 “(iv) certifies that, **consistent with section 612(a)(16)(A) of the Individuals**
31 **with Disabilities Education Act**, the State’s regular academic assessments
32 described in subparagraphs (A), (C), and (D) are **universally designed to be**
33 accessible to students ~~with all forms of disabilities~~, including **students with**
34 sensory, physical, and intellectual disabilities, through the provision of reasonable
35 adaptations and valid and reliable accommodations that produce valid results;

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

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

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

8 ~~“(F) MANAGING AND UPDATING ASSESSMENTS.—THE REDUCING DUPLICATIVE~~
9 ~~ASSESSMENT.—The State shall include, in the State plan under subsection (b), a~~
10 description of how the State will regularly ~~conduct an inventory of State and local~~
11 ~~educational agency student assessments, including an analysis of~~ **analyze** assessment
12 and accommodations practice and use, and reduce duplicative assessment.

13 “(3) STATE-DESIGNED ACCOUNTABILITY SYSTEMS.—

14 “(A) ACCOUNTABILITY SYSTEM.—Each State plan shall, not later than the beginning
15 of the 2013–2014 school year, demonstrate that the State educational agency has
16 developed and is implementing a single, statewide accountability system that—

17 “(i) annually measures and reports on—

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

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

22 “(ii) expects the continuous improvement of all public schools in the State in
23 the academic achievement and outcomes of all students, including the subgroups
24 of students described in paragraph 1116(b)(1)(B);

25 “(iii) annually identifies schools that need supports and interventions to prepare
26 college and career ready students;

27 “(iv) provides for the improvement, through supports and interventions that
28 address student needs, of all schools that are not identified under section 1116(b)
29 but are low-performing or have low-performing subgroups of the students
30 described in section 1116(b)(1)(B);

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

33 “(vi) recognizes, and encourages other local educational agencies to replicate,
34 the practices of local educational agencies and schools that are successful in
35 effecting significant student achievement or student growth; and

36 “(vii) meets the requirements of section 1116.

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

1 and assessments under paragraph (2)(B) for the subject.

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

5 “(D) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.—In
6 determining the percentage of students who are on track to college and career readiness
7 or, if applicable, ~~making adequate student growth~~ **attaining growth in accordance**
8 **with clauses (i) and (ii) of subsection (b)(1)(B)**, for a subject for any purpose under
9 this section, section 1116, or section 1117, a State educational agency may include, for
10 all schools in the State, the performance of the State’s students with the most
11 significant cognitive disabilities on alternate assessments as described in subsection
12 (a)(2)(E) in the subjects included in the State’s accountability system, if the total
13 number of those students in all grades assessed and for each subject in the
14 accountability system who are on track to college and career readiness, according to
15 those alternate assessments, does not exceed 1 percent of all students in the State in the
16 grades assessed in each subject.

17 “(4) TRANSITION PROVISIONS.—The Secretary shall take such steps as are necessary to
18 provide for the orderly transition between the accountability systems required under section
19 1111(b)(2), as such section was in effect on the day before the date of enactment of the
20 Elementary and Secondary Education Reauthorization Act of 2011, and the new
21 accountability systems required under this subsection.

22 “(5) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with
23 another State to develop and implement the academic assessments, academic content
24 standards, and student academic achievement standards required under this section.

25 “(b) State Plans.—

26 “(1) IN GENERAL.—For any State desiring to receive a grant under this part, the State
27 educational agency shall submit to the Secretary a plan, developed by the State educational
28 agency in consultation with local educational agencies, teachers, principals, specialized
29 instructional support personnel, administrators, other staff, and parents, that—

30 “(A) demonstrates the State’s compliance with this section;

31 “(B) if the State chooses to use student growth as a measure of academic progress
32 and to determine if students are on track to college and career readiness ~~in accordance~~
33 ~~with section 9101(44)(B)~~, **demonstrates, describes** how the State will measure student
34 growth ~~in accordance with this section~~; **to ensure that—**

35 “(i) **a student performing below the on-track level of performance for the**
36 **student’s grade level under subsection (a)(1)(A)(iv) on the academic**
37 **assessment for the subject under subsection (a)(2) is attaining a rate of**
38 **academic growth in the subject that indicates that the student will be on**
39 **track to college and career readiness in not more than a specified number of**
40 **years; or**

41 “(ii) **a student who is performing at or above the on-track level of**
42 **performance for the student’s grade level on the academic assessment for the**

1 **subject is continuing to make academic growth;**

2 “(C) is coordinated with the State plans required by other programs under this Act,
3 the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973 (29
4 U.S.C. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006,
5 the Head Start Act, **the Child Care and Development Block Grant Act of 1990**, and
6 the Adult Education and Family Literacy Act;

7 “(D) provides an assurance that the State will continue to administer the academic
8 assessments required under paragraph (3)(B) and (7) of subsection (b), as such
9 paragraphs were in effect on the day before the date of enactment of the Elementary
10 and Secondary Education Reauthorization Act of 2011, and to include the results of
11 such assessments in the State’s accountability system, until the State has implemented
12 the assessments required under subsection (a)(2);

13 “(E) describes the State accountability system under subsection (a)(3) and section
14 1117 (if the State chooses to carry out section 1117);

15 “(F) describes the process the State will utilize to review local educational agency
16 plans submitted pursuant to section 1112, including the parent and family engagement
17 plan described in section 1118 and other provisions related to parent and family
18 engagement;

19 “(G) describes the support the State will provide to local educational agencies for
20 the education of homeless children and youths, and how such support is consistent with
21 the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance
22 Act;

23 “(H) describes how the State educational agency has involved the committee of
24 practitioners established under section ~~1903(b)~~ **1503(b)** in developing the plan and
25 monitoring its implementation;

26 ~~“(I) describes—~~ **describes how the State educational agency will coordinate with**
27 **the State Advisory Council on Early Childhood Education and Care, as**
28 **appropriate;**

29 ~~“(i) how, during the period”~~ **“(J) describes how,** beginning not later than 1 year after
30 the date of enactment of the Elementary and Secondary Education Reauthorization Act
31 of 2011 ~~and ending on the date that is 5 years after such date of enactment or the date~~
32 ~~by which all local educational agencies in the State have implemented teacher and~~
33 ~~principal evaluation systems that meet the requirements of section 2123, whichever is~~
34 ~~sooner—, and for each subsequent year—~~

35 ~~“(I)”~~ **“(i) the State educational agency will provide for the equitable distribution**
36 **of teachers in the State within local educational agencies and the State using data**
37 **on the percentage and distribution of more than 1, or an index that incorporates**
38 **more than 1, of the categories of teachers described in subparagraph (J) as**
39 **transitional measures of teacher quality; and (K); and**

40 ~~“(H)”~~ **“(ii) the State will report to the Secretary the percentage and distribution of**
41 **teachers in the State, based on the transitional measures used in the State, for each**
42 **quartile of schools based on school poverty level, for high-minority schools, and**

1 for low-minority schools; and

2 ~~“(ii) how, for each year following the time period described in clause (i), the State~~
3 ~~educational agency will provide for the equitable distribution of teachers within local~~
4 ~~educational agencies and the State so that low-income and minority students are not~~
5 ~~taught at higher rates than other children by teachers in the lowest rating category of~~
6 ~~the State teacher evaluation system, consistent with section 2123; and~~

7 ~~“(J)“(K) describes how the State will annually submit to the Secretary, for each~~
8 ~~quartile of schools in the State based on school poverty level and for high-minority~~
9 ~~schools and low-minority schools in the State, data regarding the percentage and~~
10 ~~distribution of the following categories of teachers:~~

11 “(i) Teachers who are not classified as highly qualified teachers.

12 “(ii) Teachers who are inexperienced.

13 “(iii) Teachers who have not completed a teacher preparation program.

14 “(iv) Teachers who are not teaching in the subject or field for which the teacher
15 is certified or licensed.

16 **“(v) Where applicable, teachers who are in the highest or lowest rating**
17 **categories of a teacher evaluation system that is consistent with section**
18 **2301(b)(4).**

19 “(2) COMPREHENSIVE PLAN.—A State plan submitted under paragraph (1) may be
20 submitted as part of the comprehensive plan under section 9302.

21 “(3) DURATION OF THE PLAN.—

22 “(A) IN GENERAL.—Each State plan shall—

23 “(i) remain in effect for the duration of the State’s participation under this part;
24 and

25 “(ii) be periodically reviewed and revised as necessary by the State educational
26 agency to reflect changes in the State’s strategies and programs under this part.

27 “(B) ADDITIONAL INFORMATION.—

28 “(i) REVISED PLANS.—If a State makes significant changes to its plan, such as
29 adopting new State academic content standards, new State student achievement
30 standards, or new academic assessments under subsection (a), the State shall
31 submit a revised plan to the Secretary.

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

36 “(4) PEER REVIEW AND SECRETARIAL APPROVAL.—

37 “(A) SECRETARIAL DUTIES.—The Secretary shall—

38 “(i) establish a peer-review process **that maximizes collaboration with each**
39 **State** to assist in the review of State plans;

1 “(ii) appoint expert individuals to the peer-review process who—

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

3 “(II) are representative of parents, teachers, State educational agencies,
4 and local educational agencies; and

5 “(III) are familiar with educational standards, assessments, accountability,
6 the needs of persistently low-achieving schools as described in section
7 1116(c)(2), and the needs of disadvantaged students and other educational
8 needs of students;

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

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

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

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

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

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

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

23 “(vii) if the Secretary determines that the State plan does not meet the
24 requirements of this subsection and subsection (c), immediately notify the State in
25 writing of such determination and the reasons for such determination; and

26 “(viii) not have the authority to require a State, as a condition of approval of the
27 State plan, to include in, or delete from, such plan one or more specific elements
28 of the State’s academic content standards or to use specific academic assessment
29 instruments or items.

30 “(B) STATE REVISIONS.—A State plan shall be revised by the State educational
31 agency if necessary to satisfy the requirements of this section.

32 “(c) Parent and Family Engagement.—Each State plan shall include a description of how the
33 State will strengthen engagement of the parents and families in education (referred to in this
34 subsection as the ‘parent and family engagement plan’) in accordance with the following:

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

40 “(A) increase student academic achievement and college and career readiness (as

1 measured by the State academic content and student academic achievement standards);

2 “(B) provide parents and family members with the skills and opportunities necessary
3 to become full partners in their child’s education;

4 “(C) improve child development;

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

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

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

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

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

17 “(i) Federal, State and local programs;

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

19 “(iii) the parent and family information and resource centers established under
20 ~~subpart 16 of part D F~~ of title ~~V IV~~; and

21 “(iv) appropriate non-Federal entities (such as community-based and
22 philanthropic organizations); and

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

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

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

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

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

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

39 “(C) may include assistance in developing, revising, or implementing the local

1 educational agency plans submitted pursuant to section 1112, as such plans relate to
2 supporting parent and family engagement.

3 “(4) LEVERAGING RESOURCES.—Each State plan may include a description of how the
4 State will leverage resources of employers, business leaders, philanthropic and non-profit
5 organizations, and other community members committed to improving student achievement
6 and development to increase and strengthen parent and family engagement.

7 “(d) Annual State Report Cards.—

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

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

13 “(A) be uniform across the State;

14 “(B) be concise;

15 “(C) be presented in a format that is easily understandable and, to the extent
16 practicable, provided in a language that parents can understand; and

17 “(D) be accessible to the public, which shall include—

18 “(i) making the State report card and all local educational agency, and school
19 report cards available on a single webpage of the State’s website;

20 “(ii) placing, on the website of each local educational agency and, where
21 applicable, each school, a link that provides access to the report card for the
22 school or local educational agency, respectively; and

23 “(iii) providing a copy of a school’s report card to the parents of each student
24 enrolled in the school each year.

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

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

31 “(B) Information on each of the following, in the aggregate and disaggregated by the
32 subgroups described in subsection (a)(2)(B)(ix) (except that such disaggregation shall
33 not be required in a case in which the results would reveal personally identifiable
34 information about an individual student):

35 “(i) Student achievement at each performance level on the State academic
36 assessments that are included in the State’s accountability system under
37 subsection (a)(3).

38 “(ii) The percentage of students who do not take the State academic
39 assessments.

1 “(iii) The most recent 3-year trend in student achievement in each subject area,
2 and for each grade level, for such assessments.

3 “(iv) A comparison of the school’s student academic assessment data to the
4 State average for each tested subject.

5 “(v) In the case of a school in a State described in subsection (b)(1)(B)—

6 “(I) the number and percentage of students who are ~~making adequate~~
7 ~~student growth~~ **attaining growth, in accordance with clauses (i) and (ii) of**
8 **such subsection**, for each subject area and grade level; and

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

11 “(vi) The number and percentages of students with the most significant
12 cognitive disabilities that take an alternate assessment under subsection (a)(2)(E),
13 by grade and subject.

14 “(vii) The number of students who are English learners, and the performance of
15 such students, on the State’s English language proficiency assessments under
16 subsection (a)(2)(D), including the students’ attainment of, and progress toward,
17 higher levels of English language proficiency.

18 “(viii) For each high school—

19 “(I) student graduation rates, including—

20 “(aa) the 4-year adjusted cohort graduation rate, **as** defined in section
21 ~~1110(3)(A)~~ **9101(30)(A)**; and

22 “(bb) the cumulative graduation rate, **as** defined in section
23 ~~1110(3)(B)~~ **9101(30)(B)**; and

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

28 “(III) not later than the beginning of the 2013–2014 school year, the rate
29 of student remediation, in the aggregate, for high school graduates who
30 enroll in public institutions of higher education in the State or in other
31 institutions of higher education (to the extent obtaining the data regarding
32 **remediation from** other institutions is practicable).

33 “(ix) The school’s categorization, if applicable, in the State school
34 accountability and improvement system under section 1116.

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

40 “(4) OPTIONAL INFORMATION.—A State may include in each school report card such

1 other information as the State believes will best provide parents, students, and other
2 members of the public with information regarding the progress of each of the State’s public
3 elementary and secondary schools. Such information may include—

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

7 “(B) the average class size, by grade;

8 “(C) the incidence of school violence, bullying, drug abuse, alcohol abuse, student
9 suspensions, student detentions, and student expulsions;

10 “(D) indicators of school climate;

11 “(E) student attendance; and

12 “(F) school readiness of students in kindergarten.

13 “(5) LOCAL EDUCATIONAL AGENCY AND STATE REPORT CARDS.—Each local educational
14 agency report card and State report card required under paragraph (1)—

15 “(A) shall include the data described in clauses (i) through (viii) of paragraph (3)(B)
16 for the local educational agency or State, respectively, as a whole and disaggregated by
17 the subgroups described in subsection (a)(2)(B)(ix); and

18 “(B) may include any optional information described in paragraph (4) for the local
19 educational agency or State, respectively.

20 “(6) DATA.—A State shall only include in a school report card or local educational
21 agency report card, data that do not reveal personally identifiable information about an
22 individual student.

23 “(7) PREEXISTING REPORT CARDS.—A State educational agency or local educational
24 agency that was providing public report cards on the performance of students, schools, local
25 educational agencies, or the State prior to the date of enactment of the Elementary and
26 Secondary Education Reauthorization Act of 2011, may use those report cards for the
27 purpose of this subsection as long as any such report card is modified, as may be needed, to
28 contain the information required by this subsection.

29 “(8) COST REDUCTION.—Each State educational agency and local educational agency
30 receiving assistance under this part shall, wherever possible, take steps to reduce data
31 collection costs and duplication of effort by obtaining the information required under this
32 subsection through existing data collection efforts.

33 “(e) Reporting.—

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

37 “(A) information on the State’s progress in developing and implementing the
38 academic assessments described in subsection (a)(2);

39 “(B) information on the achievement of students, in terms of being on track to
40 college and career readiness and, for States described in subsection (b)(1)(B), in terms

1 of ~~making adequate student growth~~ **attaining growth in accordance with clauses (i)**
2 **and (ii) of such subsection**, on such academic assessments, including results
3 disaggregated by the subgroups described in subsection (a)(2)(B)(ix);

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

8 “(D) information on the acquisition of English language proficiency by students who
9 are English learners;

10 “(E) the number of schools, and the name of each school, identified under section
11 1116(c)(2); and

12 “(F) the number of schools, and the name of each school, identified under section
13 1117.

14 “(2) SECRETARY’S REPORT CARD AND BIENNIAL EVALUATION REPORT.—

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

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

23 “(ii) analyze data from the National Assessment of Educational Progress and
24 international assessments, including the Third International Mathematics and
25 Science Survey;

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

31 “(iv) compare the performance of students, **including the subgroups**
32 **described in clause (iii)**, across States and local educational agencies across the
33 United States;

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

37 “(vi) identify and report on areas of educational concern that warrant national
38 attention; and

39 “(vii)(I) analyze existing data, as of the time of the report, on Federal, State,
40 and local expenditures on education, including per pupil spending, teacher salaries
41 and pension obligations, school level spending, and other financial data publicly

1 available; and

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

3 “(B) **SPECIAL RULE.—The information used to prepare the report described in**
4 **subparagraph (A) shall be derived from existing State and local reporting**
5 **requirements and data sources. Nothing in this paragraph shall be construed as**
6 **authorizing, requiring, or allowing any additional reporting requirements, data**
7 **elements, or information to be reported to the Secretary not otherwise explicitly**
8 **authorized by any other Federal law.**

9 “(C) **BIENNIAL REPORT.—**The Secretary shall transmit biennially to the authorizing
10 committees a report that provides national and State-level data on the information
11 collected under paragraph (1).

12 “(f) **Penalties.—**If a State that receives a grant under this part fails to meet any requirement of
13 this part, the Secretary may withhold funds for State administration under this part until the
14 Secretary determines that the State has fulfilled those requirements.

15 “(g) **Parents’ Right-to-know.—**

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

22 “(A) Whether the teacher has met State qualification and licensing criteria for the
23 grade levels and subject areas in which the teacher provides instruction.

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

26 “(C) The baccalaureate degree major of the teacher and any other graduate
27 certification or degree held by the teacher, and the field of discipline of the
28 certification or degree.

29 “(D) Whether the student is provided services by paraprofessionals and, if so, their
30 qualifications.

31 “(2) **ADDITIONAL INFORMATION.—**In addition to the information that parents of students
32 may request under paragraph (1), a school that receives funds under this part shall provide
33 to each individual parent, with respect to the student—

34 “(A) information on the level of achievement of the student in each of the State
35 academic assessments as required under this part; and

36 “(B) timely notice that the student has been assigned, or has been taught for 4 or
37 more consecutive weeks by, a teacher who is not highly qualified.

38 “(3) **FORMAT.—**The notice and information provided to parents under this subsection
39 shall be in an understandable and uniform format and, to the extent practicable, provided in
40 a language that the parents can understand.

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

3 “(i) Technical Assistance.—The Secretary shall provide a State educational agency, at the
4 State educational agency’s request, technical assistance in meeting the requirements of this
5 section, including the provision of advice by experts in the development of high-quality
6 academic assessments, the setting of State standards, the development of State accountability
7 systems, the minimum number of students in a subgroup needed to protect confidentiality, and
8 other relevant areas.

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

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

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

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

23 “(3) TRIBALLY ACCREDITED SCHOOLS.—Each such school that is accredited by a tribal
24 accrediting agency or tribal division of education shall use assessments developed by such
25 agency or division, except that the Secretary of the Interior shall ensure that such
26 assessments meet the requirements of this **section.**” ~~section.~~

27 ~~“(1) Definition of Adequate Student Growth.—In this section, the term ‘adequate student
28 growth’ with respect to a subject means—~~

29 ~~“(1) for a student who, for the year for which the determination of adequate student
30 growth is being made, is performing below the on-track level of performance for the
31 student’s grade level under subsection (a)(1)(A)(iv) on the academic assessment for the
32 subject under subsection (a)(2), a rate of academic growth in the subject that indicates that
33 the student will be on track to college and career readiness in not more than 3 years; or~~

34 ~~“(2) for a student who, for the year for which the determination is being made, is
35 performing at or above the on-track level of performance for the student’s grade level on the
36 academic assessment for the subject, a rate of academic growth in the subject equal to not
37 less than 1 year’s academic growth.”.~~

38 SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

39 Section 1112 (20 U.S.C. 6312) is amended to read as follows:

40 “SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.

1 “(a) Plans Required.—

2 “(1) SUBGRANTS.—A local educational agency may receive a subgrant under this part for
3 any fiscal year only if such agency has on file with the State educational agency a plan,
4 approved by the State educational agency, that is coordinated with other programs under
5 this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Career and
6 Technical Education Act of 2006, the McKinney-Vento Homeless Assistance Act, and other
7 Acts, as appropriate.

8 “(2) CONSOLIDATED APPLICATION.—The plan may be submitted as part of a consolidated
9 application under section 9305.

10 “(b) Plan Development and Duration.—

11 “(1) CONSULTATION.—Each local educational agency plan shall be developed in
12 consultation ~~with~~ **with**—

13 “(A) teachers, principals, administrators, and other appropriate school personnel ~~and~~
14 **with;**

15 “(B) **representatives of early childhood education and care programs in the**
16 **geographic area served by the local educational agency, as appropriate; and**

17 “(C) parents and family members of children in schools served under this part.

18 “(2) DURATION.—Each local educational agency plan shall be submitted pursuant to this
19 section for the first year for which this part is in effect following the date of enactment of
20 the Elementary and Secondary Education Reauthorization Act of 2011 and shall remain in
21 effect for the duration of the agency’s participation under this part.

22 “(3) REVIEW.—Each local educational agency shall periodically review and, as
23 necessary, revise its plan to reflect changes in the local educational agency’s strategies and
24 programs under this part.

25 “(c) State Approval.—

26 “(1) IN GENERAL.—Each local educational agency plan shall be filed according to a
27 schedule established by the State educational agency.

28 “(2) APPROVAL.—The State educational agency shall approve a local educational
29 agency’s plan only if the State educational agency determines that the local educational
30 agency’s plan—

31 “(A) enables schools served under this part to substantially help children served
32 under this part meet the academic standards expected of all children described in
33 section 1111(a)(1); and

34 “(B) meets the requirements of this part.

35 “(d) Plan Provisions.—In order to help low-achieving children meet college and career ready
36 student academic achievement standards, and to close the achievement gap between high- and
37 low-achieving children, especially achievement gaps between minority and nonminority
38 students, and between disadvantaged children and their more advantaged peers, each local
39 educational agency plan shall describe each of the following:

40 “(1) How the local educational agency will work with each of the schools served by the

1 agency to—

2 “(A) develop and implement a comprehensive program of instruction to meet the
3 academic needs of all students;

4 “(B) identify quickly and effectively students who may be at risk for academic
5 failure;

6 “(C) provide additional educational assistance to individual students assessed as
7 needing help in meeting the State’s college and career ready student academic
8 achievement standards;

9 “(D) identify significant gaps in student achievement among subgroups of students
10 identified under section 1111(a)(2)(B)(ix) and develop strategies to reduce such gaps
11 in achievement; and

12 “(E) identify and implement effective methods and instructional strategies that are
13 based on scientifically valid research intended to strengthen the core academic
14 programs of the schools, including multi-tiered systems of support, universal design
15 for learning, and positive behavioral interventions and supports.

16 “(2) How the local educational agency will monitor and evaluate the effectiveness of
17 school programs in improving student academic achievement, especially for students not
18 meeting college and career ready student academic achievement standards.

19 “(3) The strategy the local educational agency will use to implement effective parent and
20 family engagement under section 1118.

21 “(4) How the local educational agency will coordinate and integrate services provided
22 under this part with other early childhood education and care programs at the local
23 educational agency or individual school level (including programs under section 619 of the
24 Individuals with Disabilities Education Act) that include plans for the transition of
25 participants in such programs to local elementary school programs and, if appropriate, a
26 description of how the local educational agency will use funds under this part to support
27 preschool programs for children, particularly children participating in a Head Start program,
28 which may be provided directly by the local educational agency or through a subcontract
29 with the Head Start agency designated by the Secretary of Health and Human Services
30 under section 641 of the Head Start Act, or another comparable public early childhood
31 education and care program.

32 “(5) How activities under this part will be coordinated and integrated with Federal, State,
33 and local services and programs, including programs supported under this Act, the Carl D.
34 Perkins Career and Technical Education Act of 2006, the Individuals with Disabilities
35 Education Act, the Rehabilitation Act of 1973, the Head Start Act, **the Child Care and**
36 **Development Block Grant Act of 1990**, the Workforce Investment Act of 1998, violence
37 prevention programs, nutrition programs, and housing programs.

38 “(6) **How the local educational agency will coordinate and integrate services**
39 **provided under this part with local workforce development programs that serve**
40 **disadvantaged or out-of-school youth, such as those providing workforce investment**
41 **activities under chapter 4 of subtitle B of title I of the Workforce Investment Act of**
42 **1998, including a description of how the local educational agency will use funds under**

1 **this part to support such activities.**

2 “(7) The poverty criteria that will be used to select school attendance areas under section
3 1113.

4 ~~“(7)“(8)~~“(8) How teachers, in consultation with parents and family members, administrators,
5 and ~~pupil~~ **specialized instruction support** services personnel, in targeted assistance schools
6 under section 1115, will identify the eligible children most in need of services under this
7 part.

8 ~~“(8)“(9)~~“(9) How the local educational agency will, ~~during the period beginning not later~~
9 ~~than 1 year after the date of enactment of the Elementary and Secondary Education~~
10 ~~Reauthorization Act of 2011 and ending on the date that is 5 years after such date of~~
11 ~~enactment or the date by which the local educational agency has implemented a teacher and~~
12 ~~principal evaluation system that meets the requirements of section 2123, whichever is~~
13 ~~sooner, provide for~~ **identify and address any disparities in** the equitable distribution of
14 teachers among the schools served by such agency, so that low-income and minority
15 students are not taught at higher rates than other children by teachers in the lowest rating-
16 category consistent with section 2123(b)., **consistent with the requirements of section**
17 **1111(b)(1)(I).**

18 ~~“(9)“(10)~~“(10) Data on the percentage and distribution of more than 1, or an index that
19 incorporates more than 1, of the categories of teachers described in ~~clauses (i) through (iv)~~
20 ~~of subsection (e)(9)(B) as transitional measures of teacher quality.~~ **subparagraphs (A)**
21 **through (E) of subsection (e)(9).**

22 ~~“(10)“(11)~~“(11) A description of—

23 “(A) how the local educational agency will provide opportunities for the enrollment,
24 attendance, and success of homeless children and youths; and

25 “(B) the services the local educational agency will provide homeless children and
26 youths, including services provided with funds reserved under section 1113(c)(3), and
27 how those services may differ from those provided in prior years.

28 ~~“(11)“(12)~~“(12) A description of the support the local educational agency will provide for
29 homeless children and youths, consistent with the requirements of the McKinney-Vento
30 Homeless Assistance Act.

31 “(e) Assurances.—Each local educational agency plan shall provide assurances that the local
32 educational agency will—

33 “(1) use the results of the student academic assessments required under section
34 1111(a)(2), and other measures or indicators available to the agency, to review annually the
35 progress of each school served by the agency and receiving funds under this part to
36 determine whether all of the schools are making the progress necessary to ensure that all
37 students will meet the State’s on-track or advanced level of achievement on the State
38 academic assessments described in section 1111(a)(2);

39 “(2) provide to parents and teachers the results from the academic assessments required
40 under section 1111(a)(2) as soon as is practicably possible after the test is taken in an
41 understandable and uniform format and, to the extent possible, provided in a language that
42 the parents and, to the greatest extent practicable, family members, can understand;

1 “(3) participate, if selected, in State academic assessments of student achievement in
2 reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the
3 National Assessment of Educational Progress Authorization Act;

4 “(4) fulfill such agency’s school improvement responsibilities under section 1116;

5 “(5) ensure that migratory children who are eligible to receive services under this part are
6 selected to receive such services on the same basis as other children who are selected to
7 receive services under this part;

8 “(6) provide services to eligible children attending private elementary schools and
9 secondary schools in accordance with section 1120, and timely and meaningful consultation
10 with private school officials regarding such services;

11 “(7) inform eligible schools of the local educational agency’s authority to obtain waivers
12 on the school’s behalf under applicable Federal flexibility provisions;

13 “(8) in the case of a local educational agency that chooses to use funds under this part to
14 provide early childhood education and care services to low-income children below the age
15 of compulsory school attendance, ensure that such services comply with the education
16 performance standards in effect under section 641A(a)(1)(B) of the Head Start Act; and

17 ~~“(9)(A) during the transitional period before the agency has implemented an evaluation-~~
18 ~~system that meets the requirements under section 2123, annually submit to the State the~~
19 ~~transitional measure data described in subsection (d)(9) for such year, for each quartile of~~
20 ~~schools in the local educational agency based on school poverty level, for high-minority~~
21 ~~schools, and for low-minority schools; and~~

22 ~~“(B) annually submit to the State educational agency, for each quartile of schools in the~~
23 ~~local educational agency based on school poverty level and for high-minority schools and~~
24 ~~low-minority schools in the local educational agency, data regarding the percentage and~~
25 ~~distribution of the following categories of teachers:~~

26 ~~“(i)“(A) Teachers who are not classified as highly qualified teachers.~~

27 ~~“(ii)“(B) Teachers who are inexperienced.~~

28 ~~“(iii)“(C) Teachers who have not completed a teacher preparation program.~~

29 ~~“(iv)“(D) Teachers who are not teaching in the subject or field for which the teacher~~
30 ~~is certified or licensed.~~

31 **“(E) Where applicable, teachers who are in the highest or lowest categories of a**
32 **teacher evaluation system that is consistent with section 2301(b)(4).**

33 “(f) Parental Notification Regarding Language Instruction Programs.—

34 “(1) IN GENERAL.—

35 “(A) NOTICE.—Each local educational agency using funds under this part to provide
36 a language instruction educational program as determined under part C of title III shall,
37 not later than 30 days after the beginning of the school year, inform a parent or parents
38 of an English learner child identified for participation or participating in, such a
39 program of—

40 “(i) the reasons for the identification of their child as an English learner and in

1 need of placement in a language instruction educational program;

2 “(ii) the child’s level of English proficiency, how such level was assessed, and
3 the status of the child’s academic achievement;

4 “(iii) the methods of instruction used in the program in which their child is, or
5 will be, participating, and the methods of instruction used in other available
6 programs, including how such programs differ in content, instructional goals, and
7 the use of English and a native language in instruction;

8 “(iv) how the program in which their child is, or will be, participating, will
9 meet the educational strengths and needs of their child;

10 “(v) how such program will specifically help their child learn English, and meet
11 age-appropriate academic achievement standards for grade promotion and
12 graduation;

13 “(vi) the specific exit requirements for the program, including the expected rate
14 of transition from such program into classrooms that are not tailored for English
15 learner children, and the expected rate of graduation from secondary school for
16 such program if funds under this part are used for children in secondary schools;

17 “(vii) in the case of a child with a disability, how such program meets the
18 objectives of the individualized education program of the child; and

19 “(viii) information pertaining to parental rights that includes written
20 guidance—

21 “(I) detailing—

22 “(aa) the right that parents have to have their child immediately
23 removed from such program upon their request; and

24 “(bb) the options that parents have to decline to enroll their child in
25 such program or to choose another program or method of instruction, if
26 available; and

27 “(II) assisting parents in selecting among various programs and methods
28 of instruction, if more than 1 program or method is offered by the eligible
29 entity.

30 “(B) SEPARATE NOTIFICATION.—In addition to providing the information required to
31 be provided under paragraph (1), each local educational agency that is using funds
32 provided under this part to provide a language instruction educational program, shall
33 separately inform a parent or the parents of a child identified for participation in such
34 program, or participating in such program, of such failure not later than 30 days after
35 such failure occurs.

36 “(2) NOTICE.—The notice and information provided in paragraph (1) to a parent or
37 parents of a child identified for participation in a language instruction educational program
38 for English learner children shall be in an understandable and uniform format and, to the
39 extent practicable, provided in a language that the parents can understand.

40 “(3) SPECIAL RULE APPLICABLE DURING THE SCHOOL YEAR.—For those children who have

1 not been identified as English learners prior to the beginning of the school year who are
2 subsequently so identified, the local educational agency shall notify the parents of such
3 children within the first 2 weeks of the child being placed in a language instruction
4 educational program consistent with paragraphs (1) and (2).

5 “(4) PARENTAL PARTICIPATION.—Each local educational agency receiving funds under
6 this part shall implement an effective means of outreach to parents and, to the extent
7 practicable, family members, of English learner students to inform the parents and family
8 members regarding how the parents and family members can be involved in the education
9 of their children, and be active participants in assisting their children to attain English
10 proficiency, achieve at high levels in core academic subjects, and meet college and career
11 ready State academic achievement standards and State academic content standards expected
12 of all students, including holding, and sending notice of opportunities for, regular meetings
13 for the purpose of formulating and responding to recommendations from parents and family
14 members of students assisted under this part.

15 “(5) BASIS FOR ADMISSION OR EXCLUSION.—A student shall not be admitted to, or
16 excluded from, any federally assisted education program on the basis of a surname or
17 language-minority status.”.

18 SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

19 Section 1113 (20 U.S.C. 6313) is amended—

20 (1) in subsection (a)—

21 (A) by striking paragraph (3) and inserting the following:

22 “(3) RANKING ORDER.—

23 “(A) IN GENERAL.—Except as provided in subparagraph (B), if funds allocated in
24 accordance with subsection (c) are insufficient to serve all eligible school attendance
25 areas, a local educational agency shall—

26 “(i) annually rank, without regard to grade spans, such agency’s eligible school
27 attendance areas in which the concentration of children from low-income families
28 exceeds 75 percent, or exceeds 50 percent in the case of the high schools served
29 by such agency, from highest to lowest according to the percentage of children
30 from low-income families; and

31 “(ii) serve such eligible school attendance areas in rank order.

32 “(B) APPLICABILITY.—A local educational agency shall not be required to reduce, in
33 order to comply with subparagraph (A), the amount of funding provided under this part
34 to elementary schools and middle schools from the amount of funding provided under
35 this part to such schools for the fiscal year preceding the date of enactment of the
36 Elementary and Secondary Education Reauthorization Act of 2011 in order to provide
37 funding under this part to high schools pursuant to subparagraph (A).”;

38 (B) by striking paragraph (5) and inserting the following:

39 “(5) MEASURES.—

40 “(A) IN GENERAL.—Except as provided in subparagraph (B), the local educational

1 agency shall use the same measure of poverty, which measure shall be the number of
2 children ages 5 through 17 in poverty counted in the most recent census data approved
3 by the Secretary, the number of children eligible for free and reduced priced lunches
4 under the Richard B. Russell National School Lunch Act, the number of children in
5 families receiving assistance under the State program funded under part A of title IV of
6 the Social Security Act, or the number of children eligible to receive medical
7 assistance under the Medicaid program, or a composite of such indicators, with respect
8 to all school attendance areas in the local educational agency—

9 “(i) to identify eligible school attendance areas;

10 “(ii) to determine the ranking of each area; and

11 “(iii) to determine allocations under subsection (c).

12 “(B) LOW-INCOME FAMILIES IN SECONDARY SCHOOLS.—For measuring the number
13 of students in low-income families in secondary schools, the local educational agency
14 shall use the same measure of poverty, which shall be the calculation producing the
15 greater of the results from among the following 2 calculations:

16 “(i) The calculation described under subparagraph (A).

17 “(ii) A feeder pattern described in subparagraph (C).

18 “(C) FEEDER PATTERN.—In this part, the term ‘feeder pattern’ means an accurate
19 estimate of the number of students in low-income families in a secondary school that is
20 calculated by applying the average percentage of students in low-income families of
21 the elementary school attendance areas as calculated under subparagraph (A) that feed
22 into the secondary school to the number of students enrolled in such school.”; and

23 (C) by adding at the end the following:

24 “(8) RESERVATION FOR EARLY CHILDHOOD EDUCATION AND CARE.—A local educational
25 agency may reserve funds made available to carry out this section for early childhood
26 education and care in eligible school attendance areas before making allocations to high
27 schools in eligible school attendance areas pursuant to this section.”; and

28 (2) in subsection (c)—

29 (A) by striking paragraph (3) and inserting the following:

30 “(3) RESERVATION FOR HOMELESS CHILDREN AND YOUTHS.—

31 “(A) FUNDS FOR HOMELESS CHILDREN AND YOUTHS.—A local educational agency
32 shall reserve such funds as are necessary under this part to provide services
33 comparable to those provided to children in schools funded under this part to serve—

34 “(i) homeless children who do not attend participating schools, including
35 providing educationally related support services to children in shelters and other
36 locations where children may live;

37 “(ii) children in local institutions for neglected children; and

38 “(iii) if appropriate, children in local institutions for delinquent children, and
39 neglected or delinquent children in community day programs.

1 “(B) RESERVATION OF FUNDS.—Notwithstanding the requirements of subsections (b)
2 and (c) of section 1120A, funds reserved under subparagraph (A) may be used to
3 provide homeless children and youths with services **not ordinarily** provided to other
4 students under this part, including—

5 “(i) providing funding for the liaison designated pursuant to section
6 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;

7 “(ii) providing transportation pursuant to section 722(g)(1)(J)(iii) of such Act;

8 “(iii) providing services to preschool-aged homeless children and homeless
9 secondary school students;

10 “(iv) providing support services to homeless children and youths in shelters and
11 other locations where they may live; and

12 “(v) removing barriers to homeless children and youths’ enrollment,
13 attendance, retention, and success in school.

14 “(C) AMOUNT RESERVED.—The amount of funds reserved under subparagraph (A)
15 shall be determined by an assessment of the needs of homeless children and youths in
16 the local educational agency. Such needs assessment shall include the following:

17 “(i) Information related to child, youth, and family homelessness in the local
18 educational agency obtained through the coordination and collaboration required
19 under subsections (f)(4) and (g)(5) of section 722 of the McKinney-Vento
20 Homeless Assistance Act.

21 “(ii) The number of homeless children and youths reported by the local
22 educational agency to the State educational agency under section 722(f)(3) of the
23 McKinney-Vento Homeless Assistance Act for the previous school year.”; and

24 (B) in paragraph (4), by striking “eligible under this section and identified for school
25 improvement, corrective action, and restructuring under section 1116(b)” and inserting
26 “identified under section 1116”.

27 SEC. 1114. SCHOOLWIDE PROGRAMS.

28 Section 1114 (20 U.S.C. 6314(b)) is amended—

29 (1) in subsection (a)—

30 (A) in paragraph (1), by adding at the end the following: “Funds under this part may
31 be used to support activities that address needs identified through the comprehensive
32 needs assessment under subsection (b)(1)(A) and consistent with the schoolwide
33 program.”;

34 (B) in paragraph (2)—

35 (i) in subparagraph (A)(ii), by striking “provide” and all that follows through
36 the period and inserting “identify particular services as supplemental.”; and

37 (ii) by striking subparagraph (B) and inserting the following:

38 “(B) SUPPLEMENTAL FUNDS.—

1 “(i) IN GENERAL.—A local educational agency serving a school participating in
2 a schoolwide program shall use funds available to carry out this section only to
3 supplement the aggregate amount of funds that would, in the absence of funds
4 under this part, be made available from State and local sources for the school,
5 including funds needed to provide services that are required by law for children
6 with disabilities and children who are English learners.

7 “(ii) COMPLIANCE.—To demonstrate compliance with clause (i) a local
8 educational agency shall demonstrate that the methodology it uses to allocate
9 State and local funds to each school receiving funds under this part ensures the
10 school receives all of the State and local funds the school would otherwise receive
11 if it were not receiving funds under this part.

12 “(iii) NONAPPLICABILITY.—Section 1120A(b) shall not apply to schools
13 operating schoolwide programs under this section.”; and

14 (C) in paragraph (3)(B)—

15 (i) by inserting “or” after “civil rights,”; and

16 (ii) by striking “, services to private school children, maintenance of effort,
17 comparability of services, uses of Federal funds to supplement, not supplant
18 non-Federal funds, or the distribution of funds to State educational agencies or
19 local educational agencies”;

20 (2) in subsection (b)—

21 (A) in paragraph (1)—

22 (i) in subparagraph (A), by striking “section 1111(b)(1)” and inserting “section
23 1111(a)(1)”;

24 (ii) in subparagraph (B)—

25 (I) in clause (i)—

26 (aa) by striking “proficient and advanced” and inserting “on-track
27 and advanced”; and

28 (bb) by striking “section 1111(b)(1)(D)” and inserting “section
29 1111(a)(1)(iv)”;

30 (II) in clause (ii), by striking “scientifically based research” and inserting
31 “scientifically valid research”; and

32 (III) in clause (iii)(I)—

33 (aa) in item (bb), by striking “and” after the semicolon;

34 (bb) in item (cc), by striking “vocational” and inserting “career”; and

35 (cc) by adding at the end the following:

36 “(IV) a multi-tier system of supports and positive behavior supports; and”;

37 (iii) in subparagraph (C), by inserting “and highly rated” after “qualified”;

38 (iv) by striking subparagraphs (D) and (F);

1 (v) by redesignating subparagraphs (E), (G), (H), (I), and (J), as subparagraphs
2 (D), (E), (F), (G), and (H), respectively;

3 (vi) in subparagraph (D), as redesignated by clause (v), by inserting “and highly
4 rated” after “qualified”;

5 (vii) in subparagraph (E), as redesignated by clause (v), by striking “, Even
6 Start, Early Reading First,” and inserting “, programs under part A of title IV”;

7 (viii) in subparagraph (F), as redesignated by clause (v), by striking “section
8 1111(b)(3)” and inserting “section 1111(a)(2)”; and

9 (ix) in subparagraph (G), as redesignated by clause (v), by striking “proficient
10 or advanced levels of academic achievement standards required by section
11 1111(b)(1)” and inserting “on-track and advanced required by section
12 1111(a)(1)(iv)”; and

13 (B) in paragraph (2)—

14 (i) in subparagraph (A)—

15 (I) in the matter preceding clause (i), by striking “No Child Left Behind
16 Act of 2001), in consultation with the local educational agency and its school
17 support team or other technical assistance provider under section 1117,” and
18 inserting “Elementary and Secondary Education Reauthorization Act of
19 2011), in consultation with the local educational agency,”; and

20 (II) in clause (iv), by striking “section 1111(b)(3)” and inserting “section
21 1111(a)(2)”; and

22 (ii) in subparagraph (B)—

23 (I) in clause (i)—

24 (aa) in subclause (I), by striking “, after considering the
25 recommendation of the technical assistance providers under section
26 1117,”; and

27 (bb) in subclause (II), by striking “the No Child Left Behind Act of
28 2001” and inserting “the Elementary and Secondary Education
29 Reauthorization Act of 2011”; and

30 (II) in clause (v), by striking “Reading First, Early Reading First, Even
31 Start,” and inserting “programs under part A of title IV,”; and

32 (3) in subsection (c), by striking “Even Start programs or Early Reading First programs”
33 and inserting “programs under part A of title IV”.

34 SEC. 1115. TARGETED ASSISTANCE SCHOOLS.

35 Section 1115 (20 U.S.C. 6315) is amended—

36 (1) in subsection (b)—

37 (A) in paragraph (1)(B)—

38 (i) by striking “challenging” and inserting “college and career ready”;

1 (ii) by striking “, except that children from preschool through grade 2 shall be
2 selected solely on the basis of such criteria as teacher judgment, interviews with
3 parents, and developmentally appropriate measures”; and

4 (iii) by inserting “, including children who are at risk of failing to be ready for
5 elementary school,” after “supplemented by the school”; and

6 (B) in paragraph (2)—

7 (i) in subparagraph (A), by striking “limited English proficient” and inserting
8 “English learner”; and

9 (ii) by striking subparagraph (B) and inserting the following:

10 “(B) HEAD START OR LITERACY PROGRAMS.—A child who, at any time in the 2 years
11 preceding the year for which the determination is made, participated in a Head Start
12 program, a program under part A of title IV, or in preschool services under this title, is
13 eligible for services under this part.”; and

14 (2) in subsection (c)—

15 (A) in paragraph (1)—

16 (i) in the matter preceding subparagraph (A), by striking “challenging” and
17 inserting “college and career ready”;

18 (ii) in subparagraph (A), by striking “challenging” and inserting “college and
19 career ready”;

20 (iii) in subparagraph (C)—

21 (I) in the matter preceding clause (i), by striking “scientifically based
22 research” and inserting “scientifically valid research”;

23 (II) in clause (ii), by striking “and” after the semicolon;

24 (III) in clause (iii), by inserting “and” after the semicolon;

25 (IV) by adding at the end the following:

26 “(ii) may include a multi-tier system of supports and positive behavioral
27 supports;”;

28 (iv) in subparagraph (D), by striking “Even Start, Early Reading First” and
29 inserting “programs under part A of title IV,”;

30 (v) in subparagraph (E), by inserting “and highly rated” after “qualified”; and

31 (vi) in subparagraph (F), by striking “subsection (e)(3) and”; and

32 (B) in paragraph (2)—

33 (i) in the matter preceding subparagraph (A), by striking “proficient and
34 advanced” and inserting “on-track and advanced”; and

35 (ii) in subparagraph (B), by striking “challenging” and inserting “college and
36 career ready”.

1 SEC. 1116. SCHOOL PERFORMANCE.

2 Section 1116 (20 U.S.C. 6316) is amended to read as follows:

3 “SEC. 1116. SCHOOL PERFORMANCE.

4 “(a) School Accountability and Improvement System.—

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

10 “(2) APPROVAL AND PEER REVIEW OF SYSTEM.—

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

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

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

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

24 “(b) Achievement Gap Schools.—

25 “(1) IDENTIFICATION OF ACHIEVEMENT GAP SCHOOLS.—

26 “(A) IN GENERAL.—Each State receiving a grant under this part shall define the
27 category of achievement gap schools for the State as part of its State plan, and shall
28 identify annually, beginning in the 2013–2014 school year, the schools in the category.
29 A State shall include in its achievement gap schools the 5 percent of public high
30 schools in the State, and the 5 percent of public elementary schools and secondary
31 schools in the State that are not high schools, **that are not identified as persistently**
32 **low-achieving under subsection (c)(2), and** that have the largest achievement gap
33 among any of the subgroups of students described in subparagraph (B); or ~~that~~ have the
34 lowest performance by students in such subgroups in the State, with respect to—

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

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

38 “(B) SUBGROUPS OF STUDENTS.—The subgroups described in this subparagraph
39 shall be obtained by disaggregating students enrolled in a school by each major racial

1 and ethnic group, by English proficiency status, by status as a child with a disability,
2 and by economically disadvantaged status.

3 “(C) DATA RULE.—In identifying achievement gap schools under this paragraph, a
4 State shall—

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

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

8 “(D) PARENTAL NOTIFICATION.—Each year, a State shall provide timely notification
9 to all parents of students enrolled in each school identified under subparagraph (A) that
10 the school is one of the State’s achievement gap schools for such year.

11 “(2) STATE AND LOCAL STRATEGIES.—

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

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

23 “(c) Persistently Low-achieving Schools.—

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

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

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

31 “(I) student performance on the State academic assessments in reading or
32 language arts, and mathematics, including student absolute performance and,
33 for a State described in section 1111(b)(1)(B), growth (defined, for the
34 purposes of this section, as the percentage of students who are on track to
35 college and career readiness in a subject);

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

37 “(III) if the State so chooses—

38 “(aa) schoolwide gains; and

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

- 1 assessments; and
- 2 “(ii) the public high schools in the State that have less than a 60 percent
3 graduation rate.
- 4 “(B) DATA RULE.—In identifying the lowest-achieving schools under this paragraph,
5 a State shall—
- 6 “(i) use data for the most recent year for which data are available; or
7 “(ii) average data for the most recent 2- to 3-year period for which data are
8 available.
- 9 “(C) PARENTAL NOTIFICATION.—Each year, a State shall provide timely notification
10 to all parents of students enrolled in each school identified under subparagraph (A) that
11 the school is one of the State’s lowest-achieving schools for such year.
- 12 “(D) LIST OF TARGETED LOW-ACHIEVING SCHOOLS.—Each year, the State shall—
- 13 “(i) compile a list of the schools identified under subparagraph (A) that—
- 14 “(I) receive assistance under this part;
- 15 “(II) are public high schools for which not less than 50 percent of each
16 school’s students are from low-income families, as determined by the local
17 educational agency under section 1113; or
- 18 “(III) are public high schools that have less than a 60 percent graduation
19 rate;
- 20 “(ii) submit the list described in clause (i) to the Secretary;
- 21 “(iii) distribute the list described in clause (i) to the local educational agencies,
22 elementary schools, and secondary schools in the State; and
- 23 “(iv) make such list publicly available, including through the Internet.
- 24 “(2) IDENTIFICATION AS PERSISTENTLY LOW-ACHIEVING.—
- 25 “(A) IDENTIFICATION.—For the 2013–2014 school year, each State receiving a grant
26 under this part shall identify each school included on the list under paragraph (1)(D)(i)
27 for the preceding school year as a persistently low-achieving school. For the
28 2014–2015 school year, and each subsequent school year, each such State shall
29 identify each school that has been included on the list under such paragraph for the 2
30 preceding consecutive school years as a persistently low-achieving school.
- 31 “(B) 5-YEAR PERIOD.—A school that is identified by the State under subparagraph
32 (A) shall be a persistently low-achieving school for the 5-year period following the
33 school’s identification, except as provided in paragraph (7).
- 34 “(3) STATE WAIVER.—If a State determines that all schools that would otherwise be
35 considered to be in the lowest-achieving 5 percent of schools under paragraph (1)(A)(i) are
36 actually performing at a satisfactory level of performance based on the measures used by
37 the State to identify persistently low-achieving schools, the State may apply to the Secretary
38 to waive the requirements of this section.
- 39 “(4) NEEDS ANALYSIS.—Each local educational agency receiving assistance under this

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

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

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

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

13 “(5) STATE AND LOCAL RESPONSIBILITIES.—

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

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

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

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

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

30 “(iv) implement a school improvement strategy at the school in accordance
31 with the requirements of paragraph (6);

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

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

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

38 “(viii) provide the school with the operational flexibility, including autonomy
39 over staffing, time, and budget, needed to enable full and effective
40 implementation of the selected strategy, including through the modification of

1 practices or policies, if necessary;

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

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

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

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

12 “(I) data collection and analysis;

13 “(II) recruiting and retaining staff;

14 “(III) teacher and principal evaluation;

15 “(IV) professional development;

16 “(V) parent and family engagement;

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

19 “(VII) coordination of services to address students’ social, emotional, and
20 health needs; and

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

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

26 “(6) SCHOOL IMPROVEMENT STRATEGIES.—

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

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

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

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

37 “(iv) provide instructional staff at the school with timely access to student data
38 to inform instruction and meet the academic needs of individual students, which

1 may include, in elementary school, school readiness data;

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

4 “(vi) use data to identify and implement a research-based instructional program
5 that—

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

8 “(II) provides differentiated instruction and related instructional supports;

9 “(vii) in the case of an elementary school with kindergarten entry, consider the
10 issue of school readiness in such school by—

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

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

15 “(aa) coordinating with appropriate early childhood programs, such
16 as programs under the Child Care Development and Block Grant Act of
17 1990, the Head Start Act, prekindergarten programs, and other similar
18 Federal, State, and local programs, in order to align instruction to better
19 prepare students for elementary school; and

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

22 “(viii) provide ongoing mechanisms for parent and family engagement; and

23 “(ix) provide appropriate services and supports for students as identified in the
24 school’s needs analysis.

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

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

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

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

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

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

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

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

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

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

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

11 “(bb) in the case of a school that is a secondary school, not more than
12 20 teachers; and

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

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

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

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

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

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

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

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

39 “(II) Ensure that the new school—

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

1 strategy is being implemented; and
2 “(bb) enrolls any former student of the original school who requests
3 to attend the school and then, after all such students are enrolled, admits
4 additional students, using a random lottery system if more students
5 apply for admission than can be accommodated.

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

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

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

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

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

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

23 “(bb) supporting the new school; and

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

27 ~~“(C) RURAL FLEXIBILITY.—NOTWITHSTANDING ANY OTHER PROVISION OF THIS~~
28 ~~PARAGRAPH, FLEXIBILITY.—~~**Notwithstanding any other provision of this**
29 **paragraph—**

30 “(i) a local educational agency that is eligible for services under subpart 1 or 2
31 of title VI, as determined by the Secretary, may modify not more than 1 of the
32 elements or activities required under subparagraph (A) of a school improvement
33 strategy selected for a school described in paragraph (5)(A), in order to better
34 meet the needs of students in such school; **and**

35 “(ii) a State educational agency may apply to the Secretary for a waiver of
36 clauses (i)(I), (ii)(II), and (iii)(I) of subparagraph (B).-

37
38 “(7) IMPROVEMENT.—If, at any time during the 5-year period for which a school is
39 identified as a persistently low-achieving school under paragraph (2), the State determines,
40 based on the most current data, that the school has improved and is no longer one of the

1 State's persistently low-achieving schools, then—

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

4 “(B) if the local educational agency was receiving school improvement funds under
5 subsection (d) for such school, the local educational agency shall continue to receive
6 such grant funds, and use such funds **as are necessary** to carry out the grant activities
7 in such school, for the full period of such grant.

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

14 “(d) School Improvement Funds.—

15 “(1) DEFINITIONS.—In this subsection:

16 “(A) ELIGIBLE ENTITY.—the term ‘eligible entity’ means—

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

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

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

22 “(B) ELIGIBLE SCHOOL.—The term ‘eligible school’ means a school identified under
23 subsection (b) or paragraph (1) or (2) of subsection (c).

24 “(2) ALLOTMENTS TO STATES.—

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

31 “(B) ALLOTMENTS TO STATES.—From the funds made available to carry out this
32 subsection under section 3(a)(2) for a fiscal year, the Secretary shall allot to each State
33 with an approved application an amount that bears the same relation to such funds as
34 the amount that the State received under subpart 2 for the preceding fiscal year bears to
35 the amount that all States receive under such subpart for such fiscal year.

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

40 “(A) the process and the criteria that the State will use to award subgrants under

1 paragraph (5)(A)(i);

2 “(B) the process and the criteria the State will use to determine whether the eligible
3 entity’s proposal for each eligible school meets the requirements of paragraphs (4),
4 (5)(B), and (6) of subsection (c);

5 “(C) how the State will ensure geographic diversity in making subgrants;

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

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

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

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

24 “(5) SCHOOL IMPROVEMENT ACTIVITIES.—

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

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

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

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

40 “(C) SUBGRANTS.—

41 “(i) APPLICATIONS.—An eligible entity that desires a subgrant under this

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

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

9 “(I) adopted human resource policies that prioritize the recruitment,
10 retention, and placement of effective staff in eligible schools;

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

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

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

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

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

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

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

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

36 “(i) carry out the requirements of paragraphs (4), (5)(B), and (6) of subsection
37 (c) in an eligible school that has been identified under subsection (c)(2) as of the
38 date of the grant award, which may include a maximum 1-year planning period;

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

1 under subsection (c)(2);

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

4 “(I) assistance in data collection and analysis;

5 “(II) recruiting and retaining staff;

6 “(III) teacher and principal evaluation;

7 “(IV) professional development;

8 “(V) coordination of services to address students’ social, emotional, and
9 health needs; and

10 “(VI) progress monitoring.

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

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

22 “(6) NATIONAL ACTIVITIES.—From amounts appropriated and reserved for this paragraph
23 under section 3(a)(2)(B), the Secretary shall carry out the following national activities:

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

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

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

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

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

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

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

38 “(ii) identify effective school improvement strategies; and

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

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

5 “(7) EVALUATION.—The Director of the Institute of Education Sciences shall conduct an
6 evaluation of the programs carried out under this subsection.

7 “(e) State Responsibilities.—Consistent with section 1111(a)(3)(A)(iv), a State educational
8 agency receiving assistance under this part shall provide support for the improvement of all
9 schools that are not identified under subsection (b) or (c)(2) but are low-performing or have
10 low-performing subgroups of students described in subsection (b)(1)(B).

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

16 SEC. 1117. BLUE RIBBON SCHOOLS.

17 Section 1117 (20 U.S.C. 6317) is amended to read as follows:

18 “SEC. 1117. BLUE RIBBON SCHOOLS.

19 “(a) Program Purpose.—It is the purpose of this section to assist States and local educational
20 agencies in identifying and rewarding high-performing public schools.

21 “(b) Blue Ribbon Schools.—

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

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

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

28 “(2) BLUE RIBBON SCHOOL CRITERIA.—

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

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

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

35 “(iii) the performance of each category of students described in ~~section~~
36 ~~1116(b)(1)(B)~~ **subsection (b)(1)(B)**;

37 “(iv) if the State chooses to measure student growth in accordance with section
38 1111(b)(1)(B), the percentage of students ~~making adequate student growth~~

1 **attaining growth in accordance with clauses (i) and (ii) of such subsection;**
2 and

3 “(v) school gains.

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

7 “(c) Rewards for Blue Ribbon Schools.—

8 “(1) IN GENERAL.—Each State that defines and identifies blue ribbon schools under
9 subsection (b)(1) for a school year may—

10 “(A) provide each blue ribbon school in the State with increased autonomy over the
11 school’s budget, staffing, and time;

12 “(B) allow each blue ribbon school to have flexibility in the use of any funds
13 provided to the school under this Act for any purpose allowed under this Act
14 (notwithstanding any other provision of this Act), as long as such use is consistent with
15 the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section
16 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42
17 U.S.C. 12101), and part B of the Individuals with Disabilities Education Act; and

18 “(C) reserve not more than .5 percent of the funds allotted to the State under subpart
19 2 and use such reserved amounts to distribute rewards, on a competitive basis, to local
20 educational agencies that serve 1 or more blue ribbon schools identified under
21 subsection (b) that receive funds under subpart 2 to enable the local educational
22 agencies to provide awards to such blue ribbon schools that receive funds under such
23 subpart.

24 “(2) USE OF REWARDS.—As a condition of receiving an award from a local educational
25 agency under this subsection, a blue ribbon school shall agree to use the award funds to—

26 “(A) improve student achievement; and

27 “(B) provide technical assistance to the lowest-achieving schools in the State that
28 have characteristics similar to the blue ribbon school, in accordance with the State plan
29 under section 1111(b)(1)(E).”.

30 **SEC. 1118. PARENT AND FAMILY ENGAGEMENT.**

31 Section 1118 (20 U.S.C. 6318) is amended to read as follows:

32 **“SEC. 1118. PARENT AND FAMILY ENGAGEMENT.**

33 “(a) Local Educational Agency Parent and Family Engagement Plan.—

34 “(1) IN GENERAL.—A local educational agency may receive funds under this part only if
35 such agency develops and implements a strategic, evidence-based plan to support
36 meaningful engagement of parents and family members in education (referred to in this
37 section as the ‘parent and family engagement plan’). Such plan shall be aligned through
38 incorporation into the local educational agency’s plan developed under section 1112 and
39 shall include strategies (especially in high-need schools) that are planned and implemented

1 in meaningful consultation with—

2 “(A) parents and family members of participating children, including districtwide
3 parent advisory committees, where applicable;

4 “(B) to the greatest extent practicable, individuals with expertise in effectively
5 engaging parents and family members in education; and

6 “(C) organizations that have a demonstrated record of effectiveness in assisting
7 students in becoming college and career ready.

8 “(2) CONSULTATION AND DISSEMINATION.—Each local educational agency that receives
9 funds under this part shall—

10 “(A) develop and implement the parent and family engagement plan jointly with
11 parents and family members of participating children and, where applicable, with a
12 districtwide parent advisory committee; and

13 “(B) develop a template for schools to use in communicating—

14 “(i) parent and family engagement strategies; and

15 “(ii) the content of the compact described in subsection (e).

16 “(3) CONTENTS OF THE LOCAL EDUCATIONAL AGENCY PARENT AND FAMILY ENGAGEMENT
17 PLAN.—

18 “(A) REQUIRED ELEMENTS.—The parent and family engagement plan shall—

19 “(i) establish the local educational agency’s expectations for, and commitment
20 to support, meaningful engagement strategies;

21 “(ii) describe the process through which the local educational agency will equip
22 parents and family members, with particular attention to economically
23 disadvantaged parents and family members, to—

24 “(I) act in partnership with school personnel to improve the academic
25 achievement and development of their children;

26 “(II) participate in school improvement strategies; and

27 “(III) communicate effectively with educators and administrators, such as
28 through the establishment of a districtwide parent advisory committee, if
29 such committee does not already exist;

30 “(iii) describe how the local educational agency will provide the coordination,
31 technical assistance, and other support necessary to assist participating schools in
32 planning and implementing effective parent and family engagement strategies,
33 such as—

34 “(I) making facilities of the local educational agency available, as
35 appropriate; and

36 “(II) utilizing the expertise of, and developing strategies with,
37 organizations that have a demonstrated record of success in supporting
38 parent and family engagement; ~~and~~

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“(iv) describe how the local educational agency will use data (including data collected through the evaluation described in subsection (b), a conditions for learning measurement system **as described in section 4304(g)**, and surveys of parent and family engagement) to continuously improve and increase engagement strategies; **and**

“(v) describe how the local educational agency will involve parents in the development of the plan described in section 1112.;

“(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, **as well as how the local educational agency will coordinate with parent and family information and resource centers established under part F of title IV.**

“(b) Evaluation.—The local educational agency shall conduct, with the involvement of parents and family members, an annual evaluation of the effectiveness of the parent and family engagement plan in—

“(1) improving student academic achievement and development;

“(2) improving the college and career readiness of children; and

“(3) reducing barriers to greater participation in the activities described in this section by parents and family members, with particular attention to parents and family members who are economically disadvantaged.

“(c) Reservation and Use of Funds.—

“(1) IN GENERAL.—Each local educational agency shall reserve not less than 1 percent of such agency’s allocation under subpart 2 to carry out the activities described in this section.

“(2) EXCEPTION.—The reservation requirement under paragraph (1) shall 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 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.

1 “(C) Professional development for school personnel regarding parent and family
2 engagement strategies, which may be provided jointly to teachers, school leaders, and
3 parents and family members.

4 “(D) Districtwide or school-based leadership training for parents and family
5 members and other evidence-based leadership development strategies.

6 “(E) Adult education and family literacy activities, as defined in section 203 of the
7 Adult Education and Family Literacy Act.

8 “(F) Home visitation programs.

9 “(G) Volunteerism programs.

10 “(H) Other evidence-based or promising strategies for improving and increasing
11 parent and family engagement, **which may include family and student supports, as**
12 **defined in section 4503.**

13 “(I) Conducting the evaluation described in subsection (b).

14 “(J) Disseminating information on best practices (such as implementation,
15 replication, impact studies, and evaluations) focused on parent and family engagement,
16 especially best practices for increasing the engagement of economically disadvantaged
17 parents and family members.

18 “(K) Coordinating parent and family engagement strategies conducted by the local
19 educational agency and schools within the local educational agency with local early
20 learning programs, career and technical education programs, and postsecondary
21 education programs.

22 “(4) DISTRIBUTION OF FUNDS.—

23 “(A) IN GENERAL.—Not less than 95 percent of the funds reserved under this
24 subsection shall be distributed to schools served under this part.

25 “(B) PRIORITY.—In allocating the funds described in subparagraph (A), each local
26 educational agency shall give priority to high-need schools.

27 “(C) DISTRICTWIDE ACTIVITIES.—Funds used to implement leadership training for
28 parents and family members or other districtwide parent and family engagement
29 initiatives with a demonstrated record of effectiveness that may be cost effective and
30 that directly benefit parents and family members, may be considered funds distributed
31 to schools.

32 “(d) Family Member Engagement.—Each school served under this part shall—

33 “(1) regularly convene, at not less than 1 time during each academic year, a meeting at a
34 convenient time, to which parents and family members of participating children shall be
35 invited and encouraged to attend, in order to—

36 “(A) review the parent and family engagement compact described in subsection (e);

37 “(B) inform parents and family members of opportunities for engagement in their
38 child’s education; and

39 “(C) explain to parents and family members the right of the parents and family

- 1 members to be involved, and the benefits of meaningful engagement;
- 2 “(2) use multiple methods to involve and collaborate with parents and family members
3 (in an organized, ongoing, and timely way, including through electronic means) in the
4 planning, development, review, implementation, and improvement of school improvement
5 plans and strategies, including in developing the schoolwide program plan under section
6 1114(b)(2) or a similar school improvement plan;
- 7 “(3) at a minimum, provide parents and family members with—
- 8 “(A) opportunities to develop the knowledge and skills to engage as full partners in
9 supporting academic achievement, child development, and school improvement;
- 10 “(B) a description and explanation of the forms of academic assessment used to
11 measure student progress, the proficiency levels students are expected to meet, and
12 opportunities to promote learning and college and career readiness during
13 out-of-school time;
- 14 “(C) opportunities to develop leadership skills and to engage school and local
15 educational agency staff in decisions relative to the education of their children; and
- 16 “(D) opportunities to increase their ability to engage effectively with educators and
17 administrators in formal and structured settings, such as parent-teacher conferences,
18 **individualized education program team meetings**, local educational agency
19 meetings, disciplinary hearings, and the school budgeting process;
- 20 “(4) make the school **safe and** welcoming to parents and family members;
- 21 “(5) provide professional development and other evidence-based support to school staff
22 regarding effective parent and family engagement;
- 23 “(6) collaborate with community-based organizations, employers, or other entities to
24 accomplish the purposes of this section;
- 25 “(7) to the extent feasible and appropriate, coordinate and integrate parent and family
26 engagement programs and strategies with other Federal, State, and local programs; and
- 27 “(8) provide such other support for parent and family engagement strategies under this
28 section as parents and family members may request, to the extent practicable.
- 29 “(e) Shared Responsibilities for College and Career Readiness.—Each school served under
30 this part shall jointly develop with parents and family members, for all children served under this
31 part, a parent and family engagement compact. Such compact shall—
- 32 “(1) describe the activities the school will take in accordance with subsection (d);
- 33 “(2) describe the school’s responsibility to—
- 34 “(A) provide a rigorous curriculum and effective instruction in a supportive, safe,
35 and healthy learning environment;
- 36 “(B) inform parents and family members (with attention to economically
37 disadvantaged parents and family members) of opportunities to participate in school
38 improvement or governance councils, engage in the development of discipline and
39 suspension and other school policies, and access the parent and family ~~resource and~~
40 information **and resource** centers **established** under ~~section []~~ **part F of title IV**;

- 1 and
- 2 “(C) to the greatest extent practicable—
- 3 “(i) communicate with parents and family members when children are
- 4 chronically absent from school ~~or~~, when children are suspended or expelled, **or**
- 5 **when children drop out of school**, which may include through home visits;
- 6 “(ii) refer parents and family members to adult education and family literacy
- 7 activities, social services, or other programs and services designed to support
- 8 parent and family engagement; and
- 9 “(iii) offer evidence-based mentoring programs to students;
- 10 “(3) describe the responsibilities of parents and family members to be full partners in the
- 11 education of their child, which may include—
- 12 “(A) communicating high expectations for their child’s academic achievement and
- 13 college and career readiness;
- 14 “(B) reading to their child, promoting the use of libraries, facilitating access to
- 15 cultural events, parks, and recreational services, encouraging community service and
- 16 leadership, and planning for entry and success in institutions of higher education and
- 17 careers;
- 18 “(C) monitoring their child’s school attendance, homework, course completion,
- 19 academic achievement, and progress toward college and career readiness; and
- 20 “(D) participating, as appropriate, in decisions relating to school improvement,
- 21 decisions regarding the education of their children, and positive use of out-of-school
- 22 time; and
- 23 “(4) address the importance of communication between teachers, parents, and family
- 24 members on an ongoing basis through, at a minimum—
- 25 “(A) regular parent-teacher conferences;
- 26 “(B) frequent reports to family members on—
- 27 “(i) their children’s progress; and
- 28 “(ii) opportunities to be involved at school, including opportunities to support
- 29 school improvement; and
- 30 “(C) providing parents and family members with—
- 31 “(i) reasonable access to staff;
- 32 “(ii) opportunities to volunteer and participate at school; and
- 33 “(iii) as appropriate, observation of classroom activities and school-based
- 34 activities; and
- 35 **“(D) to the extent practicable, providing information required under this**
- 36 **section, and conducting any consultations required under this section, in a**
- 37 **language that parents can understand; and**
- 38 “(5) describe the process through which school personnel communicate effectively with

1 parents and family members and ensure that other community stakeholders are engaged, as
2 appropriate, in supporting school ~~improvement.~~”

3 **improvement.**

4 **“(f) Accessibility.—In carrying out the parent and family engagement requirements of**
5 **this part, local educational agencies and schools, to the greatest extent practicable, shall**
6 **provide opportunities for the full and informed participation of parents and family**
7 **members (including parents and family members with disabilities), including providing**
8 **information and school reports in a format and, to the greatest extent practicable, in a**
9 **language such parents can understand.”.**

10 SEC. 1119. QUALIFICATIONS FOR TEACHERS AND 11 PARAPROFESSIONALS.

12 Section 1119 (20 U.S.C. 6319) is amended—

13 (1) by striking subsection (a) and inserting the following:

14 **“(a) In General.—**

15 **“(1) IN GENERAL.—**Except as provided in paragraph (2), each local educational agency
16 receiving assistance under this part shall ensure that all teachers teaching in a program
17 supported with funds under this part are highly qualified.

18 **“(2) EXCEPTION.—**Each local educational agency located in a State in which the State has
19 fully implemented ~~the requirements described in section 2112(b)(1)(A) by ensuring that all~~
20 ~~local educational agencies in the State that receive a subgrant under subpart 2 of part A of~~
21 ~~title II have fulfilled the requirements of section 2123(b),~~ **a teacher and principal**
22 **evaluation system that is consistent with section 2301(b)(4)** shall only be required to
23 comply with the requirements under paragraph (1) as they relate to new teachers.”;

24 (2) by striking subsections (b), (d), and (l);

25 (3) by redesignating subsections (c), (e), (f), (g), (h), (i), (j), and (k), as subsections (b),
26 (c), (d), (e), (f), (g), (h), and (i), respectively;

27 (4) in subsection (b)(1), as redesignated by paragraph (3), by striking “hired after the date
28 of enactment of the No Child Left Behind Act of 2001 and”;

29 (5) in subsection (c), as redesignated by paragraph (3), by striking “Subsections (c) and
30 (d)” and inserting “Subsection (b)”;

31 (6) by striking subsection (i), as redesignated by paragraph (3), and inserting the
32 following:

33 **“(i) Special Rule.—**A State educational agency may not require a school or a local educational
34 agency to expend a specific amount of funds for professional development activities under this
35 part.”.

36 SEC. 1120. COMPARABILITY OF SERVICES.

37 Section 1120A (20 U.S.C. 6321) is amended—

38 (1) in subsection (a), by striking “involved”; and

1 (2) by striking subsection (c) and inserting the following:

2 “(c) Comparability.—

3 “(1) IN GENERAL.—

4 “(A) COMPARABILITY.—Beginning for the 2015-2016 school year, a local
5 educational agency may receive funds under this part only if the local educational
6 agency demonstrates to the State educational agency that the combined State and local
7 per-pupil expenditures (including actual personnel and actual non-personnel
8 expenditures) in each school served under this part, in the most recent year for which
9 such data were available, are not less than the average combined State and local
10 per-pupil expenditures for those schools that are not served under this part.

11 “(B) ALTERNATIVE COMPARABILITY.—If the local educational agency is serving all
12 of the schools under its jurisdiction under this part, the agency shall demonstrate to the
13 State educational agency that the average combined State and local per-pupil
14 expenditures (including actual personnel and actual non-personnel expenditures) for its
15 high-poverty schools, in the most recent year for which such data are available, were
16 not less than the average combined State and local per-pupil expenditures for its
17 low-poverty schools.

18 “(C) BASIS.—A local educational agency may meet the requirements of
19 subparagraphs (A) and (B) on a local educational agency-wide basis or a grade-span by
20 grade-span basis.

21 “(D) EXCLUSION OF FUNDS.—

22 “(i) IN GENERAL.—For the purpose of complying with this paragraph, a local
23 educational agency shall exclude any State or local funds expended in any school
24 for—

25 “(I) excess costs of providing services to English learners;

26 “(II) excess costs of providing services to children with disabilities;

27 “(III) capital expenditures; and

28 “(IV) such other expenditures as the Secretary determines appropriate.

29 “(ii) CHANGES AFTER THE BEGINNING OF THE SCHOOL YEAR.—A local
30 educational agency need not include unpredictable changes in student enrollment
31 or personnel assignments that occur after the beginning of a school year in
32 determining compliance under this subsection

33 “(2) DOCUMENTATION.—A local educational agency shall demonstrate that it is meeting
34 the requirements of paragraph (1) by submitting to the State educational agency the
35 per-pupil expenditures, personnel expenditures, non-personnel expenditures, and total
36 expenditures for each school served by the local educational agency.

37 “(3) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that
38 does not have more than one building for each grade span.

39 “(4) PROCESS AND PROCEDURES.—

40 “(A) LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational

1 agency assisted under this part shall, by October 31, 2016, report to the State
2 educational agency on its compliance with the requirements of this subsection for the
3 preceding school year, including a listing, by school, of actual combined per-pupil
4 State and local personnel and non-personnel expenditures.

5 “(B) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—Each State educational
6 agency assisted under this part shall ensure that such information is made publicly
7 available by the State or the local educational agency, including the school by school
8 listing described in subparagraph (A).

9 “(C) PLAN.—A local educational agency that does not meet the requirements of this
10 subsection in any year shall develop and implement a plan to ensure compliance for the
11 subsequent school year and may be required by the State educational agency to report
12 on its progress in implementing such plan.

13 “(5) TRANSITION PROVISIONS.—

14 “(A) SCHOOL YEARS PRECEDING THE 2015-2016 SCHOOL YEAR.—For school years
15 preceding the 2015-2016 school year, a local educational agency may receive funds
16 under this part only if the local educational agency demonstrates to the State
17 educational agency that the local educational agency meets the requirements of this
18 subsection, as in effect on the day before the date of enactment of the Elementary and
19 Secondary Education Reauthorization Act of 2011.

20 “(B) TRANSITION BETWEEN REQUIREMENTS.—The Secretary shall take such steps as
21 are necessary to provide for the orderly transition between the requirements under this
22 section, as in effect on the day before the date of enactment of the Elementary and
23 Secondary Education Reauthorization Act of 2011, and the new requirements under
24 this section, as amended by such Act.”.

25 SEC. 1121. COORDINATION REQUIREMENTS.

26 Section 1120B (20 U.S.C. 6322) is amended to read as follows:

27 “SEC. 1120B. COORDINATION REQUIREMENTS.

28 “(a) In General.—Each local educational agency receiving assistance under this part shall
29 carry out the activities described in subsection (b) with Head Start agencies, **consistent with**
30 **section 642(e)(5) of the Improving Head Start for school Readiness Act of 2007 (42 U.S.C.**
31 **9801 Public Law 110–134)** providers of services under part C of the Individuals with
32 Disabilities Education Act, programs carried out under section 619 of the Individuals with
33 Disabilities Education Act, and, if feasible, other entities carrying out early childhood education
34 and care programs and services.

35 “(b) Activities.—The activities and services referred to in subsection (a) include—

36 “(1) developing and implementing a systematic procedure for transferring, with parental
37 consent, early childhood education and care program records for each participating child to
38 the school in which such child will enroll;

39 “(2) establishing ongoing communication between early childhood education and care
40 program staff and their counterparts in the schools (including teachers, principals, social

1 workers, local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the
2 McKinney-Vento Homeless Assistance Act, and health staff) to facilitate the coordination
3 and alignment of programs;

4 “(3) establishing ongoing communications between the early childhood education and
5 care program and the local educational agency for developing continuity of
6 developmentally appropriate instructional programs and shared expectations for children’s
7 learning and development as children transition to school;

8 “(4) organizing and participating in joint training, including transition-related training for
9 school staff and early childhood education and care programs;

10 “(5) establishing comprehensive transition policies and procedures that support the school
11 readiness of children transitioning to school;

12 “(6) conducting outreach to parents, families, and elementary school teachers to discuss
13 the educational, developmental, and other needs of children entering school;

14 “(7) helping parents of children who are English learners understand—

15 “(A) the instructional and other services provided by the school in which such child
16 will enroll after participation in a Head Start program or other Federal early childhood
17 care and education program; and

18 “(B) as appropriate, the information provided to parents of English learners under
19 section 3302;

20 “(8) helping parents understand the instructional and other services provided by the
21 school in which their child will enroll after participation in a Head Start program or other
22 Federal early childhood care and education program; and

23 “(9) developing and implementing a system to increase program participation of
24 underserved populations of eligible children, especially children eligible for a free or
25 reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C.
26 1751 et seq.), parents of children who are English learners, and parents of children with
27 disabilities.”.

28 **SEC. 1122. GRANTS FOR THE OUTLYING AREAS AND** 29 **THE SECRETARY OF THE INTERIOR.**

30 **Section 1121(a) (20 U.S.C. 6331(a)) is amended by striking “section 1002(a)” and**
31 **inserting “section 3(a)(1)”.**

32 **SEC. 1123. ALLOCATIONS TO STATES.**

33 **Section 1122(a) (20 U.S.C. 6332(a)) is amended by striking “section 1002(a) to carry out**
34 **this part for each of fiscal years 2002–2007” and inserting “section 3(a)(1) to carry out this**
35 **part for each of fiscal years 2012–2017”.**

36 **SEC. 1124. EDUCATION FINANCE INCENTIVE GRANT** 37 **PROGRAM.**

1 **Section 1125A (20 U.S.C. 6337) is amended—**

2 **(1) in subsection (a), by striking “subsection (f)” and inserting “section 3(a)(3),”;**

3 **(2) in subsection (b)(1)(A), by striking “subsection (f)” and inserting “section**
4 **3(a)(3)”;**

5 **(3) by striking subsection (f); and**

6 **(4) by redesignating subsection (g) as subsection (f).**

7 **SEC. 1125. GRANTS FOR STATE ASSESSMENTS AND**
8 **RELATED ACTIVITIES.**

9 Part A of title I (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

10 **“Subpart 3—Grants for State Assessments and Related**
11 **Activities**

12 **“SEC. 1131. GRANTS FOR STATE ASSESSMENTS AND**
13 **RELATED ACTIVITIES.**

14 “(a) Grants for State Assessments.—From amounts made available to carry out this section,
15 the Secretary shall make grants to States—

16 “(1) to enable States to pay the costs of developing, improving, or administering State
17 assessments and standards consistent with section 1111(a), which may include the cost of
18 working in voluntary partnerships with other States, at the sole discretion of each such
19 State; and

20 “(2) in the case of States that have developed the assessments and standards consistent
21 with the requirements of section 1111(a), to enable each such State—

22 “(A) to administer such assessments; or

23 “(B) to carry out other activities described in this section, which may include—

24 “(i) developing challenging State academic content and student academic
25 achievement standards and aligned assessments in academic subjects for which
26 standards and assessments are not required under section 1111(a);

27 “(ii) developing or improving assessments of English language proficiency
28 necessary to comply with section 1111(a)(2)(D);

29 “(iii) developing multiple measures of student academic achievement,
30 including measures that assess higher-order thinking skills and understanding, to
31 increase the reliability and validity of State assessment systems;

32 “(iv) developing, enhancing, or administering, in publicly funded early
33 childhood care and education programs and elementary schools, early learning
34 assessments (including accommodations to provide access for young children
35 with disabilities) to improve instruction for young children;

36 “(v) strengthening the capacity of local educational agencies and schools to

1 provide all students with the opportunity to increase educational achievement,
2 including carrying out professional development activities aligned with State
3 student academic achievement standards and assessments;

4 “(vi) expanding the range, and improving the quality, of accommodations
5 available to English learners and students with disabilities to improve the use of
6 such accommodations, including professional development activities;

7 “(vii) improving the dissemination of information about student achievement
8 and school performance to parents and families, including the development of
9 information and reporting systems designed to—

10 “(I) identify best educational practices based on scientifically valid
11 research; or

12 “(II) assist in linking records of student achievement, length of enrollment,
13 and graduation over time;

14 “(viii) providing instructional supports, which may include formative
15 assessments;

16 “(ix) developing computer-adaptive assessments that meet the requirements of
17 section 1111(a); and

18 “(x) developing alternate assessments, as described in section 1111(a)(2)(E),
19 aligned to alternate achievement standards.

20 “(b) Grants for Enhanced Assessment Systems.—

21 “(1) GRANT PROGRAM AUTHORIZED.—From amounts made available to carry out this
22 section, the Secretary shall award, on a competitive basis, grants to State educational
23 agencies to enable the State educational agencies to carry out the activities described in
24 paragraph (3).

25 “(2) APPLICATION.—Each State educational agency desiring to receive a grant under this
26 section shall submit an application to the Secretary at such time, in such manner, and
27 accompanied by such information as the Secretary may require.

28 “(3) AUTHORIZED ACTIVITIES.—Each State educational agency that receives a grant under
29 this section shall use the grant funds to—

30 “(A) enable States, or a consortia of States, to collaborate with institutions of higher
31 education or other organizations or agencies to improve the quality, validity, and
32 reliability of State academic assessments beyond the requirements for such
33 assessments described in section 1111(a)(2);

34 “(B) measure student academic achievement using multiple measures of student
35 academic achievement from multiple sources, including measures that assess
36 higher-order thinking skills and understanding;

37 “(C) chart student progress over time; or

38 “(D) evaluate student academic achievement through the development of
39 comprehensive academic assessment instruments.

40 “(c) Allotment of Appropriated Funds.—

1 “(1) IN GENERAL.—From amounts made available for each fiscal year ~~under this section~~
2 ~~_____~~ that are equal to or less than the amount described in section 1111(b)(3)(D)
3 (hereinafter in this subsection referred to as the ‘trigger amount’), the Secretary shall—

4 “(A) reserve one-half of 1 percent for the Bureau of Indian Affairs;

5 “(B) reserve one-half of 1 percent for the outlying areas; and

6 “(C) from the remainder, allocate to each State an amount equal to—

7 “(i) \$3,000,000; and

8 “(ii) with respect to any amounts remaining after the allocation is made under
9 clause (i), an amount that bears the same relationship to such total remaining
10 amounts as the number of students ages 5 through 17 in the State (as determined
11 by the Secretary on the basis of the most recent satisfactory data) bears to the total
12 number of such students in all States.

13 “(2) REMAINDER.—

14 ~~“(A) GRANT UNDER [SECTION _____].—ANY FUNDS FOR GRANTS.—Any~~ amounts
15 remaining for a fiscal year after the Secretary carries out paragraph (1) shall be made
16 available to award funds under ~~this section _____~~ to States according to the quality,
17 needs, and scope of the State application under ~~such this~~ section. In determining the
18 grant amount, the Secretary shall ensure that a State’s grant shall include an amount
19 that bears the same relationship to the total funds available under this paragraph for the
20 fiscal year as the number of students ages 5 through 17 in the State (as determined by
21 the Secretary on the basis of the most recent satisfactory data) bears to the total number
22 of such students in all States.

23 “(B) REMAINING FUNDS.—Any amounts remaining after the Secretary awards funds
24 under subparagraph (A) shall be allocated to each State that did not receive a grant
25 under such subparagraph, in an amount that bears the same relationship to the total
26 funds available under this subparagraph as the number of students ages 5 through 17 in
27 the State (as determined by the Secretary on the basis of the most recent satisfactory
28 data) bears to the total number of such students in all States.

29 “(3) DEFINITION OF STATE.—In this section, the term ‘State’ means each of the 50 States,
30 the District of Columbia, and the Commonwealth of Puerto Rico.”.

31 PART B—PATHWAYS TO COLLEGE

32 SEC. 1201. IMPROVING SECONDARY SCHOOLS.

33 Part B of title I (20 U.S.C. 6361 et seq.) is amended—

34 (1) by striking the part heading and inserting the following:

35 “PART B—PATHWAYS TO COLLEGE”;

36 and

37 (2) by striking subpart 1 and inserting the following:

1 “Subpart 1—Improving Secondary Schools

2 “SEC. 1201. SECONDARY SCHOOL REFORM.

3 “(a) Purposes.—The purposes of this section are to ensure students graduate from secondary
4 school on track to college and career readiness and to increase graduation rates by providing
5 grants to eligible entities to provide schools with the necessary resources to implement
6 innovative and effective secondary school reform strategies.

7 “(b) Definitions.—In this section:

8 “(1) COMPETENCY-BASED LEARNING MODEL.—The term ‘competency-based learning
9 model’ means an education model in which educators use explicit measurable learning
10 objectives to assist students to advance upon mastery of the objectives as determined
11 through relevant assessments.

12 “(2) EFFECTIVE SECONDARY SCHOOL REFORM STRATEGIES.—The term ‘effective
13 secondary school reform strategies’ means a set of programs, interventions, and activities
14 with demonstrated effectiveness in improving the academic achievement of struggling
15 students or dropouts.

16 “(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a high-need local educational
17 agency in partnership with 1 or more external partners.

18 “(4) ELIGIBLE SECONDARY SCHOOL.—The term ‘eligible secondary school’ means a high
19 school that—

20 “(A) is eligible for funds under part A of title I;

21 “(B) has a graduation rate below 75 percent;

22 “(C) does not receive grant funds under section 1116(d); and

23 “(D) is identified as low performing based on the State’s accountability system.

24 “(5) EXTERNAL PARTNER.—The term ‘external partner’ means a public or private
25 nonprofit organization, public or private nonprofit institution of higher education, or
26 nonprofit charter management organization, with a demonstrated record of successful
27 secondary school reform.

28 “(6) FEEDER MIDDLE SCHOOL.—The term ‘feeder middle school’ means an elementary
29 school or secondary school from which a majority of students go on to attend an eligible
30 secondary school.

31 “(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

32 “(8) STRUGGLING STUDENT.—The term ‘struggling student’ means a student who is at an
33 increased risk for low academic achievement and is unlikely to graduate secondary school
34 on track to college and career readiness.

35 “(c) Grants Authorized.—

36 “(1) IN GENERAL.—

37 “(A) RESERVATION.—From the total amount of funds appropriated to carry out this
38 section for a fiscal year, the Secretary may reserve not more than 2.5 percent for

1 national activities, which the Secretary shall use for technical assistance, data
2 collection and dissemination, **and** reporting activities.

3 “(B) GRANTS.—From the total amount of funds appropriated to carry out this
4 section for a fiscal year and not reserved under subparagraph (A), the Secretary shall
5 award grants, on a competitive basis, to eligible entities, based on the quality of the
6 applications submitted, of which—

7 “(i) not more than 25 percent of grant funds shall be used for activities
8 described in subsection (e)(1); and

9 “(ii) not less than 75 percent of grant funds shall be used for activities described
10 in paragraphs (2) and (3) of subsection (e) and subsection (f).

11 “(2) GRANT DURATION.—Grants awarded under this section shall be for a period of 5
12 years, conditional after 3 years on satisfactory progress on the performance indicators
13 described in subsection (d)(2)(E), as determined by the Secretary.

14 “(3) ANNUAL REPORT.—Each eligible entity that receives a grant under this section shall
15 submit to the Secretary an annual report including data on the entity’s progress on the
16 performance indicators described in subsection (d)(2)(E).

17 “(d) Application.—

18 “(1) IN GENERAL.—An eligible entity that desires a grant under this section shall submit
19 an application to the Secretary at such time, in such manner, and containing such
20 information as the Secretary may reasonably require.

21 “(2) CONTENTS.—Each application submitted under paragraph (1) shall include, at a
22 minimum, a description of the following:

23 “(A) How the eligible entity will use funds awarded under this section to carry out
24 the activities described in subsection (e)(1).

25 “(B) The external partner’s capacity and record of success in secondary school
26 reform and how the eligible entity will sustain the activities proposed, including the
27 availability of funds from non-Federal sources and coordination with other Federal,
28 State, and local funds.

29 “(C) How the eligible entity conducted a comprehensive needs analysis and capacity
30 assessment of the eligible secondary schools served by the eligible entity to identify
31 secondary schools proposed to be served by the grant. The needs analysis and capacity
32 assessment shall include the following:

33 “(i) Examine each secondary school’s data in the aggregate and disaggregated
34 by each of the subgroups of students described in section 1111(a)(2)(B)(ix) on the
35 following:

36 “(I) Graduation rate and characteristics of those students who are not
37 graduating, including such students’ attendance, behavior, **expulsion rates**,
38 suspension rates, course performance, and credit accumulation rates.

39 “(II) Rates of dropout recovery (re-entry).

40 “(III) Rates of college enrollment and remediation, in accordance with

- 1 section 1111(d)(3)(B)(viii).
- 2 “(ii) Examine each eligible secondary school and feeder middle school’s data in
3 the aggregate, and disaggregated by each of the subgroups of students described
4 in section 1111(a)(2)(B)(ix), as applicable, on the following:
- 5 “(I) Student academic achievement, including the percentage of students
6 who have on-time credit accumulation at the end of each grade and the
7 percent of students failing a core, credit-bearing, reading or language arts,
8 science, or mathematics course, or failing 2 or more of any courses.
- 9 “(II) Percent of students who have an attendance rate lower than 90
10 percent.
- 11 “(III) Annual rates of expulsions, suspensions, school violence,
12 harassment, and bullying, as defined under State or local laws or policies.
- 13 “(IV) Annual, average credit accumulation.
- 14 “(V) Annual, average attendance rates.
- 15 “(VI) Annual rates of students who move in and out of the school within a
16 school year
- 17 “(VII) Curriculum alignment with college and career ready standards
18 across all grade levels.
- 19 “(VIII) Support services to address the non-academic barriers that impact
20 student achievement.
- 21 “(iii) Examine and include a description of each eligible secondary school’s
22 capacity to implement the school reform activities under subsection (e)(3),
23 including—
- 24 “(I) the capacity and experience levels of administrative, instructional, and
25 non-instructional staff; and
- 26 “(II) the budget, including how Federal, State, and local funds are being
27 spent, as of the time of the assessment and can be better spent; and
- 28 “(III) the technical assistance, additional resources, and staff necessary to
29 implement the activities identified in subsection (e).
- 30 “(iv) Include an assessment of the external partner capacity to provide technical
31 assistance and resources to implement the activities described in subsection (e).
- 32 “(D) The strategies chosen to be implemented at the eligible secondary schools,
33 including a ~~rational~~ **rational** rationale for reform strategies, as described in subsection
34 (e)(3)(F), selected for each of the eligible secondary schools, including how the chosen
35 strategy will most effectively address the needs identified through the needs analysis.
- 36 “(E) The performance indicators and targets the eligible entity will use to assess the
37 effectiveness of the activities implemented under this section including—
- 38 “(i) graduation rates;
- 39 “(ii) dropout recovery (re-entry) rates;

- 1 “(iii) percentage of students with less than a 90 percent attendance rate;
- 2 “(iv) percentage of students who have on-time credit accumulation at the end of
3 each grade and the percentage of students failing a core subject course;
- 4 “(v) rates of expulsions, suspensions, school violence, harassment, and
5 bullying, as defined under State or local laws or policies;
- 6 “(vi) annual, average attendance rates;
- 7 “(vii) annual rates of student mobility;
- 8 “(viii) college remediation, enrollment, persistence, and completion rates; and
- 9 “(ix) percentage of students successfully—
- 10 “(I) completing Advanced Placement (~~AP~~) or International Baccalaureate
11 (~~IB~~) courses;
- 12 “(II) completing rigorous postsecondary education courses while attending
13 a secondary school; or
- 14 “(III) enrolling in and completing, career and technical education, as
15 defined in section 3 of the Carl D. Perkins Career and Technical Education
16 Act of 2006, and registered apprenticeship programs, as defined in section
17 173A of the Workforce Investment Act of 1998.
- 18 “(e) Required Uses of Funds.—
- 19 “(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use the
20 grant funds to—
- 21 “(A) implement an early warning indicator system to help high schools, and their
22 feeder middle schools, served by the eligible entity’s local educational agency, to
23 identify struggling students and create a system of evidence-based interventions, by—
- 24 “(i) identifying and analyzing, indicators that most reliably predict dropping out
25 of secondary school;
- 26 “(ii) analyzing the distribution of struggling students in secondary schools
27 across all grades;
- 28 “(iii) analyzing student progress and performance on the indicators identified
29 under clause (i);
- 30 “(iv) analyzing academic indicators to determine whether students will
31 graduate on track to college and career readiness;
- 32 “(v) analyzing student data to assist students in grade and school transitions;
33 and
- 34 “(vi) developing a mechanism for regularly collecting, reporting, and making
35 accessible to each school served by the eligible entity for each such school’s
36 students—
- 37 “(I) student-level data on the indicators identified under clause (i);
- 38 “(II) student-level progress and performance, as described in clause (iii);

- 1 “(III) student-level data on the indicators described in clause (iv); and
2 “(IV) information about the impact of interventions on student outcomes
3 and progress;
- 4 “(B) provide support and credit recovery opportunities for struggling students,
5 including those who are over-aged and under-credited, at secondary schools served by
6 the eligible entity by offering activities, such as—
- 7 “(i) a flexible school schedule;
- 8 “(ii) competency-based learning models and performance-based assessments;
9 and
- 10 “(iii) the provision of support services;
- 11 “(C) provide dropout recovery or re-entry programs to secondary schools that are
12 designed to encourage and support dropouts returning to an educational system,
13 program, or institution following an extended absence in order to graduate on track to
14 college and career readiness;
- 15 “(D) provide evidence-based grade and school transition programs and supports,
16 including through curricula alignment; **and**
- 17 “(E) provide school leaders, instructional staff, non-instructional staff, students, and
18 families with high-quality, easily accessible information about—
- 19 “(i) secondary school graduation requirements;
- 20 “(ii) postsecondary education application processes;
- 21 “(iii) postsecondary admissions processes and requirements, including public
22 financial aid and other available private scholarship and grant aid opportunities;
23 and
- 24 “(iv) other programs and services for increasing rates of college access and
25 success for students from low-income families.
- 26 “(2) REQUIRED USE OF FUNDS IN FEEDER MIDDLE SCHOOLS.—An eligible entity that
27 receives a grant under this section shall use the grant funds in feeder middle schools to
28 improve the academic achievement of their students and prepare them to graduate on track
29 to college and career readiness by—
- 30 “(A) using early warning indicator and intervention systems described in paragraph
31 (1)(A);
- 32 “(B) creating a personalized learning environment;
- 33 “(C) providing high-quality professional development opportunities to school
34 leaders, teachers, and other school staff to prepare staff to—
- 35 “(i) address the academic challenges of students in middle grades;
- 36 “(ii) understand the developmental needs of students in the middle grades and
37 how to address them in an educational setting;
- 38 “(iii) implement data-driven interventions; and

1 “(iv) provide academic guidance to students so that students can graduate on
2 track to college and career readiness; and

3 “(D) implementing organizational practices and school schedules that allow for
4 collaborative staff participation, team teaching, and common instructional planning
5 time.

6 “(3) REQUIRED USE OF FUNDS IN ELIGIBLE SECONDARY SCHOOLS.—An eligible entity that
7 receives a grant under this section shall use the grant funds in eligible secondary schools to
8 implement a comprehensive approach that will—

9 “(A) personalize the school experience by taking steps such as—

10 “(i) creating opportunities for struggling students to receive personalized
11 instruction and opportunities for credit recovery;

12 “(ii) implementing competency-based models; and

13 “(iii) providing ongoing evaluation of student academic achievement and the
14 necessary supports so that students graduate on track to college and career
15 readiness;

16 “(B) increase student engagement by providing service-learning, experiential, and
17 work-based and other learning opportunities, such as—

18 “(i) contextual learning opportunities;

19 “(ii) internship opportunities;

20 “(iii) community service, learning apprenticeships, and job shadowing;

21 “(iv) college campus visits, and ~~college~~ **postsecondary** and career counseling;
22 and

23 “(v) developing an individual graduation plan for each student that defines each
24 student’s career and postsecondary education goals, and provides the
25 individualized evidence-based interventions necessary to meet the goals;

26 “(C) provide school leaders with autonomy through a flexible budget and staffing
27 authority;

28 “(D) implement high-quality professional development for teachers and school
29 leaders, provide increased opportunities for teachers to work collaboratively, and
30 improve instruction;

31 “(E) improve curriculum and instruction, by—

32 “(i) adopting effective, evidence-based curricula and instructional materials
33 aligned to high academic standards for all students; and

34 “(ii) increasing rigor through the use of Advanced Placement courses,
35 International Baccalaureate courses, or another highly rigorous, evidence-based,
36 postsecondary preparatory programs; **and**

37 “(F) implement at least 1 of the following effective secondary school reform
38 strategies to prepare students for college and a career, and to improve graduation rates:

1 “(i) Graduation Promise Academies, which include—

2 “(I) 9th grade academies taught by teams of teachers who work with small
3 groups of students;

4 “(II) Career Academies for upper grades;

5 “(III) extended learning periods, such as block scheduling, to reduce the
6 number of students for whom teachers are responsible and the number of
7 courses students are taking at any one time;

8 “(IV) an after-hours credit recovery program;

9 “(V) curriculum coaches who provide high-quality professional
10 development and support;

11 “(VI) partnerships among parents, teachers, administrators,
12 community-based organizations, and community members focused on
13 improving student achievement; and

14 “(VII) a college-going culture, including student supports and guidance.

15 “(ii) Career Academies, which—

16 “(I) establish career pathways by implementing a college and career ready
17 curriculum that integrates rigorous academics, career and technical
18 education, and experiential learning for high school students in high-skill,
19 high-demand industries in collaboration with local and regional employers;

20 “(II) provide counseling to advance students’ college and career goals;

21 “(III) collaborate with local employers to develop and provide work-based
22 experiences for high schools students;

23 “(IV) modernize career-related equipment utilized by students; and

24 “(V) provide dual enrollment opportunities with college credit-bearing
25 courses, including accelerated certificate programs with community colleges
26 or other recognized postsecondary credentials.

27 “(iii) Early College Schools, which—

28 “(I) partner with 1 or more public or nonprofit institutions of higher
29 education;

30 “(II) conduct outreach programs to ensure that middle school and high
31 school students and their families are aware of the Early College Schools;

32 “(III) design curricula and sequences of courses in collaboration with
33 teachers from the eligible secondary school and faculty from the partner
34 institution of higher education so that students may simultaneously earn
35 credits towards a high school diploma and either an associate degree or
36 transferable postsecondary education credits toward a postsecondary degree;

37 “(IV) coordinate secondary and postsecondary support services, and
38 academic calendars to allow students to visit and take courses at the
39 institutions of higher education; and

1 “(V) provide academic and support services, including financial aid
2 counseling for postsecondary education.

3 “(f) Allowable Uses of Funds.—An eligible entity that receives a grant under this section may
4 use grant funds to—

5 “(1) improve parent and family engagement in the educational attainment and
6 achievement of struggling students and dropouts to be on track to college and career
7 readiness by—

8 “(A) leveraging community-based services and opportunities; and

9 “(B) providing parents and families with the necessary information, including data
10 on their child’s academic achievement and how to navigate the public school system;

11 “(2) provide extended learning opportunities, by the school day, week, or year to increase
12 the total number of school hours to include additional time for instruction in academic
13 subjects and enrichment activities that contribute to a well-rounded education;

14 “(3) increase student supports through activities such as student advisories, school
15 counseling opportunities, and one-to-one mentoring; and

16 “(4) create smaller learning communities.

17 “(g) Matching Funds.—

18 “(1) IN GENERAL.—An eligible entity that receives a grant under this section shall provide
19 matching funds, from non-Federal sources, in an amount equal to not less than 20 percent of
20 the amount of grant funds awarded in the first 3 years of the grant, not less than 50 percent
21 of the amount awarded in the fourth year of the grant, and not less than 75 percent of the
22 amount awarded in the fifth year of the grant, as applicable.

23 “(2) WAIVER.—The Secretary may waive all or part of the matching requirement
24 described in paragraph (1) for a fiscal year for an eligible entity, on a case-by-case basis, if
25 the Secretary determines that applying the matching requirement to such eligible entity
26 would result in serious hardship or an inability to carry out the authorized activities
27 described in subsection (e).

28 “(h) Supplement Not Supplant.—An eligible entity shall use Federal funds received under this
29 section only to supplement the funds that would, in the absence of such Federal funds, be made
30 available from other Federal and non-Federal sources for the activities described in this section,
31 and not to supplant such funds.”.

32 SEC. 1202. ACCELERATED LEARNING.

33 Subpart 2 of part B of title I (20 U.S.C. 6371 et seq.) is amended to read as follows:

34 “Subpart 2—Accelerated Learning

35 “SEC. 1221. PURPOSES.

36 “The purposes of this subpart are—

37 “(1) to raise student academic achievement by—

1 “(A) increasing the number of teachers serving high-need schools who are qualified
2 to teach Advanced Placement or International Baccalaureate courses; and

3 “(B) increasing the number of students attending high-need schools who—

4 “(i) enroll and succeed in Advanced Placement or International Baccalaureate
5 courses; and

6 “(ii) take Advanced Placement or International Baccalaureate examinations;

7 “(2) to increase, and to support statewide **and, as applicable, districtwide**, efforts to
8 increase, the availability of, and enrollment in, Advanced Placement or International
9 Baccalaureate courses, and pre-Advanced Placement or pre-International Baccalaureate
10 courses, in high-need schools; and

11 “(3) to provide high-quality professional development for teachers of Advanced
12 Placement or International Baccalaureate courses, and pre-Advanced Placement or
13 pre-International Baccalaureate courses, in high-need schools.

14 “SEC. 1222. FUNDING DISTRIBUTION RULE.

15 “From amounts appropriated to carry out this subpart for a fiscal year, the Secretary shall give
16 priority to funding activities under section 1223 and shall distribute any remaining funds under
17 section 1224.

18 “SEC. 1223. ADVANCED PLACEMENT AND 19 INTERNATIONAL BACCALAUREATE EXAMINATION 20 FEE PROGRAM.

21 “(a) Grants Authorized.—From amounts made available to carry out this subpart for a fiscal
22 year, the Secretary shall award grants to State educational agencies having applications approved
23 under this section to enable the State educational agencies to ~~reimburse~~ **pay, on behalf of**
24 low-income students ~~to cover~~, part or all of the costs of Advanced Placement or International
25 Baccalaureate examination fees, if the low-income students—

26 “(1) are enrolled in an Advanced Placement or International Baccalaureate course; and

27 “(2) plan to take an Advanced Placement or International Baccalaureate examination.

28 “(b) Award Basis.—In determining the amount of the grant awarded to a State educational
29 agency under this section for a fiscal year, the Secretary shall consider the number of children
30 eligible to be counted under section 1124(c) in the State in relation to the number of such
31 children so counted in all States.

32 “(c) Information Dissemination.—A State educational agency that is awarded a grant under
33 this section shall make publicly available information regarding the availability of Advanced
34 Placement or International Baccalaureate examination fee payments under this section, and shall
35 disseminate such information to eligible secondary school students and parents, including
36 through secondary school teachers and counselors.

37 “(d) Applications.—Each State educational agency desiring to receive a grant under this
38 section shall submit an application to the Secretary at such time, in such manner, and

1 accompanied by such information as the Secretary may require. At a minimum, each State
2 educational agency application shall—

3 “(1) describe the Advanced Placement or International Baccalaureate examination fees
4 the State educational agency will pay on behalf of low-income students in the State from
5 grant funds awarded under this section;

6 “(2) provide an assurance that any grant funds awarded under this section shall be used
7 only to pay for Advanced Placement or International Baccalaureate examination fees; and

8 “(3) contain such information as the Secretary may require to demonstrate that the State
9 educational agency will ensure that a student is eligible for payments authorized under this
10 section, including ensuring that the student is a low-income student.

11 “(e) Regulations.—The Secretary shall prescribe such regulations as are necessary to carry out
12 this section.

13 “(f) Report.—

14 “(1) IN GENERAL.—Each State educational agency awarded a grant under this section
15 shall, with respect to each Advanced Placement or International Baccalaureate course
16 subject, annually report to the Secretary the following data for the preceding year:

17 “(A) The number of students in the State who are taking an Advanced Placement or
18 International Baccalaureate course in such subject.

19 “(B) The number of Advanced Placement or International Baccalaureate
20 examinations taken by students in the State who have taken an Advanced Placement or
21 International Baccalaureate course in such subject.

22 “(C) The number of students in the State scoring at each different level on Advanced
23 Placement or International Baccalaureate examinations in such subject.

24 “(D) Demographic information regarding students in the State taking Advanced
25 Placement or International Baccalaureate courses and Advanced Placement or
26 International Baccalaureate examinations in that subject, disaggregated by race,
27 ethnicity, sex, English proficiency status, and socioeconomic status.

28 “(2) REPORT TO CONGRESS.—The Secretary shall annually compile the information
29 received from each State educational agency under paragraph (1) and report to the
30 authorizing committees regarding the information.

31 “(g) BIA as SEA.—For purposes of this section, the Bureau of Indian Affairs shall be treated
32 as a State educational agency.

33 **“SEC. 1224. ADVANCED PLACEMENT AND**
34 **INTERNATIONAL BACCALAUREATE INCENTIVE**
35 **PROGRAM GRANTS.**

36 “(a) Grants Authorized.—

37 “(1) IN GENERAL.—From amounts made available to carry out this subpart for a fiscal
38 year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable

1 such entities to carry out the authorized activities described in subsection (e).

2 “(2) DURATION, RENEWAL, AND PAYMENTS.—

3 “(A) DURATION.—The Secretary shall award a grant under this section for a period
4 of not more than 3 years.

5 “(B) RENEWAL.—The Secretary may renew a grant awarded under this section for
6 an additional period of not more than 2 years, if an eligible entity—

7 “(i) is achieving the objectives of the grant; and

8 “(ii) has shown improvement against baseline data on the performance
9 measures described in subparagraphs (A) through (E) of subsection (g)(1).

10 “(C) PAYMENTS.—The Secretary shall make grant payments under this section on an
11 annual basis.

12 “(b) Definition of Eligible Entity.—The term ‘eligible entity’ means—

13 “(1) a State educational agency;

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

15 “(3) a partnership consisting of—

16 “(A) a national, regional, or statewide public or nonprofit organization, with
17 expertise and experience in providing Advanced Placement or International
18 Baccalaureate course services; and

19 “(B) a State educational agency or a high-need local educational agency.

20 “(c) Application.—

21 “(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an
22 application to the Secretary at such time, in such manner, and accompanied by such
23 information as the Secretary may require.

24 “(2) CONTENTS.—The application shall, at a minimum, include a description of—

25 “(A) the goals and objectives for the project supported by the grant under this
26 section, including—

27 “(i) increasing the number of teachers serving high-need schools who are
28 qualified to teach Advanced Placement or International Baccalaureate courses;

29 “(ii) increasing the number of Advanced Placement or International
30 Baccalaureate courses that are offered at high-need schools; and

31 “(iii) increasing the number of students attending a high-need school,
32 particularly low-income students, who succeed in—

33 “(I) Advanced Placement or International Baccalaureate courses; and

34 “(II) if offered by the school, pre-Advanced Placement or pre-International
35 Baccalaureate courses;

36 “(B) how the eligible entity will ensure that students have access to courses,
37 including pre-Advanced Placement or pre-International Baccalaureate courses, that

1 will prepare students to succeed in Advanced Placement or International Baccalaureate
2 courses;

3 “(C) how the eligible entity will provide professional development for teachers that
4 will further the goals and objectives of the grant project;

5 “(D) how the eligible entity will ensure that teachers serving high-need schools are
6 qualified to teach Advanced Placement or International Baccalaureate courses;

7 “(E) how the eligible entity will provide for the involvement of business and
8 community organizations and other entities, including institutions of higher education,
9 in carrying out the activities described in subsection (e);

10 “(F) how the eligible entity will use funds received under this section; and

11 “(G) how the eligible entity will evaluate the outcome of the grant project.

12 “(d) Priority.—In awarding grants under this section, the Secretary shall give priority to
13 applications from eligible entities that—

14 “(1) are part of a statewide or districtwide strategy, as applicable, for increasing the
15 availability of Advanced Placement or International Baccalaureate courses, and
16 pre-Advanced Placement or pre-International Baccalaureate courses, in high-need schools;

17 “(2) demonstrate a focus on increasing the availability of Advanced Placement or
18 International Baccalaureate courses in core academic subjects; and

19 “(3) propose to carry out activities that target high-need schools.

20 “(e) Authorized Activities.—

21 “(1) IN GENERAL.—Each eligible entity that receives a grant under this section shall use
22 the grant funds to carry out activities designed to increase—

23 “(A) the number of teachers serving high-need schools who are qualified to teach
24 Advanced Placement or International Baccalaureate courses; and

25 “(B) the number of students attending high-need schools who succeed in the
26 examinations for such courses, including through reimbursing low-income students
27 attending high-need schools for part or all of the cost of Advanced Placement or
28 International Baccalaureate examination fees.

29 “(2) ALLOWABLE ACTIVITIES.—In addition to the activities described in paragraph (1), an
30 eligible entity that receives a grant under this section may use grant funds for—

31 “(A) high-quality teacher professional development, in order to expand the pool of
32 teachers in the participating State, high-need local educational agency, or high-need
33 school who are qualified to teach Advanced Placement or International Baccalaureate
34 courses, including through innovative models, such as online academies and training
35 institutes;

36 “(B) pre-Advanced Placement or pre-International Baccalaureate teacher and
37 counselor high-quality professional development in secondary school to prepare
38 students for success in Advanced Placement or International Baccalaureate courses and
39 in institutions of higher education;

1 “(C) coordination and articulation between grade levels to prepare students to
2 succeed in Advanced Placement or International Baccalaureate courses;

3 “(D) purchase of instructional materials for Advanced Placement or International
4 Baccalaureate courses;

5 “(E) activities to increase the availability of, and participation in, online Advanced
6 Placement or International Baccalaureate courses;

7 “(F) carrying out the requirements of subsection (g); and

8 “(G) in the case of an eligible entity described in subsection (b)(1), awarding
9 subgrants to high-need local educational agencies to enable the high-need local
10 educational agencies to carry out authorized activities described in subparagraphs (A)
11 through (F).

12 “(f) Contracts.—An eligible entity that is awarded a grant to provide online Advanced
13 Placement or International Baccalaureate courses under this subpart may enter into a contract
14 with an organization to provide the online Advanced Placement or International Baccalaureate
15 courses, including contracting for necessary support services.

16 “(g) Collecting and Reporting Requirements.—

17 “(1) REPORT.—Each eligible entity receiving a grant under this section shall collect and
18 report to the Secretary annually such data regarding the results of the grant as the Secretary
19 may reasonably require, including—

20 “(A) the number of students served by the eligible entity enrolling in Advanced
21 Placement or International Baccalaureate courses, and pre-Advanced Placement or
22 pre-International Baccalaureate courses, disaggregated by grade level of the student,
23 and the grades received by such students in the courses;

24 “(B) the number of students taking an Advanced Placement or International
25 Baccalaureate examination and the distribution of scores on those examinations,
26 disaggregated by the grade level of the student at the time of examination;

27 “(C) the number of teachers who are currently, as of the date of the report, receiving
28 training to teach Advanced Placement or International Baccalaureate courses and will
29 teach such courses in the next school year;

30 “(D) the number of teachers becoming qualified to teach Advanced Placement or
31 International Baccalaureate courses; and

32 “(E) the number of qualified teachers who are teaching Advanced Placement or
33 International Baccalaureate courses in high-need schools served by the eligible entity.

34 “(2) REPORTING OF DATA.—Each eligible entity receiving a grant under this section shall
35 report the data required under paragraph (1)—

36 “(A) disaggregated by subject area;

37 “(B) in the case of student data, disaggregated in the same manner as information is
38 disaggregated under section ~~1111(b)(2)(C)(v)~~ **1111(a)(2)(B)(ix)**; and

39 “(C) in a manner that allows for an assessment of the effectiveness of the grant
40 program.

1 “(h) Evaluation.—From the amount appropriated for this subpart and reserved for evaluation
2 activities in accordance with section 9601(a), the Secretary, acting through the Director of the
3 Institute of Education Sciences, shall, in consultation with the relevant program office at the
4 Department, evaluate the implementation and impact of the activities supported under this
5 section, consistent with section 9601, including progress as measured by the performance
6 measures established under subparagraphs (A) through (E) of subsection (g)(1).

7 “(i) Matching Requirement.—

8 “(1) IN GENERAL.—Notwithstanding paragraph (3), each eligible entity that receives a
9 grant under this section shall provide toward the cost of the activities assisted under the
10 grant, from non-Federal sources, an amount equal to 100 percent of the amount of the grant,
11 except that an eligible entity that is a high-need local educational agency shall provide an
12 amount equal to not more than 50 percent of the amount of the grant.

13 “(2) MATCHING FUNDS.—The eligible entity may provide the matching funds described in
14 paragraph (1) in cash or in kind, fairly evaluated, but may not provide more than 50 percent
15 of the matching funds in kind. The eligible entity may provide the matching funds from
16 State, local, or private sources.

17 “(3) WAIVER.—The Secretary may waive all or part of the matching requirement
18 described in paragraph (1) for any fiscal year for an eligible entity described in paragraph
19 (1) or (2) of subsection (b), if the Secretary determines that applying the matching
20 requirement to such eligible entity would result in serious hardship or an inability to carry
21 out the authorized activities described in subsection (e).

22 “SEC. 1225. SUPPLEMENT, NOT SUPPLANT.

23 “Grant funds provided under this subpart shall supplement, and not supplant, other
24 non-Federal funds that are available to assist low-income students to pay for the cost of
25 Advanced Placement or International Baccalaureate examination fees or to expand access to
26 Advanced Placement or International Baccalaureate courses, and pre-Advanced Placement or
27 pre-International Baccalaureate courses.

28 “SEC. 1226. DEFINITIONS.

29 “In this subpart:

30 “(1) HIGH-NEED SCHOOL.—The term ‘high-need school’ means a secondary school—

31 “(A) with a demonstrated need for Advanced Placement or International
32 Baccalaureate courses; and

33 “(B) that—

34 “(i) has a high concentration of low-income students; or

35 “(ii) is designated with a school locale code of 33, 41, 42, or 43, as determined
36 by the Secretary.

37 “(2) LOW-INCOME STUDENT.—The term ‘low-income student’ means a student who is
38 eligible for free or reduced-price lunch under the Richard B. Russell National School Lunch
39 Act (42 U.S.C. 1751 et seq.).”

1 **SEC. 1203. REORGANIZATION.**

2 Part B of title I, as amended by this part, is further amended by striking subparts 3 and 4.

3 **PART C—EDUCATION OF MIGRATORY CHILDREN**

4 **SEC. 1301. PROGRAM PURPOSE.**

5 Section 1301 (20 U.S.C. 6391) is amended to read as follows:

6 **“SEC. 1301. PROGRAM PURPOSE.**

7 “It is the purpose of this part to assist States in providing high-quality and comprehensive
8 educational programs (including, as appropriate, instructional and educationally related support
9 services), during the regular school year and summer or intersession periods, that address the
10 unique educational needs of migratory children arising from their migratory lifestyle, in order to
11 help such children—

12 “(1) succeed in school;

13 “(2) meet the same State college and career ready academic content and student academic
14 achievement standards under section 1111(a)(1) that all children are expected to meet;

15 “(3) graduate high school ready for higher education and careers; and

16 “(4) overcome educational disruption, cultural and language barriers, social isolation,
17 various health-related problems, and other factors that inhibit the ability of such children to
18 succeed in school.”.

19 **SEC. 1302. PROGRAM AUTHORIZED.**

20 Section 1302 (20 U.S.C. 6392) is amended—

21 (1) by striking “In order to carry out the purpose of this part” and inserting “From the
22 amounts made available under section ~~1002(e)~~ 3(e) for a fiscal year to carry out this part”;

23 (2) by striking “combinations” and inserting “consortia”; and

24 (3) by striking “to establish” and inserting “to enable such agencies or consortia to
25 establish”.

26 **SEC. 1303. STATE ALLOCATIONS.**

27 Section 1303 (20 U.S.C. 6393) is amended—

28 (1) by striking subsection (a) and inserting the following:

29 “(a) State Allocations.—Except as provided in subsection (b), the amount awarded to each
30 State (other than the Commonwealth of Puerto Rico) under this part for each fiscal year shall be
31 an amount equal to the product of—

32 “(1) the sum of—

33 “(A) the average number of identified eligible migratory children aged 3 through 21,
34 residing in the State, based on data for the preceding 3 years; and

1 “(B) the number of identified eligible migratory children, age 3 through 21, who
2 received services under this part in summer or intersession programs provided by the
3 State during the previous year; multiplied by

4 “(2) 40 percent of the average per-pupil expenditure in the State, except that the amount
5 calculated under this paragraph shall not be less than 32 percent, or more than 48 percent, of
6 the average per-pupil expenditure in the United States.”;

7 (2) by redesignating subsections (b) through (e) as subsections (c) through (f),
8 respectively;

9 (3) by inserting after subsection (a) the following:

10 “(b) Hold Harmless.—Notwithstanding subsection (a), for each of fiscal years 2011 through
11 2013, no State receiving an allocation under this section shall receive less than 90 percent of the
12 State’s allocation under this section for the previous year.”;

13 (4) in subsection (c) (as redesignated by paragraph (2))—

14 (A) by striking paragraphs (2) and (3);

15 (B) by striking “Puerto Rico.—” and all that follows through “For each” and
16 inserting the following: “Puerto Rico.—For each”;

17 (C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2),
18 respectively, and by aligning such paragraphs with the margins of paragraph (1) of
19 subsection (e) (as redesignated by paragraph (2));

20 (D) in the matter preceding paragraph (1) (as redesignated by subparagraph (C))—

21 (i) by striking “which” and inserting “that”; and

22 (ii) by striking subsection “(a)(1)(A)” and inserting “subsection (g)”; and

23 (E) in paragraph (1) (as redesignated by subparagraph (C))—

24 (i) by striking “which” and inserting “that”; and

25 (ii) by inserting “, except that the percentage calculated under this subparagraph
26 shall not be less than 85 percent” before the semicolon at the end; and

27 (5) in subsection (d) (as redesignated by paragraph (2))—

28 (A) in paragraph (1)—

29 (i) by striking “IN GENERAL.—(A) If,” and all that follows through “this part”
30 and inserting the following: “IN GENERAL.—

31 “(A) RATABLE REDUCTIONS.—If the amount available for allocations to States under
32 this part”; and

33 (ii) in subparagraph (B), by striking “If additional” and inserting
34 “REALLOCATION.—If additional”;

35 (B) in paragraph (2)—

36 (i) by striking “SPECIAL RULE.—(A) The” and inserting the following:
37 “SPECIAL RULE.—

- 1 “(A) FURTHER REDUCTIONS.—The”;
- 2 (ii) in subparagraph (A), by striking “required under section 1304” and
3 inserting “needed to carry out the approved activities in the application under
4 section 1304”;
- 5 (iii) in subparagraph (B), by striking “The Secretary shall” and inserting
6 “REALLOCATION.—The Secretary shall”; and
- 7 (iv) by adding at the end the following:
- 8 “(C) ADDITIONAL REQUIREMENTS.—The Secretary—
- 9 “(i) shall—
- 10 “(I) develop and implement a procedure for monitoring the accuracy of the
11 information described in subparagraph (A); and
- 12 “(II) issue, through regulations or guidance, criteria for a system of State
13 quality control for the accuracy of State counts of eligible migratory
14 children; and
- 15 “(ii) may not reduce the amount of a State allocation under this paragraph on
16 the basis of unintentional errors in such counts for States implementing a system
17 of State quality control that meets the criteria described in clause (i)(II), if the
18 discrepancy between the initial State count and any subsequent revisions is
19 minimal.”;
- 20 (6) in subsection (f) (as redesignated by paragraph (2))—
- 21 (A) in the matter preceding paragraph (1), by inserting “best serve migratory
22 children under this part and” after “In order to”;
- 23 (B) in paragraph (1), by striking “such information as the Secretary finds” and
24 inserting “the most recent information that”;
- 25 (C) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5),
26 respectively;
- 27 (D) by inserting after paragraph (1) the following:
- 28 “(2) develop and implement a procedure for monitoring the accuracy of such information,
29 if such a procedure does not create barriers to the families of migratory children who are
30 eligible for services under this part;”;
- 31 (E) in paragraph (3) (as redesignated by subparagraph (C)), by striking “develop and
32 implement a procedure for more accurately reflecting the” and inserting “update such
33 procedure, and implement the updated procedure, to more accurately reflect the”;
- 34 (F) in paragraph (4)(A) (as redesignated by subparagraph (C)), by inserting “of
35 high-quality, sustained, and intensive education services” after “special programs”;
- 36 (G) in paragraph (5) (as redesignated by subparagraph (C)), by striking “the child
37 whose education has been interrupted” and inserting “migratory children”; and
- 38 (7) by adding at the end the following:

1 “(g) Nonparticipating States.—In the case of a State desiring to receive an allocation under
2 this part for a fiscal year that did not receive an allocation for the previous fiscal year or that has
3 been participating for less than 3 consecutive years, the Secretary shall calculate the State’s
4 number of identified migratory children aged 3 through 21 for purposes of subsection (a)(1)(A)
5 by using the most recent data available that identifies the migratory children residing in the State
6 until data is available to calculate the 3-year average number of such children in accordance with
7 such subsection.”.

8 SEC. 1304. STATE APPLICATIONS; SERVICES.

9 Section 1304 (20 U.S.C. 6394) is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (1)—

12 (i) in the matter preceding subparagraph (A)—

13 (I) by striking “special” and inserting “unique”;

14 (II) by inserting “and out of school migratory children” after “preschool
15 migratory children”; and

16 (ii) in subparagraph (B), by striking “migrant” and inserting “migratory”; and

17 (B) in paragraph (2)—

18 (i) by striking “migratory students” and inserting “migratory children”;

19 (ii) by striking “same challenging” and all that follows through “standards that”
20 and inserting “same State college and career ready academic content and student
21 academic achievement standards adopted under section 1111(a)(1) that”;

22 ~~and~~(C) by striking paragraph (6);

23 ~~(C)~~(D) by redesignating paragraphs (3) through ~~(7)~~(5) as paragraphs (4) through
24 ~~(8)~~(6), respectively;

25 ~~(D)~~(E) by inserting after paragraph (2) the following:

26 “(3) a description of how the State will meet the requirements of section 1308 for the
27 timely electronic transfer of student records and how the State will use such records transfer
28 to meet the unique educational needs of migratory students and remove barriers to the
29 proper enrollment and retention of migratory children in schools;”;

30 ~~(E)~~(F) in paragraph (4) (as redesignated by subparagraph ~~(C)~~)—(D)—

31 (i) by striking “require, the State” and inserting “require and using the linkage
32 system described in section 1308(b), the State and each of its local operating
33 agencies”;

34 (ii) by striking “another” and inserting “another or from one school district to
35 another”; and

36 (iii) by striking “such move” and inserting “such a move”;

37 ~~(F) by striking paragraph (7) (as redesignated by subparagraph (C)) and inserting the~~

1 following:

2 ~~“(7) a description of how the State will ensure that paraprofessionals who are hired~~
3 ~~to work in programs and projects assisted under this part (not including any such~~
4 ~~paraprofessional who works primarily as a translator or solely in family involvement~~
5 ~~activities) will, if hired to work in such programs and projects after the effective date~~
6 ~~of the Elementary and Secondary Education Reauthorization Act of 2011, meet the~~
7 ~~standards and requirements for paraprofessionals under section 1119;”;~~

8 ~~(G) in paragraph (8) (as redesignated by subparagraph (C))~~**(G) in paragraph (7) —**

9 (i) by striking “program or project serves” and inserting “programs and projects
10 serve”;

11 (ii) by striking “who have parents who” and inserting “whose parents”; and

12 (iii) by striking the period at the end and inserting “; and”; and

13 (H) by adding at the end the following:

14 ~~“(9)“(8) such budgetary and other information as the Secretary may require.”;~~

15 (2) in subsection (c)—

16 (A) by striking paragraph (3) and inserting the following:

17 “(3) in the planning and operation of programs and projects at both the State and local
18 agency operating levels, there is consultation with parent advisory councils for programs of
19 not less than one school year in duration, and that all such programs and projects are—

20 “(A) conducted in a manner that provides for the same parental involvement as is
21 required for programs and projects under section 1118, including, to the extent
22 practicable, descriptions required for parental involvement under section
23 1118(a)(3)(A), unless extraordinary circumstances make such provision impractical;
24 and

25 “(B) are developed in a format and language understandable to the parents;”;

26 (B) in paragraph (4), by inserting “and migratory children who are not attending
27 school” before the semicolon at the end;

28 (C) in paragraph (6), by striking subparagraph (C) and inserting the following:

29 “(C) family literacy programs that are determined to be high quality;”;

30 (D) by striking paragraph (7) and inserting the following:

31 “(7) the State has procedures in place to verify the accuracy and completeness of any data
32 regarding the counting of migratory children that is submitted to the Secretary under this
33 part.”; and

34 (3) in subsection (d)—

35 (A) by striking “who are failing” and all that follows through the period and
36 inserting the following: “who have made a move within the previous 1-year period and
37 who—

38 “(1) are failing, or most at risk of failing, to meet the State college and career ready

1 academic content standards and student academic achievement standards adopted under
2 section 1111(a)(1); or

3 “(2) have dropped out of school.”; and

4 (B) in subsection (e)—

5 (i) by striking “1” and inserting “one”; and

6 (ii) by striking “secondary school students” and inserting “students”.

7 **SEC. 1305. SECRETARIAL APPROVAL; PEER REVIEW.**

8 Section 1305(b) (20 U.S.C. 6395(b)) is amended by striking “may” and inserting “shall, to the
9 extent practicable,”.

10 **SEC. 1306. COMPREHENSIVE NEEDS ASSESSMENT AND** 11 **SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.**

12 Section 1306 (20 U.S.C. 6396) is amended—

13 (1) in subsection (a)(1)—

14 (A) in the matter preceding subparagraph (A)—

15 (i) by striking “special” and inserting “unique”; and

16 (ii) by inserting “, consistent with the purposes of this part,” after “migratory
17 children”;

18 (B) by striking subparagraph (B);

19 (C) by redesignating subparagraphs (C) through (G) as subparagraphs (E) through
20 (I), respectively;

21 (D) by inserting after subparagraph (A) the following:

22 “(B) addresses the unique educational needs of migratory children;

23 “(C) is developed in collaboration with parents of migratory children;

24 “(D) is not used to supplant State efforts regarding, or administrative funding for,
25 this part;”;

26 (E) in subparagraph (E) (as redesignated by subparagraph (C)), by striking “same
27 challenging” and all that follows through “standards that” and inserting “same State
28 college and career ready academic content and student academic achievement
29 standards adopted under section 1111(a)(1) that”; and

30 (F) in subparagraph (H) (as redesignated by subparagraph (C)), by striking “early
31 childhood programs,” and inserting “early care and education programs,”; and

32 (2) in subsection (b)—

33 (A) in paragraph (1), by striking “local educational” and inserting “local operating”;

34 (B) by striking paragraph (2) and inserting the following:

35 “(2) UNMET NEEDS.—Funds provided under this part shall be used to meet the needs of

1 migratory children that are not met by services available from other Federal or non-Federal
2 programs, except that migratory children who are eligible to receive services under part A
3 may receive those services through funds provided under that part or through funds under
4 this part that remain after the agency meets the needs described in paragraph (1).”; and

5 (C) in paragraph (4), by striking “special educational” and inserting “unique
6 educational”.

7 **SEC. 1307. BYPASS.**

8 Section 1307 (20 U.S.C. 6397) is amended, in the matter preceding paragraph (1), by striking
9 “make arrangements” and inserting “award grants to, or enter into contracts with”.

10 **SEC. 1308. NATIONAL ACTIVITIES.**

11 Section 1308 (20 U.S.C. 6398) is amended—

12 (1) by striking the section heading and inserting “national activities.”;

13 (2) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) by striking “nonprofit entities to improve” and inserting the following:
16 “entities to—

17 “(A) improve”;

18 (ii) by inserting “through” before “the establishment”;

19 (iii) by striking the period at the end and inserting “; and”; and

20 (iv) by adding at the end the following:

21 “(B) improve the coordination between State educational agencies, local operating
22 agencies, and their counterparts in other nations in educating migratory children who
23 move between the United States and such nations.”; and

24 (B) in paragraph (2), by inserting “or contracts” after “Grants”;

25 (3) in subsection (b)—

26 (A) by striking paragraph (1) and inserting the following:

27 “(1) ASSISTANCE.—In order to determine the number of migratory children in each State,
28 the Secretary shall assist each State in maintaining an effective system for the electronic
29 transfer of student records.”;

30 (B) in paragraph (2)—

31 (i) in subparagraph (A)—

32 (I) in the matter preceding clause (i), by striking “The Secretary, in
33 consultation” and all that follows through “may include—” and inserting the
34 following: “The Secretary, in consultation with the States, shall continue to
35 ensure the linkage of migratory child record systems for the purpose of
36 electronically exchanging, within and among the States, health and

1 educational information regarding all migratory children eligible under this
2 part. The Secretary shall ensure such linkage occurs in a cost-effective
3 manner, utilizing systems used by the State prior to, or developed after, the
4 date of enactment of the Elementary and Secondary Education
5 Reauthorization Act of 2011. The Secretary shall determine the minimum
6 data elements that each State receiving funds under this part shall collect,
7 maintain, and exchange, and the requirements of the linkage system that
8 States shall meet for the timely submission of access to such information.
9 Such minimum data elements may include—”;

10 (II) in clause (ii), by striking “section 1111(b)” and inserting “section
11 1111(a)(2)”;

12 (ii) by striking subparagraph (B) and inserting the following:

13 “(B) CONSULTATION.—The Secretary shall maintain on-going consultation with the
14 States, local educational agencies, and other migratory student service providers on—

15 “(i) the effectiveness of the system of electronic records transfer described in
16 subparagraph (A); and

17 “(ii) the ongoing improvement of such system.”; and

18 (C) in paragraph (4)—

19 (i) in subparagraph (A)—

20 (I) by striking “2003” and inserting “2012, and every 2 years thereafter,”;
21 and

22 (II) by striking “the Committee on Health, Education, Labor, and Pensions
23 of the Senate and the Committee on Education and the Workforce of the
24 House of Representatives” and inserting “the authorizing committees”; and

25 (ii) in subparagraph (B)—

26 (I) in clause (ii), by striking “the development and linkage of” and
27 inserting “maintaining”; and

28 (II) in clause (iii), by striking “measures that may be taken to ensure” and
29 inserting “improving”;

30 (4) by redesignating subsection (c) as subsection (f), and transferring such subsection so
31 as to follow subsection (e);

32 (5) by inserting after subsection (b) the following:

33 “(c) Technical Assistance.—The Secretary may provide technical assistance designed to
34 support State efforts to meet the needs of migratory children, which may include supporting the
35 attendance of State and local operating agency staff, and other appropriate individuals, at special
36 meetings convened by the Secretary in order to carry out activities consistent with this section.”;

37 (6) in subsection (d)—

38 (A) by striking “, pursuant to criteria that the Secretary shall establish,”; and

39 (B) by striking “whose education is interrupted” and inserting “described in section

1 1304(d)”; **and**

2 (7) by striking subsection (e) and inserting the following:

3 “(e) Improvements and Coordination.—From any funds remaining under subsection (f) after
4 carrying out the requirements under subsections (b) and (d), the Secretary, in consultation with
5 the States, may make grants to, or enter into contracts with, State educational agencies, local
6 educational agencies, institutions of higher education, and other public and private nonprofit
7 entities to improve the interstate and intrastate coordination among such agencies’ and entities’
8 programs available to migratory students consistent with this section, including the establishment
9 or improvement of programs for academic credit accrual and exchange.”; ~~and~~

10 ~~(8) in subsection (f) (as redesignated and transferred under paragraph (4)), by striking~~
11 ~~“\$10,000,000” and inserting [“\$12,500,000”].~~

12 **SEC. 1309. PERFORMANCE DATA; EVALUATIONS AND** 13 **STUDY; STATE ASSISTANCE.**

14 Part C of title I (20 U.S.C. 6391 et seq.) is further amended—

15 (1) by redesignating section 1309 as section 1312; and

16 (2) by inserting after section 1308 the following:

17 **“SEC. 1309. PERFORMANCE DATA.**

18 “Consistent with section 1111(d)(3)(B), and in a manner prescribed by the Secretary, each
19 State that receives a grant under this part shall annually submit to the Secretary, and make public,
20 data on—

21 “(1) the academic achievement of migratory students, as measured by the State
22 assessments required under section 1111(a)(2);

23 “(2) such students’ high school graduation rates and rates of enrollment and persistence
24 in, and completion of a program of study at, institutions of higher education; and

25 “(3) the results of such other performance measures and targets as the Secretary may
26 prescribe.

27 **“SEC. 1310. EVALUATION AND STUDY.**

28 “(a) Program Evaluation.—From the amount reserved for evaluation activities in accordance
29 with section 9601(a), the Secretary, acting through the Director of the Institute of Education
30 Sciences, shall, in consultation with the relevant program office at the Department, evaluate the
31 implementation and impact of the activities supported under this part, consistent with section
32 9601.

33 “(b) Study.—The Secretary shall conduct a pilot study, funded as part of the 2012 National
34 Assessment of Educational Progress, on the feasibility of using the National Assessment of
35 Educational Progress for assessing and reporting on the academic achievement of migratory
36 children in grades 4 and 8 in reading and mathematics.

37 **“SEC. 1311. STATE ASSISTANCE IN DETERMINING**

1 NUMBER OF MIGRATORY CHILDREN.

2 “Each State that desires to receive assistance under this part shall assist the Secretary in
3 determining the number of migratory children in such State under paragraphs (1) and (2) of
4 subsection (a) and subsection (g) of section 1303 through such procedures as the Secretary may
5 require, except that the Secretary shall not require additional information that is not directly
6 related to determining the migratory status of the child or the administration of this part.”.

7 SEC. 1310. DEFINITIONS.

8 Section 1312 (as redesignated by section 1309(1)) (20 U.S.C. 6399) is amended—

9 (1) by redesignating paragraphs (1) and (2) as paragraphs (3) and (5), respectively;

10 (2) by inserting before paragraph (3) (as redesignated by paragraph (1)) the following:

11 “(1) FOOD PROCESSOR.—The term ‘food processor’ means a position working with a raw
12 agricultural, dairy, or fishing product and transforming the product into a more refined
13 product up to the point of an initial commercial sale.

14 “(2) INITIAL COMMERCIAL SALE.—The term ‘initial commercial sale’ means the first point
15 of sale of an agricultural, dairy, or fishing product—

16 “(A) for refining to the next-stage processor;

17 “(B) to the wholesaler;

18 “(C) to the retailer; or

19 “(D) directly to the consumer.”;

20 (3) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

21 “(4) MIGRATORY AGRICULTURAL WORKER.—The term ‘migratory agricultural worker’
22 means an individual who—

23 “(A) made a qualifying move in the preceding ~~3-year~~ **36-month** period; and

24 “(B) after making such move, sought or engaged in employment in agricultural
25 work, which may be dairy work or the initial processing of raw agricultural products.”;
26 and

27 (4) by striking paragraph (5) (as redesignated by paragraph (1)) and inserting the
28 following:

29 “(5) MIGRATORY CHILD.—The term ‘migratory child’ means a child who—

30 “(A) is, or whose parent or spouse is, a migratory agricultural worker or migratory
31 fisher who is currently engaged in, or seeking to obtain, temporary or seasonal
32 employment, usually for not longer than 15 months, in agricultural or fishing work
33 until the point of the initial commercial sale (including employment as a migratory
34 dairy worker, a food processor, or a migratory fisher); and

35 “(B) in the preceding 36 months—

36 “(i) has moved from one school district to another;

1 “(ii) in a State that is comprised of a single school district, has moved from one
2 administrative area to another within such district; or

3 “(iii) resides in a school district of more than 15,000 square miles, and migrates
4 a distance of 20 miles or more to a temporary residence to engage in, or to
5 accompany a parent or spouse engaging in, a fishing activity.

6 “(6) MIGRATORY FISHER.—The term ‘migratory fisher’ means an individual who made a
7 qualifying move in the preceding 36 months and, after doing so, sought or engaged in
8 employment in fishing work.

9 “(7) QUALIFYING MOVE.—The term ‘qualifying move’—

10 “(A) means—

11 “(i) a move from one school district to another, or from one administrative area
12 to another within a State that is comprised of a single school district; and

13 “(ii) in the case of a migratory fisher who resides in a school district of more
14 than 15,000 square miles, includes migrating a distance of 20 miles or more to a
15 temporary residence; and

16 “(B) with respect to a qualifying move for a parent or spouse of a migratory child,
17 means a move described in subparagraph (A) that is separated by not more than 1 year
18 from the move or migration described in paragraph (5)(B) of the migratory child.”.

19 **PART D—PREVENTION AND INTERVENTION**
20 **PROGRAMS FOR CHILDREN AND YOUTH WHO ARE**
21 **NEGLECTED, DELINQUENT, OR AT-RISK**

22 **SEC. 1401. PURPOSE AND PROGRAM AUTHORIZATION.**

23 Section 1401(a) (20 U.S.C. 6421(a)) is amended—

24 (1) in paragraph (1), by striking “challenging State academic content standards and
25 challenging State student academic achievement standards” and inserting “college and
26 career ready academic content standards and student academic achievement standards under
27 section 1111(a)(1)”; and

28 (2) in paragraph (3), by striking “to prevent at-risk youth from dropping out of school,
29 and”.

30 **SEC. 1402. ALLOCATION OF FUNDS.**

31 Paragraph (2) of section 1412(b) (20 U.S.C. 6432(b)) is amended to read as follows:

32 “(2) MINIMUM PERCENTAGE.—The percentage in paragraph (1)(A) shall not be less than
33 85 percent.”.

34 **SEC. 1403. STATE PLAN AND STATE AGENCY**
35 **APPLICATIONS.**

36 Section 1414 (20 U.S.C. 6434) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1)(B)—

3 (i) by striking “from” and inserting “between”; and

4 (ii) by striking “to” and inserting “and”;

5 (B) in paragraph (2)—

6 (i) in subparagraph (A), by striking “academic, vocational, and technical skills”
7 and inserting “college and career readiness (as determined based on the State
8 college and career ready academic content and student academic achievement
9 standards under section 1111(a)(1))”; and

10 (ii) in subparagraph (B), by striking “and” after the semicolon;

11 (C) in subparagraph (C)(iv), by striking the period at the end and inserting “; and”;
12 and

13 (D) by adding at the end the following:

14 “(D) provide assurances that the State educational agency has established—

15 “(i) procedures to ensure that each student who has been placed in the juvenile
16 justice system is promptly reenrolled in secondary school or placed in a re-entry
17 program that best meets the educational and social needs of the student;

18 “(ii) procedures for facilitating the transfer of credits that such students earned
19 during placement; and

20 “(iii) opportunities for such students to participate in higher education or career
21 pathways.”; and

22 (2) in subsection (c)—

23 (A) in paragraph (1)—

24 (i) by inserting “and respond to” after “assess”; and

25 (ii) by inserting “, including an assessment upon entry into a correctional
26 facility” before the semicolon at the end;

27 (B) in paragraph (8), by striking “vocational” and inserting “career”;

28 (C) in paragraph (9)—

29 (i) by striking “encourage” and insert “require, to the extent practicable,”;

30 (ii) by inserting “and after” after “prior to”; and

31 (iii) by inserting “and that transition plans are in place” before the semicolon at
32 the end;

33 (D) in paragraph (11)—

34 (i) by inserting “such” after “transition of”;

35 (ii) by striking “from” and inserting “between”; and

36 (iii) by striking “institution to locally operated” and inserting “institution and

- 1 locally operated education”;
- 2 (E) in paragraph (16)—
- 3 (i) by inserting “and obtain a secondary school diploma” after “reenter school”;
- 4 and
- 5 (ii) by inserting “that leads to economic self-sufficiency” after “employment”;
- 6 and
- 7 (F) in paragraph (17), by inserting “certified or licensed” before “teachers”.

8 **SEC. 1404. USE OF FUNDS.**

9 Section 1415(a) (20 U.S.C. 6435(a)) is amended—

- 10 (1) in paragraph (1)(B), by striking “vocational” and inserting “career”; and
- 11 (2) in paragraph (2)—
- 12 (A) in subparagraph (B)—
- 13 (i) in clause (i), by striking “challenging academic content standards and
- 14 student academic achievement standards” and inserting “college and career ready
- 15 academic content standards and student academic achievement standards under
- 16 section 1111(a)(1)”; and
- 17 (ii) in clause (ii), by striking “challenging” and inserting “such”;
- 18 (B) in subparagraph (C), by striking “and” after the semicolon;
- 19 (C) in subparagraph (D), by striking the period at the end and inserting “; and”; and
- 20 (D) by adding at the end the following:
- 21 “(E) may include the costs of testing for such children and youth for a recognized
- 22 equivalent of a secondary school diploma.”.

23 **SEC. 1405. INSTITUTION-WIDE PROJECTS.**

24 Section 1416 (20 U.S.C. 6436) is amended—

- 25 (1) in paragraph (3), by striking “challenging State academic content standards and
- 26 student academic achievement standards” and inserting “college and career ready academic
- 27 content standards and student academic achievement standards under section 1111(a)(1)”;
- 28 (2) in paragraph (4), by inserting “and the development and implementation of transition
- 29 plans” before the semicolon; and
- 30 (3) in paragraph (6), by inserting “and improve” after “assess”.

31 **SEC. 1406. TRANSITION SERVICES.**

32 Section 1418(a) (20 U.S.C. 6438(a)) is amended—

- 33 (1) in paragraph (1)—
- 34 (A) by striking “from” and inserting “between”; and

1 (B) by striking “to schools” and inserting “and schools”; and
2 (2) in paragraph (2), by striking “vocational” each place the term appears and inserting
3 “career”.

4 **SEC. 1407. PROGRAM EVALUATION.**

5 Section 1419 is amended to read as follows:

6 **“SEC. 1419. PROGRAM EVALUATION.**

7 **“From the amount reserved for evaluation activities in accordance with section 9601(a),**
8 **the Secretary, acting through the Director of the Institute for Education Sciences, shall, in**
9 **consultation with the relevant program office of the Department, evaluate the**
10 **implementation and impact of the activities supported under this part, consistent with**
11 **section 9601.”.**

12 **SEC. 1408. PURPOSE OF LOCAL AGENCY PROGRAMS.**

13 Section 1421(1) (20 U.S.C. 6451(1)) is amended by striking “, training, employment, or
14 further education” and inserting “and college and career readiness (as determined based on the
15 State college and career ready academic content and student academic achievement standards
16 under section 1111(a)(1))”.

17 **SEC. ~~1408~~ 1409. PROGRAMS OPERATED BY LOCAL** 18 **EDUCATIONAL AGENCIES.**

19 Section 1422(d) (20 U.S.C. 6452(d)) is amended—

20 (1) by striking “meet the transitional” and inserting “meet the transitional needs
21 (including the social and emotional needs)”; and

22 (2) by striking “meeting the transitional” and inserting “meeting such transitional”.

23 **SEC. ~~1409~~ 1410. LOCAL EDUCATIONAL AGENCY** 24 **APPLICATIONS.**

25 Section 1423 (20 U.S.C. 6453) is amended—

26 (1) in paragraph (6), by striking “, at-risk children or youth, and other participating
27 children or youth,” and inserting “and at-risk children or youth,”;

28 (2) in paragraph (8), by inserting “and family members” after “parents”; and

29 (3) in paragraph (9), by striking “vocational” and inserting “career”.

30 **SEC. ~~1410~~ 1411. USES OF FUNDS.**

31 Section 1424 (20 U.S.C. 6454) is amended—

32 (1) in paragraph (2), by striking “, including” and all that follows through “gang
33 members”; and

34 (2) in paragraph (4), by striking “vocational and technical education” and inserting

1 “career and technical education, costs associated with testing for a recognized equivalent of
2 a secondary school diploma”.

3 **SEC. ~~1411~~ 1412. PROGRAM REQUIREMENTS FOR**
4 **CORRECTIONAL FACILITIES RECEIVING FUNDS**
5 **UNDER THIS SECTION.**

6 Section 1425 (20 U.S.C. 6455) is amended—

7 (1) in paragraph (9), by striking “vocational” and inserting “career”;

8 (2) in paragraph (10), by striking “and” after the semicolon;

9 (3) in paragraph (11), by striking the period at the end and inserting a semicolon; and

10 (4) by adding at the end the following:

11 “(12) develop an initial educational services and transition plan for each child or youth
12 served under this subpart upon entry into the correctional facility, in partnership with the
13 child or youth’s family members and the local educational agency that most recently
14 provided services to the child or youth (if applicable), consistent with section 1414(a)(1);
15 and

16 “(13) consult with the local educational agency for a period jointly determined necessary
17 by the correctional facility and local educational agency upon discharge from that facility,
18 to coordinate educational services so as to minimize disruption to the child’s or youth’s
19 achievement.”.

20 **SEC. ~~1412~~ 1413. ACCOUNTABILITY.**

21 Section 1426 (20 U.S.C. 6456) is amended to read as follows:

22 **“SEC. 1426. ACCOUNTABILITY.**

23 “The State educational agency—

24 “(1) shall require correctional facilities or institutions for delinquent children and youth to
25 annually report on the number of children and youth released from the correctional facility
26 or institution who returned or did not return to school, the number of children and youth
27 obtaining a secondary school diploma or its recognized equivalent, and the number of
28 children and youth obtaining employment; and

29 “(2) may require correctional facilities or institutions for delinquent children and youth to
30 demonstrate, after receiving assistance under this subpart for 3 years, that there has been an
31 increase in the number of children and youth returning to school, obtaining a secondary
32 school diploma or its recognized equivalent, or obtaining employment after such children
33 and youth are released.”.

34 **SEC. ~~1413~~ 1414. PROGRAM EVALUATIONS.**

35 **Section 1431(a)(1) (20 U.S.C. 6471(a)(1) is amended by inserting “, including the ability**
36 **to become college and career ready, as determined under the State academic content and**
37 **student academic achievement standards under section 1111(a), and to graduate high**

1 school in the standard number of years” before the semicolon at the end.

2 **SEC. 1415. DEFINITIONS.**

3 Section 1432(2) (20 U.S.C. 6472(2)) is amended to read as follows:

4 “(2) AT-RISK.—The term ‘at-risk’, when used with respect to a child, youth, or student,
5 means a school-aged individual who—

6 “(A) is at risk of academic failure; and

7 “(B) has a drug or alcohol problem, is pregnant or is a parent, has come into contact
8 with the juvenile justice system or has been determined to be neglected in the past, is a
9 gang member, or has dropped out of school in the past.”.

10 **PART E—GENERAL PROVISIONS**

11 **SEC. 1501. REORGANIZATION.**

12 (a) In General.—Title I (20 U.S.C. 6301 et seq.) is further amended—

13 (1) by striking parts E through H;

14 (2) by redesignating part I as part E; and

15 (3) by redesignating sections 1901 through 1908 as sections 1501 through 1508,
16 respectively.

17 (b) Technical and Conforming Amendments.—Part E of title I (as redesignated by subsection
18 (a)(2)) is further amended—

19 (1) in section 1501(b)(4)(A), as redesignated by section 1501(3), {by striking “No Child
20 Left Behind Act of 2001” and inserting “Elementary and Secondary Education
21 Reauthorization Act of 2011”};

22 (2) in section 1502(a), as redesignated by section 1501(3), by striking “1901” and
23 inserting “1501”; and

24 (3) in section 1508 (20 U.S.C. 6578), {by striking “No Child Left Behind Act of 2001”
25 and inserting “Elementary and Secondary Education Reauthorization Act of 2011”}.

1
2 **TITLE II—SUPPORTING EXCELLENT TEACHERS AND**
3 **PRINCIPALS**

4 **SEC. 2101. SUPPORTING EXCELLENT TEACHERS AND**
5 **PRINCIPALS.**

6 (a) Technical Amendments.—Title II (20 U.S.C. 6601 et seq.) is amended—

7 (1) by striking the title heading and inserting “SUPPORTING EXCELLENT
8 TEACHERS AND PRINCIPALS”;

9 (2) by redesignating subpart 3 of part D as part G of title IV, **and transferring such part**
10 **G so as to follow part F of title IV, as added by section 4107 of this Act;**

11 (3) in part G of title IV, as redesignated by paragraph (2), by striking the part heading and
12 inserting the following: “ready-to-learn”;

13 (4) by redesignating section 2431 as section 4701;

14 (5) in section 4701, as redesignated by paragraph (4)—

15 (A) by striking the section heading and inserting the following: “ready-to-learn”;
16 and

17 (B) in subsection (e)(1), by striking “2002” and inserting “2012”;

18 (6) by redesignating subpart 5 of part C as subpart 3 of part E of title IX, **and**
19 **transferring such subpart 3 so as to follow subpart 2 of part E of title IX;** and

20 (7) by redesignating sections 2361, 2362, 2363, 2364, 2365, 2366, 2367, and 2368, as
21 sections 9541, 9542, 9543, 9544, 9545, 9546, 9547, and 9548, respectively.

22 (b) Troops-to-teachers.—

23 (1) TRANSFER OF FUNCTIONS.—

24 (A) TRANSFER.—The responsibility and authority for operation and administration
25 of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II (20
26 U.S.C. 6671 et seq.), as in effect on the day before the date of enactment of this Act, is
27 transferred from the Secretary of Education to the Secretary of Defense.

28 (B) EFFECTIVE DATE.—The transfer under subparagraph (A) shall take effect on the
29 first day of the first month beginning more than 180 days after the date of enactment of
30 this Act, or on such earlier date as the Secretary of Education and the Secretary of
31 Defense may jointly provide.

32 (2) ENACTMENT AND MODIFICATION OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES
33 CODE.—

34 (A) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding
35 at the end the following new section:

36 **“1154. Assistance to eligible members to obtain employment as**

1 teachers: Troops-to-Teachers Program

2 “(a) Definitions.—In this section:

3 “(1) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program authorized
4 by this section.

5 “(2) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in
6 section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

7 “(3) ADDITIONAL TERMS.—The terms ‘elementary school’, ‘highly qualified teacher’,
8 ‘local educational agency’, ‘secondary school’, and ‘State’ have the meanings given those
9 terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C.
10 7801).

11 “(b) Program Authorization.—The Secretary of Defense may carry out a program (to be
12 known as the ‘Troops-to-Teachers Program’)—

13 “(1) to assist eligible members of the armed forces described in subsection (c) to obtain
14 certification or licensing as elementary school teachers, secondary school teachers, or
15 vocational or technical teachers, and to become highly qualified teachers; and

16 “(2) to facilitate the employment of such members—

17 “(A) by local educational agencies or public charter schools that the Secretary of
18 Education identifies as—

19 “(i) receiving grants under part A of title I of the Elementary and Secondary
20 Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their
21 jurisdictions concentrations of children from low-income families; or

22 “(ii) experiencing a shortage of highly qualified teachers, in particular a
23 shortage of science, mathematics, special education, or vocational or technical
24 teachers; and

25 “(B) in elementary schools or secondary schools, or as vocational or technical
26 teachers.

27 “(c) Eligibility and Application Process.—

28 “(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for
29 selection to participate in the Program:

30 “(A) Any member who—

31 “(i) on or after the date of the enactment of the Elementary and Secondary
32 Education Reauthorization Act of 2011, becomes entitled to retired or retainer pay
33 under this title or title 14;

34 “(ii) has an approved date of retirement that is within one year after the date on
35 which the member submits an application to participate in the Program; or

36 “(iii) transfers to the Retired Reserve.

37 “(B) Any member who, on or after the date of the enactment of the Elementary and
38 Secondary Education Reauthorization Act of 2011—

1 “(i)(I) is separated or released from active duty after 4 or more years of
2 continuous active duty immediately before the separation or release; or

3 “(II) has completed a total of at least ten years of active duty service, 10 years
4 of service computed under section 12732 of this title, or 10 years of any
5 combination of such service; and

6 “(ii) executes a reserve commitment agreement for a period of not less than 3
7 years under paragraph (5)(B).

8 “(C) Any member who, on or after the date of the enactment of the Elementary and
9 Secondary Education Reauthorization Act of 2011, is retired or separated for physical
10 disability under chapter 61 of this title.

11 “(2) SUBMITTAL OF APPLICATIONS.—(A) Selection of eligible members of the armed
12 forces to participate in the Program shall be made on the basis of applications submitted to
13 the Secretary. An application shall be in such form and contain such information as the
14 Secretary may require.

15 “(B) An application may be considered to be submitted on a timely basis under
16 subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later
17 than 2 years after the date on which the member is retired or separated or released from
18 active duty, whichever applies to the member.

19 “(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE
20 SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the Secretary shall
21 prescribe the criteria to be used to select eligible members of the armed forces to participate
22 in the Program.

23 “(B)(i) If a member of the armed forces is applying for assistance for placement as an
24 elementary school or secondary school teacher, the Secretary shall require the member to
25 have received a baccalaureate or advanced degree from an accredited institution of higher
26 education.

27 “(ii) If a member of the armed forces is applying for assistance for placement as a
28 vocational or technical teacher, the Secretary shall require the member—

29 “(I) to have received the equivalent of one year of college from an accredited
30 institution of higher education and have 3 or more years of military experience in a
31 vocational or technical field; or

32 “(II) to otherwise meet the certification or licensing requirements for a vocational or
33 technical teacher in the State in which the member seeks assistance for placement
34 under the Program.

35 “(C) A member of the armed forces is eligible to participate in the Program only if the
36 member’s last period of service in the armed forces was honorable, as characterized by the
37 Secretary concerned. A member selected to participate in the Program before the retirement
38 of the member or the separation or release of the member from active duty may continue to
39 participate in the Program after the retirement, separation, or release only if the member’s
40 last period of service is characterized as honorable by the Secretary concerned.

41 “(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive

1 assistance under the Program, the Secretary shall give priority to members who—

2 “(A) have educational or military experience in science, mathematics, special
3 education, or vocational or technical subjects; and

4 “(B) agree to seek employment as science, mathematics, or special education
5 teachers in elementary schools or secondary schools or in other schools under the
6 jurisdiction of a local educational agency.

7 “(5) OTHER CONDITIONS ON SELECTION.—(A) The Secretary may not select an eligible
8 member of the armed forces to participate in the Program and receive financial assistance
9 unless the Secretary has sufficient appropriations for the Program available at the time of
10 the selection to satisfy the obligations to be incurred by the United States under subsection
11 (d) with respect to the member.

12 “(B) The Secretary may not select an eligible member of the armed forces described in
13 paragraph (1)(B)(i) to participate in the Program under this section and receive financial
14 assistance under subsection (d) unless the member executes a written agreement to serve as
15 a member of the Selected Reserve of a reserve component of the armed forces for a period
16 of not less than 3 years (in addition to any other reserve commitment the member may
17 have).

18 “(d) Participation Agreement and Financial Assistance.—

19 “(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected
20 to participate in the Program under subsection (c) and receive financial assistance under this
21 subsection shall be required to enter into an agreement with the Secretary in which the
22 member agrees—

23 “(i) within such time as the Secretary may require, to obtain certification or licensing
24 as an elementary school teacher, secondary school teacher, or vocational or technical
25 teacher, and to become a highly qualified teacher; and

26 “(ii) to accept an offer of full-time employment as an elementary school teacher,
27 secondary school teacher, or vocational or technical teacher for not less than 3 school
28 years with a local educational agency or public charter school receiving grants under
29 part A of title I of the Elementary and Secondary Education Act of 1965 (20
30 U.S.C.6311 et seq.).

31 “(B) The Secretary may waive the 3-year commitment described in subparagraph (A)(ii)
32 for a participant if the Secretary determines the waiver to be appropriate. If the Secretary
33 provides the waiver, the participant shall not be considered to be in violation of the
34 agreement and shall not be required to provide reimbursement under subsection (e), for
35 failure to meet the 3-year commitment.

36 “(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the
37 Program shall not be considered to be in violation of the participation agreement entered
38 into under paragraph (1) during any period in which the participant—

39 “(A) is pursuing a full-time course of study related to the field of teaching at an
40 institution of higher education;

41 “(B) is serving on active duty as a member of the armed forces;

1 “(C) is temporarily totally disabled for a period of time not to exceed 3 years as
2 established by sworn affidavit of a qualified physician;

3 “(D) is unable to secure employment for a period not to exceed 12 months by reason
4 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
6 employment as a teacher in an elementary school or secondary school or as a
7 vocational or technical teacher for a single period not to exceed 27 months; or

8 “(F) satisfies such other criteria as may be prescribed by the Secretary.

9 “(3) STIPEND FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may
10 pay to a participant in the Program selected under this section a stipend in an amount of not
11 more than \$5,000.

12 “(B) The total number of stipends that may be paid under subparagraph (A) in any fiscal
13 year may not exceed 5,000.

14 “(4) BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may, in
15 lieu of paying a stipend under paragraph (3), pay a bonus of \$10,000 to a participant in the
16 Program selected under this section who agrees in the participation agreement under
17 paragraph (1) to become a highly qualified teacher and to accept full-time employment as
18 an elementary school teacher, secondary school teacher, or vocational or technical teacher
19 for not less than 3 school years in a high-need school.

20 “(B) The total number of bonuses that may be paid under subparagraph (A) in any fiscal
21 year may not exceed 3,000.

22 “(C) For purposes of subparagraph (A), the term ‘high-need school’ means a public
23 elementary school, public secondary school, or public charter school that meets one or more
24 of the following criteria:

25 “(i) At least 50 percent of the students enrolled in the school were from low-income
26 families (as described in subsection (b)(2)(A)(i)).

27 “(ii) The school has a large percentage of students who qualify for assistance under
28 part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et. seq.).

29 “(5) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection
30 to a participant in the Program shall be taken into account in determining the eligibility of
31 the participant for Federal student financial assistance provided under title IV of the Higher
32 Education Act of 1965 (20 U.S.C. 1070 et. seq.).

33 “(e) Reimbursement Under Certain Circumstances.—

34 “(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or
35 bonus under subsection (d) shall be required to repay the stipend or bonus under the
36 following circumstances:

37 “(A) The participant fails to obtain teacher certification or licensing, to become a
38 highly qualified teacher, or to obtain employment as an elementary school teacher,
39 secondary school teacher, or vocational or technical teacher as required by the
40 participation agreement under subsection (d)(1).

1 “(B) The participant voluntarily leaves, or is terminated for cause from, employment
2 as an elementary school teacher, secondary school teacher, or vocational or technical
3 teacher during the 3 years of required service in violation of the participation
4 agreement.

5 “(C) The participant executed a written agreement with the Secretary concerned
6 under subsection (c)(5)(B) to serve as a member of a reserve component of the armed
7 forces for a period of 3 years and fails to complete the required term of service.

8 “(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for
9 a stipend or bonus paid to the participant under subsection (d) shall pay an amount that
10 bears the same ratio to the amount of the stipend or bonus as the unserved portion of
11 required service bears to the three years of required service. Any amount owed by the
12 participant shall bear interest at the rate equal to the highest rate being paid by the United
13 States on the day on which the reimbursement is determined to be due for securities having
14 maturities of 90 days or less and shall accrue from the day on which the participant is first
15 notified of the amount due.

16 “(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this
17 subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy
18 under title 11 shall not release a participant from the obligation to reimburse the Secretary
19 under this subsection.

20 “(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused
21 from reimbursement under this subsection if the participant becomes permanently totally
22 disabled as established by sworn affidavit of a qualified physician. The Secretary may also
23 waive the reimbursement in cases of extreme hardship to the participant, as determined by
24 the Secretary.

25 “(f) Relationship to Educational Assistance Under Montgomery GI Bill.—The receipt by a
26 participant in the Program of a stipend or bonus under this subsection (d) shall not reduce or
27 otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title
28 38 or chapter 1606 of this title.

29 “(g) Participation by States.—

30 “(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary
31 may permit States participating in the Program to carry out activities authorized for such
32 States under the Program through one or more consortia of such States.

33 “(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make
34 grants to States participating in the Program, or to consortia of such States, in order to
35 permit such States or consortia of States to operate offices for purposes of recruiting eligible
36 members of the armed forces for participation in the Program and facilitating the
37 employment of participants in the Program as elementary school teachers, secondary school
38 teachers, and vocational or technical teachers.

39 “(B) The total amount of grants made under subparagraph (A) in any fiscal year may not
40 exceed \$5,000,000.”.

41 (B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of
42 such title is amended by adding at the end the following new item:

1 “1154. Assistance to eligible members to obtain employment as teachers: Troops-to-Teachers
2 Program.”.

3 (3) CONFORMING AMENDMENT.—Section 1142(b)(4)(C) of such title is amended by
4 striking “under sections 1152 and 1153 of this title and the Troops-to-Teachers Program
5 under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C.
6 6672)” and inserting “under sections 1152, 1153, and 1154 of this title”.

7 (4) EFFECTIVE DATE.—The amendments made by this section shall take effect on the
8 effective date of the transfer under paragraph (1).

9 (c) Supporting Excellent Teachers and Principals.—Title II (20 U.S.C. 6601 et seq.), as
10 amended by subsection (a), is further amended by striking parts A, B, C, and D, and inserting the
11 following:

12 “PART A—CONTINUOUS IMPROVEMENT AND 13 SUPPORT FOR TEACHERS AND PRINCIPALS

14 “SEC. 2101. PURPOSE.

15 “The purpose of this part is to provide grants to State educational agencies and subgrants to
16 local educational agencies to enable such agencies to improve academic achievement for all
17 students, including students with disabilities and English learners, by—

18 “(1) providing professional development that is designed to improve instruction and
19 student achievement; ~~and~~“(2) implementing rigorous teacher and principal evaluation and
20 professional development systems; and

21 ~~“(3)“(2) increasing the number and~~ improving the equitable distribution among schools
22 ~~of teachers based on results of State and local evaluation systems.~~ **of high-quality teachers**
23 **and principals.**

24 “SEC. 2102. DEFINITIONS.

25 “In this part:

26 “(1) INDUCTION PROGRAM.—The term ‘induction program’ means a program based on
27 scientifically valid research for new teachers that is designed to improve instruction and
28 increase teacher retention, and that includes—

29 “(A) high-quality teacher mentoring;

30 “(B) the development of skills needed by new teachers, including content
31 knowledge, pedagogical knowledge, classroom management (which may include
32 positive behavioral interventions and supports), and the analysis and use of student
33 assessments (including formative assessments), and other student data;

34 “(C) periodic, structured time for collaboration and professional development with
35 teachers in the same subject or field, and opportunities to draw directly on the expertise
36 of other school and local educational agency staff and other organizations that provide
37 high-quality supports, which may include team teaching or a reduced teaching load;
38 and

1 “(D) regular and structured observation with timely feedback.

2 “(2) MENTORING.—The term ‘mentoring’ means supporting teachers or principals to
3 increase the effectiveness and retention of such teachers or principals through a program
4 that—

5 “(A) includes clear criteria for the selection of mentors that takes into account the
6 mentor’s—

7 “(i) record of increasing student achievement; and

8 “(ii) ability to facilitate adult learning;

9 “(B) provides high-quality training for mentors in how to support teachers or
10 principals;

11 “(C) provides regularly scheduled time for collaboration, examination of student
12 work and achievement data, and ongoing opportunities for mentors and mentees to
13 observe each other’s teaching or leading, and identify and address areas identified for
14 improvement; and

15 “(D) matches mentees with mentors in the same field, grade, grade span, or subject
16 area.

17 “(3) STATE.—The term ‘State’ means each of the several States of the United States, the
18 Commonwealth of Puerto Rico, and the District of Columbia.

19 “Subpart 1—Grants to States

20 “SEC. 2111. ALLOTMENTS TO STATES.

21 “(a) In General.—The Secretary shall make grants to States with applications approved under
22 section 2112 to enable the States to carry out the activities specified in section 2113. Each grant
23 shall consist of the allotment determined for a State under subsection (b).

24 “(b) Determination of Allotments.—

25 “(1) RESERVATION OF FUNDS.—From the total amount appropriated to carry out this
26 subpart for a fiscal year, the Secretary shall reserve—

27 “(A) one-half of 1 percent for allotments for the United States Virgin Islands, Guam,
28 American Samoa, and the Commonwealth of the Northern Mariana Islands, to be
29 distributed among those outlying areas on the basis of their relative need, as
30 determined by the Secretary, in accordance with the purpose of this part; and

31 “(B) one-half of 1 percent for the Secretary of the Interior for programs under this
32 part in schools operated or funded by the Bureau of Indian Education.

33 “(2) STATE ALLOTMENTS.—

34 “(A) HOLD HARMLESS.—

35 “(i) IN GENERAL.—Subject to subparagraph (B), from the funds appropriated to
36 carry out this subpart for any fiscal year and not reserved under paragraph (1), the
37 Secretary shall allot to each of the 50 States, the District of Columbia, and the
38 Commonwealth of Puerto Rico an amount equal to the total amount that such

1 State received for fiscal year 2001 ~~under~~ ~~under~~—

2 “~~(I)~~ section ~~2202(b)~~ **2111(b)(2)(A)(i)** of this Act (as in effect on the day before
3 the date of enactment of the Elementary and Secondary Education
4 Reauthorization Act of 2011); ~~and~~

5 “~~(II)~~ section ~~306~~ of the Department of Education Appropriations Act, 2001 (as
6 enacted into law by section 1(a)(1) of Public Law 106554).

7 “(ii) RATABLE REDUCTION.—If the funds described in clause (i) are insufficient
8 to pay the full amounts that all States are eligible to receive under clause (i) for
9 any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal
10 year.

11 “(B) ALLOTMENT OF ADDITIONAL FUNDS.—

12 “(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the funds
13 appropriated to carry out this subpart and not reserved under paragraph (1) exceed
14 the total amount required to make allotments under subparagraph (A), the
15 Secretary shall allot to each of the States described in subparagraph (A) the sum
16 of—

17 “(I) an amount that bears the same relationship to 35 percent of the excess
18 amount as the number of individuals age 5 through 17 in the State, as
19 determined by the Secretary on the basis of the most recent satisfactory data,
20 bears to the number of those individuals in all such States, as so determined;
21 and

22 “(II) an amount that bears the same relationship to 65 percent of the excess
23 amount as the number of individuals age 5 through 17 from families with
24 incomes below the poverty line, in the State, as determined by the Secretary
25 on the basis of the most recent satisfactory data, bears to the number of those
26 individuals in all such States, as so determined.

27 “(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive
28 less than one-half of 1 percent of the total excess amount allotted under such
29 clause for a fiscal year.

30 “(3) REALLOTMENT.—If any State does not receive an allotment under this subsection for
31 any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining
32 States in accordance with this subsection.

33 “SEC. 2112. STATE APPLICATIONS.

34 “(a) In General.—For a State to be eligible to receive a grant under this part, the State
35 educational agency shall submit an application to the Secretary at such time, in such manner, and
36 containing such information as the Secretary may reasonably require.

37 “(b) Contents.—Each application submitted under this section shall be subject to peer review
38 and include—

39 “(1) a description of how the State educational agency will ensure that each local
40 educational agency receiving a subgrant under subpart 2 will comply with the requirements

1 of such subgrant;

2 “(2) a description of how the State will use funds reserved under section 2113(a);

3 “(3) a description of how the activities to be carried out by the State educational agency
4 under this subpart will be based on a review of scientifically valid research and an
5 explanation of why the activities are expected to improve student achievement;

6 “(4) a description of how activities under this subpart are aligned with State academic
7 content and student academic achievement standards and State assessments, which ~~may~~
8 ~~include early learning content and achievement standards and assessments, as appropriate;~~
9 **include, as appropriate, State early learning standards for children younger than**
10 **kindergarten;**

11 ~~“(5) a description of how the State educational agency will—~~

12 ~~“(A) ensure that each local educational agency in the State that receives a subgrant under~~
13 ~~subpart 2 implements a teacher and principal evaluation system that meets the requirements~~
14 ~~specified in section 2123 and is consistent with State definitions and parameters provided~~
15 ~~under paragraph (6);~~

16 ~~“(B)“(5) a description of how the State educational agency will~~ provide data on each
17 teacher’s student achievement and, if applicable, student growth, for the State assessments
18 required under section 1111(a)(2) to teachers and local educational agencies, in a timely and
19 useful manner ~~that can inform teacher evaluation;~~;

20 ~~“(C) make public the results of the State-approved evaluation system in a manner~~
21 ~~consistent with the requirements of subpart 4;“(6) if the State intends to use grant funds~~
22 **to develop or improve a teacher and principal evaluation system—**

23 ~~“(D) provide for the equitable distribution of highly qualified and highly rated~~
24 ~~teachers;“(A) a description of such system; and~~

25 **“(B) an assurance that such system will be consistent with section 2301(b)(4);**
26 ~~1111(b)(1)(I), within individual local educational agencies and the State to ensure that~~
27 ~~low income and minority students are not taught at higher rates than other students by~~
28 ~~teachers who receive a performance rating in the lowest categories;~~

29 ~~“(E) on a regular basis—~~

30 ~~“(i) review the teacher and principal evaluation systems used by the local~~
31 ~~educational agencies in the State for accuracy and consistency; and~~

32 ~~“(ii) provide technical assistance to improve a local educational agency’s teacher~~
33 ~~and principal evaluation so that the evaluation provides meaningful differentiation and~~
34 ~~is aligned with student achievement results, as measured in accordance with section~~
35 ~~2123(b)(2), in the local educational agency and each of the schools served by the local~~
36 ~~educational agency;~~

37 ~~“(6) a description of the State’s definition of its statewide rating categories for~~
38 ~~teachers and principals and names for levels of teacher and principal performance~~
39 ~~using not less than 4 rating categories, along with any other parameters the State~~
40 ~~educational agency will use in evaluating teachers consistent with section 2123(b);~~

1 “(7) a description of how the State educational agency will hold local educational
2 agencies accountable for meeting the requirements of section 1119;

3 “(8) an assurance that the State educational agency will comply with section 9501
4 (regarding participation by private school children and teachers); and

5 “(9) a description of the activities funded under this subpart, including how such
6 activities will be coordinated with the State agency responsible for early childhood
7 education and care programs **and the State Advisory Council on Early Childhood**
8 **Education and Care established under section 642B of the Head Start Act**, that are
9 designed to improve and strengthen the knowledge and skills of teachers and principals
10 responsible for educating children in preschool, where applicable, through third grade.

11 “(c) Deemed Approval.—An application submitted by a State educational agency pursuant to
12 subsection (a) that has been peer reviewed shall be deemed to be approved by the Secretary
13 unless the Secretary makes a written determination, prior to the expiration of the 120-day period
14 beginning on the date on which the Secretary received the application, that the application is not
15 in compliance with this subpart.

16 “(d) Disapproval.—The Secretary shall not finally disapprove the application, except after
17 giving the State educational agency notice and an opportunity for a hearing.

18 “(e) Notification.—If the Secretary finds that the application is not in compliance, in whole or
19 in part, with this subpart, the Secretary shall—

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

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

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

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

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

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

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

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

37 “SEC. 2113. STATE USE OF FUNDS.

38 “(a) In General.—A State that receives a grant under section 2111 shall— 2111—

39 “(1) **shall** reserve 95 percent of the funds made available through the grant to make

1 subgrants to local educational agencies as described in subpart 2;

2 “(2) **shall** use not less than 2 percent but not more than 5 percent of funds made available
3 through the grant to improve the performance and distribution of ~~highly-rated~~ **high quality**
4 principals and, at the State’s discretion, other school leaders, including through—

5 “(A) developing, periodically reviewing, and revising State policies and standards
6 related to principals;

7 “(B) developing, with appropriate stakeholders, and carrying out a State plan to
8 provide for well-prepared principals, based on an analysis of relevant data;

9 “(C) activities designed to recruit, prepare, place, assist, support, and retain ~~highly-~~
10 ~~rated~~ **high quality** principals for high-need schools and low-performing schools;

11 “(D) providing training and support to principals and school leadership teams in
12 high-need schools and low-performing schools on improving instruction and closing
13 achievement gaps; and

14 “(E) providing compensation or incentives to attract, retain, and reward ~~highly-rated~~
15 **high quality** principals and other school leaders for high-need schools and
16 low-performing schools; ~~and~~

17 “(3) **shall** use ~~any~~ funds remaining after making the reservations under paragraphs (1)
18 and (2) to—

19 “(A) plan and administer State activities under this part, including awarding,
20 monitoring, and enforcing the requirements of subgrants awarded under subpart 2;

21 “(B) assist local educational agencies in recruiting, preparing, placing, developing,
22 and retaining high-quality teachers for high-need schools and low-performing schools;

23 ~~** 1 “(D)“~~“(C) provide technical assistance, as necessary, to local educational
24 agencies that receive subgrants under subpart 2, to improve performance on the
25 measures described in section 2141(b);

26 ~~** 2 “(E)“~~“(D) develop and disseminate the State Report Card described in subpart 4,
27 and use the information in the Report Card to guide efforts under this part; and

28 ~~** 3 “(F)“~~“(E) provide technical assistance and support to local educational agencies
29 in the development and implementation of programs and policies that support
30 children’s transition from early childhood education and care programs into elementary
31 schools, improve school readiness, and improve the academic achievement of young
32 children; ~~and-~~

33 ~~“(C)“~~“(4) **may use any funds remaining after making the reservations under**
34 **paragraphs (1) and (2) and carrying out paragraph (3) to** provide technical assistance to
35 local educational agencies to support the design and implementation of a system to evaluate
36 teachers and principals ~~that meets the requirements described in section 2123, including—~~
37 **consistent with section 2301(b)(4), including—**

38 “(i)“(A) developing and disseminating research-based models and designing
39 high-quality evaluation tools, such as classroom observation rubrics;

40 “(ii)“(B) developing and providing training for principals and other evaluators on

1 how to evaluate teachers in order to differentiate teacher performance accurately,
2 provide useful feedback, and use evaluation results to inform decisionmaking about
3 professional development, improvement strategies, and personnel decisions;

4 ~~“(iii)“(C)~~ developing methods, including training and auditing, for ensuring
5 inter-rater reliability of evaluation results;

6 ~~“(iv)“(D)~~ the appropriate collection, reporting, analysis, and use of evaluation data;
7 and

8 ~~“(v)“(E)~~ creating opportunities for teachers and principals to provide feedback on
9 the quality and usefulness of the local educational agency’s evaluation system;

10
11 * 1 ~~“(D) provide technical assistance, as necessary, to local educational agencies that receive~~
12 ~~subgrants under subpart 2, to improve performance on the measures described in section~~
13 ~~2141(b);~~

14
15 * 2 ~~“(E) develop and disseminate the State Report Card described in subpart 4, and use the~~
16 ~~information in the Report Card to guide efforts under this part; and~~

17
18 * 3 ~~“(F) provide technical assistance and support to local educational agencies in the~~
19 ~~development and implementation of programs and policies that support children’s transition~~
20 ~~from early childhood education and care programs into elementary schools, improve school~~
21 ~~readiness, and improve the academic achievement of young children.~~

22 “(b) Supplement, Not Supplant.—Funds received under this subpart shall be used to
23 supplement, and not supplant, non-Federal funds that would otherwise be used for activities
24 authorized under this subpart.

25 “Subpart 2—Subgrants to Local Educational Agencies

26 “SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL 27 AGENCIES.

28 “(a) In General.—The Secretary may make a grant to a State under subpart 1 only if the State
29 educational agency agrees to distribute the funds described in this section as subgrants to local
30 educational agencies under this subpart.

31 “(b) Allocations.—

32 “(1) IN GENERAL.—From the total amount reserved by a State under section 2113(a)(1)
33 for a fiscal year, the State educational agency shall allocate to each of the eligible local
34 educational agencies in the State for such fiscal year the sum of—

35 “(A) an amount that bears the same relationship to 20 percent of the total amount
36 reserved as the number of individuals age 5 through 17 in the geographic area served
37 by the agency, as determined by the Secretary on the basis of the most recent
38 satisfactory data, bears to the number of those individuals in the geographic areas

1 served by all the local educational agencies in the State, as so determined; and

2 “(B) an amount that bears the same relationship to 80 percent of the total amount
3 reserved as the number of individuals age 5 through 17 from families with incomes
4 below the poverty line in the geographic area served by the agency, as determined by
5 the Secretary on the basis of the most recent satisfactory data, bears to the number of
6 those individuals in the geographic areas served by all the local educational agencies in
7 the State, as so determined.

8 “(2) HOLD HARMLESS.—

9 “(A) IN GENERAL.—Notwithstanding paragraph (1), the State educational agency
10 shall allocate to each of the eligible local educational agencies in the State an amount
11 that is not less than 90 percent of the allocation the eligible local educational agency
12 received for the previous fiscal year under this part.

13 “(B) RATABLE REDUCTION.—If insufficient funds are appropriated to allocate the
14 amounts that all eligible local educational agencies in the State are eligible to receive
15 under subparagraph (A) for a fiscal year, the Secretary shall ratably reduce those
16 amounts for the fiscal year.

17 “SEC. 2122. LOCAL APPLICATIONS AND NEEDS 18 ASSESSMENT.

19 “(a) In General.—To be eligible to receive a subgrant under this subpart, a local educational
20 agency shall—

21 “(1) submit an application to the State educational agency at such time, in such manner,
22 and containing such information as the State educational agency may reasonably require;
23 and

24 “(2) conduct, with the involvement of school staff and other stakeholders, as applicable,
25 an assessment of the needs of the local educational agency in the areas set forth ~~in the~~
26 ~~performance measures described in~~ **under** section 2141(b).

27 “(b) Contents.—Each application submitted under this section shall include the following:

28 “(1) A description of the results of the needs assessment conducted under subsection
29 (a)(2).

30 “(2) A description of the performance measures and activities the local educational
31 agency will use to address the needs identified in such assessment.

32 “(3) ~~A~~ **If applicable, a** description of how the local educational agency will improve or
33 implement a ~~teacher and principal~~ **rigorous, transparent, and fair** evaluation system ~~that~~
34 ~~is for teachers and principals~~ **consistent with the requirements of section 2123(b)**
35 **2301(b)(4).**

36 “(4) The local educational agency’s plan for using subgrant funds, and other Federal,
37 State and local funds, to provide for the equitable distribution of teachers ~~and principals~~
38 within the local educational agency ~~so as to ensure that low-income students and minority~~
39 ~~students are not taught at higher rates than other students by teachers in the lowest rating-~~
40 ~~categories.~~ **consistent with section 1111(b)(1)(J).**

1 “SEC. 2123. LOCAL USE OF FUNDS.

2 “(a) In General.—A local educational agency that receives a subgrant under section 2121 shall
3 use subgrant funds to increase student achievement for all students, including English learners
4 and students with disabilities, by ~~increasing the number and percentage of its teachers and~~
5 ~~principals in the highest rated categories, and to ensure the equitable distribution of those highly-~~
6 ~~rated teachers, through~~ **carrying out** 1 or more of the following activities:

7 “(1) Developing and carrying out professional development, which may include joint
8 professional development for teachers, principals, and other relevant school staff with early
9 childhood education and care program staff.

10 “(2) Reducing class size for prekindergarten through 3rd grade, by an amount and to a
11 level consistent with what scientifically valid research has found to improve student
12 achievement.

13 “(3) Developing and implementing an induction program or a mentoring program.

14 “(4) Developing and implementing, or improving, a teacher and principal evaluation
15 system that, ~~at a minimum, meets the requirements described in subsection (b).~~

16 ~~“(5) Providing meaningful and timely feedback to teachers and principals on evaluation-~~
17 ~~results, and using those results in making decisions about professional development.~~

18 ~~“(6) is consistent with section 2301(b)(4).~~

19 “(5) Increasing teacher capacity to evaluate student work and use student achievement
20 data, which may include supporting the involvement of teachers in assessment scoring.

21 ~~“(7)“(6) Recruiting, preparing, placing, supporting, developing, rewarding, and~~
22 ~~retaining—~~ **retaining high-quality teachers and principals, especially—**

23 ~~“(A) highly rated“(A) teachers and principals in high-need schools and~~
24 low-performing schools taking into consideration members of groups underrepresented
25 in the teaching profession and the principalship; and

26 ~~“(B) highly rated teachers in high-need subjects or fields.~~

27 ~~“(8)“(7) Improving within-district equity in the distribution of highly rated teachers in-~~
28 ~~high need schools in order to ensure that low income students and minority students are not~~
29 ~~taught at higher rates than other students by teachers in the lowest rating categories.~~
30 **teachers consistent with the requirements of section 1111(b)(1)(J).**

31 ~~“(9)“(8) Enabling teachers to become certified as teachers in a high-need subject or field.~~

32 ~~“(10)“(9) Creating career ladders, which may include modifying the local educational~~
33 agency’s policies and practices, to provide opportunities for ~~highly rated~~ **high-quality**
34 teachers or paraprofessionals to advance or take on additional roles and responsibilities.

35 ~~“(11)“(10) Reforming the local educational agency’s system of compensating teachers~~
36 and principals in order to—

37 ~~“(A) provide incentives to recruit and retain highly rated~~ **high quality** principals and
38 teachers in a high-need subject or field, or who teach in or lead a high-need school or
39 low-performing school; and

1 “(B) reward ~~highly-rated~~ **high quality** teachers and principals for increasing student
2 achievement or taking on additional roles and responsibilities.

3
4 ~~“(b) Local Educational Agency Requirements for Teacher and Principal Evaluation.—~~

5 ~~“(1) In general.—Not later than 5 years after the date of enactment of the Elementary and
6 Secondary Education Reauthorization Act of 2011, each local educational agency that receives a
7 subgrant under this subpart shall develop and implement a teacher and principal evaluation
8 system, which may be implemented statewide, consistent with State definitions and parameters
9 described under section 2112(b)(4) that—~~

10
11 * 5 ~~“(A) provides meaningful feedback to teachers and principals on the results of their
12 evaluations;~~

13 ~~“(B) defines and names not less than 4 categories of teacher and principal performance;~~

14 ~~“(C) evaluates teachers and principals regularly consistent with research and best practice;~~

15 ~~“(D) is used in making decisions about professional development;~~

16
17 * 6 ~~“(E) provides training for the evaluators who are responsible for conducting classroom
18 observations;~~

19 ~~“(F) is developed and implemented with teacher and principal involvement;~~

20 ~~“(G) for teachers—~~

21 ~~“(i) shall—~~

22
23 * 7 ~~“(I) be based in significant part on evidence of improved student achievement; and~~

24 ~~“(H) include observations of classroom teaching aligned with clause (ii); and~~

25 ~~“(ii) may include other measures but only if such measures are valid predictors of student
26 achievement, including those that have been specifically shown to identify teachers with
27 improved student achievement, such as student surveys and evidence of classroom practice
28 gathered through multiple formats and sources; and~~

29 ~~“(H) for principals, shall be based—~~

30 ~~“(i) in significant part on evidence of improved student achievement and student outcomes;~~

31
32 * 8 ~~“(ii) on evidence of providing strong instructional leadership and support to teachers and
33 other staff; and~~

34 ~~“(iii) on evidence of parent and family engagement.~~

35 ~~“(2) Student achievement.—For purposes of this subsection, student achievement means—~~

36 ~~“(A) for grades and subjects for which there are assessments as described in section—~~

1 ~~1111(a)(2)—~~

2 ~~“(i) a student’s results from the State’s assessments under such section or other statewide-~~
3 ~~assessments; and~~

4 ~~“(ii) as appropriate, other measures of a student’s learning, consistent with subparagraph (B);-~~
5 ~~and~~

6
7 * 4 ~~“(B) measures of a student’s learning and performance, such as end-of-course tests, and~~
8 ~~other measures that are rigorous and comparable across schools in a school district and that are~~
9 ~~aligned with the State academic content standards and student academic achievement standards-~~
10 ~~under section 1111(a)(1).~~

11 ~~“(c) Compliance.—Each local educational agency located in a State that has implemented the~~
12 ~~requirements described in section 2112(b)(1)(A) shall only be required to comply with the~~
13 ~~requirements under section 1119(a)(1) as they relate to new teachers.~~

14 ~~“(d)“(b) Supplement, Not Supplant.—Funds received under this subpart shall be used to~~
15 ~~supplement, and not supplant, non-Federal funds that would otherwise be used for activities~~
16 ~~authorized under this subpart.~~

17 “Subpart 3—National Leadership Activities

18 “SEC. 2131. NATIONAL LEADERSHIP ACTIVITIES.

19 “From the funds made available to carry out this part for a fiscal year, the Secretary is
20 authorized to set aside not more than 1 percent to carry out the following activities related to the
21 purpose of this part:

22 “(1) Research and development.

23 “(2) Technical assistance.

24 “(3) Outreach and dissemination activities directly or through grants, contracts, or
25 cooperative agreements.

26 “Subpart 4—Accountability

27 “SEC. 2141. ACCOUNTABILITY.

28 “(a) In General.—

29 “(1) STATE REPORT.—Each State that receives a grant under subpart 1 shall annually
30 submit to the Secretary, in a manner prescribed by the Secretary, and make public, a State
31 Report on program performance and results under such grant. Such State Report shall
32 provide the information required under subsection (b).

33 “(2) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency that receives
34 a subgrant under subpart 2 shall annually submit to the State, in a manner prescribed by the
35 State, and make public, a Local Educational Agency Report on program performance and
36 results under such subgrant. Such Local Educational Agency Report shall provide the
37 information required under subsection (b).

1 “(3) FERPA COMPLIANCE.—Each State and local educational agency that submits a
2 report in compliance with this subsection shall collect, report, and disseminate information
3 contained in such report in compliance with section 444 of the General Education
4 Provisions Act (20 U.S.C. 1232g, commonly known as the ‘Family Educational Rights and
5 Privacy Act of 1974’).

6 “(4) TEACHER AND PRINCIPAL PRIVACY.—No State or local educational agency shall be
7 required to publicly report information in compliance with this subsection in a case in which
8 the results would reveal personally identifiable information about an individual teacher or
9 principal.

10 “(b) ~~Information and Performance Measures.~~—Each **Information.**—Each State Report and
11 Local Educational Agency Report shall contain, as appropriate—

12
13 ~~“(1) the percentage and distribution (by school poverty quartile, and by high minority
14 schools and low minority schools), within the State and local educational agency of
15 teachers and principals in each performance category, as described in section 2123(b);~~

16 ~~“(2) information (by school poverty quartile, and by high minority schools and
17 low minority schools) for the State and for the local educational agency on teacher and
18 principal retention rates, differentiated by performance categories, as described in section
19 2123(b);~~

20 ~~“(3)“(1) the number of teachers in the State and local educational agency teaching under
21 a provisional license due to not having passed all required State licensure tests for 1, 2, and
22 3 or more school years; and~~

23 ~~“(4)“(2) data, by teacher preparation program within the State, on the student
24 achievement data of students taught by such program’s graduates.~~

25 ~~“(c) Consequences for Nonequitable Distribution of
26 Teachers.— Each State that receives a grant under subpart 1 shall
27 require each local educational agency that receives a subgrant
28 from the State under subpart 2, has implemented a teacher and
29 principal evaluation system that meets the requirements under
30 section 2123(b), and has failed over a 3 year period to make
31 more equitable the distribution of highly rated teachers and
32 principals, to use subgrant funds only for the following purposes
33 until the local educational agency can demonstrate a more
34 equitable distribution of highly rated teachers and principals:~~

35 ~~“(1) Implement an evaluation system that meets the
36 requirements described in section 2123.~~

1 ~~“(2) Carry out activities to ensure the equitable distribution of~~
2 ~~highly rated teachers and principals.~~

3 ~~“(d) Prohibition on Regulation; Authority to Review~~
4 ~~Compliance.—Nothing in this section shall be construed to~~
5 ~~permit the Secretary to establish any criteria that specifies,~~
6 ~~defines, or prescripts the standards or measures that a State or~~
7 ~~local educational agency shall use to establish teacher and~~
8 ~~principal evaluation systems described in sections 2112(b) and~~
9 ~~2123(b).~~

10 **“PART B—TEACHER PATHWAYS TO THE CLASSROOM**

11 **“SEC. 2201. TEACHER PATHWAYS.**

12 **“(a) Purpose.**—It is the purpose of this section to support the recruitment, selection,
13 preparation, placement, retention, and support of teachers in high-need subjects or fields who
14 will improve student academic achievement and student outcomes at high-needs schools.

15 **“(b) Definitions.**—In this section:

16 **“(1) ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

17 **“(A) a partnership of—**

18 **“(i) 1 or more institutions of higher education or nonprofit organizations; and**

19 **“(ii) a high-need local educational agency and 1 or more other local educational**
20 **agencies or State educational agencies; or**

21 **“(B) an institution of higher education or a nonprofit organization that can**
22 **demonstrate a record of—**

23 **“(i) preparing teachers who are successful in improving student achievement;**
24 **and**

25 **“(ii) placing a significant percentage of those teachers in high-need schools.**

26 **“(2) TEACHER IN A HIGH-NEED SUBJECT OR FIELD.**—The term ‘teacher in a high-need
27 subject or field’ means a teacher of—

28 **“(A) students with disabilities;**

29 **“(B) English learners;**

30 **“(C) mathematics; or**

31 **“(D) science.**

32 **“(c) Authorization of Grant Awards.**—The Secretary shall award grants to eligible entities to
33 pay for the Federal share of the cost of carrying out the activities described in this section.

1 “(d) Applications.—An eligible entity that desires to receive a grant under this section shall
2 submit an application to the Secretary at such time, in such manner, and accompanied by such
3 information as the Secretary may require.

4 “(e) Considerations.—In awarding grants under this section, the Secretary shall consider the
5 geographic diversity of the eligible entities, including the distribution of grants among urban,
6 suburban, and rural areas.

7 “(f) Priority.—In awarding grants under this section, the Secretary shall give priority to
8 applicants that demonstrate a record of—

9 “(1) recruiting college undergraduates, recent college graduates, graduate students, and
10 professionals with a demonstrated history of significant academic achievement to become
11 teachers;

12 “(2) recruiting and selecting candidates who are members of groups underrepresented in
13 the teaching profession; and

14 “(3) preparing teachers who consistently improve student academic achievement at
15 high-need schools.

16 “(g) Required Use of Funds.—An eligible entity that receives a grant under this section shall
17 use the grant funds for the following:

18 “(1) To recruit, select, prepare, place, retain, and support teachers for high-need schools
19 and teachers in high-need subjects or fields.

20 “(2) To prepare all teachers to teach students with disabilities and English language
21 learners.

22 “(3) To prepare teachers in classroom management, instructional planning and delivery,
23 learning theory and cognitive development, literacy development, and student assessment.

24 “(4) To provide school-based, clinical experience at a high-need school that includes
25 observation of and feedback on teacher candidates’ teaching.

26 “(5) To provide ongoing mentoring and support, which may include coursework, for
27 participants for at least 1 school year.

28 “(h) Permissible Use of Grant Funds.—An eligible entity that receives a grant under this
29 section may use the grant funds to provide financial stipends for teacher candidates who are not
30 the teacher of record.

31 “(i) Performance and Grant Renewal.—

32 “(1) TRACKING PERFORMANCE.—An eligible entity that receives a grant under this section
33 shall—

34 “(A) track the placement rate, retention rate, and performance in improving student
35 academic achievement of teachers recruited and prepared by programs funded by the
36 grant; and

37 “(B) submit data on such performance to the Secretary.

38 “(2) CONDITIONS FOR GRANT RENEWAL.—The Secretary shall evaluate the information
39 submitted under paragraph (1) and renew a grant awarded under this section only if the data

1 indicate the teachers are successful in improving student academic achievement.

2 “(j) Fiscal Agent.—The fiscal agent for an eligible entity that receives a grant under this
3 section may be a local educational agency, State educational agency, institution of higher
4 education, or nonprofit organization that is a partner in the eligible entity.

5 “(k) Matching Requirements.—

6 “(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share for this
7 section shall be a percentage of the cost of the activities assisted under the grant as
8 determined by the Secretary.

9 “(2) NON-FEDERAL SHARE.—

10 “(A) IN GENERAL.—The non-Federal share provided by an eligible entity receiving a
11 grant under this section shall be a percentage of the cost of the activities assisted under
12 the grant as determined by the Secretary. The non-Federal share may include in-kind
13 contributions.

14 “(B) SPECIAL RULE.—The Secretary may waive or reduce the amount of the
15 non-Federal share described in subparagraph (A) for any fiscal year if the eligible
16 entity demonstrates to the Secretary that the funds needed to carry out that
17 subparagraph are unavailable due to economic hardship, as determined by the
18 Secretary.

19 “(l) Evaluation.—The Director of the Institute of Education Sciences shall—

20 “(1) evaluate the implementation and impact of the program under this section;

21 “(2) identify best practices for recruiting, selecting, preparing, placing, retaining, and
22 supporting teachers in high-need subjects or fields for high-need schools; and

23 “(3) disseminate research on best practices.

24 “PART C—TEACHER INCENTIVE FUND PROGRAM

25 “SEC. 2301. PURPOSES; DEFINITIONS.

26 “(a) Purposes.—The ~~purpose~~ **purposes** of this part ~~is~~ **are** to assist States, local educational
27 agencies, and nonprofit ~~organizations~~ **organizations**—

28 “~~(1)~~ to develop, implement, improve, or ~~expand~~ **expand**—

29 “**(1)** comprehensive performance-based compensation systems for teachers, principals,
30 and schools that raise student academic achievement and close the achievement gap,
31 especially for teachers and principals in high-need schools; and

32 “~~(2) to develop or revise policies on teacher certification, hiring, assignment, evaluation,~~
33 ~~advancement, dismissal, or tenure.~~ **rigorous, transparent, and fair teacher and principal**
34 **evaluation systems.**

35 “~~(b) Definitions.~~—In “**(b) Definitions.—Except as otherwise provided, in** this part:

36 “(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

37 “(A) a local educational agency or a consortium of local educational agencies,

1 including a charter school that is a local educational agency;

2 “(B) a State educational agency, or other State agency designated by the chief
3 executive of a State to participate under this ~~part~~; **subpart**; or

4 “(C) a nonprofit or for-profit organization, which may include an institution of
5 higher education, in partnership with an entity described in subparagraph (A) or (B).

6 **“(2) STUDENT ACADEMIC ACHIEVEMENT.—In this subsection, the term ‘student
7 academic achievement’ means—**

8 **“(A) for grades and subjects for which there are assessments, as described in
9 section 1111(a)(2), a student’s results from the State’s assessments under such
10 section or other statewide assessments; and**

11 **** 4 “(B) other** measures of a student’s learning and performance, such as
12 end-of-course tests, and other measures that are rigorous and comparable across
13 schools in a school district and that are aligned with the State academic content
14 standards and student academic achievement standards under section 1111(a)(1).

15 ~~“(2)“(3) PERFORMANCE-BASED COMPENSATION SYSTEM.—The term ‘performance-based
16 compensation system’ means a system of compensation for teachers and principals that—~~

17 ~~“(A) differentiates levels of compensation based in significant part on~~ **primarily on
18 the basis of** measurable increases in student academic achievement; and

19 ~~“(B) may include—~~

20 ~~“(i) differentiated levels of compensation based in significant part on~~
21 ~~high-quality~~ **on the basis of effective** teachers’ and principals’ employment and
22 success in hard-to-staff schools or high-need subject areas; and

23 ~~“(ii) differentiates levels of compensation based on~~ **recognition of** the skills
24 and knowledge of teachers and principals, as demonstrated through—

25 ~~“(I) successful fulfillment of additional responsibilities or job functions;~~
26 **and**

27 ~~“(II) evidence of high achievement and mastery of content knowledge and
28 superior teaching skills; or.~~

29 ~~“(III) recognition as a highly rated teacher or principal based on the use of an evaluation
30 system consistent with the requirements under section 2123(b).“(4) TEACHER AND
31 PRINCIPAL EVALUATION SYSTEM.—The term ‘teacher and principal evaluation system’
32 means a system for evaluating the performance of teachers and principals that—~~

33 **** 5 “(A) provides meaningful feedback to teachers and principals on the results of
34 their evaluations evaluation;**

35 **“(B) establishes multiple categories of teacher and principal performance;**

36 **“(C) evaluates teachers and principals regularly consistent with research and
37 best practice, including multiple measures;**

38 **“(D) is used to inform decisions about professional development;**

39 **“(E) is developed and implemented with teacher and principal involvement;**

1 “(F) is regularly reviewed to ensure that the evaluation provides meaningful
2 **differentiation and is aligned with student academic achievement results;**

3 ** 6 ~~“(E)“(G)~~ provides training for the evaluators who are responsible for
4 conducting classroom observations;

5 “(H) for teachers—

6 ** 7 ~~“(I)“(i)~~ shall be based in significant part on evidence of improved student
7 **academic achievement; and**

8 “(ii) shall include observations of classroom teaching; and

9 “(iii) may include other measures of student academic achievement and
10 **teacher performance; and**

11 “(I) for principals—

12 “(i) shall be based in significant part on evidence of improved student
13 **academic achievement and student outcomes;**

14 ** 8 “(ii) shall be based on evidence of providing strong instructional
15 leadership and support to teachers and other staff; and

16 “(iii) may include other measures of principal performance such as parent
17 **and family engagement.**

18 “SEC. 2302. TEACHER INCENTIVE FUND GRANTS.

19 “(a) In General.—From the amounts appropriated to carry out this part, the Secretary is
20 authorized to award grants, on a competitive basis, to eligible entities to enable the **eligible**
21 **entities to develop** ~~entities to carry out 1 or more of the following activities:~~

22 ~~“(1) Develop, implement, improve, or expand a performance-based compensation system in 1~~
23 ~~or more schools~~ **systems and teacher and principal evaluation systems in a school** served by a
24 project under this part.

25 ~~“(2) Develop, revise, or implement personnel policies on—~~

26 ~~“(A) teacher hiring and assignment, such as implementing earlier hiring timelines, utilizing~~
27 ~~more rigorous teacher and principal selection criteria, and staffing schools through mutual~~
28 ~~consent;~~

29 ~~“(B) teacher advancement, dismissal, or tenure; and~~

30 ~~“(C) teacher preparation, certification, and licensure.~~

31 “(b) Priority.—In awarding a grant under this part, the Secretary shall give priority to an
32 eligible entity that concentrates the proposed activities ~~on~~ **with respect to** teachers and principals
33 serving in high-need schools.

34 “(c) Applications.—~~An Applications.—To be~~ **eligible entity desiring to receive** a grant under
35 this part, **an eligible entity** shall submit an application to the Secretary, at such time and in such
36 manner as the Secretary may reasonably require. The application shall include, as applicable—
37

1 “~~(1) a description of the performance-based compensation system or personnel policy~~
2 ~~reforms in which~~ **and teacher and principal evaluation system that** the eligible entity
3 proposes to ~~engage~~ **develop, implement, improve, or expand;**

4 “(2) a description and evidence of the support and commitment, from teachers and
5 principals in the school to be served by the project, the community, **including**
6 **community-based organizations**, and the local educational agencies, for the ~~proposed~~
7 ~~activities~~ **performance-based compensation system and teacher and principal**
8 **evaluation system**, including a demonstration of ~~involvement by teachers, teachers-~~
9 ~~associations (where applicable)~~, **consultation with teachers** and principals in the design
10 and development of the proposal;

11 “(3) a description of how the eligible entity will develop and implement a fair, rigorous,
12 and objective process to evaluate teacher, principal, and student performance under the
13 project ~~consistent with the teacher and principal evaluation system requirements under~~
14 ~~section 2123(b)~~, including the baseline performance against which evaluations of improved
15 performance will be made;

16 “(4) ~~a description of how the applicant will leverage professional development activities~~
17 ~~for teachers and principals under sections 2113(a)(2) and 2123(a)(1) to support the success-~~
18 ~~of the project;~~

19 “(5) a description of the local educational ~~agencies~~ **agency** or ~~schools~~ **school** to be served
20 by the project, **including such student academic achievement, demographic, and**
21 **socioeconomic information as the Secretary may request;**

22 “(6)”(5) a description of the quality of teachers and principals in the local educational
23 ~~agencies~~ **agency** and the schools to be served by the project and how the project will
24 increase the quality of teachers and principals in a high-need school;

25 “(7)”(6) a description of how the eligible entity will use grant funds under this part in
26 each year of the grant;

27 “(8)”(7) a description of how the eligible entity will continue **funding and carrying out**
28 the performance-based compensation system **and teacher and principal evaluation**
29 **system** after the grant period ends;

30 “(8) a description of the State, local, or other public or private funds that will be
31 used to supplement the grant and sustain the activities assisted under the grant at the
32 end of the grant period; and

33 “(9) a description of the rationale and evidence for the proposed activities and of any
34 prior experience of the eligible entity in developing and implementing such activities.

35 “(d) Use of Funds.—

36 “(1) IN GENERAL.—An eligible entity that receives a grant under this part shall use ~~the~~
37 grant funds to ~~develop, implement, improve, or expand~~ **carry out**, in collaboration with
38 teachers, principals, other school administrators, and members of the ~~public~~— **public,**
39 **activities authorized under paragraph (2) that are designed to develop, implement,**
40 **improve, or expand, consistent with this part—**

41 “(A) a performance-based compensation system; ~~or~~ **and**

1 ~~“(B) other personnel policy reforms consistent with this part, including subsection~~
2 ~~(a)(2):“(B) a teacher and principal evaluation system.~~

3 ~~“(2) Authorized activities.—Grant funds”~~ **(2) AUTHORIZED ACTIVITIES.—An eligible**
4 **entity receiving a grant** under this part shall ~~be used for at least 1 of~~ **use grant funds for**
5 the following activities:

6 **“(A) Developing or improving teacher and principal evaluation systems that**
7 **reflect clear and fair measures of teacher and principal performance.**

8 **“(B) Paying, as part of a comprehensive performance-based compensation system,**
9 **bonuses, and increased salaries, if the eligible entity uses an increasing share of**
10 **non-Federal funds to pay the bonuses and increased salaries each year of the grant,**
11 ~~to~~ **to teachers and principals who—**

12 ~~“(i) teachers and principals who raise”~~ **“(i) have demonstrated effectiveness in**
13 **raising** student academic achievement;

14 ~~“(ii) work teachers who raise student academic achievement and—~~

15 ~~“(I) teach in high-need schools; or~~

16 ~~“(II) teach subjects that are difficult to staff;”~~ **“(iii) work in a high-need subject,**
17 **field, or geographic area.**

18 ~~“(iii) principals who raise student academic achievement and serve in high-need~~
19 ~~schools; or~~

20 ~~“(iv) staff in high-need schools that have raised student academic achievement.~~

21 ~~“(B) Developing or improving systems and tools that would enhance the quality and~~
22 ~~success of the compensation system, such as high-quality teacher evaluations and tools~~
23 ~~to measure growth in student achievement.~~

24 ~~“(C) Revising and implementing policies on teacher preparation, certification,~~
25 ~~hiring, assignment, advancement, dismissal, or tenure, such as—~~

26 ~~“(i) implementing a rigorous selection process for hiring teachers for positions~~
27 ~~available within the”~~ **“(C) Conducting outreach within a local educational agency or a**
28 **State to gain input on how to construct the teacher and principal evaluation**
29 **system and to develop support for such system.;**

30 ~~“(ii) implementing mutual consent;”~~ **“(e) Duration of Grants.—**

31 ~~“(iii) revising certification, licensure, and tenure policies so that such decisions are based~~
32 ~~at least in part on teacher performance;~~

33 ~~“(iv) streamlining due process procedures and shortening dismissal timelines; and~~

34 ~~“(v) linking teacher performance and employment outcomes back to preparation~~
35 ~~programs, and using such data to ensure preparation programs operating in the State or~~
36 ~~placing teachers in the district, as applicable, are high quality.~~

37 ~~“(e) Duration of Grants.—The”~~ **“(1) IN GENERAL.—The** Secretary may award a grant
38 under this part for a period of not more than 5 years.

39 **“(2) LIMITATION.—A local educational agency may receive (whether individually or**

1 as part of a consortium or partnership) a grant under this part only once.

2 **“(f) Equitable Distribution.—To the extent practicable, the Secretary shall ensure an**
3 **equitable geographic distribution of**~~“(f) Equitable Distribution.—In making grants under this~~
4 ~~part, the Secretary shall consider geographic diversity, including the distribution between rural~~
5 ~~and urban areas.~~

6 **“(g) Matching Requirement.—**

7 **“(1) IN GENERAL.—**Except as provided in paragraph (2), each eligible entity that receives
8 a grant under this part shall provide, over the course of the ~~5-year project~~ **grant** period, an
9 increasing share of matching funds (which may be provided in cash or in kind) to carry out
10 ~~the activities supported by the grant.~~

11 **“(2) WAIVER.—**The Secretary may waive the matching requirement under paragraph (1)
12 for an eligible entity—

13 **“(A)** that consists of a high-need local educational agency; or

14 **“(B)** that is located in a rural area.

15 **“(h) Supplement, Not Supplant.—Grant Supplement.—Grant** funds provided under this part
16 shall be used to supplement, not supplant, other Federal, State, or local funds **available to carry**
17 **out the activities described in this part.”.**

18 **“(i) Requirement.—**The Secretary shall award not less than 70 percent of grant funds to
19 eligible entities that propose to implement a performance-based compensation system.

20 ~~“SEC. 2303. ACCOUNTABILITY.~~

21 ~~“(a) Establishment of Performance Metrics.—~~The Secretary, acting through the Director of the
22 ~~Institute of Education Sciences, shall establish performance metrics.~~

23 ~~“(b) Annual Report.—~~Each eligible entity that receives a grant under this part shall prepare
24 ~~and submit an annual report to the Secretary, which shall include information relevant to the~~
25 ~~performance metrics established under subsection (a).~~

26 ~~“SEC. 2304. EVALUATION.~~

27 ~~“From the amount reserved under section 2305, the Secretary shall—~~

28 ~~“(1) acting through the Director of the Institute of Education Sciences, evaluate the~~
29 ~~implementation and impact of the activities supported under this part; and~~

30 ~~“(2) disseminate research on best practices.~~

31 ~~“SEC. 2305. RESERVATION FOR EVALUATION; TECHNICAL ASSISTANCE; AND~~
32 ~~PROGRAM OUTREACH.~~

33 ~~“The Secretary may reserve not more than 3 percent of the funds appropriated to carry out this~~
34 ~~part for any 1 fiscal year, for the cost of the evaluation under section 2304, technical assistance,~~
35 ~~and program outreach.”.~~

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TITLE III—LANGUAGE AND ACADEMIC CONTENT INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

SEC. 3001. REORGANIZATION.

Title III (20 U.S.C. 6801 et seq.) is amended—

(1) in the title heading, by striking “LIMITED ENGLISH PROFICIENT” and inserting “ENGLISH LEARNERS”;

(2) by striking sections 3001 and 3122;

(3) by redesignating sections 3123 through 3129 as sections 3122 through 3128, respectively;

(4) by striking subpart 4 of part A;

(5) by striking part B;

(6) by redesignating sections 3301 through 3304 as sections 3201 through 3204, respectively; and

(7) by redesignating part C as part B.

SEC. 3002. PURPOSES.

Section 3102 (20 U.S.C. 6812) is amended to read as follows:

“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

- 1 “(ii) meeting State college and career ready academic content standards;
2 “(B) implement such services effectively;
3 “(C) evaluate the impact of such services on student English language proficiency
4 and academic content knowledge; and
5 “(D) modify such services as appropriate to meet the needs of students;
6 “(4) to ensure that rigorous and consistent standards, **assessments**, and State
7 accountability systems are in place for programs serving English learners; and
8 “(5) to promote parental and community participation in language instruction educational
9 programs in communities for parents of children who are English learners.”.

10 SEC. 3003. FORMULA GRANTS TO STATES.

11 Section 3111 (20 U.S.C. 6821) is amended—

12 (1) in subsection (b)—

13 (A) by striking paragraph (2) and inserting the following:

14 “(2) STATE ACTIVITIES.—

15 “(A) IN GENERAL.—Subject to subparagraph (B), each State educational agency
16 receiving a grant under subsection (a) may reserve not more than 5 percent of the
17 agency’s allotment under subsection (c) to provide technical assistance and other forms
18 of assistance to eligible entities that are receiving subgrants from a State educational
19 agency under this subpart, including in—

20 “(i) identifying and implementing effective and high-quality language
21 instruction educational programs and curricula and academic content instruction
22 programs that are based on scientifically valid research on teaching English
23 learners;

24 “(ii) program evaluation to ensure that the language instruction educational
25 programs and academic content instruction programs selected by subgrantees are
26 appropriate for the needs of the English learners served;

27 “(iii) teacher and principal preparation, professional development activities, and
28 other evidence-based activities ~~that supplement activities funded under title II,~~
29 which may include activities that—

30 “(I) support the implementation of professional teaching standards and
31 teacher evaluation systems for teachers of English learners; and

32 “(II) assist such teachers in meeting State and local certification and
33 licensing requirements for teaching English learners;

34 “(iv) strengthening and increasing parent, family, and community engagement;

35 “(v) developing, enhancing, aligning, and implementing English language
36 proficiency standards and assessments, particularly helping to ensure uniform
37 implementation of English language proficiency standards within the State;

38 “(vi) providing recognition, which may include providing financial awards, to

1 subgrantees that significantly improve the rate at which English learners acquire
2 English language proficiency and are able to demonstrate the English language
3 proficiency needed for core content mastery; and

4 “(vii) planning, evaluation, administration, and interagency coordination.

5 “(B) LIMITATION.—A State may use not more than 40 percent of the amount
6 reserved under subparagraph (A) or \$175,000, whichever is greater, for the activities
7 described in subparagraph (A)(vii).”; and

8 (B) by striking paragraph (3); and

9 (2) in subsection (c)—

10 (A) by striking paragraph (1) and inserting the following:

11 “(1) RESERVATIONS.—From the amount appropriated under section 3001(a) for each
12 fiscal year, the Secretary shall reserve—

13 “(A) 0.5 percent or \$5,000,000 of such amount, whichever is greater, for payments
14 to eligible entities that are defined under section 3112(a) for activities, approved by the
15 Secretary, consistent with this subpart;

16 “(B) 0.5 percent of such amount for payments to outlying areas, to be allotted in
17 accordance with their respective needs for assistance under this subpart (as determined
18 by the Secretary) for activities that are approved by the Secretary and consistent with
19 the purposes of this subpart; and

20 “(C) 6.5 percent of such amount for national activities under sections 3131 and
21 3203, except that not more than 0.5 percent of such amount shall be reserved for
22 evaluation activities conducted by the Secretary and not more than \$2,000,000 of such
23 amount may be reserved for the National Clearinghouse for English Language
24 Acquisition and Language Instruction Educational Programs described in section
25 3203.”;

26 (B) by striking paragraph (2);

27 (C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

28 (D) in paragraph (2), as redesignated by subparagraph (C)—

29 (i) in subparagraph (A)—

30 (I) in the matter preceding clause (i)—

31 (aa) by striking “3001(a)” and inserting “3001”; and

32 (bb) by striking “section 3113(c)” and inserting “section 3113(d)”;

33 (II) in clause (i)—

34 (aa) by striking “limited English proficient children” and inserting
35 “English learners”; and

36 (bb) by inserting “, as determined by data available from the
37 American Community Survey conducted by the Department of
38 Commerce or State-reported data” after “children in all States”; and

1 (III) in clause (ii), by inserting “, as determined based only on data
2 available from the American Community Survey conducted by the
3 Department of Commerce” after “children and youth in all States”; and

4 (ii) by striking subparagraph (C) and inserting the following:

5 “(C) REALLOTMENT.—If any State educational agency described in subparagraph
6 (A) does not submit a plan to the Secretary for a fiscal year, or submits a plan (or any
7 amendment to a plan) that the Secretary, after reasonable notice and opportunity for a
8 hearing, determines does not satisfy the requirements of this subpart, the Secretary
9 shall reallocate any portion of such allotment to the remaining State educational agencies
10 in accordance with subparagraph (A).”; and

11 (E) by striking paragraph (3), as redesignated by subparagraph (C), and inserting the
12 following:

13 “(3) USE OF DATA FOR DETERMINATIONS.—In making State allotments under paragraph
14 (2), for each fiscal year, the Secretary shall determine the number of English learners ~~and~~
15 ~~the number of English learners assessed as not having attained English language~~
16 ~~proficiency, based on the State’s English language proficiency assessment under section~~
17 ~~1111(a)(2)(D), in a State and in all States, and the number of immigrant children and youth~~
18 ~~in a State and in all States, by using data that will yield for each fiscal year, using the most~~
19 ~~accurate, up-to-date numbers of children and youth who are English learners and who have~~
20 ~~limited English language proficiency and immigrant children and youth. In making such~~
21 ~~determinations, the Secretary shall use—~~ **data, which may be—**

22 “(A) data available from the American Community Survey conducted by the
23 Department of Commerce ~~to determine the allotment; or,~~ **which may be multiyear**
24 **estimates;**

25 “(B) the number of ~~English learners~~ **students** assessed as not having attained
26 English language proficiency, based on the State’s English language proficiency
27 assessment under section 1111(a)(2)(D), ~~to determine the allotment.”.~~

28 **which may be multiyear estimates; or**

29 “(C) **a combination of data available under subparagraphs (A) and (B).”.**

30 SEC. 3004. NATIVE AMERICAN AND ALASKA NATIVE 31 CHILDREN IN SCHOOL.

32 Section 3112 (20 U.S.C. 6822) is amended—

33 (1) in subsection (a)—

34 (A) in paragraph (4), by striking “Indian Affairs” and inserting “Indian Education of
35 the Department of the Interior”;

36 (B) in paragraph (5), by striking “Indian Affairs” and inserting “Indian Education of
37 the Department of the Interior”; and

38 (C) in paragraph (6), by striking “Indian Affairs” and inserting “Indian Education of
39 the Department of the Interior” both places such term appears;

1 (2) in subsection (b), by striking “an entity that is considered to be an eligible entity
2 under subsection (a), and that” and inserting “an eligible entity that”; and

3 (3) by striking subsection (c) and inserting the following:

4 “(c) Special Rules.—

5 “(1) INELIGIBILITY FOR MULTIPLE AWARDS FOR SAME PERIOD.—An eligible entity that
6 receives a grant under this section shall not be eligible to receive a subgrant under section
7 3114 for the same period.

8 “(2) NATIVE AMERICAN LANGUAGE PROGRAMS.—An eligible entity that receives a grant
9 under this section may, in addition to other activities supported under this subpart, use the
10 grant funds to support Native American language immersion programs and Native
11 American language restoration programs, which may be taught by traditional or tribal
12 leaders.”.

13 SEC. 3005. STATE EDUCATIONAL AGENCY PLANS.

14 Section 3113 (20 U.S.C. 6823) is amended to read as follows:

15 “SEC. 3113. STATE EDUCATIONAL AGENCY PLANS.

16 “(a) Plan Required.—Each State educational agency desiring a grant under this subpart shall
17 submit a plan to the Secretary at such time, in such manner, and containing such information as
18 the Secretary may require.

19 “(b) Contents.—Each plan submitted under subsection (a) shall—

20 “(1) describe the process that the agency will use in awarding subgrants to eligible
21 entities under section 3114(d)(1);

22 “(2) describe the process by which, within a period established by the Secretary, the
23 agency will establish uniform statewide criteria for local educational agencies to use in—

24 “(A) identifying English learners who need services under this part;

25 “(B) determining when such students no longer need those services; and

26 “(C) including the same standards of achievement for all English learners in all local
27 educational agencies in the State;

28 “(3) describe the process through which the State educational agency will support local
29 educational agencies in assisting English learners in acquiring proficiency in each of the 4
30 language domains of reading, writing, speaking, and listening, as measured by the State’s
31 English language proficiency assessment;

32 “(4) provide an assurance that if the State adopts new academic content standards, the
33 State educational agency will, not later than 1 year after the date of adoption of such
34 standards—

35 “(A) update the State English language proficiency standards to ensure that such
36 standards align with the new academic content standards; and

37 “(B) provide the Secretary with evidence of such alignment;

1 “(5) provide an assurance that the State English language proficiency assessment system
2 is valid and reliable and meets the appropriate requirements of paragraph (10);

3 “(6) include criteria for defining the performance standard that students at lower levels of
4 English language proficiency must meet to attain the level that the State defines as English
5 language proficient;

6 “(7) describe how the agency will coordinate programs and activities carried out under
7 this subpart with the other programs and activities that such agency carries out under this
8 Act;

9 “(8) describe how the agency will assist eligible entities in increasing the extent to which
10 English learners acquire English language proficiency within a reasonable time frame, as
11 informed by evidence and best practices;

12 “(9) provide an assurance that eligible entities in the State will be given the flexibility to
13 teach English learners using a language instruction curriculum that has been demonstrated
14 to be effective, **consistent with section 3115(f)**;

15 “(10) describe how the agency will manage subgrants awarded under this subpart,
16 including—

17 “(A) how the agency will ensure that subgrant funds are expended to support the
18 provision of services to help English learners acquire the English language proficiency
19 and the academic content knowledge they need to meet the State’s college and career
20 ready academic content standards and to advance to postsecondary education and
21 careers, which may include using a scientifically valid language instruction curriculum
22 to improve language acquisition and content mastery for English learners;

23 “(B) how the agency will ensure that eligible entities receiving a subgrant under this
24 subpart comply with the requirement under section 1111(a)(2)(B)(vi) to annually
25 assess in English, children who have been in the United States for 3 or more
26 consecutive years;

27 “(C) how the agency will monitor eligible entities receiving a subgrant under this
28 part to ensure compliance with applicable Federal fiscal requirements, including the
29 requirements under subsections (f) and (g) of section 3115;

30 “(D) how the agency will, in awarding subgrants under section 3114, address the
31 needs of local educational agencies of all sizes and in all geographic areas, including
32 local educational agencies that serve rural and urban schools; and

33 “(E) an assurance that the agency will require an eligible entity receiving a subgrant
34 under this subpart to use the subgrant in ways that will build such eligible entity’s
35 capacity to continue to offer high-quality language instruction educational programs
36 and academic content instruction programs that assist English learners in meeting State
37 academic content and student academic achievement standards to become on track to
38 college and career readiness;

39 “(11) provide an assurance that the State’s English language proficiency standards are
40 aligned with the academic content and academic achievement standards described in section
41 1111; and

1 “(12) provide an assurance that the plan has been developed in consultation with local
2 educational agencies, teachers, administrators of programs described under this part,
3 parents, family members, and other relevant stakeholders.

4 “(c) Approval.—The Secretary, after using a peer review process, shall approve a plan
5 submitted under subsection (a) if the plan meets the requirements of this section.

6 “(d) Duration of Plan.—

7 “(1) IN GENERAL.—Each plan submitted by a State educational agency and approved
8 under subsection (c) shall—

9 “(A) remain in effect for the duration of the State educational agency’s participation
10 under this part; and

11 “(B) be periodically reviewed and revised by the agency to reflect changes to the
12 agency’s strategies and programs carried out under this part.

13 “(2) ADDITIONAL INFORMATION.—

14 “(A) AMENDMENTS.—If a State educational agency amends the plan approved under
15 subsection (c), the agency shall submit the amendment to the Secretary.

16 “(B) APPROVAL.—The Secretary shall approve an amendment to an approved plan,
17 unless the Secretary determines that the amendment will result in the agency not
18 meeting the requirements, or fulfilling the purposes, of this part.

19 “(e) Consolidated Plan.—A plan submitted under subsection (a) may be submitted as part of a
20 consolidated plan under section 9302.

21 “(f) Secretary Assistance.—The Secretary shall provide technical assistance, if requested, in
22 the development of English language proficiency standards, objectives, and assessments.”.

23 SEC. 3006. WITHIN-STATE ALLOCATIONS.

24 Section 3114 (20 U.S.C. 6824) is amended—

25 (1) in subsection (a)—

26 (A) by striking “section 3111(c)(3)” and inserting “section 3111(c)(2)”;

27 (B) by inserting “, in a timely manner,” after “by allocating”; and

28 (C) by striking “limited English proficient children” and inserting “English learners”
29 both places the term appears; and

30 (2) in subsection (d)—

31 (A) in paragraph (1), by striking “section 3111(c)(3)” and inserting “section
32 3111(c)(2)”;

33 (B) in paragraph (2)—

34 (i) in subparagraph (A)—

35 (I) by striking “equally”; and

36 (II) by striking “and” at the end;

1 (ii) by redesignating subparagraph (B) as subparagraph (C); and

2 (iii) by inserting after subparagraph (A) the following:

3 “(B) shall consider eligible entities that experience a significant increase in the
4 percentage of immigrant children and youth served, and eligible entities that
5 experience a significant increase in the number of immigrant children and youth
6 served; and”.

7 **SEC. 3007. SUBGRANTS TO ELIGIBLE ENTITIES.**

8 Section 3115 (20 U.S.C. 6825) is amended to read as follows:

9 **“SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.**

10 “(a) Purposes of Subgrants.—A State educational agency may make a subgrant to an eligible
11 entity from funds received by the agency under this subpart only if the entity agrees to expend
12 the funds to supplement the education of English learners by helping them learn English and
13 meet the State college and career ready academic content and student academic achievement
14 standards. The eligible subgrantee shall carry out activities with such funds, using
15 evidence-based approaches and methodologies that have been demonstrated to be effective for
16 teaching English learners and immigrant children and youth, for the following purposes:

17 “(1) Developing and implementing new language instruction educational programs and
18 academic content instruction programs for such children and youth, including early
19 childhood education and care programs, elementary school programs, and secondary school
20 programs.

21 “(2) Carrying out highly focused, innovative, locally designed, evidence-based activities
22 to expand or enhance existing language instruction educational programs and academic
23 content instruction programs for such children and youth.

24 “(3) Implementing, within an individual school, whole school programs for restructuring,
25 reforming, and upgrading all relevant programs, activities, and operations relating to
26 language instruction educational programs and academic content instruction for such
27 children and youth.

28 “(4) Implementing, within the entire jurisdiction of a local educational agency,
29 agency-wide programs for restructuring, reforming, and upgrading all relevant programs,
30 activities, and operations relating to language instruction educational programs and
31 academic content instruction for such children and youth.

32 “(b) Administrative Expenses.—Each eligible entity receiving funds under section 3114(a) for
33 a fiscal year may use not more than 2 percent of such funds for the direct cost of administering
34 this subpart.

35 “(c) Required Subgrantee Activities.—An eligible entity receiving funds under section
36 3114(a) shall use the funds for 2 or more of the following activities:

37 “(1) Increasing the English language proficiency of English learners by providing
38 high-quality evidence-based language instruction educational programs and academic
39 content instruction programs that meet the needs of the specific English learners served, and
40 by identifying, acquiring, and upgrading curricula, instructional materials, educational

1 software, and assessment practices that are proven effective in—

2 “(A) increasing English language proficiency;

3 “(B) increasing student academic achievement in the core academic subjects; and

4 “(C) supporting students so that the students are college and career ready.

5 “(2) Providing high-quality professional development to teachers (including teachers of
6 language instruction educational programs and academic content instruction programs,
7 teachers of other academic subjects, and special education teachers), principals,
8 administrators, and other school or community-based organization personnel that is—

9 “(A) designed to improve the instruction and assessment of English learners;

10 “(B) designed to enhance the ability of teachers and school leaders to understand
11 and effectively implement curricula, assessment practices and measures, and
12 instructional strategies for English learners;

13 “(C) aligned with the instructional program used by teachers that is responsive to the
14 needs of the English learners served;

15 “(D) based on scientifically valid research demonstrating the effectiveness of the
16 professional development in increasing children’s English language proficiency or
17 substantially increasing the subject matter knowledge, teaching knowledge, and
18 teaching skills of teachers; and

19 “(E) of sufficient intensity and duration (which shall not include activities such as
20 1-day or short-term workshops and conferences) to have a positive and lasting impact
21 on the performance of teachers in the classroom, except that this subparagraph shall
22 not apply to an activity that is 1 component of a long-term, comprehensive professional
23 development plan established by a teacher and the teacher’s supervisor based on an
24 assessment of the needs of the teacher, the supervisor, the students of the teacher, and
25 any local educational agency employing the teacher, as appropriate.

26 “(3) Carrying out other highly focused, evidence-based, proven effective activities and
27 strategies that expand, enhance, or supplement existing language instruction educational
28 programs and academic content instruction programs for English learners, including
29 activities that enhance and increase parent, family, and community participation, maximize
30 coordination and alignment among related programs, and build partnerships between
31 schools and community-based early learning programs serving English learners.

32 “(d) Authorized Subgrantee Activities.—Subject to subsection (c), an eligible entity receiving
33 funds under section 3114(a) may use the funds to achieve 1 of the purposes described in
34 subsection (a) by undertaking 1 or more of the following activities:

35 “(1) Upgrading program objectives and effective instruction strategies.

36 “(2) Providing to English learners—

37 “(A) tutorials and academic or career and technical education; and

38 “(B) intensified instruction.

39 “(3) Developing and implementing preschool, elementary school, or secondary school
40 language instruction educational programs and academic content instruction programs that

1 are coordinated with other relevant programs and services.

2 “(4) Improving the English language proficiency and academic achievement of children
3 who are English learners.

4 “(5) Improving the instruction of English learners, **including English learners who are**
5 **children with disabilities**, by providing for—

6 “(A) the acquisition or development of educational technology or instructional
7 materials;

8 “(B) access to, and participation in, electronic networks for materials, training, and
9 communication; and

10 “(C) incorporation of the resources described in subparagraphs (A) and (B) into
11 curricula and programs, such as curricula and programs funded under this subpart.

12 “(6) Providing community participation programs, family literacy services, and parent
13 and family outreach and training activities to children who are English learners and their
14 families—

15 “(A) to improve the English language skills of children who are English learners;
16 and

17 “(B) to assist parents in—

18 “(i) helping their children to improve their academic achievement; and

19 “(ii) becoming active participants in the education of their children.

20 “(7) Carrying out other activities that are consistent with the purposes of this subpart.

21 “(e) Activities by Agencies Experiencing Substantial Increases in Immigrant Children and
22 Youth.—

23 “(1) IN GENERAL.—An eligible entity receiving funds under section 3114(d)(1) shall use
24 the funds to pay for activities that provide enhanced instructional opportunities for
25 immigrant children and youth, which may include—

26 “(A) family literacy, parent and family outreach, and leadership development
27 activities designed to assist parents and family members in becoming engaged
28 participants in the education and development of their children;

29 “(B) support for personnel, including paraprofessionals who have been specifically
30 trained, or are being trained, to provide services to immigrant children and youth;

31 “(C) the provision of tutorials, mentoring, and academic or career counseling for
32 immigrant children and youth;

33 “(D) identification, development, and acquisition of curricular materials, educational
34 software, and technologies to be used in the program carried out with funds awarded
35 under section 3114(a);

36 “(E) basic instructional services that are directly attributable to the presence in the
37 local educational agency involved of immigrant children and youth, including the
38 payment of costs of providing additional classroom supplies and costs of
39 transportation;

1 “(F) such other costs that are directly attributable to such additional basic
2 instructional services or that are designed to assist immigrant children and youth to
3 achieve in elementary schools and secondary schools in the United States, such as
4 programs of introduction to the educational system and civics education; and

5 “(G) activities, coordinated with community-based organizations (including
6 community-based organizations providing early childhood education and care
7 programs), institutions of higher education, private sector entities, or other entities with
8 expertise in working with immigrants, to assist parents of immigrant children and
9 youth by offering comprehensive community services.

10 “(2) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State educational
11 agency under section 3114(d)(1) shall be determined by the agency in its discretion.

12 “(f) Selection of Method of Instruction.—

13 “(1) IN GENERAL.—An eligible entity receiving a subgrant from a State educational
14 agency under this subpart shall select 1 or more methods or forms of instruction to be used
15 in the programs and activities undertaken by the entity in assisting English learners in
16 attaining English language proficiency and meeting State academic content and student
17 academic achievement standards, to be on track to college and career readiness.

18 “(2) CONSISTENCY.—The selection of methods or forms of instruction, as described
19 under paragraph (1), shall be consistent with sections 3123 through 3126.

20 “(g) **Supplement, Not Supplant.**—~~Federal funds made available~~ **Maintenance of Effort.**—

21 “(1) ~~In general.~~—

22 “~~(A) Fiscal effort.~~—A State educational agency that receives a grant under this subpart shall
23 ~~not pay a subgrantee the full amount of its subgrant determined for any fiscal year unless the~~
24 ~~subgrantee notifies the State educational agency, and the State educational agency determines,~~
25 ~~that with respect to the provision of language instruction educational~~ **be used so as to**
26 **supplement the level of Federal, State, and local public funds that, in the absence of such**
27 **availability, would have been expended for** programs for English learners, ~~including~~
28 ~~professional development, by the subgrantee for the preceding fiscal year, the fiscal effort of the~~
29 ~~subgrantee, computed from non-Federal funds and on either a per-student or~~
30 ~~aggregate expenditure basis, was not less than 90 percent of the amount of the fiscal effort,~~
31 ~~computed on the same basis, for the second preceding fiscal year.~~

32 “~~(B) Failure to maintain effort.~~—If a State educational agency determines that a subgrantee
33 ~~failed to maintain the fiscal effort for the subgrantee at the level specified in subparagraph (A),~~
34 ~~the State educational agency shall—~~

35 “~~(i) reduce the amount of the subgrant that would otherwise be made to that subgrantee under~~
36 ~~this subpart in the exact proportion of the failure to maintain the fiscal effort at that level; and~~

37 “~~(ii) not use the reduced amount of the entity’s expenditures for the preceding year to~~
38 ~~determine compliance with subparagraph (A) for any succeeding fiscal year, but shall use the~~
39 ~~amount of expenditures that would have been required to comply with subparagraph (A) in the~~
40 ~~absence of the failure to maintain effort.~~

41 “(2) Waiver.—The Secretary may waive the requirement of paragraph (1)(A) for a subgrantee,

1 for not more than 1 year at a time, if the Secretary determines that the failure to comply with that
2 requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster, or a
3 precipitous and unforeseen decline in the entity's financial resources.

4 ~~“(3) Unused amounts.—A participating State educational agency shall return to the General~~
5 ~~Fund of the Treasury any portion of an amount that—~~

6 ~~“(A) based on estimates made by the subgrantees in the State or other information, the State~~
7 ~~educational agency determines will not be needed by the entities to carry out approved programs~~
8 ~~under this subpart; or~~

9 ~~“(B) otherwise becomes available under this subpart.~~

10 ~~“(4) Report.—A State educational agency that receives a grant under this subpart shall~~
11 ~~annually provide the Secretary with—~~

12 ~~“(A) information on its determinations under paragraph (1), including information on the~~
13 ~~fiscal effort of each subgrantee within the State for each fiscal year with respect to the provision~~
14 ~~of language instruction educational programs for English learners, on either a per-student or~~
15 ~~aggregate expenditure basis; and~~

16 ~~“(B) any information about what the State educational agency did with any funds withheld~~
17 ~~from eligible entities that failed to maintain fiscal effort, as described in paragraph (1).~~

18 ~~“(5) Special rules.—~~

19 ~~“(A) In general.—A determination by a State educational agency under paragraph (1), or the~~
20 ~~Secretary under paragraph (2), shall not be construed to be a determination that the subgrantee is~~
21 ~~in compliance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or section~~
22 ~~204(f) of the Equal Educational Opportunities Act of 1974 (20 U.S.C. 1703(f)).~~

23 ~~“(B) Prohibition on use of funds.—A and immigrant children and youth and in no case to~~
24 ~~supplant such Federal, State, and local public funds.~~

25 ~~“(h) Prohibition on Use of Funds.—A subgrantee shall not use subgrant funds received~~
26 ~~under this subpart for services that are required to be provided to English learners as a result of—~~

27 ~~“(i)“(1) a letter of findings, issued by the Assistant Secretary for Civil Rights, indicating~~
28 ~~that the subgrantee's program and services do not meet the legal requirements under title VI~~
29 ~~of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), unless the subgrantee has~~
30 ~~**appealed the findings or entered into settlement discussions designed to lead to a**~~
31 ~~resolution agreement with the Assistant Secretary for Civil Rights pursuant to section~~
32 ~~100.7(d) of title 34, Code of Federal Regulations; or~~

33 ~~“(ii)“(2) a Federal court order resulting from litigation in the Federal courts, except where~~
34 ~~the litigation commences with a complaint filed with an accompanying consent decree, to~~
35 ~~enforce title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or section 204(f)~~
36 ~~of the Equal Educational Opportunities Act of 1974 (20 U.S.C. 1703(f)).”.~~

37 SEC. 3008. LOCAL PLANS.

38 Section 3116 (20 U.S.C. 6826) is amended to read as follows:

39 “SEC. 3116. LOCAL PLANS.

1 “(a) Plan Required.—Each eligible entity desiring a subgrant from a State educational agency
2 under section 3114 shall submit a plan to the State educational agency at such time, in such
3 manner, and containing such information as the State educational agency may require.

4 “(b) Contents.—Each plan submitted under subsection (a) shall—

5 “(1) describe the scientifically valid programs and activities proposed to be developed,
6 implemented, and administered under the subgrant, including how such programs and
7 activities will supplement programs intended to enable children to speak, read, write, and
8 comprehend the English language, meet State academic content and student academic
9 achievement standards, and graduate high school ready for college and careers;

10 “(2) describe how the eligible entity will hold elementary schools and secondary schools
11 receiving funds under this subpart accountable for—

12 “(A) assessing annually, in accordance with section 1111, the English language
13 proficiency of all English learners participating in programs funded under this subpart;
14 and

15 “(B) meeting timelines, progress criteria, and performance targets for English
16 learners in order to ensure that such children served by the programs carried out under
17 this part—

18 “(i) develop proficiency in English; and

19 “(ii) master the academic content knowledge they need to meet the State’s
20 college and career ready academic content standards under section 1111(a)(1);

21 “(3) describe how the eligible entity will promote family and community member
22 engagement;

23 “(4) describe how the eligible entity will consult with teachers, researchers, school
24 administrators, parents, family and community members, and, if appropriate, with
25 education-related community groups and nonprofit organizations, and institutions of higher
26 education, in developing and implementing such plan;

27 “(5) describe how language instruction educational programs and academic content
28 instruction programs carried out under the subgrant will ensure that English learners being
29 served by the programs develop English language proficiency and demonstrate such
30 proficiency through academic content mastery;

31 “(6) ensure that activities supported by funds allocated to individual schools are described
32 in any general local school level-plan required by the eligible entity, and in the absence of a
33 required school-level plan, such activities are described in a separate school-level title III
34 activity plan; and

35 “(7) contain an assurance that—

36 “(A) the eligible entity is not in violation of State law, including State constitutional
37 law, regarding the education of English learners, consistent with sections 3124, 3125,
38 3126, and 3127;

39 “(B) each local educational agency that is included in the eligible entity complies
40 with section 3202 prior to, and throughout, each school year; and

1 “(C) systemic improvements for meeting the needs of English learners and targeting
2 funds to particular concentrations of English learners were considered in developing
3 such plan.

4 “(c) Teacher English Fluency.—Each eligible entity receiving a subgrant under this subpart
5 shall include in its plan a certification that all teachers in any language instruction educational
6 program for English learners that is, or will be, funded under this part are fluent in the language
7 used for instruction, including having written and oral communications skills.”.

8 **SEC. 3009. EVALUATIONS.**

9 Section 3121 (20 U.S.C. 6841) is amended to read as follows:

10 **“SEC. 3121. EVALUATIONS.**

11 “(a) In General.—Each eligible entity that receives a subgrant from a State educational agency
12 under subpart 1 shall provide such agency, at the conclusion of every second fiscal year during
13 which the subgrant is received, with an evaluation of programs and services supported under this
14 title, in a form prescribed by the agency, that includes—

15 “(1) a description of the programs and activities conducted by the entity with funds
16 received under subpart 1 during the 2 immediately preceding fiscal years, including how
17 such programs and activities supplemented programs funded primarily with State or local
18 funds;

19 “(2) a description of the progress made by English learners in improving their English
20 language proficiency, in meeting the State’s academic content and student academic
21 achievement standards, and in graduating from high school ready for college and careers;

22 “(3) the number and percentage of English learners participating in the programs and
23 activities supported by funds provided under this part, who by the end of each school year,
24 attain English language proficiency in each of the 4 domains of reading, writing, speaking,
25 and listening, as determined by the State’s English language proficiency assessment and the
26 number who exit the language instruction educational programs based on their attainment of
27 English language proficiency on such assessment;

28 “(4) a description of the progress made by former English learners in meeting the State’s
29 academic content and student academic achievement standards and in graduating from high
30 school and being college and career ready, for each of the 3 years after such individuals are
31 no longer receiving services under this part; and

32 “(5) the number and percentage of English learners who have not attained English
33 language proficiency within 5 years of first enrollment in the local educational agency and
34 initial classification as English learners.

35 “(b) Use of Evaluation.—An evaluation provided by an eligible entity under subsection (a)
36 shall be used by the entity and the State educational agency—

37 “(1) to assess the progress of children in attaining English language proficiency,
38 including—

39 “(A) a child’s level of speaking, listening, reading, and writing skills in English; and

1 “(B) a child’s progress in attaining the State student academic achievement and
2 college and career readiness standards;

3 “(2) to improve programs and activities, including by determining the effectiveness of
4 programs and activities in increasing the English language proficiency of English learners
5 and making determinations about whether or not to continue funding for specific programs
6 or activities.”.

7 **SEC. 3010. REPORTING REQUIREMENTS.**

8 Section 3122 (as redesignated by section 3001(3)) (20 U.S.C. 6843) is amended—

9 (1) by striking “children who are limited English proficient” each place the term appears
10 and inserting “English learners”;

11 (2) by striking “limited English proficient children” each place the term appears and
12 inserting “English learners”; and

13 (3) in subsection (b)(9), by striking “the evaluations from specially qualified agencies
14 and”.

15 **SEC. 3011. COORDINATION WITH RELATED** 16 **PROGRAMS.**

17 Section 3123 (as redesignated by section 3001(3)) (20 U.S.C. 6844) is amended—

18 (1) by striking “children of limited English proficiency” and inserting “English learners”;
19 and

20 (2) by striking “limited English proficient children” and inserting “English learners”.

21 **SEC. 3012. RULES OF CONSTRUCTION.**

22 Section 3124 (as redesignated by section 3001(3)) (20 U.S.C. 6845) is amended—

23 (1) by striking “limited English proficient children” and inserting “English learners” each
24 place the term appears;

25 (2) in paragraph (2), by striking “or”;

26 (3) in paragraph (3), by striking the period at the end and inserting “; or”; and

27 (4) by adding at the end the following:

28 “(4) to require an eligible entity to cease providing services under this title to any student
29 who may have been assessed at or above the proficiency level on the annual assessment of
30 English language proficiency under section 1111(a)(2)(D), but has not attained, or is not on
31 track to attain, the proficiency level on the regular State academic content assessment under
32 section 1111(a)(2)(A), including such assessment in English or language arts.”.

33 **SEC. 3013. PROHIBITION.**

34 Section 3128 (as redesignated by section 3001(3)) (20 U.S.C. 6849) is amended by striking
35 “limited English proficient children” and inserting “English learners”.

1 **SEC. 3014. NATIONAL ACTIVITIES.**

2 Subpart 3 of part A of title III (20 U.S.C. 6861) is amended—

3 (1) by striking section 3131 and inserting the following:

4 **“SEC. 3131. PROFESSIONAL DEVELOPMENT GRANTS.**

5 “The Secretary shall use funds made available under section 3111(c)(1)(C) to award grants on
6 a competitive basis, for a period of not more than 5 years, to institutions of higher education or
7 nonprofit institutions with relevant experience or expertise and capacity (in consortia with State
8 educational agencies or local educational agencies) to provide for professional development
9 activities that will improve classroom instruction for English learners and assist educational
10 personnel working with such children to meet high professional standards, including standards
11 for certification and licensure as teachers who work in language instruction educational programs
12 and academic content instruction programs or serve English learners. Grants awarded under this
13 section may be used to—

14 “(1) support partnerships between State or local educational agencies and institutions of
15 higher education to support the work of individuals who are completing baccalaureate and
16 masters programs (such as programs in the areas of teacher training, program
17 administration, policy, research, evaluation, assessment, and curriculum development) and
18 to improve educational services and programs for English learners, provided that recipients
19 of fellowships or assistance are required, on completion of their studies, to—

20 “(A) assist in the education of English learners through work in a school, local
21 educational agency, or other educational agency or organization for a period of time
22 equivalent to the period of time during which an individual receives assistance under
23 this section; or

24 “(B) repay all or a prorated part of their assistance under this section;

25 “(2) support research on promising instructional strategies or programs that have practical
26 applications for teachers, counselors, parents and family members, school leaders, and
27 others responsible for educating or improving the education of English learners and their
28 families;

29 “(3) support strategies that promote school readiness for English learners and their
30 transition from early childhood programs, such as Head Start or State-run preschool
31 programs, to elementary school programs;

32 “(4) support strategies that promote high school graduation for English learners;

33 “(5) support strategies that strengthen and increase family and community member
34 engagement in education;

35 “(6) support the development of curricula that are appropriate to the needs of the
36 participating consortium; and

37 “(7) support the dissemination of information gathered in accordance with paragraphs (1)
38 through (5), particularly evidence-based best practices and the provision of technical
39 assistance.”; and

1 (2) by adding at the end the following:

2 **“SEC. 3132. COMMISSION ON ASSESSMENT OF**
3 **ENGLISH LEARNERS.**

4 “(a) Commission on Assessment of English Learners.—

5 “(1) IN GENERAL.—The Secretary shall establish an independent commission on the
6 assessment and advancement of English learners (referred to in this section as the
7 ‘commission’) to carry out the activities described in subsection (c).

8 “(2) DATE OF APPOINTMENT.—The members of the commission shall be appointed not
9 later than 6 months after the date of enactment of the Elementary and Secondary Education
10 Reauthorization Act of 2011.

11 “(b) Composition.—

12 “(1) IN GENERAL.—The commission shall be comprised of individuals with experience
13 and expertise in the educational advancement and development of English learners,
14 including individuals with expertise in—

15 “(A) the art of teaching English to speakers of other languages;

16 “(B) measurement and educational assessment systems; and

17 “(C) educational assessment and accountability practices.

18 “(2) EXPERTISE OF MEMBERS.—The Secretary shall ensure that the individuals selected in
19 accordance with paragraph (1) are experts who are competent, by virtue of their training,
20 expertise, or experience, to evaluate instruction, assessments, and models for English
21 learners.

22 “(c) Duties of the Commission.—The commission shall provide the Secretary with advice and
23 recommendations about the following issues:

24 “(1) The development and approval of standards pertaining to English learners, in order
25 to assist the Secretary in the review and approval of statewide accountability systems that
26 are required under section 1111(a)(3).

27 “(2) The provision of regulations and guidance pertaining to the inclusion of English
28 learners in assessment and accountability systems, including recommendations about
29 appropriate accommodations and appropriate weights for assessments involving English
30 learners.

31 “(3) Ensuring that State English language proficiency standards under section
32 1111(a)(1)(E) are properly aligned with college and career ready academic content
33 standards under section 1111(a)(1).

34 “(4) The formation of peer review panels, under section 1111(b)(4), with regard to—

35 “(A) the inclusion on the panels of experts about English learners; and

36 “(B) processes to ensure that the work of the peer review panel is consistent with the
37 standards and guidance developed by the commission.

38 “(5) Identifying ways to support local capacity-building efforts to assist local educational

1 agencies and schools in properly supporting English learners.

2 “(6) Ensuring that the research, development, and dissemination activities of the
3 Department address identified gaps in knowledge for effectively including English learners
4 in assessment and accountability practices.

5 “(7) Ways to address the needs of English learners in all program planning at the
6 Department, including inter- and intra-agency coordination.

7 ~~“(d) Independently Commissioned Research.—The commission may independently
8 commission research that is directly relevant to the implementation of accountability provisions
9 under this Act for English learners.~~

10 ~~“(e) Annual Report.—The commission shall, beginning not later than 1 year after the date on
11 which all members of the commission have been appointed, submit an annual report to the
12 Secretary and the authorizing committees of Congress containing the findings and
13 recommendations described in subsection (c).”.~~

14 SEC. 3015. DEFINITIONS.

15 Section 3201 (as redesignated by section 3001(6)) (20 U.S.C. 7011) is amended—

16 (1) by striking paragraph (13);

17 (2) redesignating paragraphs (5) through (12) as paragraphs (6) through (13),
18 respectively;

19 (3) by inserting after paragraph (4) the following:

20 “(5) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

21 “(A) 1 or more local educational agencies; or

22 “(B) 1 or more local educational agencies, in collaboration with an institution of
23 higher education, community-based organization, or State educational agency.”.

24 (4) in paragraph (6), as redesignated by paragraph (2)—

25 (A) in subparagraph (A)—

26 (i) in clause (i), by striking “limited English proficient adults” and inserting
27 “English learner adults”; and

28 (ii) in clause (ii), by striking the semicolon and inserting “; and”;

29 (B) by striking subparagraph (B); and

30 (C) by redesignating subparagraph (C) as subparagraph (B);

31 (5) in paragraph (9)(A), as redesignated by paragraph (2), by striking “a limited English
32 proficient child” and inserting “an English learner”; and

33 (6) in paragraph (12), as redesignated by paragraph (2), by striking “an individual of
34 limited English proficiency,” and inserting “an English learner,”.

35 SEC. 3016. PARENTAL NOTIFICATION.

36 Section 3202 (as redesignated by section 3001(6)) (20 U.S.C. 7012) is amended to read as

1 follows:

2 “SEC. 3202. PARENTAL NOTIFICATION.

3 “(a) In General.—Each eligible entity receiving funds under this title to provide a language
4 instruction educational program and academic content instruction program shall, not later than
5 30 days after the beginning of the school year, inform a parent or the parents of an English
6 learner identified for participation in, or participating in, such program of—

7 “(1) the reasons for the identification of their child as an English learner and in need of
8 placement in a language instruction educational program and academic content instruction
9 program;

10 “(2) the child’s level of English language proficiency, how that level was assessed, and
11 the status of the child’s academic achievement;

12 “(3) the method of instruction used in the program in which their child is, or will be,
13 participating, and the methods of instruction used in other available programs, including
14 how such programs differ in content, instructional goals, and use of English and a native
15 language in instruction;

16 “(4) how the program in which their child is, or will be participating, will appropriately
17 respond to the educational strengths and needs of the child;

18 “(5) how the program will specifically help their child learn English and reflect age
19 appropriate academic achievement standards for grade promotion and graduation;

20 “(6) the specific exit requirements for the program, the expected rate of transition from
21 the program into classrooms that are not tailored for English learners, and the expected rate
22 of graduation from secondary school for English learners in the program if the child is in
23 secondary school;

24 “(7) in the case of a child with a disability, how the program meets the objectives of the
25 child’s individualized education program; and

26 “(8) information pertaining to parental rights that includes written guidance—

27 “(A) detailing—

28 “(i) the parent’s right to have the parent’s child immediately removed from the
29 program upon the parent’s request; and

30 “(ii) the options that parents have to decline to enroll their child in such
31 program or to choose another program or method of instruction, if available; and

32 “(B) assisting parents in selecting among various programs and methods of
33 instruction, if more than 1 program or method is offered by the eligible entity.

34 “(b) Receipt of Information.—The information described in subsection (a) shall be provided in
35 an understandable and uniform format and, to the extent practicable, in a language that the parent
36 can understand.

37 “(c) Special Rule Applicable During School Year.—For a child who has not been identified
38 for participation in a language instruction educational program and academic content instruction
39 program prior to the beginning of the school year, the eligible entity shall carry out subsections

1 (a) and (b) with respect to the parents of the child within 2 weeks of the child being placed in
2 such program.

3 “(d) Parent and Family Engagement.—

4 “(1) IN GENERAL.—Each eligible entity using funds provided under this title to provide a
5 language instruction educational program and academic content instruction program shall
6 implement an effective means of outreach to parents and family members of English
7 learners to inform such parents and family members of how they can—

8 “(A) be involved in the education of their children; and

9 “(B) be active participants in assisting their children—

10 “(i) to learn English;

11 “(ii) to achieve at high levels in core academic subjects;

12 “(iii) to meet the same State academic content and student academic
13 achievement standards as all children are expected to meet to become on track to
14 college and career readiness; and

15 “(iv) to understand expectations for college readiness and career success.

16 “(2) RECEIPT OF RECOMMENDATIONS.—The outreach described in paragraph (1) shall
17 include holding, and sending notice of opportunities for, regular meetings for the purpose of
18 formulating and responding to recommendations from parents described in such paragraph.

19 “(e) Basis for Admission or Exclusion.—A child shall not be admitted to, or excluded from,
20 any federally assisted education program on the basis of a surname or language-minority status.”.

21 SEC. 3017. REGULATIONS.

22 Section 3204 (as redesignated by section 3001(6)) (20 U.S.C. 7014) is amended—

23 (1) by striking “limited English proficient individuals” and inserting “English learners”;
24 and

25 (2) by striking “limited English proficient children” and inserting “English learners”.

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TITLE IV—SUPPORTING SUCCESSFUL, WELL-ROUNDED STUDENTS

SEC. 4101. REDESIGNATIONS.

Title IV (20 U.S.C. 7101 et seq.) is amended—

(1) by striking the title heading and inserting the following: “SUPPORTING SUCCESSFUL, WELL-ROUNDED STUDENTS”;

(2) by redesignating subpart 3 of part A as subpart 1 of part G of title IX, as added by section 9104(a) of this Act, **and transferring such subpart 1 so as to follow part F of title IX;**

(3) by redesignating section 4141 as section 9701;

(4) by redesignating part C as subpart 2 of part G of title IX, as added by section 9104(a) of this Act, **and transferring such subpart 2 so as to follow subpart 1 of part G of title IX, as redesignated by paragraph (2);** and

(5) by redesignating sections 4301, 4302, 4303, and 4304, as sections 9721, 9722, 9723, and 9724, respectively.

SEC. 4102. IMPROVING LITERACY INSTRUCTION AND STUDENT ACHIEVEMENT.

Part A of title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

“PART A—IMPROVING LITERACY INSTRUCTION AND STUDENT ACHIEVEMENT

“SEC. 4101. SHORT TITLE.

“This part may be cited as the ‘Improving Literacy Instruction and Student Achievement Act’.

“SEC. 4102. PURPOSES.

“The purposes of this part are—

“(1) to improve student academic achievement in reading and writing by providing Federal support to State educational agencies to develop, coordinate, and implement comprehensive literacy plans that ensure high-quality instruction and effective strategies in reading and writing from early education through grade 12; and

“(2) to assist State educational agencies in achieving the purpose described in paragraph (1) by—

“(A) supporting the development and implementation of comprehensive early learning through grade 12 literacy programs in every State that are based on scientifically valid research, to ensure that every child can read and write at grade level

1 or above;

2 “(B) providing children with learning opportunities in high-quality, language rich,
3 literature rich, informational text rich, culturally relevant, and developmentally
4 appropriate environments so that the children develop the fundamental knowledge and
5 skills necessary for literacy engagement, development, and achievement in
6 kindergarten through grade 12;

7 “(C) educating parents in the ways the parents can support their child’s
8 communication and literacy development;

9 “(D) supporting efforts to link and align standards and research-based instruction
10 and teaching practices in early learning programs;

11 “(E) supporting high-quality and effective strategies for children to develop oral
12 language, reading, and writing abilities through high-quality research-based instruction
13 and teaching practices;

14 “(F) improving academic achievement by establishing adolescent literacy initiatives
15 that provide explicit and systematic instruction in oral language, reading, and writing
16 development across the curriculum;

17 “(G) identifying and supporting children reading and writing significantly below
18 grade level by providing research-based, intensive interventions, including
19 interventions conducted during extended learning time, to help the children acquire the
20 language and literacy skills the children need to stay on track for graduation;

21 “(H) providing assistance to local educational agencies in order to provide educators
22 with ongoing, job embedded professional development, and other support, that focuses
23 on—

24 “(i) effective literacy instruction; and

25 “(ii) the special knowledge and skills necessary to teach and support literacy
26 development effectively across the developmental and age span;

27 “(I) supporting State educational agencies and local educational agencies in
28 improving reading, writing, and literacy-based academic achievement for children,
29 especially children who are low-income individuals, are English learners, are
30 migratory, are children with disabilities, are Indian or Alaskan Native, are neglected or
31 delinquent, are homeless, are in the custody of the child welfare system, or have
32 dropped out of school;

33 “(J) supporting State educational agencies and local educational agencies in using
34 age appropriate and developmentally and linguistically appropriate instructional
35 materials and strategies that assist teachers as the teachers work with children to
36 develop reading and writing competencies appropriate to the children’s grade and skill
37 levels;

38 “(K) strengthening coordination among schools, early literacy programs, family
39 literacy programs, juvenile justice programs, public libraries, and outside-of-school
40 programs that provide children with strategies, curricula, interventions, and
41 assessments designed to advance early and continuing language and literacy

1 development in ways appropriate for each context;

2 “(L) supporting professional development for educators based on scientific
3 approaches to adult learning; and

4 “(M) evaluating whether the professional development activities and approaches are
5 effective in building knowledge and skills of educators and their use of appropriate and
6 effective practices.

7 “SEC. 4103. DEFINITIONS.

8 “In this part:

9 “(1) CHILD.—The term ‘child’ means an individual from the age of birth through the final
10 year for which the State provides free public education.

11 “(2) CLASSROOM-BASED INSTRUCTIONAL ASSESSMENT.—The term ‘classroom-based
12 instructional assessment’ means an assessment for children from birth through grade 3
13 that—

14 “(A) is valid and reliable for the age and population of children served in the
15 program;

16 “(B) is used to evaluate children’s developmental progress and learning and includes
17 systematic observations by teachers of children performing tasks, including academic
18 and literacy tasks, that are part of the children’s daily classroom experience; and

19 “(C) is used to improve classroom instruction.

20 “(3) COMPREHENSIVE LITERACY INSTRUCTION.—The term ‘comprehensive literacy
21 instruction’ means instruction that—

22 “(A) incorporates effective literacy instruction; and

23 “(B) is designed to support—

24 “(i) developmentally appropriate, contextually explicit, systematic instruction,
25 and frequent practice, in reading across content areas; and

26 “(ii) developmentally appropriate and contextually explicit instruction, and
27 frequent practice, in writing across content areas.

28 “(4) DEVELOPMENTAL DELAY.—The term ‘developmental delay’ has the meaning given
29 the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

30 “(5) EFFECTIVE LITERACY INSTRUCTION.—

31 “(A) IN GENERAL.—The term ‘effective literacy instruction’ means literacy
32 instruction that—

33 “(i) includes age-appropriate, explicit, systematic, and intentional instruction in
34 phonological awareness, phonic decoding, vocabulary, language structure,
35 reading fluency, and reading comprehension;

36 “(ii) includes age-appropriate, explicit instruction in writing, including
37 opportunities for children to write with clear purposes, with critical reasoning
38 appropriate to the topic and purpose, and with specific instruction and feedback

1 from instructional staff;

2 “(iii) makes available and uses diverse, high-quality print materials that reflect
3 the reading and development levels, and interests, of children;

4 “(iv) uses differentiated instructional approaches, including individual and
5 small group instruction and discussion;

6 “(v) provides opportunities for children to use language with peers and adults in
7 order to develop language skills, including developing vocabulary;

8 “(vi) includes frequent practice of reading and writing strategies;

9 “(vii) uses age-appropriate, valid, and reliable screening assessments,
10 diagnostic assessments, formative assessments, and summative assessments to
11 identify a child’s learning needs, to inform instruction, and to monitor the child’s
12 progress and the effects of instruction;

13 “(viii) uses strategies to enhance children’s motivation to read and write and
14 children’s engagement in self-directed learning;

15 “(ix) incorporates the principles of universal design for learning;

16 “(x) depends on teachers’ collaboration in planning, instruction, and assessing a
17 child’s progress and on continuous professional learning; and

18 “(xi) links literacy instruction to the State college and career ready academic
19 content standards under section 1111(a)(1), including the ability to navigate,
20 understand, and write about, complex print and digital subject matter.

21 “(B) BIRTH THROUGH KINDERGARTEN.—When used with respect to instruction for
22 children from birth to kindergarten entry, the term ‘effective literacy instruction’ also
23 includes—

24 “(i) developing such children’s alphabet knowledge, reading aloud to children,
25 discussing reading and writing with children, and modeling age and
26 developmentally appropriate reading and writing strategies; and

27 “(ii) encouraging children’s early attempts at oral communication, reading, and
28 writing.

29 “(C) KINDERGARTEN THROUGH GRADE 12.—When used with respect to the
30 instruction of children in kindergarten through grade 12, the term ‘effective literacy
31 instruction’ also includes—

32 “(i) providing systematic and intensive interventions, which can be provided
33 inside or outside the classroom as well as before, during, or after regular school
34 hours, to supplement regular instruction for children reading below grade level;

35 “(ii) providing reading and writing opportunities that build academic
36 vocabulary and knowledge of different text structures in core academic subjects;

37 “(iii) enabling children to write, communicate, and create knowledge, in ways
38 that fit purpose, audience, occasion, discipline, and format, including practice
39 in—

1 “(I) adhering to language conventions, including spelling, punctuation,
2 and grammar;

3 “(II) planning and revising to improve clarity, coherence, logical
4 development, and language usage; and

5 “(III) writing individually and collaboratively with feedback from
6 instructors and peers; and

7 “(iv) cultivating shared responsibility for children’s literacy learning by
8 coordinating writing tasks, instructional practices, and criteria for feedback across
9 academic content areas.

10 “(6) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity—

11 “(A) that serves high-need children; and

12 “(B)(i) when used with respect to a subgrant under section 4108, that consists of—

13 “(I) 1 or more local educational agencies providing early learning
14 programs that have a demonstrated record of providing comprehensive
15 literacy instruction for the age group such agencies or programs propose to
16 serve;

17 “(II) 1 or more public or private early learning programs, such as a Head
18 Start program, a child care program, a State-funded prekindergarten
19 program, a public library program, or a family literacy program, that have a
20 demonstrated record of providing comprehensive literacy instruction for the
21 age group such programs propose to serve; or

22 “(III) 1 or more local educational agencies providing early learning
23 programs, or 1 or more public or private early learning programs, such as a
24 Head Start program, a child care program, a State-funded prekindergarten
25 program, a public library program, or a family literacy program, in
26 partnership with 1 or more public or private nonprofit organizations or
27 agencies that have a demonstrated record of effectiveness—

28 “(aa) in improving the early literacy development of children from
29 birth through kindergarten entry; and

30 “(bb) in providing professional development aligned with the
31 activities described in section 4108(e)(1); or

32 “(ii) when used with respect to a subgrant under section 4109—

33 “(I) that is—

34 “(aa) a local educational agency;

35 “(bb) a consortium of local educational agencies; or

36 “(cc) a local educational agency or consortium of local educational
37 agencies acting in partnership with 1 or more public or private nonprofit
38 organizations or agencies that have a demonstrated record of
39 effectiveness in—

1 “(AA) improving literacy achievement of children consistent with
2 the purposes of their participation from kindergarten through grade
3 12; and

4 “(BB) providing professional development aligned with the
5 activities described in subsection (b) and (c) of section 4109; and

6 “(II)(aa) has the highest numbers or proportion of children who are
7 counted under section 1124(c), in comparison to other local educational
8 agencies in the State;

9 “(bb) is among or consists of the local educational agencies in the State
10 with the highest numbers or percentages of children reading or writing below
11 grade level, based on the most currently available State academic assessment
12 data under section 1111(a); or

13 “(cc) has jurisdiction over a significant number or percentage of schools
14 that are identified as persistently low-achieving under section 1116(c)(2).

15 “(7) EARLY LEARNING PROGRAM.—The term ‘early learning program’ means a program
16 serving children between the ages of birth and kindergarten entry.

17 “(8) ENGLISH LANGUAGE ACQUISITION.—

18 “(A) IN GENERAL.—The term ‘English language acquisition’ means the process by
19 which a non-native English speaker acquires proficiency in speaking, listening,
20 reading, and writing the English language.

21 “(B) INCLUSIONS FOR ENGLISH LEARNERS IN SCHOOL.—For an English learner in
22 school, such term includes not only the social language proficiency needed to
23 participate in the school environment, but also the academic language proficiency
24 needed to acquire literacy and academic content and demonstrate the child’s learning.

25 “(9) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ means literacy
26 services provided to participants on a voluntary basis that are of sufficient intensity and
27 quality, that better enable parents to support their children’s learning needs, and that
28 integrate—

29 “(A) interactive literacy activities between or among family members who are
30 primary caregivers and their children, including family literacy education to improve
31 literacy of parents; and

32 “(B) training for family members who are primary caregivers regarding how to be
33 the primary teacher for their children and full partners in the education of their
34 children.

35 “(10) FORMATIVE ASSESSMENT.—The term ‘formative assessment’ means an assessment
36 that—

37 “(A) is teacher-generated or selected by teachers or instructional leaders for use
38 during learning;

39 “(B) is embedded within the learning activity and linked directly to the intended
40 outcomes of the current unit of instruction; and

1 “(C) provides feedback to help adjust ongoing teaching and learning to improve
2 children’s achievement of intended instructional outcomes.

3 “(11) HIGH-QUALITY PROFESSIONAL DEVELOPMENT.—The term ‘high-quality professional
4 development’ means professional development that—

5 “(A) is job-embedded, ongoing, and based on scientifically valid research;

6 “(B) is sustained, intensive, and classroom-focused, and is not limited in scope to a
7 1-day or short-term workshop or conference;

8 “(C) is designed to increase the knowledge and expertise of teachers, early
9 childhood educators and administrators, principals, other instructional leaders, and
10 other program staff in applying—

11 “(i) effective literacy instruction; and

12 “(ii) instructional strategies and practices that are appropriate to the age,
13 development, and needs of children and improve learning, including strategies
14 and practices consistent with the principles of universal design for learning;

15 “(D) includes and supports teachers in effectively administering age and
16 developmentally appropriate assessments, and analyzing the results of these
17 assessments for the purposes of planning, monitoring, adapting, and improving
18 effective classroom instruction or teaching strategies to improve child literacy;

19 “(E) includes instructional strategies utilizing one-to-one, small group, and
20 classroom-based instructional materials and approaches based on scientifically valid
21 research on literacy;

22 “(F) provides ongoing instructional literacy coaching—

23 “(i) to ensure high-quality implementation of comprehensive literacy
24 instruction that is—

25 “(I) content centered;

26 “(II) integrated across the curriculum;

27 “(III) collaborative; and

28 “(IV) school, setting, and classroom embedded; and

29 “(ii) that uses student data to improve instruction;

30 “(G) includes and supports teachers in setting high reading and writing achievement
31 goals for all children and provides the teachers with the instructional tools and skills to
32 help children reach such goals;

33 “(H) for educators serving children in kindergarten through grade 12—

34 “(i) supports effective literacy instruction through core academic subjects, and
35 through career and technical education subjects where such career and technical
36 education subjects provide for the integration of core academic subjects; and

37 “(ii) includes explicit instruction in discipline-specific thinking and how to read
38 and interpret discipline-specific text structures and features;

1 “(I) is differentiated for educators working with children from birth through
2 kindergarten entry, children in kindergarten through grade 3, and children in grades 4
3 through 12, and, as appropriate, based on the grade or needs of the children; and

4 “(J) supports family literacy experiences and practices, and educating parents,
5 teachers, and other caregivers about literacy development and child literacy
6 development.

7 “(12) LITERACY COACH.—The term ‘literacy coach’ means a professional—

8 “(A) who has—

9 “(i) previous teaching experience; and

10 “(ii)(I) a master’s degree with a concentration in reading and writing education
11 or demonstrated proficiency in teaching reading or writing in a core academic
12 subject consistent with effective literacy instruction; or

13 “(II) in the case of a literacy coach for children from birth through kindergarten
14 entry, a concentration, credential, or significant experience in child development
15 and early literacy development;

16 “(B) who supports teachers to—

17 “(i) apply research on how children become successful readers, writers, and
18 communicators;

19 “(ii) apply multiple forms of assessment to guide instructional decisionmaking
20 and use data to improve literacy instruction;

21 “(iii) improve children’s writing and reading in and across content areas such as
22 mathematics, science, social studies, and language arts;

23 “(iv) develop and implement differentiated instruction and teaching approaches
24 to serve the needs of the full range of learners, including English learners and
25 children with disabilities;

26 “(v) apply principles of universal design for learning;

27 “(vi) employ best practices in engaging principals, early learning program
28 educators and administrators, teachers, and other relevant professionals to change
29 school cultures that encourage and support literacy development and
30 achievement; and

31 “(vii) set for children birth to kindergarten developmentally appropriate
32 expectations for language and literacy development, and high reading and writing
33 achievement goals for all children and select, acquire, and use instructional tools
34 and skills to help children reach such goals; and

35 “(C) whose role with teachers and professionals supporting literacy instruction is—

36 “(i) to provide high-quality professional development, consistent with the
37 definition of comprehensive literacy instruction;

38 “(ii) to work cooperatively and collaboratively with principals, teachers, and
39 other professionals in employing strategies to help teachers identify and support

1 child literacy and language development needs and teach literacy across the
2 content areas and developmental domains; and

3 “(iii) to work cooperatively and collaboratively with other professionals in
4 employing strategies to help teachers teach literacy across the content areas so
5 that the teachers can meet the needs of all children, including children with
6 disabilities, English learners, and children who are reading at or above grade
7 level.

8 “(13) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’—

9 “(A) has the meaning given the term in section 9101; and

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

12 “(14) READING.—The term ‘reading’ means a complex system of deriving meaning from
13 print that is developmentally appropriate, that requires all of the following:

14 “(A) The skills and knowledge to understand how phonemes, or speech sounds, are
15 connected to print.

16 “(B) The ability to read with comprehension.

17 “(C) The ability to decode unfamiliar words with fluency.

18 “(D) The use of background knowledge and vocabulary to make meaning from a
19 text.

20 “(E) The development and use of appropriate active strategies to interpret and
21 construct meaning from print.

22 “(F) The development and maintenance of a motivation to read.

23 “(15) INSTRUCTIONAL LEADER.—The term ‘instructional leader’ means an individual
24 who—

25 “(A) is an employee or officer of a school; and

26 “(B) is responsible for—

27 “(i) the school’s performance; and

28 “(ii) the daily instructional and managerial operations of the school.

29 “(16) SCIENTIFICALLY VALID RESEARCH.—The term ‘scientifically valid research’ has the
30 meaning given the term in section 200 of the Higher Education Act of 1965 (20 U.S.C.
31 1021).

32 “(17) SCREENING ASSESSMENT.—The term ‘screening assessment’ means an assessment
33 that is—

34 “(A) valid, reliable, and based on scientifically based reading research; and

35 “(B) a brief procedure designed as a first step in identifying children who may be at
36 high risk for delayed development or academic failure and in need of further diagnosis
37 of their need for special services or additional reading instruction.

1 “(18) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia,
2 and the Commonwealth of Puerto Rico.

3 “(19) STATE LITERACY LEADERSHIP TEAM.—

4 “(A) IN GENERAL.—The term ‘State literacy leadership team’ means a team that—

5 “(i) is appointed and coordinated by the State educational agency;

6 “(ii) assumes the responsibility to guide the development and implementation
7 of a statewide, comprehensive literacy plan;

8 “(iii) shall include, at a minimum—

9 “(I) a school principal with literacy expertise;

10 “(II) a teacher with literacy expertise;

11 “(III) a teacher or administrator with expertise in special education;

12 “(IV) a teacher or administrator with expertise in teaching the English
13 language to English learners;

14 “(V) a representative from the State educational agency who oversees
15 literacy initiatives; and

16 “(VI) a representative from higher education who is actively involved in
17 research, development, or teacher preparation in comprehensive literacy
18 instruction and intervention based on scientifically valid research;

19 “(iv) may include—

20 “(I) a literacy specialist serving in a school district within the State;

21 “(II) a literacy coach;

22 “(III) a librarian;

23 “(IV) a representative with family literacy expertise;

24 “(V) a representative from a State child-serving agency with expertise in
25 comprehensive language and literacy instruction and strategies;

26 “(VI) a school counselor;

27 “(VII) a teacher of a core academic subject;

28 “(VIII) a special education administrator;

29 “(IX) a professor from a 4-year institution of higher education;

30 “(X) a parent;

31 “(XI) a business leader;

32 “(XII) the Governor or a delegated representative of the Governor;

33 “(XIII) a representative from the State board of education;

34 “(XIV) a representative from the State legislature;

35 “(XV) a representative of a nonprofit and community-based organization

1 providing comprehensive literacy instruction and support; and

2 “(XVI) a representative from a school district superintendent’s office; and

3 “(v) shall include, among the individuals selected to be members of the council
4 pursuant to clauses (iii) and (iv), not less than 5 individuals who have literacy
5 expertise in 1 of each of the areas of—

6 “(I) birth through kindergarten entry, such as the State Head Start
7 collaboration director;

8 “(II) kindergarten entry through grade 3;

9 “(III) grades 4 through 12;

10 “(IV) English learners; and

11 “(V) special education.

12 “(B) INCLUSION OF A PREEXISTING PARTNERSHIP.—If, before the date of enactment
13 of the Elementary and Secondary Education Reauthorization Act of 2011, a State
14 educational agency established a consortium, partnership, or any other similar body
15 that was considered a literacy partnership for purposes of subpart 1 or 2 of part B of
16 title I (as such title was in effect on such date) and that includes the individuals
17 required under clauses (iii) and (v) of subparagraph (A), such consortium, partnership,
18 or body may be considered a State literacy leadership team for purposes of
19 subparagraph (A).

20 “(20) SUMMATIVE ASSESSMENT.—The term ‘summative assessment’ means an
21 assessment that—

22 “(A) is valid, reliable, and based on scientifically valid research on literacy and
23 English language acquisition; and

24 “(B) for children from birth through kindergarten entry, measures how young
25 children have progressed over time relative to developmental norms, and for children
26 in kindergarten through grade 12, measures what children have learned over time,
27 relative to academic content standards.

28 “(21) WRITING.—The term ‘writing’ means—

29 “(A) composing meaning in print or through other media, including technologies, to
30 communicate and to create new knowledge in ways appropriate to the context of the
31 writing and the literacy development stage of the writer;

32 “(B) composing ideas individually and collaboratively in ways that are appropriate
33 for a variety of purposes, audiences, and occasions;

34 “(C) choosing vocabulary, tone, genre, and conventions, such as spelling and
35 punctuation, suitable to the purpose, audience, and occasion; and

36 “(D) revising compositions for clarity of ideas, coherence, logical development, and
37 precision of language use.

38 “SEC. 4104. PROGRAM AUTHORIZED.

1 “(a) Reservations and Awards to State Educational Agencies.—

2 “(1) IN GENERAL.—From the amounts appropriated to carry out this part for a fiscal year,
3 the Secretary shall—

4 “(A) reserve not more than a total of 4 percent of such amounts for dissemination of
5 information and technical assistance under section 4110;

6 “(B) reserve not more than 5 percent of such amounts to award planning grants, on a
7 competitive basis, to State educational agencies serving States, in accordance with
8 section 4105;

9 “(C) in the case of a fiscal year for which the amounts to carry out this part are less
10 than \$500,000,000, use the amount not reserved under subparagraphs (A) and (B) to
11 make awards, on a competitive basis, to State educational agencies serving States that
12 have applications approved under section 4106 to enable the State educational agencies
13 to carry out the activities described in section 4106(a); and

14 “(D) in the case of a fiscal year for which the amounts appropriated to carry out this
15 part are equal to or exceeding \$500,000,000—

16 “(i) reserve a total of 1 percent of such amount for—

17 “(I) allotments for the United States Virgin Islands, Guam, American
18 Samoa, and the Commonwealth of the Northern Mariana Islands, to be
19 distributed among such outlying areas on the basis of their relative need, as
20 determined by the Secretary in accordance with the purposes of this part; and

21 “(II) the Secretary of the Interior for programs under sections 4105
22 through 4109 in schools operated or funded by the Bureau of Indian
23 Education; and

24 “(ii) use the amount not reserved under clause (i) and subparagraphs (A) and
25 (B) to make awards, as described in paragraph (2), to State educational agencies
26 serving States that have applications approved under section 4106 to enable the
27 State educational agencies to carry out the activities described in section 4106(a).

28 “(2) SPECIAL RULES FOR YEARS WITH FUNDS EQUAL OR EXCEEDING \$500,000,000.—

29 “(A) PROPORTIONAL DIVISION.—In each fiscal year described in paragraph (1)(D),
30 the amount reserved under paragraph (1)(D)(i) shall be divided between the uses
31 described in subclauses (I) and (II) of such paragraph in the same proportion as the
32 amount reserved under section 1121(a) is divided between the uses described in
33 paragraphs (1) and (2) of such section for such fiscal year.

34 “(B) CONSULTATION.—A State educational agency that receives an allotment under
35 paragraph (1)(D)(ii) shall engage in timely and meaningful consultation with
36 representatives of Indian tribes located in the State in order to improve the
37 coordination and quality of activities designed to develop effective approaches to
38 achieve the purposes of this part consistent with the cultural, language, and educational
39 needs of Indian children.

40 “(C) STATE ALLOTMENT FORMULA.—The Secretary shall allot the amount made
41 available under paragraph (1)(D)(ii) for a fiscal year among the States in proportion to

1 the number of children, from birth through age 17, who reside within the State and are
2 from families with incomes below the poverty line for the most recent fiscal year for
3 which satisfactory data are available, compared to the number of such children who
4 reside in all States for that fiscal year.

5 “(3) MINIMUM AWARD AMOUNT.—No State educational agency receiving an award under
6 this section for a fiscal year may receive less than one-fourth of 1 percent of the total
7 amount appropriated to carry out this part for the fiscal year.

8 “(b) Peer Review.—

9 “(1) IN GENERAL.—The Secretary shall convene a peer review panel to evaluate the
10 ~~application for each grant awarded to a State educational agency~~ **applications** to carry out
11 section 4105 or 4106 using the evaluation criteria described in paragraph (2).

12 “(2) DEVELOPMENT OF EVALUATION CRITERIA.—The Secretary shall report to the
13 authorizing committees regarding the peer review process and evaluation criteria that shall
14 be used to evaluate the grant applications to carry out sections 4105 and 4106.

15 “(3) MEMBERSHIP.—

16 “(A) COMPOSITION.—A peer review panel convened under paragraph (1) shall be
17 composed of not less than 9 members, of whom—

18 “(i) 3 shall be appointed by the Secretary;

19 “(ii) 3 shall be appointed by the Secretary from among individuals—

20 “(I) recommended by the Chairman of the National Research Council of
21 the National Academy of Sciences; and

22 “(II) with expertise in comprehensive **language and** literacy instruction
23 and strategies; and

24 “(iii) 3 shall be appointed by the Secretary from among individuals—

25 “(I) recommended by the Director of the National Institute of Child Health
26 and Human Development; and

27 “(II) with expertise concerning literacy development in children from birth
28 through grade 12.

29 “(B) COMPETENCY AND EXPERTISE; EXPERTISE.—The peer review panel convened
30 under paragraph (1) may include—

31 “(i) classroom teachers with expertise in literacy, and literacy coaches,
32 including—

33 “(I) special education teachers;

34 “(II) teachers of children who are English learners; and

35 “(III) early childhood educators;

36 “(ii) experts who provide high-quality professional development to teachers
37 and other instructional staff to support children’s literacy development;

38 “(iii) experts in the screening assessment, diagnostic assessment, and other

1 assessment of children’s literacy development; and

2 “(iv) experts in comprehensive literacy instruction and strategies in reading and
3 writing, language development, and English language acquisition, as appropriate,
4 including reading and writing in core academic subjects.

5 “(4) DISTRIBUTION OF RECOMMENDATIONS.—Not later than 120 days after a peer review
6 panel submits to the Secretary the panel’s recommendation regarding an application by a
7 State educational agency for a grant under section 4105 or 4106, the Secretary shall notify
8 the State educational agency that the application has been approved or disapproved and
9 shall provide to such State educational agency a copy of the peer review panel’s
10 recommendation.

11 “(c) Conflicts of Interest.—

12 “(1) PEER REVIEW PANELS.—The Secretary shall ensure that each member of a peer
13 review panel described in subsection (b) does not stand to benefit financially from a grant or
14 subgrant awarded under this part.

15 “(2) STATE LITERACY LEADERSHIP TEAMS.—Each State educational agency that receives
16 funding under this part shall ensure that each member of a State literacy leadership team
17 participating in a program or activity assisted under this part does not stand to benefit
18 financially from a grant or subgrant awarded under this part.

19 “(d) Supplement Not Supplant.—Award funds provided under this part shall supplement, and
20 not supplant, non-Federal funds that would, in the absence of such award funds, be made
21 available for literacy instruction and support of children participating in programs assisted under
22 this part.

23 “(e) Maintenance of Effort.—Each State educational agency that receives a grant or allotment
24 under this section, and each eligible entity that receives a subgrant under section 4108 or 4109,
25 shall maintain for the fiscal year for which the grant or subgrant is received and for each
26 subsequent fiscal year the expenditures of the State educational agency or eligible entity,
27 respectively, for literacy instruction at a level not less than the level of such expenditures
28 maintained by the State educational agency or eligible entity, respectively, for the fiscal year
29 preceding such fiscal year for which the grant or subgrant is received.

30 “SEC. 4105. STATE PLANNING GRANTS.

31 “(a) Planning Grants Authorized.—

32 “(1) IN GENERAL.—From amounts made available under section 4104(a)(1)(B), the
33 Secretary may award planning grants to State educational agencies to enable the State
34 educational agencies to complete comprehensive planning to carry out activities that
35 improve literacy for children from birth through grade 12.

36 “(2) GRANT PERIOD.—A planning grant awarded under this section shall be for a period
37 of not more than 1 year.

38 “(3) NONRENEWABILITY.—The Secretary shall not award a State educational agency
39 more than 1 planning grant under this section.

40 “(b) Application.—

1 “(1) IN GENERAL.—Each State educational agency desiring a planning grant under this
2 section shall submit an application to the Secretary at such time, in such manner, and
3 accompanied by such information as the Secretary may require.

4 “(2) CONTENTS.—Each application submitted under this subsection shall, at a minimum,
5 include a description of how the State educational agency will develop a plan for improving
6 State efforts to develop, coordinate, implement, and assess comprehensive literacy activities
7 that ensure high-quality instruction and effective strategies in reading and writing for all
8 children in early learning programs and kindergarten through grade 12 programs. Such plan
9 shall—

10 “(A) describe the activities for which assistance under this section is sought,
11 demonstrating a particular focus on children who are reading or writing below grade
12 level and children whose early literacy skills are below the appropriate age or
13 developmental level;

14 “(B) provide a budget for the use of the planning grant funds to complete the
15 required activities described in subsection (c);

16 “(C) include an analysis of data on child literacy and language and student academic
17 achievement in reading to identify and establish baseline and benchmark levels against
18 which to monitor child progress and improvement in literacy; and

19 “(D) provide an assurance that all State agencies responsible for administering early
20 learning programs and services (including the State Head Start Collaboration Office
21 and the State agency responsible for administering child care) and the State Advisory
22 Council on Early Childhood Education and Care collaborated with the State
23 educational agency to write the early learning portion of the grant application
24 submitted under this subsection.

25 “(3) APPROVAL OF APPLICATIONS.—The Secretary shall evaluate applications under this
26 subsection based on the responsiveness of the applications to the requirements under this
27 subsection.

28 “(c) Required Activities.—A State educational agency receiving planning grant funds under
29 this section shall carry out each of the following activities:

30 “(1) Reviewing reading, writing, or other **language and** literacy resources and programs,
31 such as school library programs, and data across the State to identify any literacy needs and
32 gaps in the State.

33 “(2) Forming or designating a State literacy leadership team which shall execute the
34 following functions:

35 “(A) Creating a comprehensive State literacy plan that—

36 “(i) is designed to improve language development, reading, writing, and
37 academic achievement for children, especially children reading below grade level
38 and children whose literacy skills are below the appropriate age or developmental
39 level;

40 “(ii) includes—

41 “(I) a needs assessment and an implementation plan, including an analysis

1 of data on child literacy and student academic achievement in reading to
2 identify baseline and benchmark levels of literacy and early literacy skills in
3 order to monitor progress and improvement; and

4 “(II) a plan to improve reading achievement among all children;

5 “(iii) ensures high-quality instruction, consistent with the characteristics of
6 effective literacy instruction and strategies, in early learning programs and
7 kindergarten through grade 12 programs; and

8 “(iv) provides for activities designed to improve literacy achievement for
9 children who read or write below grade level, including such children who—

10 “(I) attend schools that are identified under section 1116(c)(2); or

11 “(II) are counted under section 1124(c);

12 “(B) Providing recommendations to guide the State educational agency in the State
13 educational agency’s process of strengthening State literacy standards and embedding
14 State literacy standards with the State’s college and career ready academic content
15 standards and college and career ready student academic achievement standards, and
16 early learning and development standards.

17 “(C) Providing recommendations to guide the State educational agency in the State
18 educational agency’s process of measuring, assessing, and monitoring progress in
19 literacy at the school, local educational agency, and State levels.

20 “(D) Identifying criteria for high-quality professional development providers, which
21 providers may include qualified teachers within the State, for the State educational
22 agency and local educational agencies.

23 “(E) Advising the State educational agency on how to help ensure that local
24 educational agencies and schools provide timely and appropriate data to teachers to
25 inform and improve instruction.

26 “(F) Providing recommendations to guide the State educational agency in the State
27 educational agency’s planning process of building educators’ capacity to provide
28 high-quality comprehensive literacy instruction.

29 “SEC. 4106. STATE IMPLEMENTATION GRANTS.

30 “(a) Implementation Grants Authorized.—

31 “(1) IN GENERAL.—From amounts made available under subparagraphs (C) or (D)(ii) of
32 section 4104(a)(1) (as applicable), the Secretary shall award implementation grants to State
33 educational agencies to enable the State educational agencies—

34 “(A) to implement the comprehensive literacy plan that meets the criteria in section
35 4105(c)(2)(A) for early learning programs and kindergarten through grade 12
36 programs;

37 “(B) to carry out State activities under section 4107; and

38 “(C) to award subgrants under sections 4108 and 4109.

39 “(2) LIMITATION.—The Secretary shall not award an implementation grant under this

1 section to a State for any year for which the State has received a planning grant under
2 section 4105.

3 “(3) DURATION OF GRANTS.—An implementation grant under this section shall be
4 awarded for a period of not more than 5 years.

5 “(4) RENEWALS.—

6 “(A) IN GENERAL.—The Secretary may renew a grant under this section for a period
7 of not more than 2 years.

8 “(B) CONDITIONS.—In order to be eligible to have an implementation grant renewed
9 under this paragraph, the State educational agency shall demonstrate to the satisfaction
10 of the Secretary that, during the project period—

11 “(i) with respect to children from birth through kindergarten entry, the State
12 educational agency has collaborated with the State agencies that oversee child
13 care and other early learning programs, and has collaborated with the State
14 Advisory Council on Early Childhood Education and Care, to comply with the
15 terms of the grant, including using the funds—

16 “(I) to increase access to high-quality professional development;

17 “(II) for developmentally appropriate curricula and teaching materials; and

18 “(III) for developmentally appropriate classroom-based instructional
19 assessments and developmentally appropriate screening assessments and
20 diagnostic assessments; and

21 “(ii) with respect to children in kindergarten through grade 12, demonstrates
22 that there has been significant progress in student academic achievement, as
23 measured by appropriate assessments, including the assessments included in the
24 State accountability system under section 1111(a)(3)(A).

25 “(b) State Applications.—

26 “(1) IN GENERAL.—A State educational agency that desires to receive an implementation
27 grant under this section shall submit an application to the Secretary at such time, in such
28 manner, and containing such information as the Secretary may require. The State
29 educational agency shall collaborate with the State agency responsible for administering
30 early learning programs and the State agency responsible for administering child care
31 programs in the State in writing and implementing the early learning portion of the grant
32 application under this subsection.

33 “(2) CONTENTS.—An application described in paragraph (1) shall include the following:

34 “(A) A description of the members of the State literacy leadership team and a
35 description of how the State educational agency has developed a comprehensive State
36 literacy plan, consistent with the requirements of section 4105(c)(2)(A).

37 “(B) An implementation plan that includes a description of how the State
38 educational agency will—

39 “(i) carry out the State activities described in section 4107;

40 “(ii) assist eligible entities with—

1 “(I) providing strategic and intensive comprehensive literacy instruction
2 based on scientifically valid research for children who are reading and
3 writing below grade level, including through—

4 “(aa) the use of multitiered systems of support; and

5 “(bb) addressing the literacy needs of children with disabilities or
6 developmental delays and English learners in programs serving children
7 from birth through grade 12;

8 “(II) providing training to parents, as appropriate, so that the parents can
9 participate in the literacy related activities described in sections 4108 and
10 4109 to assist in the language and literacy development of their children;

11 “(III) selecting and using reading and writing assessments;

12 “(IV) providing classroom-based instruction that is supported by
13 one-to-one and small group work;

14 “(V) using curricular materials and instructional tools, which may include
15 technology, to improve instruction and literacy achievement;

16 “(VI) providing for high-quality professional development; and

17 “(VII) using the principles of universal design for learning;

18 “(iii) ensure that local educational agencies in the State have leveraged and are
19 effectively leveraging the resources needed to implement effective comprehensive
20 literacy instruction, and have the capacity to implement literacy initiatives
21 effectively; and

22 “(iv) continually coordinate and align the activities assisted under this part with
23 reading, writing, and other literacy resources and programs across the State and
24 locally that serve children and their families and promote comprehensive literacy
25 instruction and learning, including strengthening partnerships among schools,
26 libraries, local youth-serving agencies, and programs, in order to improve literacy
27 for all children.

28 “(C) A description of the key data metrics, and the performance targets for such
29 metrics, that will be used and reported annually under section 4111(b)(1), which shall
30 include—

31 “(i) ~~the performance targets~~ **metrics** established ~~pursuant to~~ **consistent with**
32 ~~section 4111(a)(3)(C)~~ **1111(a)(3)(A)**, for children in grades 3 through 12; and

33 “(ii) the relevant program metrics and performance targets that the State shall
34 use to monitor the implementation of its plan under section 4111.

35 “(D) An assurance that the State educational agency, and any eligible entity
36 receiving a subgrant from the State educational agency under section 4108 or 4109,
37 will, if requested, participate in the national evaluation under section 4110.

38 “(E) An assurance that the State educational agency will use implementation grant
39 funds for literacy programs as follows:

40 “(i) Not less than 10 percent of such grant funds shall be used for State and

1 local programs and activities pertaining to children from birth through
2 kindergarten entry.

3 “(ii) Not less than 30 percent of such grant funds shall be used for State and
4 local programs and activities, allocated equitably among the grades of
5 kindergarten through grade 5.

6 “(iii) Not less than 30 percent of such grant funds shall be used for State and
7 local programs and activities, allocated equitably among grades 6 through 12.

8 “(iv) Not more than 10 percent of such implementation grant funds shall be
9 used for the State activities described in section 4107.

10 “(F) An assurance that the State educational agency shall give priority to awarding a
11 subgrant to an eligible entity—

12 “(i) under section 4108 based on the number or percentage of children younger
13 than the age of kindergarten entry who are—

14 “(I) served by the eligible entity; and

15 “(II) from families with income levels below the poverty line; and

16 “(ii) under section 4109 based on—

17 “(I) the number or percentage of children from birth through age 17 who
18 are—

19 “(aa) served by the eligible entity; and

20 “(bb) from families with income levels below the poverty line; and

21 “(II) the number or percentage of children in kindergarten through grade
22 12 served by the eligible entity who are reading and writing below grade
23 level according to State assessments.

24 “(c) Approval of Applications.—

25 “(1) IN GENERAL.—The Secretary shall evaluate State educational agency applications
26 under subsection (b) based on the responsiveness of the applications to the application
27 requirements under such subsection.

28 “(2) PEER REVIEW.—The Secretary shall convene a peer review panel in accordance with
29 section 4104(b) to evaluate applications for each implementation grant awarded to a State
30 educational agency under this section.

31 “(3) EARLY LEARNING.—In order for a State educational agency’s application under this
32 section to be approved by the Secretary, the application shall contain an assurance that the
33 State agencies responsible for administering early learning programs and services, including
34 the State agency responsible for administering child care programs, and the State Advisory
35 Council on Early Childhood Education and Care, approve of and will be extensively
36 consulted in the implementation of activities consistent with section 4108, with respect to
37 the early learning portion of the application.

38 “SEC. 4107. STATE ACTIVITIES.

1 “(a) Required Activities.—A State educational agency shall use the implementation grant
2 funds described in section 4106(b)(2)(E)(iv) to carry out the activities proposed in a State’s
3 implementation plan under section 4106(b)(2)(B), including the following activities:

4 “(1) In consultation with the State literacy leadership team, providing technical
5 assistance, or engaging qualified providers to provide technical assistance, to eligible
6 entities to enable the eligible entities to design and implement literacy programs under
7 section 4108 or 4109.

8 “(2) Consulting with the State literacy leadership team and coordinating with institutions
9 of higher education in the State—

10 “(A) in order to provide recommendations to strengthen and enhance preservice
11 courses for ~~children~~ **students** preparing, at institutions of higher education in the State,
12 to teach children from birth through grade 12 in explicit, systematic, and intensive
13 instruction in evidence-based literacy methods; and

14 “(B) by following up on reviews completed by the State literacy leadership team
15 with recommendations to ensure that such institutions offer courses that meet the
16 highest standards.

17 “(3) Reviewing and updating, in collaboration with teachers, statewide educational and
18 professional organizations representing teachers, and statewide educational and professional
19 organizations representing institutions of higher education, State licensure or certification
20 standards in the area of literacy instruction in early education through grade 12.

21 “(4) Making publicly available, including on the State educational agency’s website,
22 information on promising instructional practices to improve child literacy achievement.

23 “(b) Permissive Activities.—After carrying out the activities described in subsection (a), a
24 State educational agency may use remaining implementation grant funds described in section
25 4106(b)(2)(E)(iv) to carry out 1 or more of the following activities:

26 “(1) Training the personnel of eligible entities to use data systems to improve child
27 literacy learning.

28 “(2) Developing literacy coach training programs and training literacy coaches.

29 “(3) Building public support among local educational agency personnel, early learning
30 programs, and the community for comprehensive literacy instruction for children from birth
31 through grade 12.

32 “(4) **Administration and evaluation of activities carried out under this part.**

33 “**SEC. 4108. SUBGRANTS TO ELIGIBLE ENTITIES IN**
34 **SUPPORT OF BIRTH THROUGH KINDERGARTEN ENTRY**
35 **LITERACY.**

36 “(a) Subgrants.—

37 “(1) **IN GENERAL.**—A State educational agency, in consultation with the State agencies
38 responsible for administering early learning programs and services, including the State
39 agency responsible for administering child care programs, and the State Advisory Council

1 on Early Childhood Education and Care, shall use a portion of implementation grant funds
2 provided under subparagraph (C) or (D)(ii) of section 4104(a)(1) to award subgrants, on a
3 competitive basis, to eligible entities to enable the eligible entities to support high-quality
4 early literacy initiatives for children from birth through kindergarten entry.

5 “(2) DURATION.—The term of a subgrant under this section shall be determined by the
6 State educational agency awarding the subgrant.

7 “(b) Sufficient Size and Scope.—Each subgrant awarded under this section shall be of
8 sufficient size and scope to allow the eligible entity to carry out high-quality early literacy
9 initiatives for children from birth through kindergarten entry.

10 “(c) Local Applications.—An eligible entity desiring to receive a subgrant under this section
11 shall submit an application to the State educational agency, at such time, in such manner, and
12 containing such information as the State educational agency may require. Such application shall
13 include a description of—

14 “(1) how the subgrant funds will be used to enhance the language and literacy
15 development and school readiness of children, from birth through kindergarten entry, in
16 early learning programs, which shall include an analysis of data that support the proposed
17 use of subgrant funds;

18 “(2) the programs that the eligible entity proposes to assist under the subgrant, including
19 demographic and socioeconomic information on the children enrolled in the programs;

20 “(3) a budget for the eligible entity that projects the cost of developing and implementing
21 literacy initiatives to carry out the activities described in subsection (e);

22 “(4) how, if the eligible entity is requesting a planning period, which shall not exceed 1
23 year, the eligible entity will use that planning period to prepare for successful
24 implementation of a plan to support the development of learning and literacy consistent
25 with the purposes of this part;

26 “(5) the literacy initiatives, if any, in place and how these initiatives will be coordinated
27 and integrated with activities supported under this section;

28 “(6) how the subgrant funds will be used to prepare and provide ongoing assistance to
29 staff in the programs, through high-quality professional development;

30 “(7) how the subgrant funds will be used to provide services, incorporate activities, and
31 select and use literacy instructional materials that—

32 “(A) meet the diverse developmental and linguistic needs of children, including
33 English learners and children with disabilities and developmental delays; and

34 “(B) are based on scientifically valid research on child development and learning for
35 children from birth through kindergarten entry;

36 “(8) how the subgrant funds will be used to provide screening assessments, diagnostic
37 assessments, and classroom-based instructional assessments and assessments of
38 developmental progress;

39 “(9) how families and caregivers will be involved, as appropriate, in supporting their
40 child’s literacy development, instruction, and assessment;

1 “(10) how the subgrant funds will be used to help children, particularly children
2 experiencing difficulty with spoken and written language, to make the transition from early
3 childhood education programs to formal classroom instruction;

4 “(11) how the activities assisted under the subgrant will be coordinated with
5 comprehensive literacy instruction at the kindergarten through grade 12 levels;

6 “(12) how the subgrant funds will be used—

7 “(A) to evaluate the success of the activities assisted under the subgrant in
8 enhancing the early language and literacy development of children from birth through
9 kindergarten entry; and

10 “(B) to evaluate data for program improvement; and

11 “(13) such other information as the State educational agency may require.

12 “(d) Approval of Local Applications.—The State educational agency, in consultation with the
13 State agencies responsible for administering early learning programs, including the State agency
14 responsible for administering child care programs and the State Advisory Council on Early
15 Childhood Education and Care, shall—

16 “(1) select applications for funding under this section based on the quality of the
17 applications submitted, including the relationship between literacy activities proposed and
18 the research base or data supporting such investments, as appropriate, and the
19 recommendations of—

20 “(A) the State literacy leadership team; and

21 “(B) other experts in the area of early literacy; and

22 “(2) place priority for funding programs based on the criteria in section 4106(b)(2)(F).

23 “(e) Local Uses of Funds.—

24 “(1) IN GENERAL.—An eligible entity that receives a subgrant under this section shall use
25 the subgrant funds, consistent with the entity’s approved application under subsection (c),
26 to—

27 “(A) enhance and improve early learning programs to ensure that children in such
28 programs are provided with high-quality oral language and literature- and print-rich
29 environments in which to develop early literacy skills;

30 “(B) carry out high-quality professional development opportunities for early
31 childhood educators, teachers, and instructional leaders;

32 “(C) acquire, provide training for, and implement screening assessments, diagnostic
33 assessments, and classroom-based instructional assessments;

34 “(D) select, develop, and implement a multitier system of support;

35 “(E) integrate research-based instructional materials, activities, tools, and measures
36 into the programs offered by the eligible entity to improve development of early
37 learning language and literacy skills;

38 “(F) train providers and personnel to support, develop, and administer high-quality
39 early learning literacy initiatives that—

1 “(i) utilize data—
2 “(I) to inform instructional design; and
3 “(II) to assess literacy needs; and
4 “(ii) provide time and support for personnel to meet to plan comprehensive
5 literacy instruction;
6 “(G) provide family literacy services, as appropriate, and educate parents, teachers,
7 and other caregivers about child literacy development;
8 “(H) annually collect, summarize, and report to the State educational agency data—
9 “(i) to document child progress in early literacy and language skills
10 development as a result of activities carried out under this section;
11 “(ii) to stimulate and accelerate improvement by identifying the programs
12 served by the eligible entity that produce significant gains in skills development;
13 and
14 “(iii) for all subgroups of children and categories of children, including children
15 in the subgroups described in section 1111(a)(2)(B)(ix), in a manner that—
16 “(I) utilizes a variety of measures of child literacy and language skills
17 development; and
18 “(II) is consistent across the State; and
19 “(I) coordinate the involvement of families, early learning program staff, principals,
20 other instructional leaders, and teachers in literacy development of children served
21 under this part.
22 “(2) CURRICULA AND ASSESSMENT MATERIALS LIMITATION.—Each eligible entity that
23 receives a subgrant under this section shall not use more than 20 percent of the subgrant
24 funds in the first year of subgrant funding, and not more than 10 percent of the subgrant
25 funds in each year thereafter, to purchase curricula and assessment materials.
26 “(f) Prohibition.—The use of assessment items and data on any assessment authorized under
27 this section to provide rewards or sanctions for individual children, early learning program
28 providers, teachers, program directors, or principals is prohibited.

29 “SEC. 4109. SUBGRANTS TO ELIGIBLE ENTITIES IN 30 SUPPORT OF KINDERGARTEN THROUGH GRADE 12 31 LITERACY.

32 “(a) Subgrants to Local Educational Agencies.—

33 “(1) SUBGRANTS.—A State educational agency shall use a portion of the implementation
34 grant funds provided under subparagraph (C) or (D)(ii) of section 4104(a)(1) to award
35 subgrants, on a competitive basis, to eligible entities to enable the eligible entities to carry
36 out the authorized activities described in subsections (b) and (c).

37 “(2) SUFFICIENT SIZE AND SCOPE.—A State educational agency shall award subgrants
38 under this section of sufficient size and scope to allow the eligible entities to carry out

1 high-quality literacy initiatives in each grade level for which the subgrant funds are
2 provided.

3 “(3) LOCAL APPLICATIONS.—An eligible entity desiring to receive a subgrant under this
4 section shall submit an application to the State educational agency at such time, in such
5 manner, and containing such information as the State educational agency may require. Such
6 application shall include, for each school that the eligible entity identifies as participating in
7 a subgrant program under this section, the following information:

8 “(A) A description of the eligible entity’s capacity survey conducted to identify how
9 subgrant funds will be used to inform and improve comprehensive literacy instruction
10 at the school.

11 “(B) How the school, local educational agency, or a provider of high-quality
12 professional development will provide ongoing high-quality professional development
13 to all teachers, including early childhood educators, principals, and other instructional
14 leaders served by the school, including early learning program administrators.

15 “(C) How the school will identify children in need of literacy interventions or other
16 support services and provide appropriate scientifically valid instructional interventions
17 or other support services which may include extended learning time for struggling
18 children.

19 “(D) A budget for the school that projects the cost of developing and implementing
20 literacy initiatives to carry out the activities described in subsections (b) and (c) as
21 applicable.

22 “(E) An explanation of how the school will integrate comprehensive literacy
23 instruction into core academic subjects.

24 “(F) A description of how the school will coordinate comprehensive literacy
25 instruction with early learning and after-school programs and activities in the area
26 served by the local educational agency, such as school library programs.

27 “(G) A description of the assessments that will be used in an assessment system to
28 improve comprehensive literacy instruction and track child literacy progress.

29 “(H) A description of how families and caregivers will be involved in supporting
30 their children’s literacy instruction and assessment.

31 “(I) A description of how, if an eligible entity is requesting a planning period, the
32 eligible entity will use that planning period to prepare for successful implementation of
33 a plan to support the development of learning and literacy consistent with the purposes
34 of this part.

35 “(J) A description of the literacy initiatives, if any, in place and how these initiatives
36 will be coordinated and integrated with activities supported under this section.

37 “(K) An assurance that the eligible entity will, if requested, participate in the
38 national evaluation described in section 4110.

39 “(b) Local Uses of Funds for Kindergarten Through Grade 5.—An eligible entity that receives
40 a subgrant under this section shall use the subgrant funds to carry out the following activities
41 pertaining to children in kindergarten through grade 5:

1 “(1) Developing and implementing a literacy plan across content areas that—

2 “(A) serves the needs of all children, including children with disabilities and English
3 learners, especially children who are reading or writing below grade level;

4 “(B) provides intensive, supplemental, accelerated, and explicit intervention and
5 support in reading and writing for children whose literacy skills are below grade level;
6 and

7 “(C) supports activities that are provided primarily during the regular school day but
8 which may be augmented by after-school and out-of-school time instruction.

9 “(2) Acquiring, providing training for, selecting, and administering assessments, and
10 managing, monitoring, and planning instruction based on the assessment data.

11 “(3) Providing high-quality professional development opportunities for teachers, literacy
12 coaches, literacy specialists, English as a second language specialists (as appropriate),
13 principals, and other program staff.

14 “(4) Training principals, ~~pupil services~~ **specialized instruction support** personnel, and
15 other school district personnel to support, develop, administer, and evaluate high-quality
16 kindergarten through grade 5 literacy initiatives that—

17 “(A) utilize data—

18 “(i) to inform instructional decisions; and

19 “(ii) to assess professional development needs; and

20 “(B) provide time and support for teachers to meet to plan comprehensive literacy
21 instruction.

22 “(5) Coordinating the involvement of early learning program staff, principals, other
23 instructional leaders, teachers, teacher literacy teams, English as a second language
24 specialists (as appropriate), special educators, and school librarians in the literacy
25 development of children served under this part.

26 “(6) Engaging families and encouraging family literacy experiences and practices to
27 support literacy development.

28 ~~** 1 “(5)“~~“(7) Annually collecting, summarizing, and reporting to the State educational
29 agency data—

30 ~~** 2~~ “(A) to document and monitor for the purpose of improving practice,
31 improvements, or increases in children’s reading and writing pursuant to activities
32 carried out under this section;

33 ~~** 3~~ “(B) to stimulate and accelerate improvement by identifying the schools that
34 produce significant gains in literacy achievement; and

35 ~~** 4~~ “(C) for all children and categories of children, including the subgroups of
36 children described in section 1111(a)(2)(B)(ix), in a manner that utilizes a variety of
37 measures and that is consistent across the State.

38 “(c) Local Uses of Funds for Grades 6 Through 12.—An eligible entity that receives a
39 subgrant under this section shall use subgrant funds to carry out the following activities

1 pertaining to children in grades 6 through 12:

2 “(1) Developing and implementing a literacy plan described in **paragraphs (1), (2), (3),**
3 **(6), and (7) of** subsection (b)(4) for children in grades 6 through 12.

4
5 ~~“(2) Acquiring, providing training for, selecting, and administering assessments, and~~
6 ~~managing, monitoring, and planning instruction based on the assessment data.~~

7 ~~“(3) Providing high quality professional development opportunities for teachers, literacy~~
8 ~~coaches, literacy specialists, English as a second language specialists (as appropriate),~~
9 ~~principals, and other program staff.~~

10 ~~“(4)“(2) Training principals, pupil service~~ **specialized instruction support** personnel,
11 and other instructional leaders to support, develop, administer, and evaluate high-quality
12 adolescent literacy initiatives that—

13 “(A) utilize data—

14 “(i) to inform instructional decisions and allow for personalization of
15 instruction based on a child’s need; and

16 “(ii) to assess professional development needs;

17 “(B) assess the quality of adolescent comprehensive literacy instruction in core
18 academic subjects, and career and technical education subjects where such career and
19 technical education subjects provide for the integration of core academic subjects;

20 “(C) provide time for teachers to meet to plan research-based adolescent
21 comprehensive literacy instruction in core academic subjects, and career and technical
22 education subjects where such career and technical education subjects provide for the
23 integration of core academic subjects; and

24 “(D) include explicit instruction in discipline-specific thinking and how to read and
25 interpret discipline-specific text structures and features.

26
27 * 1 ~~“(5) Annually collecting, summarizing, and reporting to the State educational agency~~
28 ~~data—~~

29
30 * 2 ~~“(A) to document and monitor for the purpose of improving practice, improvements~~
31 ~~or increases in children’s reading and writing pursuant to activities carried out under this~~
32 ~~section;~~

33
34 * 3 ~~“(B) to stimulate and accelerate improvement by identifying the schools that produce~~
35 ~~significant gains in literacy achievement; and~~

36
37 * 4 ~~“(C) for all children and categories of children, including the subgroups of children~~
38 ~~described in section 1111(a)(2)(B)(ix), in a manner that utilizes a variety of measures and~~

1 ~~that is consistent across the State.~~

2 ~~“(6)“(3) Coordinating the involvement of principals, other instructional leaders, teachers,~~
3 ~~teacher literacy teams, English as a second language specialists (as appropriate), special~~
4 ~~educators, and school librarians in the literacy development of children served under this~~
5 ~~part.~~

6 ~~“(7) Engaging families and encouraging family literacy experiences and practices to support~~
7 ~~literacy development.~~

8 “(d) Allowable Uses.—An eligible entity that receives a subgrant under this section may, in
9 addition to carrying out the activities described in subsections (b) and (c), use subgrant funds to
10 carry out the following activities pertaining to children in kindergarten through grade 12:

11 “(1) Providing a planning period of not more than 1 year for eligible entities to establish
12 the elements necessary for successful implementation of a literacy program for kindergarten
13 through grade 12.

14 “(2) Recruiting, placing, training, and compensating literacy coaches.

15 “(3) Connecting out-of-school learning opportunities to in-school learning in order to
16 improve the literacy achievement of the children.

17 “(4) Training families and caregivers to support the improvement of adolescent literacy.

18 “(5) Providing for a multitier system of support.

19 “(6) Forming a school literacy leadership team to help implement, assess, and identify
20 necessary changes to the literacy initiatives in 1 or more schools to ensure success.

21 “(7) Providing high-quality, literacy-rich environments that engage children with
22 materials and experiences at the children’s reading and writing levels.

23 “(8) Providing time for teachers (and other literacy staff, as appropriate, such as school
24 librarians) to meet to plan comprehensive literacy instruction.

25 “(e) Limitation of Use to Certain Schools.—An eligible entity receiving a subgrant under this
26 section shall, in distributing the subgrant funds, provide the subgrant funds only to schools,
27 including public charter schools, that have the highest percentages or numbers of children
28 counted under section 1124(c).

29 “SEC. 4110. NATIONAL EVALUATION, INFORMATION 30 DISSEMINATION, AND TECHNICAL ASSISTANCE.

31 “(a) National Evaluation.—

32 “(1) IN GENERAL.—From funds reserved under section 4104(a)(1)(A), the Secretary shall
33 enter into a contract with an organization independent of the Department for a 5-year
34 national evaluation of the grant and subgrant programs assisted under this part. Such
35 evaluation shall include scientifically valid research that applies rigorous and systematic
36 procedures to obtain valid knowledge relevant to the implementation and effect of the
37 programs.

38 “(2) CONTENTS OF EVALUATION.—The evaluation described in this subsection shall
39 include an analysis of each of the following:

1 “(A) The impact of the implementation of literacy initiatives and practices supported
2 under this part on—

3 “(i) increasing academic outcomes, including child literacy development in
4 reading and writing, and speaking (as appropriate), grade promotion, and
5 graduation to the extent predictable;

6 “(ii) promoting the appropriate early literacy development of young children;
7 and

8 “(iii) strengthening the literacy skills of English learners and children with
9 disabilities.

10 “(B) The fidelity of implementation of core program features, such as coherence of
11 the program across grades, quality of technical assistance, State and local educational
12 agency leadership, professional development for teachers and administrators, use of
13 quality materials and pedagogy, and use of assessment.

14 “(C) The relationship between implementation of core features and children’s
15 academic outcomes.

16 “(D) Other inquiries as designated by the Secretary, such as—

17 “(i) the core functions of literacy initiatives that have demonstrated the greatest
18 impact on child literacy achievement, especially among children reading below
19 grade level;

20 “(ii) effective strategies to integrate State and local standards, curricula,
21 assessments, instruction, materials, and interventions to improve literacy;

22 “(iii) the types of literacy activities and professional development that most
23 effectively improve the early reading, writing, and language skills of children
24 from birth through kindergarten entry;

25 “(iv) the impact of adolescent literacy initiatives on adolescent motivation,
26 engagement, and participation in adolescent literacy activities;

27 “(v) the relationship between children’s literacy achievement and secondary
28 school success, including improving graduation rates; and

29 “(vi) effective strategies to integrate school and public library programs to
30 improve literacy.

31 “(3) PROGRAM IMPROVEMENT.—The Secretary shall—

32 “(A) provide the findings of the evaluation conducted under this section to State
33 educational agencies and subgrant recipients for use in program improvement;

34 “(B) make such findings publicly available, including on the Department’s website;
35 and

36 “(C) submit such findings to the authorizing committees.

37 “(b) Information Dissemination and Technical Assistance.—

38 “(1) IN GENERAL.—From amounts reserved under section 4104(a)(1)(A), the Secretary, in
39 collaboration with the regional educational laboratories established under section 174 of the

1 Education Sciences Reform Act of 2002, the comprehensive centers established under
2 section 203 of the Educational Technical Assistance Act of 2002, and the Director of the
3 National Institute of Child Health and Human Development, shall—

4 “(A) distribute information on—

5 “(i) comprehensive literacy instruction, including best practices and model
6 programs identified in the evaluation;

7 “(ii) other inquiries designated by the Secretary under subsection (a)(2)(D); or

8 “(iii) other relevant Federal studies of literacy activities; and

9 “(B) provide technical assistance in order to assist States and local educational
10 agencies in improving comprehensive literacy instruction and learning.

11 “(2) DISSEMINATION AND COORDINATION.—The Secretary shall disseminate the
12 information described in paragraph (1)(A) to—

13 “(A) recipients of Federal financial assistance under this part, the Head Start Act, the
14 Individuals with Disabilities Education Act, and the Adult Education and Family
15 Literacy Act; and

16 “(B) each Bureau-funded school (as defined in section 1141 of the Education
17 Amendments of 1978 (25 U.S.C. 2021)).

18 “(3) USE OF NETWORKS.—In carrying out this subsection, the Secretary shall, to the extent
19 practicable, use information and dissemination networks developed and maintained through
20 other public and private entities.

21 **“SEC. 4111. CONSEQUENCES OF INSUFFICIENT**
22 **PROGRESS, REPORTING REQUIREMENTS, AND**
23 **CONFLICTS OF INTEREST.**

24 “(a) Consequences of Insufficient Progress.—

25 “(1) CONSEQUENCES FOR GRANT RECIPIENTS.—If the Secretary determines that a State
26 educational agency receiving an award under subparagraph (C) or (D)(ii) of section
27 4104(a)(1), or an eligible entity receiving a subgrant under section 4108 or 4109, is not
28 making significant progress in meeting the purposes of this part and the key data metrics
29 identified by the State educational agency in section 4106(b)(2)(C) after the submission of a
30 report described in subsection (b), then the Secretary may withhold, in whole or in part,
31 further payments under this part in accordance with section 455 of the General Education
32 Provisions Act or take such other action authorized by law as the Secretary determines
33 necessary, including providing technical assistance upon request of the State educational
34 agency, or eligible entity, respectively.

35 “(2) CONSEQUENCES FOR SUBGRANT RECIPIENTS.—

36 “(A) IN GENERAL.—A State educational agency receiving an award under
37 subparagraph (C) or (D)(ii) of section 4104(a)(1) may refuse to award subgrant funds
38 to an eligible entity under section 8 or 9 if the State educational agency finds that the
39 eligible entity is not making significant progress in meeting the purposes of this part,

1 after—

2 “(i) affording the eligible entity notice, a period for correction, and an
3 opportunity for a hearing; and

4 “(ii) providing technical assistance to the eligible entity.

5 “(B) FUNDS AVAILABLE.—Subgrant funds not awarded under subparagraph (A) shall
6 be redirected to an eligible entity serving similar children in the same area or region as
7 the eligible entity not awarded the subgrant funds, to the greatest extent practicable.

8 “(b) Reporting Requirements.—

9 “(1) STATE EDUCATIONAL AGENCY ANNUAL REPORTS.—Each State educational agency
10 receiving an award under subparagraph (C) or (D)(ii) of section 4104(a)(1) shall report
11 annually to the Secretary regarding the State educational agency’s progress in addressing
12 the purposes of this part. Such report shall include at a minimum data, for each subgrantee,
13 and for the State, on the metrics identified under section 4106(b)(2)(C), such as—

14 “(A) the number and percentage of children reading and writing on grade level by
15 the end of grade 3;

16 “(B) the percent of children served under the award who receive special education
17 and related services; and

18 “(C) the degree of appropriate developmental progress or literacy achievement
19 growth of children, disaggregated by the subgroups described in section
20 1111(a)(2)(B)(ix).

21 “(2) PERIODIC REPORTS.—Each State educational agency receiving an award under
22 subparagraph (C) or (D)(ii) of section 4104(a)(1) shall periodically report to the Secretary
23 regarding the State educational agency’s progress in addressing the purposes of this part.
24 Such reports shall be submitted at such times, and in such manner, as the Secretary shall
25 establish, and shall, over the term of the grant, include descriptions of—

26 “(A) the professional development activities provided under the award, including
27 types of activities and entities involved in providing professional development to
28 classroom teachers and other program staff, such as school librarians;

29 “(B) instruction, strategies, activities, curricula, materials, and assessments used in
30 the programs funded under the award;

31 “(C) the types of programs funded under the award and demographic information,
32 including ages, of the children served by the programs funded under the award, except
33 that such information shall not be personally identifiable;

34 “(D) the experience and qualifications of the program staff who provide
35 comprehensive literacy instruction under the programs funded under the award,
36 including the experience and qualifications of those staff working with children with
37 disabilities or developmental delay, with English learners, and with children from birth
38 to kindergarten entry; and

39 “(E) student performance on relevant program metrics, as identified in the State
40 educational agency’s plan, such as—

1 “(i) the number of children reading and writing on grade level by the end of the
2 third grade;

3 “(ii) the percent of students served under this part receiving special education
4 services;

5 “(iii) the instruction and activities delivered to at-risk students served under this
6 part; and

7 “(iv) the professional development activities provided to teachers participating
8 under this part.

9 “(3) ELIGIBLE ENTITY REPORTS.—Each eligible entity receiving a subgrant under section
10 4108 or 4109 shall ~~periodically~~ report to the State educational agency regarding the eligible
11 entity’s progress in addressing the purposes of this part. Such report shall be submitted at
12 such times, and in such manner, as the State educational agency shall establish, consistent
13 with the requirements of paragraphs (1) and (2) for reports submitted by the State
14 educational agency to the Secretary, and shall, over the term of the subgrant, include,
15 consistent with such requirements for the State educational agency reports, descriptions
16 of—

17 “(A) how the subgrant funds were used; and

18 “(B) the results of an external evaluation, if the Secretary determines such
19 evaluation to be applicable.

20 “SEC. 4112. RULES OF CONSTRUCTION.

21 “(a) Child Eligibility.—Nothing in this part shall be construed to prohibit children eligible for
22 assistance under title I or III or children eligible for assistance under the Individuals with
23 Disabilities Education Act from receiving literacy instruction and intervention under this part.

24 “(b) IDEA Evaluation.—The screening assessments, diagnostic assessments, and formative
25 assessments of reading and writing authorized under this part shall not be construed to constitute
26 an evaluation required under the Individuals with Disabilities Education Act, except that
27 assessments administered under this Act may be used in conjunction with other assessments as
28 part of an evaluation under the Individuals with Disabilities Education Act, provided that all
29 assessment requirements of such Act are met.”

30 SEC. 4103. IMPROVING SCIENCE, TECHNOLOGY, 31 ENGINEERING, AND MATH INSTRUCTION AND 32 STUDENT ACHIEVEMENT.

33 (a) Redesignation.—Title IV (20 U.S.C. 7101 et seq.) is amended—

34 (1) by redesignating part B as part D, **and transferring such part D so as to follow part**
35 **C, as added by section 4104;**

36 (2) by striking section 4206; and

37 (3) by redesignating sections 4201, 4202, 4203, 4204, and 4205, as sections 4401, 4402,
38 4403, 4404, and 4405, respectively.

1 (b) Improving Science, Technology, Engineering, and Math Instruction and Student
2 Achievement.—Title IV (20 U.S.C. 7101 et seq.) is amended by inserting after part A the
3 following:

4 **“PART B—IMPROVING SCIENCE, TECHNOLOGY,
5 ENGINEERING, AND MATHEMATICS INSTRUCTION
6 AND STUDENT ACHIEVEMENT**

7 **“SEC. 4201. PURPOSE.**

8 “The purpose of this part is to improve student academic achievement in science, technology,
9 engineering, and mathematics by—

10 “(1) improving instruction in such subjects through grade 12;

11 “(2) improving student engagement in, and increasing student access to, ~~courses in~~ such
12 subjects;

13 “(3) improving the quality and effectiveness of classroom instruction by recruiting,
14 training, and supporting highly rated teachers and providing robust tools and supports for
15 students and teachers in such subjects; and

16 “(4) closing student achievement gaps, and preparing more students to be college and
17 career ready; in such subjects.

18 **“SEC. 4202. DEFINITIONS.**

19 “In this part:

20 “(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

21 “(A) a State educational agency; or

22 “(B) a State educational agency in partnership with 1 or more other State
23 educational agencies.

24 “(2) ELIGIBLE SUBGRANTEE.—The term ‘eligible subgrantee’ means—

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

26 “(B) an educational service agency serving more than 1 high-need local educational
27 agency; ~~or~~

28
29 “(C) a consortium of high-need local educational agencies; or

30 **“(D) an entity described in subparagraph (A) or (C) of paragraph (3) that has
31 signed a memorandum of agreement with an entity described in subparagraph
32 (A), (B), or (C) of this paragraph to implement the requirements of this part in
33 partnership with such entity.-**

34
35 “(3) OUTSIDE PARTNER.—The term ‘outside partner’ means an entity that has expertise

1 and a demonstrated record of success in improving student learning and engagement in the
2 identified subjects described in section 4204(b)(2), including any of the following:

3 “(A) A nonprofit or community-based organization, which may include a cultural
4 organization, such as a museum or learning center.

5 “(B) A business.

6 “(C) An institution of higher education.

7 “(D) An educational service agency.

8 “(4) STATE.—The term ‘State’ means—

9 “(A) any of the 50 States;

10 “(B) the District of Columbia;

11 “(C) the Bureau of Indian Education; or

12 “(D) the Commonwealth of Puerto Rico.

13 “SEC. 4203. GRANTS; ALLOTMENTS.

14 “(a) Reservations.—

15 “(1) IN GENERAL.—From the amounts appropriated for this part for a fiscal year, the
16 Secretary shall reserve—

17 “(A) **not more than 2 percent to ~~carry out~~ provide** technical assistance to States;
18 and

19 “(B) **not more than 5 percent** for State capacity-building grants, if the Secretary is
20 awarding such grants in accordance with paragraph (2).

21 “(2) CAPACITY-BUILDING GRANTS.—

22 “(A) IN GENERAL.—In any year for which funding is distributed competitively, as
23 described in subsection (b)(1), the Secretary may award 1 capacity-building grant to
24 each State that does not receive a grant under subsection (b), on a competitive basis, to
25 enable such ~~States~~ **State** to become more competitive in future years.

26 “(B) DURATION.—Grants awarded under subparagraph (A) shall be for a period of 1
27 year.

28 “(b) Competitive Grants.—

29 “(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out
30 this part, **and not reserved under subsection (a)(1)**, is less than \$500,000,000, the
31 Secretary shall award grants, on a competitive basis, to eligible entities to enable such
32 eligible entities to carry out the activities described in this part.

33 “(2) DURATION.—Grants awarded under this subsection shall be for a period of not more
34 than 3 years.

35 “(3) RENEWAL.—

36 “(A) IN GENERAL.—If an eligible entity demonstrates progress, as measured by the

1 metrics described in section 4206(a), the Secretary may renew a grant for an additional
2 2-year period.

3 “(B) REDUCED FUNDING.—Grant funds awarded under subparagraph (A) shall be
4 awarded at a reduced amount.

5 “(c) Formula Grants.—

6 “(1) IN GENERAL.—For each fiscal year for which the amount appropriated to carry out
7 this part, **and not reserved under subsection (a)(1)**, is equal to or more than \$500,000,000,
8 the Secretary shall award grants to States, based on the formula described in paragraph (2).

9 “(2) DISTRIBUTION OF FUNDS.—The Secretary shall allot to each State—

10 “(A) an amount that bears the same relationship to 35 percent of the excess amount
11 **described in paragraph (1)** as the number of individuals ages 5 through 17 in the
12 State, as determined by the Secretary on the basis of the most recent satisfactory data,
13 bears to the number of those individuals in all such States, as so determined; and

14 “(B) an amount that bears the same relationship to 65 percent of the excess amount
15 as the number of individuals ages 5 through 17 from families with incomes below the
16 poverty line, in the State, as determined by the Secretary on the basis of the most
17 recent satisfactory data, bears to the number of those individuals in all such States, as
18 so determined.

19 “(3) FUNDING MINIMUM.—No State receiving an allotment under this subsection may
20 receive less than one-half of 1 percent of the total amount allotted under paragraph (1) for a
21 fiscal year.

22 “(4) REALLOTMENT OF UNUSED FUNDS.—If a State does not successfully apply, the
23 Secretary shall reallocate the amount of the State’s allotment to the remaining States in
24 accordance with this subsection.

25 “SEC. 4204. APPLICATIONS.

26 “(a) In General.—Each eligible entity or State desiring a grant under this part, whether through
27 a competitive grant under section 4203(b) or through an allotment under section 4203(c), shall
28 submit an application to the Secretary at such time, in such manner, and accompanied by such
29 information as the Secretary may require.

30 “(b) Contents.—At a minimum, an application submitted under subsection (a) shall include the
31 following:

32 “(1) A description of the needs, **including assets**, identified by the State or eligible entity,
33 based on a State analysis, which—

34 “(A) may include results from a relevant pre-existing analysis of science,
35 technology, engineering, and mathematics education quality and outcomes in the State
36 or States served by the eligible entity;

37 “(B) shall include data for elementary school and secondary school grades, as
38 applicable, to the extent that such data are available, on—

39 “(i) student achievement in science and mathematics, including such data

1 collected in accordance with the requirements of section 1111(a)(3)(A), and
2 student achievement in technology and engineering;

3 “(ii) science, technology, engineering, and mathematics teacher evaluations;

4 “(iii) student access to mathematics and science courses needed to enroll in
5 credit-bearing coursework at institutions of higher education in the State or States
6 served by the eligible entity;

7 “(iv) access to science, technology, engineering, and mathematics courses for
8 students through grade 12 who—

9 “(I) are eligible to receive a free or reduced priced lunch under the Richard
10 B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

11 “(II) come from families with an income that is below the poverty line;

12 “(v) student achievement gaps in science, technology, engineering, and
13 mathematics subjects;

14 “(vi) the percentage of students who successfully—

15 “(I) complete Advanced Placement (AP) or International Baccalaureate
16 (IB) courses in science, technology, engineering, and mathematics subjects;
17 or

18 “(II) complete rigorous postsecondary education courses in science,
19 technology, engineering, and mathematics subjects;

20 “(vii) the information collected under section 1111(d)(3)(B)(viii)(III);

21 “(viii) available instructional systems and supports, such as curricula,
22 instructional materials, professional development, teacher evaluation systems, and
23 assessments;

24 “(ix) science, technology, engineering, and mathematics teacher qualifications;
25 and

26 “(x) teacher shortages and teacher distribution among local educational
27 agencies and schools in science, technology, engineering, and mathematics
28 subjects;

29 “(C) shall include labor market information regarding the industry and business
30 workforce needs within the eligible entity;

31 “(D) shall include an analysis of the quality of pre-service preparation at all public
32 institutions of higher education (including alternative pathways to teacher licensure or
33 certification) for individuals preparing to teach science, technology, engineering, and
34 mathematics subjects in a preschool, elementary school, or secondary school in the
35 State; and

36 “(E) shall include an analysis of the implementation of any multi-tiered systems of
37 support that have been employed in the State or States served by the eligible entity to
38 address the learning needs of students in any science, technology, engineering, and
39 mathematics subjects.

1 “(2) An identification of the specific science, technology, engineering, and mathematics
2 subjects that the State or eligible entity will address through the activities described in
3 section 4205, consistent with the needs identified under paragraph (1) (referred to in this
4 part as ‘identified subjects’).

5 “(3) A description, in a manner that addresses any needs identified under paragraph (1),
6 of—

7 “(A) how grant funds will be used by the State or eligible entity to improve
8 instruction in identified subjects using evidence-based programs of instruction that are
9 aligned with the college and career ready standards and academic assessments under
10 paragraphs (1) and (2) section 1111(a);

11 “(B) how grant funds will be used to support subgrantees and other high-need local
12 educational agencies in the employment of multi-tiered systems of support to provide
13 early intervening services, **as described in section 613(a)(4)(A)(ii) of the Individuals**
14 **with Disabilities Education Act**, and to increase student achievement in identified
15 subjects;

16 “(C) the process that the State or eligible entity will use for awarding subgrants,
17 including how relevant stakeholders will be involved;

18 “(D) how the State’s or eligible entity’s activities and subgrants will be coordinated
19 with other Federal, State, and local programs and activities, including career and
20 technical education programs authorized under the Carl D. Perkins Career and
21 Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

22 “(E) the technical assistance that the State or eligible entity will provide to
23 subgrantees to support the activities undertaken by the subgrantees;

24 “(F) how the State or eligible entity will evaluate the activities funded, both at the
25 State and subgrantee level, with funds provided under this part, and in a manner
26 consistent with any evaluation activities carried out by the Institute of Education
27 Sciences under section 4207, or the National Science Foundation;

28 “(G) how the State or eligible entity will allocate funds in a manner that will provide
29 services to both elementary schools and secondary schools;

30 “(H) how the State or eligible entity will provide targeted support to improve
31 instruction in high-need local educational agencies and high-need schools;

32 “(I) how the State or eligible entity’s proposed project will ensure an increase in
33 access for students who are ~~traditionally~~ **members of groups** underrepresented in
34 science, technology, engineering, and mathematics subject fields to high-quality
35 courses in 1 or more of the identified subjects; and

36 “(J) how the State or eligible entity will continue to involve stakeholders in
37 education reform efforts related to science, technology, engineering, and mathematics
38 instruction.

39 “(4) Assurances that the State or eligible entity will monitor implementation of approved
40 subgrantee plans.

41 “(c) Additional Funding.—A State or eligible entity that submits a request to use the

1 additional State activities reservation described in section 4205(d)(2), shall provide, in a manner
2 that addresses the needs identified under subsection (b)(1), a description of the activities that the
3 eligible entity will carry out with such funds, consistent with section 4205.

4 “SEC. 4205. AUTHORIZED ACTIVITIES.

5 “(a) Required Activities.—Each State or eligible entity that receives a grant under this part
6 shall use the grant funds to carry out each of the following activities:

7 “(1) Increasing access for students through grade 12 ~~that belong to groups that are~~
8 **traditionally who are members of groups** underrepresented in science, technology,
9 engineering, and mathematics subject fields to high-quality courses in the identified
10 subjects.

11 “(2) Implementing evidence-based programs of instruction based on high-quality
12 standards and assessments in the identified subjects.

13 “(3) Providing professional development and other comprehensive systems of support for
14 teachers and school leaders to promote high-quality instruction and instructional leadership
15 in the identified subjects.

16 “(4) Providing technical assistance to subgrantees and other high-need schools and local
17 educational agencies in order to improve student achievement and narrow achievement gaps
18 in identified subjects, including through—

19 “(A) the development and implementation of multi-tiered systems of support; and

20 “(B) the development of curriculum **or instructional materials** consistent with the
21 principals of universal design for learning, as defined in section 103 of the Higher
22 Education Act of 1965.

23 “(b) Permissible Activities.—Each State or eligible entity that receives a grant under this part
24 may use the grant funds to carry out 1 or more of the following activities:

25 “(1) Recruiting qualified teachers and instructional leaders who are trained in identified
26 subjects, including teachers who have transitioned into the teaching profession from a
27 career in science, technology, engineering, and mathematics fields.

28 “(2) Providing induction and mentoring services to new teachers in identified subjects.

29 “(3) Developing instructional supports, such as curricula and assessments, which shall be
30 evidence-based and aligned with State college and career ready academic content standards
31 under section 1111(a)(1), and may include Internet-based curricula and Internet-based
32 instructional supports.

33 “(4) Implementing an interdisciplinary approach, by integrating instruction in 1 or more
34 science, technology, engineering, and mathematics subjects with reading, English language
35 arts, or instruction in other core academic subjects ~~(as defined in section 9101)~~ and noncore
36 academic subjects.

37 “(c) Subgrants.—

38 “(1) IN GENERAL.—Each State or eligible entity that receives a grant under this section
39 shall award subgrants, on a competitive basis, to eligible subgrantees.

1 “(2) MINIMUM SUBGRANT.—A State or eligible entity shall award subgrants under this
2 subsection that are of sufficient size and scope to support high-quality, evidence-based,
3 effective programs that are consistent with the purpose of this part.

4 “(3) SUBGRANTEE APPLICATION.—

5 “(A) IN GENERAL.—Each eligible subgrantee desiring a subgrant under this
6 subsection shall submit an application to the State or eligible entity at such time, in
7 such manner, and accompanied by such information as the State or eligible entity may
8 require.

9 “(B) CONTENTS OF SUBGRANTEE APPLICATION.—At a minimum, the application
10 described in subparagraph (A) shall include the following:

11 “(i) A description of the activities that the eligible subgrantee will carry out,
12 and how such activities will improve teaching and student academic achievement
13 in the identified subjects, in a manner consistent with scientifically-valid research.

14 “(ii) A description of how the eligible subgrantee will use funds provided under
15 this subsection to serve students and teachers in high-need schools.

16 “(iii) A description of how funds provided under this subsection will be
17 coordinated with other Federal, State, and local programs and activities, including
18 career and technical education programs authorized under the Carl D. Perkins
19 Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

20 “(iv) If the eligible subgrantee is working with outside partners, a description of
21 how such outside partners will be involved in improving instruction and
22 increasing access to high-quality learning experiences in the identified subjects.

23 “(4) SUBGRANTEE USE OF FUNDS.—

24 “(A) REQUIRED USE OF FUNDS.—Each eligible subgrantee ~~that receives a subgrant~~
25 under this subsection shall use the subgrant funds to carry out activities for students
26 through grade 12, consistent with the activities described in the subgrantee’s
27 application, which shall include—

28 “(i) high-quality teacher and instructional leader recruitment, support, **and**
29 evaluation, ~~and professional development~~ in the identified subjects;

30 “(ii) professional development, which may include development and support
31 for instructional coaches, to enable teachers and instructional leaders to increase
32 student achievement in identified subjects, through—

33 “(I) implementation of classroom assessments; and

34 “(II) differentiation of instruction in identified subjects for all students,
35 including for students who are children with disabilities and students who are
36 English learners;

37 “(iii) activities to—

38 “(I) improve the content knowledge of teachers; and

39 “(II) facilitate professional collaboration, which may include providing
40 time for such collaborations;

1 “(iv) the development, adoption, and improvement of high-quality curricula
2 and instructional supports that—

3 “(I) are aligned with State college and career ready academic content
4 standards under section 1111(a)(1); and

5 “(II) the eligible subgrantee will use to improve student academic
6 achievement in identified subjects;

7 “(v) the development or improvement, and implementation, of multi-tiered
8 systems of support to provide early intervening services and to increase student
9 achievement in 1 or more of the identified subjects; and

10 “(vi) integrating instruction in the identified subjects with instruction in
11 reading, English language arts, or other core and noncore academic subjects.

12 “(B) ALLOWABLE USE OF FUNDS.—In addition to the required activities described in
13 subparagraph (A), each eligible subgrantee that receives a subgrant under this
14 subsection, may also use the subgrant funds to—

15 “(i) support the participation of low-income students in nonprofit competitions
16 related to science, technology, engineering, and mathematics subjects (such as
17 robotics, science research, invention, mathematics, **computer science**, and
18 technology competitions); and

19 “(ii) broaden secondary school students’ access to, and interest in, careers that
20 require academic preparation in 1 or more identified subjects.

21 “(C) LIMITATION.—Each subgrantee that receives a subgrant under this subsection
22 shall not expend more than 15 percent of the subgrant funds on the activities described
23 in subparagraph (B).

24 “(D) MATCHING FUNDS.—A State or eligible entity shall require an eligible
25 subgrantee receiving a subgrant under this subsection to demonstrate that such
26 subgrantee has obtained a commitment from 1 or more outside partners to match, using
27 non-Federal funds or in-kind contributions, not less than 15 percent of the amount of
28 subgrant funds. In the case of significant financial hardship, an eligible subgrantee may
29 apply to the State or eligible entity for, and the State or eligible entity may grant, a
30 waiver of a portion of the minimum matching funds requirement.

31 “(d) State Activities.—

32 “(1) IN GENERAL.—Each State or eligible entity that receives a grant under this part may
33 use not more than 5 percent of grant funds for—

34 “(A) administrative costs;

35 “(B) monitoring the implementation of subgrants;

36 “(C) providing technical assistance to subgrantees; and

37 “(D) evaluating subgrants in coordination with the evaluation described in section
38 4207.

39 “(2) RESERVATION.—Each State or eligible entity that receives a grant under this part
40 may submit a request to the Secretary to reserve not more than 15 percent of grant funds,

1 inclusive of the amount described in paragraph (1), for additional State activities, consistent
2 with subsections (a) and (b).

3 **“SEC. 4206. PERFORMANCE METRICS; REPORT.**

4 “(a) Establishment of Performance Metrics.—The Secretary, acting through the Director of the
5 Institute of Education Sciences, shall establish performance metrics to evaluate the effectiveness
6 of the activities carried out under this part.

7 “(b) Annual Report.—Each State or eligible entity that receives a grant under this part shall
8 prepare and submit an annual report to the Secretary, which shall include information relevant to
9 the performance metrics described in subsection (a).

10 **“SEC. 4207. EVALUATION.**

11 “The Secretary shall—

12 “(1) acting through the Director of the Institute of Education Sciences, and in
13 consultation with the Director of the National Science Foundation—

14 “(A) evaluate the implementation and impact of the activities supported under this
15 part, including progress measured by the metrics established under section 4206(a);
16 and

17 “(B) identify best practices to improve instruction in science, technology,
18 engineering, and mathematics subjects; and

19 “(2) disseminate, in consultation with the National Science Foundation, research on best
20 practices to improve instruction in science, technology, engineering, and mathematics
21 subjects.

22 **“SEC. 4208. SUPPLEMENT NOT SUPPLANT.**

23 “Funds received under this part shall be used to supplement, and not supplant, funds that
24 would otherwise be used for activities authorized under this part.

25 **“SEC. 4209. MAINTENANCE OF EFFORT.**

26 “A State that receives funds under this part for a fiscal year shall maintain the fiscal effort
27 provided by the State for the subjects supported by the funds under this part at a level equal to or
28 greater than the level of such fiscal effort for the preceding fiscal year.”.

29 **SEC. 4104. SUCCESSFUL, SAFE, AND HEALTHY** 30 **STUDENTS.**

31 Title IV (20 U.S.C. 7101 et seq.) is amended by inserting after part B, as added by section
32 4103 of this Act, the following:

33 **“PART C—SUCCESSFUL, SAFE, AND HEALTHY** 34 **STUDENTS**

35 **“SEC. 4301. PURPOSE.**

1 “The purpose of this part is to assist States and local educational agencies in developing and
2 implementing comprehensive programs and strategies to foster positive conditions for learning in
3 public schools, in order to increase academic achievement for all students through activities
4 that—

5 “(1) promote student physical health and well-being, nutrition, and fitness;

6 “(2) promote student mental health and well-being;

7 “(3) prevent school violence and harassment, and reduce substance abuse among
8 students; and

9 “(4) promote safe and supportive schools.

10 “SEC. 4302. DEFINITIONS.

11 “In this part:

12 “(1) CONTROLLED SUBSTANCE.—The term ‘controlled substance’ means a drug or other
13 substance identified under Schedule I, II, III, IV, or V of section 202(c) of the Controlled
14 Substances Act (21 U.S.C. 812(c)).

15 “(2) DRUG.—The term ‘drug’ includes—

16 “(A) a controlled substance;

17 “(B) with respect to alcohol and tobacco, the illegal use of such substances; and

18 “(C) with respect to inhalants and anabolic steroids, the harmful, abusive, or
19 addictive use of such substances.

20 “(3) DRUG AND VIOLENCE PREVENTION.—The term ‘drug and violence prevention’
21 means—

22 “(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or
23 education related to the abuse and illegal use of drugs; and

24 “(B) with respect to violence, the promotion of school safety, such that students and
25 school personnel are free from violent and disruptive acts, including sexual harassment
26 and abuse, and victimization associated with prejudice and intolerance, on school
27 premises, going to and from school, at school sponsored activities, and via
28 communications made available through electronic means, through the creation and
29 maintenance of a school environment that is free of weapons and fosters individual
30 responsibility and respect for the rights of others, and employs positive, preventative
31 approaches to school discipline that minimize students’ removal from instruction and
32 reduce disparities among the subgroups of students described in section
33 1111(a)(2)(B)(ix).

34 “(4) ELIGIBLE LOCAL APPLICANT.—The term ‘eligible local applicant’ means—

35 “(A) a local educational agency;

36 “(B) a consortium of local educational agencies; or

37 “(C) a local educational agency or consortium of local educational agencies in
38 partnership with a nonprofit organization that has a demonstrated record of success in

1 implementing activities consistent with the purpose of this part.

2 “(5) PHYSICAL EDUCATION INDICATORS.—The term ‘physical education indicators’ means
3 a set of measures for instruction on physical activity, health-related fitness, physical
4 competence, and cognitive understanding about physical activity that—

5 “(A) are publicly reported annually in the State’s conditions for learning
6 measurement system described in section 4304(g); and

7 “(B) include, for the State, for each local educational agency in the State, and for
8 each school in the State, the average number of minutes that all students engage in
9 moderate to vigorous physical activity, as measured against established recommended
10 guidelines of the Centers for Disease Control and Prevention and the Department of
11 Health and Human Services.

12 “(6) PROGRAMS TO PROMOTE MENTAL HEALTH.—The term ‘programs to promote mental
13 health’ means programs that—

14 “(A) develop students’ social and emotional competencies; and

15 “(B) link students with, **as applicable, school-based or** local mental health systems,
16 including by—

17 “(i) enhancing, improving, or developing collaborative efforts between
18 school-based systems and mental health systems;

19 “(ii) improving the availability of crisis intervention services and appropriate
20 referrals for students potentially in need of mental health services;

21 “(iii) providing training for ~~school personnel~~ and mental health professionals
22 **and other school-based specialized instructional support personnel** who will
23 participate in the program; and

24 “(iv) providing services that establish or expand the availability of counseling
25 and mental health programs for students.

26 “(7) PROGRAMS TO PROMOTE PHYSICAL ACTIVITY, EDUCATION, FITNESS, AND
27 NUTRITION.—The term ‘programs to promote physical activity, education, fitness, and
28 nutrition’ means programs that increase and enable active student participation in physical
29 well-being activities, provide teacher professional development, are comprehensive in
30 nature, and include opportunities for professional development for teachers of physical
31 education to stay abreast of the latest research, issues, and trends in the field of physical
32 education, and **include** 1 or more of the following activities:

33 “(A) Fitness education and assessment to help students understand, improve, or
34 maintain their physical well-being.

35 “(B) Instruction in a variety of motor skills and physical activities designed to
36 enhance the physical, mental, social, and emotional development of every student.

37 “(C) Development of, and instruction in, cognitive concepts about motor skill and
38 physical fitness that support a lifelong healthy lifestyle.

39 “(D) Opportunities to develop positive social and cooperative skills through physical
40 activity.

1 “(E) Instruction in healthy eating habits and good nutrition.

2 “SEC. 4303. RESERVATIONS.

3 “From amounts made available to carry out this part, the Secretary shall reserve—

4 “(1) for the first 3 years for which funding is made available to carry out this part—

5 “(A) not more than 30 percent of such amounts or \$30,000,000, whichever amount
6 is greater, for State conditions for learning measurement systems grants, distributed to
7 every State (by an application process consistent with section 4304) in an amount
8 proportional to each State’s share of funding under part A of title I of this Act, to
9 develop **or improve** the State’s conditions for learning measurement system described
10 in section 4304(g), and to conduct a needs analysis to meet the requirements of section
11 4304(c)(2); and

12 “(B) not more than 68 percent of such amounts for Successful, Safe, and Healthy
13 Students State Grants under section 4304;

14 “(2) for the fourth year and each subsequent year for which funding is made available to
15 carry out this part, not less than 98 percent of such amounts for Successful, Safe, and
16 Healthy Students State Grants under section 4304; and

17 “(3) in each year for which funding is made available to carry out this part, not more than
18 2 percent of such amounts for technical assistance.

19 “SEC. 4304. SUCCESSFUL, SAFE, AND HEALTHY
20 STUDENTS STATE GRANTS.

21 “(a) Purpose.—The purpose of this section is to provide funding to States to implement
22 comprehensive programs that address conditions for learning in schools in the State. Such
23 programs shall be based on —

24 “(1) scientifically valid research; and

25 “(2) an analysis of need that considers, at a minimum, the indicators in the State’s
26 conditions for learning measurement system described in subsection (g).

27 “(b) State Grants.—

28 “(1) IN GENERAL.—From amounts reserved under section 4303 for Successful, Safe, and
29 Healthy Students State Grants, the Secretary shall award grants to States to carry out the
30 purpose of this section.

31 “(2) AWARDS TO STATES.—

32 “(A) FORMULA GRANTS.—Except as provided in subparagraph (B), if the total
33 amount reserved under section 4304 for Successful, Safe, and Healthy Students State
34 Grants for a fiscal year is \$500,000,000 or greater, the Secretary shall allot to each
35 State with an approved application an amount that bears the same relationship to such
36 total amount as the amount received under part A of title I of this Act by such State for
37 ~~such~~ **the preceding** fiscal year bears to the amount received under such part for ~~such~~
38 **the preceding** fiscal year by all States.

1 “(B) MINIMUM STATE ALLOTMENT.—No State receiving an allotment under
2 subparagraph (A) may receive less than one-half of one percent of the total amount
3 allotted under such paragraph.

4 “(C) COMPETITIVE GRANTS.—

5 “(i) IN GENERAL.—If the total amount reserved under section 4304 for
6 Successful, Safe, and Healthy Students State Grants for a fiscal year is less than
7 \$500,000,000, the Secretary shall award grants under this section on a competitive
8 basis.

9 “(ii) SUFFICIENT SIZE AND SCOPE.—In awarding grants on a competitive basis
10 pursuant to clause (i), the Secretary shall ensure that grant awards are of sufficient
11 size and scope to carry out required and approved activities under this section.

12 “(c) Applications.—

13 “(1) IN GENERAL.—A State that desires to receive a grant under this section shall submit
14 an application at such time, in such manner, and containing such information as the
15 Secretary may require.

16 “(2) CONTENT OF APPLICATION.—At a minimum, the application shall include—

17 “(A) a plan for improving conditions for learning in schools in the State in a manner
18 consistent with the requirements of the program that may be a part of a broader
19 statewide child and youth plan, if such a plan exists and is consistent with the
20 requirements of this part;

21 “(B) a needs analysis of the conditions for learning in schools in the State, which—

22 “(i) shall include a description of, and data measuring, the State’s conditions for
23 learning; and

24 “(ii) may be a part of a broader statewide child and youth needs analysis, if
25 such an analysis exists and is consistent with the requirements of this part;

26 “(C) a description of how the activities the State proposes to implement with grant
27 funds are responsive to the results of the needs analysis described in subparagraph (B);
28 and

29 “(D) a description of how the State will—

30 “(i) develop, adopt, adapt, or implement the State’s conditions for learning
31 measurement system described in subsection (g), and how the State will ensure
32 that all local educational agencies and schools in the State participate in such
33 system;

34 “(ii) ensure the quality and validity of the State’s conditions for learning data
35 collection;

36 “(iii) coordinate the proposed activities with other Federal and State programs,
37 including programs funded under this part, which may include programs to
38 expand learning time and for before- and after-school programming;

39 “(iv) assist local educational agencies to align activities with funds the agencies
40 receive under the program with other funding sources in order to support a

1 coherent and non-duplicative program;

2 “(v) solicit and approve subgrant applications, including how the State will—

3 “(I) allocate funds for statewide activities and subgrants for each year of
4 the grant, consistent with allocation requirements under subsection (h)(2);
5 and

6 “(II) consider the results of the analysis described in subparagraph (B) in
7 the State’s distribution of subgrants;

8 “(vi) address the needs of diverse geographic areas in the State, including rural
9 and urban communities;

10 “(vii) provide assistance to local educational agencies and schools in their
11 efforts to prevent and appropriately respond to incidents of harassment, including
12 building the capacity of such agencies and schools to educate family and
13 community members regarding the agencies’ and schools’ respective roles in
14 preventing and responding to such incidents; and

15 “(viii) provide assistance to local educational agencies and schools in their
16 approaches to school discipline.

17 “(3) APPLICATION REVIEW PROCESS.—The Secretary shall establish a process to review
18 applications submitted under this subsection.

19 “(d) Duration.—

20 “(1) IN GENERAL.—A State that receives a grant under this section may receive funding
21 for not more than 5 years in accordance with this subsection.

22 “(2) INITIAL PERIOD.—The Secretary shall award grants under this section for an initial
23 period of not more than 3 years.

24 “(3) GRANT EXTENSION.—The Secretary may extend a competitive grant awarded to a
25 State under this section for not more than an additional 2 years if the State shows sufficient
26 improvement, as determined by the Secretary, against baseline data for the performance
27 metrics established under subsection (i).

28 “(e) Reservation and Use of Funds.—A State that receives a grant under this section shall—

29 “(1) reserve not more than 7½ percent of the grant funds for administration of the
30 program, technical assistance, and the development, improvement, and implementation of
31 the State’s conditions for learning measurement system, as described in subsection (g); and

32 “(2) use the remainder of grant funds after making the reservation under paragraph (1) to
33 award subgrants, on a competitive basis, to eligible local applicants.

34 “(f) Required State Activities.—A State that receives a grant under this section shall—

35 “(1) establish a statewide physical education requirement that is consistent with widely
36 recognized standards;

37 “(2) require all local educational agencies in the State to—

38 “(A) establish policies that prevent and prohibit conduct that is sufficiently severe,
39 persistent, or pervasive to limit a student’s ability to participate in or benefit from a

1 program or activity of a public school or educational agency, or to create a hostile or
2 abusive educational environment at a program or activity of a public school or
3 educational agency, including acts of verbal, nonverbal, or physical aggression,
4 intimidation, or hostility; and

5 “(B) provide—

6 “(i) annual notice to parents and students describing the full range of prohibited
7 conduct contained in such local educational agency’s discipline policies; and

8 “(ii) grievance procedures for students or parents to register complaints
9 regarding the prohibited conduct contained in such local educational agency’s
10 discipline policies, including—

11 “(I) the name of the local educational agency officials who are designated
12 as responsible for receiving such complaints; and

13 “(II) timelines that the local educational agency will follow in the
14 resolution of such complaints.

15 “(3) not later than 1 year after receipt of the grant, develop, adapt, improve, or adopt and
16 implement the statewide conditions for learning measurement system described in
17 subsection (g) (unless the State can demonstrate, to the satisfaction of the Secretary, that an
18 appropriate system has already been implemented) that annually measures the State’s
19 progress in the conditions for learning for every public school in the State;

20 “(4) collect information in each year of the grant on the conditions for learning at the
21 school-building level;

22 “(5) collect annual incident data at the school-building level that are accurate and
23 complete;

24 “(6) publicly report, at the school level and local educational agency level, the data
25 collected in the State’s conditions for learning measurement system, described in subsection
26 (g), each year in a timely and highly accessible manner, **and in a manner that does not**
27 **reveal personally identifiable information;**

28 “(7) use the results of the data collected in the State’s conditions for learning
29 measurement system to—

30 “(A) identify and address conditions for learning statewide;

31 “(B) help subgrantees identify and address school and student needs; and

32 “(C) provide individualized assistance to schools identified under section 1116 and
33 schools with significant conditions for learning weaknesses;

34 “(8) award subgrants, consistent with subsection (h), to eligible local applicants; and

35 “(9) monitor subgrants and provide technical assistance to subgrantees on the
36 implementation of grant activities.

37 “(g) Conditions for Learning Measurement System.—

38 “(1) IN GENERAL.—Each State that receives a grant under this part shall establish a State
39 reporting and information system that measures conditions for learning in the State and is,

1 to the extent practicable, part of the State’s statewide longitudinal data system and with the
2 State’s system for reporting the data required under section 1111.

3 “(2) SYSTEM ACTIVITIES.—The State reporting and information system described in
4 paragraph (1) shall—

5 “(A) contain, at a minimum, data from valid and reliable surveys of students and
6 staff and the indicators in subparagraph (B) that allow staff at the State, local
7 educational agencies, and schools to examine and improve school-level conditions for
8 learning;

9 “(B) collect school-level data on—

10 “(i) physical education indicators;

11 “(ii) student attendance and truancy;

12 “(iii) in-school suspensions, out-of-school suspensions, expulsions, referrals to
13 law enforcement, school-based arrests, and disciplinary transfers (including
14 placements in alternative schools) by student;

15 “(iv) the frequency, seriousness, and incidence of violence and drug-related
16 offenses resulting in disciplinary action in elementary schools and secondary
17 schools in the State; and

18 “(v) the incidence and prevalence, age of onset, perception of health risk, and
19 perception of social disapproval of drug use and violence, including harassment,
20 by youth and school personnel in schools and communities;

21 “(C) collect and report data, including, at a minimum, the data described in clauses
22 (ii), (iii), and (v) of subparagraph (B), in the aggregate and disaggregated by the
23 categories of race, ethnicity, gender, disability status, migrant status, English
24 proficiency, and status as economically disadvantaged, and cross tabulated across all of
25 such categories by gender and by disability;

26 “(D) protect student privacy, consistent with applicable data privacy laws and
27 regulations, including section 444 of the General Education Provisions Act (20 U.S.C.
28 1232g, commonly known as the ‘Family Educational Rights and Privacy Act of
29 1974’); and

30 “(E) to the extent practicable, utilize a web-based reporting system.

31 “(3) COMPILING STATISTICS.—In compiling the statistics required to measure conditions
32 for learning in the State—

33 “(A) the offenses described in paragraph (2)(B)(iv) shall be defined pursuant to the
34 State’s criminal code, and aligned to the extent possible, with the Federal Bureau of
35 Investigation’s Uniform Crime Reports categories, but shall not identify victims of
36 crimes or persons accused of crimes and the collected data shall include incident
37 reports by school officials, anonymous student surveys, and anonymous teacher
38 surveys;

39 “(B) the performance metrics that are established under subsection (i) shall be
40 collected and the performance on such metrics shall be defined and reported uniformly

1 statewide;

2 “(C) the State shall collect, analyze, and use the data under paragraph (2)(B) at least
3 annually, except the indicators under paragraph (2)(B)(v) may be collected, at a
4 minimum, every 2 years; and

5 “(D) grant recipients and subgrant recipients shall use the data for planning and
6 continuous improvement of activities implemented under this part, and may collect
7 data for indicators that are locally defined, and that are not reported to the State, to
8 meet local needs (so long as such indicators are aligned with the conditions for
9 learning).

10 “(h) Subgrants.—

11 “(1) IN GENERAL.—

12 “(A) AWARDING OF SUBGRANTS.—A State that receives a grant under this section
13 shall award subgrants, on a competitive basis, to eligible local applicants—

14 “(i) based on need as identified by the State’s conditions for learning
15 measurement system described in subsection (g);

16 “(ii) that are of sufficient size and scope to enable subgrantees to carry out
17 approved activities; and

18 “(iii) to implement programs that—

19 “(I) are comprehensive in nature;

20 “(II) are based on scientifically valid research;

21 “(III) improve conditions for learning; and

22 “(IV) are part of a strategy to achieve all the conditions for learning.

23 “(B) ASSISTANCE.—A State that receives a grant under this section shall provide
24 assistance to subgrant applicants and recipients in the selection of scientifically valid
25 programs and interventions.

26 “(2) ALLOCATION.—

27 “(A) IN GENERAL.—In awarding subgrants under this section, each State shall ensure
28 that, for the aggregate of all subgrants awarded by the State, not less than 20 percent of
29 the subgrant funds are allocated to carry out programs to promote physical activity,
30 education, fitness, and nutrition.

31 “(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to
32 require States, in making subgrants to eligible local applicants, to require subgrant
33 recipients to use 20 percent of subgrant funds for the promotion of physical activity,
34 education, fitness, and nutrition.

35 “(3) APPLICATIONS.—An eligible local applicant that desires to receive a subgrant under
36 this subsection shall submit to the State an application at such time, in such manner, and
37 containing such information as the State may require.

38 “(4) PRIORITY.—In awarding subgrants under this subsection, a State shall give priority
39 to applications that—

1 “(A) demonstrate the greatest need according to the results of the local needs
2 assessment; and

3 “(B) propose to serve schools with the highest concentrations of poverty, based on
4 the percentage of students receiving or are eligible to receive a free or reduced price
5 lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et
6 seq.).

7 “(5) ACTIVITIES OF SUBGRANT RECIPIENTS.—Each recipient of a subgrant under this
8 subsection shall, for the duration of the subgrant, provide for the following:

9 “(A) Carry out activities—

10 “(i) the need for which has been identified, at a minimum, through the State’s
11 conditions for learning measurement system described in subsection (g);

12 “(ii) that are part of a comprehensive strategy or framework to address such
13 need; and

14 “(iii) that include 1 or more of the following:

15 “(I) Drug and violence prevention;

16 “(II) Programs to promote mental health.

17 “(III) Programs to promote physical activity, education, fitness, and
18 nutrition.

19 “(B) Ensure that each framework, intervention, or program selected be based on
20 scientifically valid research and be used for the purpose for which such framework,
21 intervention, or program was found to be effective.

22 “(C) Use school-level data from the State’s conditions for learning measurement
23 system, described in subsection (g), to inform the implementation and continuous
24 improvement of activities carried out under this part.

25 “(D) Collect and report to the State educational agency, data for schools served by
26 the subgrant recipient, in a manner consistent with the State’s conditions for learning
27 measurement system, described in subsection (g).

28 “(E) Establish policies to expand access to quality physical activity opportunities,
29 including local school wellness policies consistent with the requirements of section 9A
30 of the Richard B. Russell National School Lunch Act. For purposes of this part, school
31 wellness councils established consistent with section 9A of the Richard B. Russell
32 National School Lunch Act, may be part of existing school councils, if such councils
33 exist and have the capacity and willingness to address school wellness.

34 “(F) Engage family members and community-based organizations in the
35 development of conditions for learning surveys, and in the planning, implementation,
36 and review of the subgrant recipient’s efforts under this part.

37 “(G) Consider and accommodate the unique needs of students with disabilities and
38 English learners in implementing activities.

39 “(i) Accountability.—

1 “(1) ESTABLISHMENT OF PERFORMANCE METRICS.—The Secretary, acting through the
2 Director of the Institute of Education Sciences, shall establish program performance metrics
3 to measure the effectiveness of the activities carried out under this part.

4 “(2) ANNUAL REPORT.—Each State that receives a grant under this part shall prepare and
5 submit an annual report to the Secretary, which shall include information relevant to the
6 conditions for learning, including on progress towards meeting outcomes for the metrics
7 established under paragraph (1).

8 “SEC. 4305. FUNDS RESERVED FOR SECRETARY.

9 “From the amount reserved under section 4303(3), the Secretary shall—

10 “(1) direct the Institute of Education Sciences to conduct an evaluation of the impact of
11 the practices funded or disseminated by the Successful, Safe, and Healthy Students State
12 Grants program; and

13 “(2) provide technical assistance to applicants, recipients, and subgrant recipients of the
14 programs funded under this part.

15 “SEC. 4306. PROHIBITED USES OF FUNDS.

16 “No funds appropriated under this part may be used to pay for—

17 “(1) school resource officer or other security personnel salaries, metal detectors, security
18 cameras, or other security-related salaries, equipment, or expenses;

19 “(2) drug testing programs; or

20 “(3) the development, establishment, implementation, or enforcement of zero-tolerance
21 discipline policies, other than those expressly required under the Gun-Free Schools Act (20
22 U.S.C. 7151 et seq.).

23 “SEC. 4307. FEDERAL AND STATE 24 NONDISCRIMINATION LAWS.

25 “Nothing in this part shall be construed to invalidate or limit nondiscrimination principles or
26 rights, remedies, procedures, or legal standards available to victims of discrimination under any
27 other Federal law or law of a State or political subdivision of a State, including title VI of the
28 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of
29 1972 (20 U.S.C. 1681 et seq.), section 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.
30 794 and 794a), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). The
31 obligations imposed by this part are in addition to those imposed by title VI of the Civil Rights
32 Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C.
33 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Americans
34 with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).”

35 SEC. 4105. 21ST CENTURY COMMUNITY LEARNING 36 CENTERS.

37 Part D of title IV, as redesignated by section 4103(a) of this Act, is amended—

1 (1) in section 4401, as redesignated by section 4103(a) of this Act—

2 (A) in subsection (a)—

3 (i) in the matter preceding paragraph (1)—

4 (I) by striking “to provide” and inserting “to assist States in providing”;
5 and

6 (II) by striking “communities” and inserting “eligible entities”;

7 (ii) in paragraph (1)—

8 (I) by inserting “students with before school, after school, or summer
9 learning” after provide;

10 (II) by striking “, particularly students”; and

11 (III) by striking the comma after “low-performing schools”;

12 (iii) in paragraph (2)—

13 (I) by inserting “who attend low-performing schools” after “offer
14 students”; and

15 (II) by striking “and” after the semicolon; and

16 (iv) by striking paragraph (3) and inserting the following:

17 “(3) significantly increase the number of hours in a regular school day, week, or year in
18 order to provide students with additional time for academic work and for additional subjects
19 and enrichment activities that increase student achievement and engagement; and

20 “(4) comprehensively redesign and implement an expanded school day, expanded school
21 week, or expanded school year schedule for all students in a high-need school, to provide
22 additional time for—

23 “(A) instruction in core academic subjects;

24 “(B) instruction in additional subjects and enrichment activities; and

25 “(C) teachers and staff to collaborate, plan, and engage in professional development
26 within and across grades and subjects.”; and

27 (B) in subsection (b)—

28 (i) in paragraph (1)—

29 (I) in the matter preceding subparagraph (A), by striking “that—” and
30 inserting “that provides 1 or more of the following”;

31 (II) in subparagraph (A)—

32 (aa) by striking “assists” and inserting “Before school, after school,
33 or summer learning programs that assist”;

34 (bb) by striking “(such as before and after school or during summer
35 recess)” after “not in session”; and

36 (cc) by striking “; and” and inserting a period; and

1 (III) by striking subparagraph (B) and inserting the following:
2 “(B) Expanded learning time programs that significantly increase the total number
3 of hours in a regular school day, week, or year, in order to provide students with the
4 greatest academic needs with—
5 “(i) additional time to participate in academic activities that—
6 “(I) are aligned with the instruction that such students receive during the
7 regular school day; and
8 “(II) are targeted to the academic needs of such students; and
9 “(ii) time to engage in enrichment and other activities that complement the
10 academic program and contribute to a well-rounded education, which may include
11 music and the arts, physical education, and experiential and work-based learning
12 opportunities.
13 “(C) Expanded learning time initiatives that use an expanded school day, expanded
14 school week, or expanded school year schedule to increase the total number of school
15 hours for the school year at a high-need school by not less than 300 hours and redesign
16 the school’s program in a manner that includes additional time—
17 “(i) for academic work, and to support innovation in teaching, in order to
18 improve the proficiency of participating students, particularly struggling students,
19 in core academic subjects;
20 “(ii) to advance student learning for all students in all grades;
21 “(iii) for additional subjects and enrichment activities that contribute to a
22 well-rounded education, which may include music and the arts, physical
23 education, and experiential and work-based learning opportunities; and
24 “(iv) for teachers to engage in collaboration and professional planning, within
25 and across grades and subjects.”;
26 (ii) by striking paragraphs (2) and (3) and inserting the following:
27 “(2) ELIGIBLE ENTITY.—
28 “(A) IN GENERAL.—The term ‘eligible entity’ means a partnership of—
29 “(i) 1 or more high-need local educational agencies; and
30 “(ii) 1 or more public or nonprofit organizations, including community-based
31 organizations, with a demonstrated record of success in designing and
32 implementing before school, after school, summer learning, or expanded learning
33 time activities.
34 “(B) SPECIAL RULE.—A State educational agency shall deem a local educational
35 agency applying for a grant under section 4204 without a partnering public or
36 nonprofit organization to be an eligible entity if the local educational agency
37 demonstrates that such agency is unable to partner with a public or nonprofit
38 organization in reasonable geographic proximity or of sufficient quality to meet the
39 requirements of this part.”; and

- 1 (iii) by redesignating paragraph (4) as paragraph (3);
2 (2) in section 4402, as redesignated by section 4103(a) of this Act—
3 (A) in subsection (a)—
4 (i) by striking “under section 4206” and inserting “to carry out this part”;
5 (ii) by striking paragraph (1); and
6 (iii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2),
7 respectively;
8 (B) in subsection (b)(1), by striking “under section 4206” and inserting “to carry out
9 this part”; and
10 (C) in subsection (c)—
11 (i) in paragraph (2)(B), by striking “responsible for administering youth
12 development programs and adult learning activities” and inserting “as
13 applicable”; and
14 (ii) in paragraph (3)—
15 (I) in subparagraph (A)—
16 (aa) by inserting “comprehensive” after “Monitoring and”; and
17 (bb) by inserting “(directly, or through a grant or contract) of the
18 effectiveness” after “evaluation”;
19 (II) in subparagraph (B)—
20 (aa) by inserting “professional development,” after “training,”; and
21 (bb) by striking the period at the end and inserting “to eligible
22 entities, relating to activities such as—”
23 (AA) “coordinating activities carried out under this part with other
24 Federal, State, and local programs so as to implement high-quality
25 programs; and”
26 (BB) “aligning activities carried out under this part with State
27 academic content standards.”; and
28 (III) by striking subparagraphs (C) and (D);
29 (3) in section 4403(a), as redesignated by section 4103(a) of this Act—
30 (A) in paragraph (3), by striking “serve—” through “subparagraph (A)” and
31 inserting “serve students who primarily attend high-need schools and schools that are
32 identified through a State’s accountability and improvement system under subsection
33 (b) or (c)(2) of section 1116”;
34 (B) in paragraph (4)—
35 (i) by inserting “the State’s rigorous, high-quality competition for grants under
36 section 4204, including” after “describes”; and

1 (ii) by striking “, which shall include” through “standards”;

2 (C) by striking paragraph ~~(7)~~(5) and inserting the following:

3 **“(5) describes how the State educational agency will ensure that awards made under**
4 **this part are of sufficient size and scope to support high-quality, effective programs**
5 **that are consistent with the purpose of this part;”;**

6 **(D) by striking paragraph (7) and inserting the following:**

7 “(7) describes how the State educational agency will assist eligible entities in
8 coordinating funds received through the grant with other funding streams, in order to
9 support a coherent and sustainable approach to funding and implementing programs and
10 activities under this part and other programs under this Act;”;

11 ~~(D)~~(E) in paragraph (8)(A), by striking “not less than 3 years and not more than 5
12 years” and inserting “not more than 3 years, and may extend a grant for an additional
13 period of not more than 2 years if the eligible entity is achieving the intended outcomes
14 of the grant”;

15 ~~(E)~~(F) in paragraph (10), by inserting “, if any,” after “transportation needs”;

16 ~~(F)~~(G) in paragraph (11), by striking “before and after school (or summer school)
17 programs, the heads of the State health and mental health agencies or their designees,”
18 and inserting “before school, after school, summer learning, and expanded learning
19 time programs and initiatives,”;

20 ~~(G)~~(H) in paragraph (12), by striking “before and after school” and inserting “before
21 school, after school, summer learning, and expanded learning time”; and

22 ~~(H)~~(I) in paragraph (13)—

23 (i) in the matter preceding subparagraph (A), by inserting “, on a regular basis,
24 and not less than every 3 years after the receipt of the grant” after “will evaluate”;

25 (ii) by striking subparagraph (A) and inserting the following:

26 “(A) a description of the benchmarks and performance goals that will be used to
27 hold eligible entities accountable and to determine whether to provide eligible entities
28 receiving a grant under section 4204 with an additional 2-year period of grand funding
29 after the initial 3-year grant; and”;

30 (iii) in subparagraph (B), by striking “and” after the semicolon;

31 ~~(I)~~(J) in paragraph (14), by striking the period at the end and inserting “; and”; and

32 ~~(J)~~(K) by adding at the end the following:

33 “(15) contains an assurance that each eligible entity that applies for an award under
34 section 4204 shall have the flexibility to apply for funds to carry out programs described in
35 subparagraph (A), (B), or (C) of section 4201(b)(1).”;

36 (4) in section 4404, as redesignated by section 4103(a) of this Act—

37 (A) in subsection (b)(2)—

38 (i) by striking subparagraph (A) and inserting the following:

1 “(A) a description of the before school, after school, summer learning, or expanded
2 learning time activities to be funded, including—

3 “(i) research-based evidence demonstrating that the proposed program will
4 improve student achievement and engagement;

5 “(ii) as applicable, an explanation of how the program will offer students—

6 “(I) academic instruction that is aligned with the academic needs of the
7 students; and

8 “(II) engaging enrichment activities that are aligned with the
9 developmental needs and interests of the students, and that contribute to a
10 well-rounded education;

11 “(iii) an assurance that the program will take place in a safe learning
12 environment and an easily accessible facility;

13 “(iv) if applicable, a description of how students participating in the program
14 will travel safely to and from home; and

15 “(v) a description of how the eligible entity will disseminate information about
16 the program to the community in a manner that is understandable and
17 accessible;”;

18 (ii) in subparagraph (B)—

19 (I) by striking “activity” and inserting “program”; and

20 (II) by adding at the end “and help keep students on track to college and
21 career readiness”;

22 (iii) by striking subparagraphs (J),(L); and (M);

23 (iv) by striking subparagraph (E) and inserting the following:

24 “(E) as applicable, an explanation of how the program will offer students—

25 “(i) academic instruction that is aligned with the academic needs of the
26 students; and

27 “(ii) engaging enrichment activities that are aligned with the developmental
28 needs and interests of the students, and that contribute to a well-rounded
29 education;”;

30 (v) in subparagraph (F), by striking “schools eligible” and all that follows
31 through “such students” and inserting “high-need schools and schools that are
32 identified through a State’s accountability and improvement system under
33 subsections (b) or (c)(2) of section 1116”;

34 (vi) by striking subparagraph (H) and inserting the following:

35 “(H) a description of the capacity of the eligible entity partners described in section
36 4201(b)(2)(A)(ii) to successfully implement the program, including the quality and
37 experience of the management team of such partners;”;

38 (vii) in subparagraph (I)—

1 (I) by striking “in the center”; and

2 (II) by striking “(including the needs of working families)”;

3 ~~and~~ **(viii) by striking subparagraph (J) and inserting the following:**

4 ~~(viii) by redesignating subparagraphs (K) and (N) as subparagraphs (J) and (K),~~
5 ~~respectively;~~ **“(J) a description of the education and training activities that**
6 **program staff and teachers, as applicable, have received or will receive to**
7 **effectively administer the proposed program;”;** and

8 **(ix) by redesignating subparagraph (N) as subparagraph (L);**

9 (B) by striking subsections (d) and (h) and redesignating subsections (e) through (g)
10 and (i) as subsections (d) through (f) and (g), respectively;

11 (C) in subsection (f), as redesignated by subparagraph (B), by striking “not less than
12 3 years and not more than 5 years” and inserting “not more than 3 years, and may be
13 extended for an additional period of not more than 2 years, if an eligible entity is
14 achieving the intended outcomes of the grant.”;

15 (D) by striking subsection (g), as redesignated by subparagraph (B), and inserting
16 the following:

17 “(g) Priority.—

18 “(1) IN GENERAL.—In awarding grants under this part, a State educational agency shall
19 give priority to high-quality applications that—

20 “(A) are based on strong research evidence for improving student learning, as
21 measured by student achievement and other measures of student learning and
22 development that are appropriate for, and aligned to, the program’s goals and design;

23 “(B) propose to serve the highest percentage of students from low-income families;

24 “(C) include a partnership agreement, signed by each partner of the eligible entity,
25 that—

26 “(i) shows that the staff of each partner are committed to work collaboratively
27 to implement the proposed activities, including through coordinated planning,
28 collaborative implementation, and joint professional development and training
29 opportunities;

30 “(ii) sets clear expectations, including measurable goals for each partner;

31 “(iii) requires the collection and reporting of data about the outcomes of
32 programs funded under this part, in order to monitor progress toward achieving
33 such goals and inform implementation; and

34 “(iv) specifies how student information will be shared to advance the goals of
35 the proposed program and activities, including student academic achievement and
36 engagement data, as appropriate and in accordance with Federal, State, and local
37 laws; and

38 “(D) are submitted by eligible entities that will provide matching funds to carry out
39 the activities supported by the grant, as described in paragraph (2).

1 “(2) MATCHING FUNDS.—

2 “(A) AMOUNT OF MATCHING FUNDS.—In awarding grants under this section, a State
3 educational agency shall give priority to applications from eligible entities that, in
4 addition to meeting the requirements of paragraph (1), provide matching funds in an
5 amount not less than—

6 “(i) for the first year of an initial grant under this section, 10 percent of the cost
7 of the activities;

8 “(ii) for the second year of such grant, 20 percent of the cost of the activities;

9 “(iii) for the third year of such grant, and for the first year of a subsequent grant
10 under this section, 30 percent of the cost of the activities; and

11 “(iv) for the second or any succeeding year of such subsequent grant, 40
12 percent of the cost of the activities.

13 “(B) CASH OR IN KIND.—The eligible entity may provide the matching funds
14 described in subparagraph (A) in cash or in kind, fairly evaluated, including plant,
15 equipment, or services, but may not provide more than 50 percent of the matching
16 funds in kind.

17 “(C) WAIVER.—A State educational agency may waive all or part of the matching
18 requirement for priority described in this paragraph, on a case-by-case basis, upon a
19 showing of serious financial hardship.”;

20 (5) in section 4405, as redesignated by section 4103(a) of this Act—

21 (A) in subsection (a)—

22 (i) in the matter preceding paragraph (1), by striking “before and after school
23 activities (including during summer recess periods)” and inserting “before school,
24 after school, summer learning, or expanded learning time activities”;

25 (ii) by redesignating paragraphs (1) through (12) as paragraphs (2) through
26 (13), respectively;

27 (iii) by inserting before paragraph (2), as redesignated by clause (ii), the
28 following:

29 “(1) high-quality expanded learning time programs or initiatives;”; and

30 (iv) in paragraph (6), as redesignated by clause (ii), by striking “(including
31 those provided by senior citizen volunteers)”;

32 (B) by striking subsection (b) and inserting the following:

33 “(b) Performance Indicators.—Each State educational agency that receives a grant under this
34 part shall collect, and annually report to the Secretary, information on the following performance
35 indicators, disaggregated, as appropriate, by the subgroups described in section
36 1111(a)(2)(B)(ix):

37 “(1) The average time added to the school day, school week, or school year, if applicable.

38 “(2) Student participation and attendance rates for the programs funded under this part.

1 “(3) Student achievement in core academic subjects and high school graduation rates, as
2 applicable, for students who participate in such programs.”.

3 **SEC. 4106. PROMISE NEIGHBORHOODS.**

4 Title IV (20 U.S.C. 7101 et seq.) is amended by inserting after part D, as redesignated by
5 section 4103(a) of this Act, the following:

6 **“PART E—PROMISE NEIGHBORHOODS**

7 **“SEC. 4501. SHORT TITLE.**

8 “This part may be cited as the ‘Promise Neighborhoods Act of 2011’.

9 **“SEC. 4502. PURPOSE.**

10 “The purpose of this part is to significantly improve academic outcomes, including school
11 readiness, high school graduation, and college and career readiness of children living in our
12 Nation’s most distressed neighborhoods, by using data-driven decisionmaking and existing
13 external resources to provide children in such neighborhoods with access to a community-based
14 continuum of high-quality pipeline services that include access to early learning opportunities,
15 high-quality schools, and evidence-based practices that address the needs of such children from
16 birth through college and career.

17 **“SEC. 4503. DEFINITIONS.**

18 “In this part:

19 “(1) COLLEGE AND CAREER READINESS.—The term ‘college and career readiness’ means
20 the level of preparation a student needs in order to meet the State academic content and
21 achievement standards under section 1111(a)(1).

22 “(2) COMMUNITY OF PRACTICE.—The term ‘community of practice’ means a group of
23 entities that interact regularly to share best practices to address 1 or more persistent
24 problems, or improve practice with respect to such problems, in 1 or more neighborhoods.

25 “(3) EXPANDED LEARNING TIME.—The term ‘expanded learning time’ means the activities
26 and programs described in subparagraphs (A), (B), and (C) of section 4201(b)(1).

27 “(4) FAMILY AND STUDENT SUPPORTS.—The term ‘family and student supports’
28 includes—

29 “(A) health programs (including both mental health and physical health services);

30 “(B) school-, public-, and child-safety programs;

31 “(C) programs that improve family stability;

32 “(D) workforce development programs (including those that meet local business
33 needs, such as internships and externships);

34 “(E) social service programs;

35 “(F) legal aid programs;

- 1 “(G) financial literacy education programs;
2 “(H) adult education and family literacy programs;
3 “(I) parent, family, and community engagement programs; and
4 “(J) programs that increase access to learning technology and enhance the digital
5 literacy skills of students.

6 “(5) INTEGRATED STUDENT SUPPORTS.—The term ‘integrated student supports’ means
7 services, supports, and community resources, which shall be offered through a site
8 coordinator for at-risk students, that have been shown by evidence-based research—

9 “(A) to increase academic achievement and engagement;

10 “(B) to support positive child and youth development; and

11 “(C) to increase student preparedness for success in college and the workforce.

12 “(6) NEIGHBORHOOD.—The term ‘neighborhood’ means a defined geographical area in
13 which there are multiple signs of distress, demonstrated by indicators of need, including
14 poverty, childhood obesity rates, academic failure, and rates of juvenile delinquency,
15 adjudication, or incarceration.

16 “(7) PIPELINE SERVICES.—The term ‘pipeline services’ ~~references~~ means a continuum of
17 supports and services for children from birth through college entry, college success, and
18 career attainment, including, at a minimum, strategies to address through services or
19 programs (including integrated student supports and wraparound services) the following:

20 “(A) Prenatal education and support for expectant parents.

21 “(B) High-quality early learning opportunities.

22 “(C) High-quality schools and out-of-school-time programs and strategies.

23 “(D) Support for a child’s transition to elementary school, between elementary
24 school ~~and to~~ middle school, from middle school to high school, and from high school
25 into and through college and into the workforce.

26 “(E) Parent, family, and community engagement.

27 “(F) Parent, family, and student supports.

28 “(G) Activities that support college and career readiness, including coordination
29 between such activities, such as—

30 “(i) assistance with college admissions, financial aid, and scholarship
31 applications, especially for low-income and low-achieving students; and

32 “(ii) career preparation services and supports and wrap-around services.

33 “Subpart 1—Promise Neighborhood Partnership Grants

34 “SEC. 4511. PROGRAM AUTHORIZED.

35 “(a) In General.—

36 “(1) PROGRAM AUTHORIZED.—From amounts appropriated to carry out this subpart, the

1 Secretary shall award grants, on a competitive basis, to eligible entities to implement a
2 comprehensive, evidence-based continuum of coordinated services and supports that
3 engages community partners to improve academic achievement, student development, and
4 college and career readiness, measured by common outcomes, by carrying out the activities
5 described in section 4514 in neighborhoods with high concentrations of low-income
6 individuals and persistently low-achieving schools or schools with an achievement gap.

7 “(2) SUFFICIENT SIZE AND SCOPE.—Each grant awarded under this subpart shall be of
8 sufficient size and scope to allow the eligible entity to carry out the purpose of this part.

9 “(b) Duration.—Grants awarded under this subpart shall be for a period of not more than 5
10 years and may be renewed for not more than 1 additional grant period.

11 “(c) Continued Funding.—Continued funding after the third year of the grant period shall be
12 contingent on the eligible entity’s progress toward meeting the performance metrics described in
13 section 4516(a).

14 “(d) Matching Requirement.—Each eligible entity receiving a grant under this subpart shall
15 contribute matching funds in an amount equal to not less than 100 percent of the amount of the
16 grant. Such matching funds shall come from non-Federal sources. The Secretary shall require
17 that a portion of such matching funds come from private sources.

18 “(e) Financial Hardship Waiver.—The Secretary may waive or reduce, on a case-by-case
19 basis, the matching requirement described in subsection (d), for a period of 1 year at a time, if
20 the eligible entity demonstrates significant financial hardship.

21 “SEC. 4512. ELIGIBLE ENTITIES.

22 “In this subpart, the term ‘eligible entity’ means not less than 1 nonprofit entity in partnership
23 with not less than 1 high-need local educational agency. Such partnership may also include any
24 of the following entities:

25 “(1) A charter school funded by the Bureau of Indian Education that is not a local
26 educational agency, except that such school shall not be the fiscal agent for the eligible
27 entity partnership.

28 “(2) An institution of higher education, as defined in section 102 of the Higher Education
29 Act of 1965 (20 U.S.C. 1002).

30 “(3) The office of a chief elected official of a unit of local government.

31 “(4) An Indian tribe or tribal organization, as defined under section 4 of the Indian
32 Self-Determination and Education Assistance Act (25 U.S.C. 450b).

33 “SEC. 4513. APPLICATION REQUIREMENTS.

34 “(a) In General.—To be eligible to receive a grant under this subpart, an eligible entity shall
35 submit an application to the Secretary at such time, in such manner, and containing such
36 information as the Secretary may require.

37 “(b) Contents of Application.—At a minimum, an application described in subsection (a) shall
38 include the following:

39 “(1) A plan to significantly improve the academic outcomes of children living in a

1 neighborhood that is served by the eligible entity, by providing a continuum of services and
2 supports that addresses the needs of children in the neighborhood, as identified by the needs
3 analysis described in paragraph (4) and supported by evidence-based practices.

4 “(2) A description of the neighborhood that the eligible entity will serve.

5 “(3) Measurable annual goals for the outcomes of the grant, including—

6 “(A) performance goals, in accordance with the metrics described in section
7 4516(a), for each year of the grant; and

8 “(B) projected participation rates and any plans to expand the number of children
9 served or the neighborhood proposed to be served by the grant program.

10 “(4) An analysis of the needs and assets of the neighborhood identified in paragraph (2),
11 including—

12 “(A) a description of the process through which the needs analysis was produced,
13 including a description of how parents, family, and community members were engaged
14 in such analysis;

15 “(B) an analysis of community assets, including programs already provided from
16 Federal and non-Federal sources, within, or accessible to, the neighborhood, including,
17 at a minimum—

18 “(i) early learning programs, including high-quality child care, Early Head Start
19 programs, Head Start programs, and prekindergarten programs;

20 “(ii) the availability of healthy food options and opportunities for physical
21 activity;

22 “(iii) existing family and student supports;

23 “(iv) locally owned businesses and employers; and

24 “(v) institutions of higher education;

25 “(C) evidence of successful collaboration within the neighborhood;

26 “(D) the steps that the eligible entity is taking, at the time of the application, to ~~meet~~
27 **address** the needs identified in the needs analysis; and

28 “(E) any barriers the eligible entity, public agencies, and other community-based
29 organizations have faced in meeting such needs.

30 “(5) A description of the data used to identify the pipeline services to be provided,
31 including data regarding—

32 “(A) school readiness;

33 “(B) academic achievement and college and career readiness;

34 “(C) graduation rates;

35 “(D) health indicators;

36 “(E) college enrollment, persistence, and completion rates, as available; and

37 “(F) conditions for learning, including school climate surveys, discipline rates, and

1 student attendance and incident data.

2 “(6) A description of the process used to develop the application, including the
3 involvement of family and community members.

4 “(7) An estimate of—

5 “(A) the number of children, by age, who will be served by each pipeline service;
6 and

7 “(B) for each age group, the percentage of children (of such age group), within the
8 neighborhood, who the eligible entity proposes to serve, disaggregated by each service,
9 and the goals for increasing such percentage over time.

10 “(8) A description of how the pipeline services will ~~coordinate~~ **facilitate the**
11 **coordination of** the following activities:

12 “(A) Providing high-quality early learning opportunities for children, beginning
13 prenatally and extending through grade 3, by—

14 “(i) supporting high-quality early learning opportunities that provide children
15 with access to programs that support the cognitive and developmental skills,
16 including social and emotional skills, needed for success in elementary school;

17 “(ii) providing for opportunities, through parenting classes, baby academies,
18 home visits, or other evidence-based strategies, for families and expectant parents
19 to—

20 “(I) acquire the skills to promote early learning, development, and health
21 and safety, including learning about child development and positive
22 discipline strategies (such as through the use of technology and public media
23 programming);

24 “(II) learn about the role of families and expectant parents in their child’s
25 education; and

26 “(III) become informed about educational opportunities for their children,
27 including differences in quality among early learning opportunities;

28 “(iii) ensuring successful transitions between early learning programs and
29 elementary school, including through the establishment of memoranda of
30 understanding between early learning providers and local educational agencies
31 serving young children and families;

32 “(iv) ensuring appropriate screening, diagnostic assessments, and referrals for
33 children with disabilities, developmental delays, or other special needs, consistent
34 with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.),
35 where applicable;

36 “(v) improving the early learning workforce in the community, including
37 through—

38 “(I) investments in the recruitment, retention, distribution, and support of
39 high-quality professionals, especially those with certification and experience
40 in child development;

1 “(II) the provision of high-quality teacher preparation and professional
2 development; or

3 “(III) the use of joint professional development for early learning
4 providers and elementary school teachers and administrators; and

5 “(vi) enhancing data systems and data sharing among the eligible entity,
6 partners, early learning providers, schools, and local educational agencies
7 operating in the neighborhood.

8 “(B) Supporting, enhancing, operating, or expanding rigorous and comprehensive
9 education reforms designed to significantly improve educational outcomes for children
10 and youth in early learning programs through grade 12, which may include—

11 “(i) operating schools or working in close collaboration with local schools to
12 provide high-quality academic programs, curricula, and integrated student
13 supports;

14 “(ii) providing expanded learning time; and

15 “(iii) providing programs and activities that ensure that students—

16 “(I) are prepared for the college admissions, scholarship, and financial aid
17 application processes; and

18 “(II) graduate college and career ready.

19 “(C) Supporting access to a healthy lifestyle, which may include—

20 “(i) the provision of high-quality and nutritious meals;

21 “(ii) access to programs that promote physical activity, physical education, and
22 fitness; and

23 “(iii) education to promote a healthy lifestyle and positive body image.

24 “(D) Providing social, health, and mental health services and supports, including
25 referrals for essential care and preventative screenings, for children, family, and
26 community members, which may include—

27 “(i) dental services;

28 “(ii) vision care; and

29 “(iii) ~~oral~~ **speech, language**, and auditory screenings and referrals.

30 “(E) Supporting students and family members as the students transition from early
31 learning programs into elementary school, from elementary school to middle school,
32 from middle school to high school, from high school into and through college and into
33 the workforce, including through ~~specialized resources~~ **evidence based strategies** to
34 address challenges that students may face as they transition, such as the following:

35 “(i) Early college high schools.

36 “(ii) Dual enrollment programs.

37 “(iii) Career academies.

- 1 “(iv) Counseling and support services.
- 2 “(v) Dropout prevention and recovery strategies.
- 3 “(vi) Collaboration with the juvenile justice system and reentry counseling for
4 adjudicated youth.
- 5 “(vii) Advanced Placement (AP) or International Baccalaureate (IB) programs.
- 6 “(viii) Teen parent classrooms.
- 7 “(ix) Graduation and career coaches.
- 8 “(9) A description of the strategies that will be used to provide pipeline services
9 (including a description of the process used to identify such strategies and the outcomes
10 expected and a description of which programs and services will be provided to children,
11 family members, community members, and children not attending schools or programs
12 operated by the eligible entity or its partner providers) to support the purpose of this part.
- 13 “(10) An explanation of the process the eligible entity will use to establish and maintain
14 family and community engagement.
- 15 “(11) An explanation of how the eligible entity will continuously evaluate and improve
16 the continuum of high-quality pipeline services, including—
- 17 “(A) a description of the metrics, consistent with section 4516(a), that will be used
18 to inform each component of the pipeline; and
- 19 “(B) the processes for using data to improve instruction, optimize integrated student
20 supports, provide for continuous program improvement, and hold staff and partner
21 organizations accountable.
- 22 “(12) An identification of the fiscal agent, which may be any entity described in section
23 4512 (not including paragraph (1) of such section).
- 24 “(13) A list of the non-Federal sources of funding that the eligible entity will secure to
25 comply with the matching funds requirement described in section 4511(d), in addition to
26 other programs from which the eligible entity has already secured funding, including those
27 funded by the Department or programs in the Department of Health and Human Services,
28 the Department of Housing and Urban Development, the Department of Justice, or the
29 Department of Labor.
- 30 “(c) Memorandum of Understanding.—An eligible entity, as part of the application described
31 in this section, shall submit a preliminary memorandum of understanding, signed by each partner
32 entity or agency. The preliminary memorandum of understanding shall describe, at a minimum—
- 33 “(1) each partner’s financial and programmatic commitment with respect to the strategies
34 described in the application, including an identification of the fiscal agent;
- 35 “(2) each partner’s long-term commitment to providing pipeline services that, at a
36 minimum, accounts for the cost of supporting the continuum of supports and services
37 (including a plan for how to support services and activities after grant funds are no longer
38 available) and potential changes in local government;
- 39 “(3) each partner’s mission and the plan that will govern the work that the partners do
40 together;

1 “(4) each partner’s long-term commitment to supporting the continuum of supports and
2 services through data collection, monitoring, reporting, and sharing; and

3 “(5) each partner’s commitment to ensure sound fiscal management and controls,
4 including evidence of a system of supports and personnel.

5 “SEC. 4514. USE OF FUNDS.

6 “(a) In General.—Each eligible entity that receives a grant under this subpart shall use the
7 grant funds to—

8 “(1) implement the pipeline services, as described in the application under section 4513;
9 and

10 “(2) continuously evaluate the success of the program and improve the program based on
11 data and outcomes.

12 “(b) Special Rules.—

13 “(1) FUNDS FOR PIPELINE SERVICES.—Each eligible entity that receives a grant under this
14 subpart shall, in the second year of the grant and each subsequent year, including each year
15 of a renewal grant, use not less than 80 percent of grant funds to carry out the activities
16 described in subsection (a)(1).

17 “(2) OPERATIONAL FLEXIBILITY.—Each eligible entity that operates a school in a
18 neighborhood served by a grant program under this subpart shall provide such school with
19 the operational flexibility, including autonomy over staff, time, and budget, needed to
20 effectively carry out the activities described in the application under section 4513.

21 “SEC. 4515. REPORT AND PUBLICLY AVAILABLE DATA.

22 “(a) Report.—Each eligible entity that receives a grant under this subpart shall prepare and
23 submit an annual report to the Secretary, which shall include—

24 “(1) information about the number and percentage of children in the neighborhood who
25 are served by the grant program, including a description of the number and percentage of
26 children accessing each of the pipeline services;

27 “(2) data (disaggregated by the categories described in section 1111(a)(2)(B)(ix)) about
28 the grant program’s success in—

29 “(A) narrowing achievement gaps and improving student achievement;

30 “(B) ensuring school readiness and healthy socio-emotional development;

31 “(C) increasing student persistence;

32 “(D) increasing student attendance, and decreasing incidences of violence,
33 suspension, and expulsion;

34 “(E) improving conditions for learning, as measured by a school climate survey; and

35 “(F) increasing secondary school graduation rates and college entry;

36 “(3) information relating to the performance metrics described in section 4516(a); and

37 “(4) other indicators that may be required by the Secretary, in consultation with the

1 Director of the Institute of Education Sciences.

2 “(b) Publicly Available Data.—Each eligible entity that receives a grant under this subpart
3 shall make publicly available, including through electronic means, the information described in
4 subsection (a). To the extent practicable, such information shall be provided in a form and
5 language accessible to parents and families in the neighborhood, and such information shall be a
6 part of statewide longitudinal data systems.

7 **“SEC. 4516. ACCOUNTABILITY.**

8 “(a) Performance Metrics.—The Secretary shall establish performance metrics relevant to the
9 evaluation of the grant program under this subpart.

10 “(b) Evaluation.—The Secretary shall evaluate the implementation and impact of the activities
11 funded under this subpart, in accordance with section 9601.

12 **“Subpart 2—Promise School Grants**

13 **“SEC. 4521. PROGRAM AUTHORIZED.**

14 “(a) In General.—

15 “(1) PROGRAM AUTHORIZED.—From amounts appropriated to carry out this subpart, the
16 Secretary shall award grants, on a competitive basis, to eligible entities to implement
17 school-centered, evidence-based strategies and integrated student supports that leverage
18 community partnerships to improve student achievement and child and youth development
19 by carrying out the activities described in section 4524 in schools with high concentrations
20 of low-income children.

21 “(2) SUFFICIENT SIZE AND SCOPE.—Each grant awarded under this subpart shall be of
22 sufficient size and scope to allow the eligible entity to carry out the purpose of this part.

23 “(b) General Provisions.—The requirements of subsections (b), (c), (d), and (e) of section
24 4511 and section 4514(b) shall apply to a grant under this subpart in the same manner as such
25 subsections apply to a grant under subpart 1, except that the performance metrics used for section
26 4511(c) shall be the metrics under section 4526(a).

27 **“SEC. 4522. DEFINITION OF ELIGIBLE ENTITY.**

28 “In this subpart, the term ‘eligible entity’ means—

29 “(1) not less than 1 high-need local educational agency (including a charter school that is
30 a local educational agency) in partnership with 1 or more nonprofit entities or institutions of
31 higher education; or

32 “(2) a school funded by the Bureau of Indian Education that falls under the definition of a
33 local educational agency ~~under section 9101~~ in partnership with 1 or more nonprofit entities
34 or institutions of higher education.

35 **“SEC. 4523. APPLICATION REQUIREMENTS; PRIORITY.**

36 “(a) In General.—To be eligible to receive a grant under this subpart, an eligible entity shall
37 submit an application to the Secretary at such time, in such manner, and containing such

1 information as the Secretary may require.

2 “(b) Contents of Application.—At a minimum, the application described in subsection (a)
3 shall include the following:

4 “(1) A description of the local educational agency, schools, and students that will be
5 served by the ~~grant~~ **subgrant** program.

6 “(2) A description of the steps that the eligible entity is taking—

7 “(A) to meet the needs identified in the analysis described in paragraph (4); and

8 “(B) to remove any barriers that the eligible entity has identified in meeting such
9 needs.

10 “(3) The designation of a site coordinator, with appropriate qualifications and appropriate
11 time, autonomy, and support to provide—

12 “(A) leadership in building relationships and establishing and sustaining
13 partnerships that support school improvement, school turnaround efforts in accordance
14 with section 1116(c), increases in student achievement, positive child and youth
15 development, and parent, family, and community engagement; and

16 “(B) effective coordination of student services at all stages of the continuum of
17 high-quality pipeline services.

18 “(4) An analysis of the needs and assets of the schools and communities that will be
19 assisted under this subpart. Such analysis shall include—

20 “(A) student data, including information about—

21 “(i) school readiness;

22 “(ii) **academic** achievement;

23 “(iii) credit accumulation;

24 “(iv) grade-to-grade promotion;

25 “(v) graduation;

26 “(vi) attendance; and

27 “(vii) discipline; and

28 “(B) information about the assets described in section 4513(b)(4)(B) with respect to
29 such schools and communities.

30 “(5) An explanation of how the eligible entity and its program partners will use
31 evidence-based practice, data, and research to leverage partnerships to implement integrated
32 student supports and wraparound services to—

33 “(A) address the needs identified in paragraph (4);

34 “(B) encourage parents, family members, and community members to—

35 “(i) participate in the education of their children and become an integral part of
36 the school culture, school improvement, and decisionmaking; and

1 “(ii) promote strategies that include the educational and financial literacy
2 information that is necessary to increase access to, and success in, postsecondary
3 education;

4 “(C) enable teachers and administrators, including early learning providers, to
5 complement and enrich efforts to help children—

6 “(i) achieve learning gains;

7 “(ii) prepare for graduation; and

8 “(iii) plan for the future, including preparing for college and careers; and

9 “(D) coordinate and leverage other programs that serve children, the schools served
10 by the grant, and the neighborhood.

11 “(6) An explanation of the extent to which the eligible entity and its program partners
12 will serve or involve children residing in the neighborhood regardless of whether such
13 children attend a school served by the grant (including by, as appropriate, providing
14 high-quality early learning opportunities for children, beginning at birth and extending
15 through grade 3) by—

16 “(A) carrying out the activities described in section 4513(b)(8)(A), as appropriate;
17 and

18 “(B) carrying out the activities described in subparagraphs (B) through (E) of section
19 4513(b)(8).

20 “(7) A description of the capacity of the eligible entity for measuring student outcomes
21 and school-specific outcomes.

22 “(8) A description of how the strategies supported with funds under this subpart will be—

23 “(A) coordinated with other programs and strategies carried out by the local
24 educational agency; and

25 “(B) to the greatest extent practicable, coordinated with other agencies, such as
26 agencies that provide reentry services to adjudicated youth.

27 “(9) A description of the strategy the eligible entity will use to—

28 “(A) support family and community engagement; and

29 “(B) make schools the centers of their respective communities.

30 “(10) A list of the non-Federal sources of funding that the eligible entity will secure to
31 comply with the matching funds requirement described in section 4511(d), in addition to
32 other programs the eligible entity has already secured funding from, including those funded
33 by the Department, or programs in the Department of Health and Human Services, the
34 Department of Housing and Urban Development, the Department of Justice, or the
35 Department of Labor.

36 “(c) Memorandum of Understanding.—An eligible entity, as part of the application described
37 in this section, shall submit a preliminary memorandum of understanding that meets the
38 requirements of section 4513(c).

39 “(d) Priority.—In awarding grants under this subpart, the Secretary shall give priority to

1 applicants that—

2 “(1) propose to provide a continuum of high-quality education and student support
3 services for children beginning in prekindergarten and extending through high school
4 graduation;

5 “(2) propose to include significant investments in high-quality early learning programs,
6 consistent with subsection (b)(6)(A); and

7 “(3) provide schools served by the grant with the operational flexibility, including
8 autonomy over staff, time, and budget, needed to effectively carry out the activities
9 described in the application under this section.

10 “SEC. 4524. USE OF FUNDS.

11 “Each eligible entity that receives a grant under this subpart shall use the grant funds to—

12 “(1) implement the activities described in the application under section 4523; and

13 “(2) continuously evaluate the success of the grant program and improve the grant
14 program based on data and outcomes.

15 “SEC. 4525. REPORT AND PUBLICLY AVAILABLE DATA.

16 “(a) Report.—Each eligible entity that receives a grant under this subpart shall prepare and
17 submit an annual report to the Secretary, which shall include—

18 “(1) information about the number and percentage of children served by the grant
19 program, disaggregated the subgroups described in section 1111(b)(2)(B)(ix);

20 “(2) data about the grant program’s success in—

21 “(A) narrowing achievement gaps;

22 “(B) ensuring school readiness and healthy socio-emotional development;

23 “(C) improving academic achievement;

24 “(D) increasing student persistence in elementary school and secondary school;

25 “(E) increasing on-time secondary school graduation rates and college entry; and

26 “(F) increasing student attendance and decreasing incidents of violence, suspension,
27 and expulsion; and

28 “(3) other indicators that may be required by the Secretary, in consultation with the
29 Director of the Institute of Education Sciences.

30 “(b) Publicly Available Data.—Each eligible entity that receives a grant under this subpart
31 shall make publicly available, including through electronic means, the information described in
32 subsection (a). To the extent practicable, such information shall be provided in a form and
33 language accessible to parents and families in the neighborhood.

34 “SEC. 4526. ACCOUNTABILITY.

35 “(a) Performance Metrics.—The Secretary shall establish performance metrics relevant to the
36 evaluation of the grant program under this subpart.

1 “(b) Evaluation.—The Secretary shall evaluate the implementation and impact of the activities
2 funded under this subpart, in accordance with section 9601.

3 “Subpart 3—General Provisions

4 “SEC. 4531. NATIONAL ACTIVITIES.

5 “From the amounts appropriated to carry out this part for a fiscal year, in addition to the
6 amounts that may be reserved in accordance with section 9601, the Secretary may reserve not
7 more than 5 percent for national activities, which may include—

8 “(1) research on the activities carried out under subparts 1 and 2;

9 “(2) identification and dissemination of best practices;

10 “(3) technical assistance;

11 “(4) professional development; and

12 “(5) other activities consistent with the purpose of this part.”.

13 SEC. 4107. PARENT AND FAMILY INFORMATION AND 14 RESOURCE CENTERS.

15 Title IV (20 U.S.C. 7101 et seq.) is amended by inserting after part E, as added by section
16 4106 of this Act, the following:

17 “PART F—PARENT AND FAMILY INFORMATION AND 18 RESOURCE CENTERS

19 “SEC. 4601. PURPOSE.

20 “The purpose of this part is to increase and enhance parent and family engagement in
21 education by—

22 “(1) providing support and technical assistance to State educational agencies;

23 “(2) supporting a community of practice related to effective parent and family
24 engagement strategies and practices; and

25 “(3) as appropriate, providing information and training to local educational agencies,
26 schools, parents and families, and community members.

27 “SEC. 4602. DEFINITION OF ELIGIBLE ENTITY.

28 “In this part, the term ‘eligible entity’ means—

29 “(1) a nonprofit organization (including a statewide nonprofit organization); or

30 “(2) a consortium consisting of a nonprofit organization (including a statewide nonprofit
31 organization) and a State educational agency or local educational agency.

32 “SEC. 4603. GRANTS AUTHORIZED.

1 “(a) Parent and Family Information and Resource Centers.—The Secretary is authorized to
2 award grants, on a competitive basis, to eligible entities to enable such eligible entities to operate
3 State parent and family information and resource centers that—

4 “(1) assist the State educational agency in identifying, implementing, and replicating
5 effective evidence-based parent, family, and community engagement strategies, including
6 assisting the State educational agency in carrying out parent and family engagement
7 strategies that are funded under section 1118 and other provisions of this Act;

8 “(2) provide technical assistance, training, information, and support, as appropriate
9 (including support in turning around schools), to, at a minimum, high-need schools and
10 schools that are served by high-need local educational agencies; and

11 “(3) strengthen partnerships among parents, family members, community-based
12 organizations (including faith-based organizations), schools, local educational agencies,
13 employers, and other appropriate community members who are committed to improving
14 and enhancing parent, family, and community engagement in order to improve student
15 achievement and support positive child development.

16 “(b) Duration.—Grants awarded under this part shall be for a period of 5 years.

17 “(c) Geographic Distribution.—In awarding grants under this part, the Secretary shall ensure
18 that not less than 1 grant is awarded to an eligible entity in each State.

19 “(d) Priority.—In awarding grants under this part, the Secretary shall give priority to
20 applications from eligible entities that have a demonstrated record of effectiveness in increasing
21 and enhancing the engagement of parents and families whose children attend a high-need school
22 or a school that is served by a high-need local educational agency.

23 “SEC. 4604. APPLICATIONS.

24 “(a) Submission.—Each eligible entity that desires a grant under this part shall submit an
25 application to the Secretary at such time, in such manner, and accompanied by such information
26 as the Secretary may require.

27 “(b) Assurances.—Each application submitted under subsection (a) shall include, at a
28 minimum, an assurance that the eligible entity will—

29 “(1)(A) be governed by a board of directors, of which not less than 50 percent is
30 comprised of members who are—

31 “(i) parents or family members of school-aged children in the State that the eligible
32 entity serves, including educationally and economically disadvantaged parents; and

33 “(ii) community stakeholders who are committed to improving schools and
34 increasing parent and family engagement; or

35 “(B) be an organization or consortium that represents the interests of parents and family
36 members of school-aged children;

37 “(2) use not less than 75 percent of the funds received under this part for each fiscal year
38 to serve areas with a demonstrated high concentration of low-income families;

39 “(3) reserve not less than 20 percent of the funds received under this part for each fiscal

1 year to establish, expand, or operate parent education programs for parents whose children
2 attend early childhood education and care programs;

3 “(4) operate a parent and family information and resource center of sufficient size, scope,
4 and quality to effectively carry out the purpose of this part;

5 “(5) ensure that parents and family members, including economically disadvantaged
6 parents and family members with children who attend high-need schools or schools that are
7 served by high-need local educational agencies, have access to leadership development
8 training and other evidence-based strategies that provide the skills and resources parents and
9 family members need to support school improvement, increase student achievement, and
10 promote positive student development; and

11 “(6) demonstrate to the Secretary that a portion of the services provided by the eligible
12 entity under the grant is supported through non-Federal contributions, which contributions
13 may be in cash or in kind.

14 “(c) Contents.—In addition to the requirements described in subsection (b), each application
15 submitted under subsection (a) shall, at a minimum—

16 “(1) describe how the eligible entity will serve both urban and rural areas throughout the
17 State that is served by the eligible entity;

18 “(2) demonstrate the eligible entity’s record of effectiveness in carrying out parent and
19 family engagement activities, including the provision of high-quality technical assistance to
20 State educational agencies and local educational agencies;

21 “(3) describe the process through which the eligible entity will—

22 “(A) leverage relationships with, and collect and exchange information among,
23 partners; and

24 “(B) disseminate information about evidence-based best practices to support parent
25 and family engagement strategies;

26 “(4) describe the eligible entity’s strategy for serving parents and family members of
27 children in the area served by the eligible entity, including parents and family members of
28 students who are served by high-need local educational agencies;

29 “(5) describe how the eligible entity will assist the State educational agency in effectively
30 supporting high-need local educational agencies in—

31 “(A) increasing parent and family member understanding of, and opportunities to
32 develop the knowledge and skills to engage as full partners in, supporting academic
33 achievement, child development, and school improvement; and

34 “(B) employing evidence-based strategies to—

35 “(i) increase the participation of economically disadvantaged and English
36 learner parents and family members in school activities; and

37 “(ii) improve parent and family engagement strategies in low-performing
38 schools served by high-need local educational agencies; and

39 “(6) identify the Federal, State, and local services and programs that prepare children to
40 be ready for institutions of higher education and careers with which the eligible entity will

1 coordinate, including—

2 “(A) programs supported under this Act;

3 “(B) violence prevention programs;

4 “(C) programs that serve at-risk or out-of-school youth;

5 “(D) nutrition programs;

6 “(E) housing programs;

7 “(F) Head Start and other early childhood care and education programs;

8 “(G) adult education and literacy activities (as defined in section 203 of the Adult
9 Education and Family Literacy Act); and

10 “(H) workforce development programs.

11 “SEC. 4605. USES OF FUNDS.

12 “(a) Required Activities.—Each eligible entity that receives a grant under this part shall use
13 such grant funds to provide services to parents, family members, educators, and community
14 members and to assist State educational agencies, local educational agencies, and, where
15 applicable, districtwide parent advisory committees in supporting parent and family engagement
16 in education by carrying out the following activities:

17 “(1) Providing technical assistance to State educational agencies in—

18 “(A) reviewing and responding to local parent and family engagement plans
19 **described in section 1118(a)** (including, at a minimum, such plans submitted by
20 high-need local educational agencies) in order to support evidence-based strategies and
21 best practices in parent and family engagement;

22 “(B) the implementation of Federal and State laws, regulations, and guidance
23 relating to parent and family engagement;

24 “(C) the implementation or replication of statewide evidence-based programs and
25 strategies, especially for parents who are educationally and economically
26 disadvantaged; and

27 “(D) applicable evaluation, reporting, and accountability processes.

28 “(2) Obtaining and disseminating information about the range of options, programs,
29 services, and resources (including curricula) that are available at the national level, the State
30 level, and the local level to assist school and local educational agency personnel in
31 implementing evidence-based parent and family engagement strategies.

32 “(3) Coordinating parent and family engagement strategies with relevant Federal, State,
33 and local services and programs.

34 “(4) Working with individuals and organizations with expertise in identifying and
35 implementing evidence-based practices to improve parent and family engagement.

36 “(5) Coordinating and integrating early care and education programs with school-age
37 programs, especially those programs focusing on supporting the transition of young children
38 into kindergarten through grade 3, such as by increasing awareness of school readiness

1 expectations among family and community members.

2 “(6) Implementing parent institutes or other leadership development strategies to ensure
3 that parents and family members have the skills and resources needed to understand student
4 and school data in order to make decisions, effectively communicate with school officials
5 and educators, support school improvement, and increase student achievement.

6 “(b) Permissive Activities.—In addition to the activities required under subsection (a), each
7 eligible entity that receives a grant under this part may use such grant funds to carry out the
8 following activities:

9 “(1) Assisting parents and family members in the State to participate effectively in their
10 children’s education through the provision of direct services to parents and family members.

11 “(2) Developing and disseminating templates for schools and local educational agencies
12 to use to provide information about curricula, academic expectations, academic
13 assessments, and the results of academic assessments to family members in a manner and a
14 language that such family members can understand.

15 “(3) Providing training, information, and support to organizations that support
16 partnerships among schools, parents, family members, and districtwide parent advisory
17 committees, as applicable.

18 “(4) Providing professional development to school and local educational agency staff
19 (which may be provided jointly to educators and family members) to assist school and
20 agency staff in developing and implementing strategies to increase and strengthen ongoing
21 communication with parents and family members, including professional development
22 opportunities that prepare teachers to have more focused, goal-oriented, and reciprocal
23 parent-teacher conferences.

24 “SEC. 4606. ADMINISTRATIVE PROVISIONS.

25 “(a) Matching Funds for Grant Renewal.—For each fiscal year after the first fiscal year for
26 which an eligible entity receives assistance under this part, the eligible entity shall demonstrate
27 that a portion of the services provided by the eligible entity is supported through non-Federal
28 contributions, which contributions may be in cash or in kind.

29 “(b) Performance Accountability.—

30 “(1) PERFORMANCE INDICATORS.—Each eligible entity receiving a grant under this part
31 shall submit to the Secretary an annual report regarding the parent and family information
32 and resource centers assisted under this part. Such report shall be made publicly available,
33 including through electronic means, and shall include, at a minimum, a description of how
34 each parent and family information and resource center has performed with respect to the
35 following indicators:

36 “(A) The number of local educational agencies or other entities that received
37 assistance or support in the previous academic year.

38 “(B) The number of parents and family members whose children participated in the
39 previous academic year in programs, activities, or strategies supported by the parent
40 and family information and resource center, and—

1 “(i) the number of such parents whose children are eligible to be counted under
2 section 1124(c)(1)(A);

3 “(ii) the number of such parents whose children are English learners; and

4 “(iii) the number of such parents who are parents of children with disabilities.

5 “(C) The outcomes directly attributable to the provision of assistance or support
6 provided by the parent and family information and resource center, such as increased
7 parent and family member participation in school planning activities, parent-teacher
8 conferences, or the local educational agency budgeting process.

9 “(D) Other evidence-based indicators that the Secretary may reasonably require.

10 “(2) PERFORMANCE GOALS.—

11 “(A) IN GENERAL.—Each eligible entity that is awarded a grant under this part shall
12 establish, in consultation with the Secretary, annual performance goals for each of the
13 indicators described in paragraph (1). Such performance goals shall be made publicly
14 available, including through electronic means.

15 “(B) TERMINATION.—If an eligible entity receiving grant funds under this part does
16 not meet the performance goals established under this paragraph for 2 consecutive
17 years, after the provision of technical assistance in the second consecutive year, the
18 Secretary shall terminate the grant and conduct a new competition for the grant.

19 “(C) LOSS OF ELIGIBILITY.—If an eligible entity has received a grant under this part
20 and such grant has been terminated in accordance with subparagraph (B), the eligible
21 entity shall not be eligible to participate in future grant competitions, or receive grant
22 funds, under this part.

23 “(3) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to each
24 eligible entity receiving a grant under this part that does not meet the performance goals
25 established under paragraph (2).

26 “(c) Report to Congress.—The Secretary shall prepare and submit an annual report to the
27 authorizing committees, which shall—

28 “(1) include the information that each eligible entity submits to the Secretary in
29 accordance with subsection (b)(1);

30 “(2) summarize and synthesize the best practices collected by the parent and family
31 information and resource centers for increasing and improving parent, family, and
32 community engagement; and

33 “(3) be made available to the public (including through electronic means).

34 “(d) Rule of Construction.—Nothing in this part shall be construed to prohibit a parent and
35 family information and resource center from—

36 “(1) allowing its employees or agents to meet with family members at a site that is not on
37 school grounds; or

38 “(2) working with another public or nonprofit agency that serves children.

39 “(e) Parental Rights.—Notwithstanding any other provision of this part—

1 “(1) no individual (including a parent who educates a child at home, parent of a public
2 school student, or parent of a private school student) shall be required to participate in any
3 program of parent or family education or developmental screening under this part; and

4 “(2) a program or center assisted under this part shall not take any action that infringes in
5 any manner on the right of a parent to direct the education of such parent’s child.”.

6 SEC. 4108. PROGRAMS OF NATIONAL SIGNIFICANCE.

7 The Act (20 U.S.C. 6301 et seq.) is amended—

8 (1) by redesignating subpart 1 of part D of title V as part H of title IV, **and transferring**
9 **such part H so as to follow part G of title IV, as redesignated by section 2101(a) of this**
10 **Act;**

11 (2) in part H of title IV, as redesignated under paragraph (1), by striking the part heading
12 and inserting the following: “programs of national significance”;

13 (3) **by striking section 5414;**

14 (4) by redesignating sections 5411, 5412, **and 5413, and 5414** as sections 4801, 4802,
15 **and 4803, and 4804**, respectively;

16 ~~(4)(5)~~ in section 4801, as redesignated under paragraph ~~(3)~~—(4)—

17 ~~(A) in subsection (a);~~(A) **in subsection (a)**—

18 (i) by striking “challenging State academic content and student academic
19 achievement standards” and inserting “college and career ready academic content
20 standards and college and career ready student academic achievement standards”;
21 and

22 (ii) **by inserting “nonprofit” before “private”;** and

23 (B) by striking subsection (b), and inserting the following:

24 “(b) Uses of Funds.—A nonprofit entity receiving a grant under subsection (a) shall use the
25 grant funds to carry out 1 of the following activities:

26 “(1) Providing funding for economically disadvantaged students, including students from
27 military families and recent immigrants, and their teachers, to participate in programs based
28 in Washington, D.C. that increase civic responsibility and understanding of the Federal
29 Government among young people.

30 “(2) Developing, implementing, evaluating, and disseminating innovative, research-based
31 approaches to civic learning, which may include hands-on civic engagement activities, for
32 low-income elementary school and secondary school students that demonstrate innovation,
33 scalability, accountability, and a focus on underserved populations.

34 “(3) Supporting a national principal and teacher certification process that provides a
35 framework for measuring and improving teaching and instructional leadership with a focus
36 on educators working in schools that are eligible for funding under part A of title I,
37 including comprehensive rigorous teaching standards and assessment systems designed to
38 reward educator effectiveness and deliver high-quality professional development across all
39 academic subjects and grades.

1 “(4) Creating a national teacher corps of outstanding college graduates to teach in
2 underserved communities in order to—

3 “(A) increase the supply of effective teachers in low-income communities; and

4 “(B) provide and support the retention of teachers for high-need fields.

5 “(5) Supporting a national network of providers of high-quality, evidence-based
6 professional development in writing instruction for teachers across all academic subjects
7 and grades.

8 “(6) Encouraging parents and caregivers to read aloud to their children by supporting
9 programs through which, during pediatric exams, doctors and nurses train parents and
10 caregivers who may not be skilled readers.

11 “(7) Preparing young children from low-income families for reading success by the third
12 grade by—

13 “(A) distributing inexpensive books;

14 “(B) training volunteers to serve at-risk children;

15 “(C) developing motivational literacy activities for at-risk children; and

16 “(D) providing information on literacy resources, such as those provided by local
17 libraries and other community-based organizations.

18 “(8) Supporting **model projects and programs** that encourage ~~the involvement of~~ **in the**
19 **performing and visual arts, for—**

20 “(A) persons with disabilities ~~in the arts~~, by—

21 “(A)“(i) increasing access to all forms of the arts for all persons, including
22 those living with intellectual, physical, and sensory disabilities; and

23 “(B)“(ii) fostering a greater awareness of the need for arts programs for
24 individuals with disabilities; **and**

25 “(B) **children, youth, and educators.**

26
27 “(9) Implementing a coordinated program of scientifically based research, demonstration
28 projects, innovative strategies, and professional development for teachers and other
29 instructional leaders working in high-poverty schools to—

30 “(A) enhance the ability of educators to meet the special educational needs of gifted
31 and talented students, including high-ability students who have not been formally
32 identified as gifted; and

33 “(B) prioritize students who have been underrepresented in gifted education
34 programs, including students who are economically disadvantaged, of minority
35 backgrounds, English language learners, students with disabilities, and students in rural
36 communities.

37 “(10) Promoting gender equity in education by supporting educational agencies and
38 institutions in meeting the requirements of title IX of the Education Amendments of 1972

1 (20 U.S.C. 1681 et. seq.).

2 “(11) Other high quality, nationally significant programs that meet the purposes of this
3 Act.”;

4 ~~(5)~~(6) in section 4802(c), as redesignated under paragraph ~~(3)~~(4), by striking “and in
5 recognizing States, local educational agencies, and schools under section 5411(b)(3), only if
6 funds are used for such recognition programs”; and

7 ~~(6)~~(7) in section 4803, as redesignated under paragraph ~~(3)~~(4), by striking subsection (d).

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TITLE V—PROMOTING INNOVATION

PART A—RACE TO THE TOP

SEC. 5101. RACE TO THE TOP.

Part A of title V (20 U.S.C. 7201 et seq.) is amended to read as follows:

“PART A—RACE TO THE TOP

“SEC. 5101. PURPOSES.

“The purposes of this part are to provide incentives for States and high-need local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to—

“(1) significant improvements in outcomes for all students, including improvements in student readiness, student academic achievement, high school graduation rates, and rates of student enrollment, persistence, and completion in institutions of higher education; and

“(2) significant reductions in achievement gaps between the groups of students described in section 1111(a)(2)(B)(ix).

“SEC. 5102. RESERVATION OF FUNDS.

“From amounts made available to carry out this part for a fiscal year, the Secretary may reserve not more than 5 percent to carry out activities in accordance with this part related to technical assistance and outreach and dissemination.

“SEC. 5103. RACE TO THE TOP PROGRAM.

“(a) Program Authorized.—

“(1) IN GENERAL.—For each fiscal year for which funds are appropriated under this part and from such funds that not reserved under section 5102, the Secretary shall, in accordance with paragraph (2), determine the goals that are the greatest priority for the United States and award grants, through a grant competition, to eligible entities to enable the eligible entities to carry out comprehensive reforms and innovative strategies in furtherance of such goals.

“(2) SELECTION OF GOALS AND CATEGORIES OF ENTITIES.—

“(A) IN GENERAL.—The Secretary shall determine the priorities for grants awarded through a grant competition under this part by selecting in advance of the application period—

“(i) 1 or more categories of entities described in paragraph (3) that may apply for and receive the grants through such grant competition; and

“(ii) 1 or more goals described in paragraph (4) to be supported under the grants.

1 “(B) ANNOUNCEMENT.—The Secretary shall ensure that information regarding the
2 selections of goals and categories of entities for the grants under this part for an
3 upcoming grant competition is made widely available to eligible entities and that the
4 eligible entities will have sufficient time to prepare a grant application based on the
5 Secretary’s decisions for the upcoming grant competition.

6 “(3) ELIGIBLE ENTITIES.—The categories of entities that may be selected for grants under
7 this part are the following:

8 “(A) A State.

9 “(B) A high-need local educational agency.

10 “(C) A consortium of States.

11 “(D) A consortium of high-need local educational agencies.

12 “(4) EDUCATIONAL GOALS.—The goals that the Secretary shall select to support through
13 grants under this part are one or more of the following:

14 “(A) Increasing the access of children from low-income families to highly rated
15 teachers and school leaders, including by—

16 “(i) **developing and implementing a teacher and principal evaluation**
17 **system consistent with section 2301(b)(4);**

18 “(ii) improving the effectiveness of teachers (including early childhood ~~care-~~
19 ~~and education educators and care educators~~ and school leaders), including
20 through high-quality preparation, recruitment, professional development,
21 **evaluation**, and other personnel policies; and

22 ~~“(ii)“(iii)~~“(iii) ensuring that all teachers are prepared to effectively serve the needs
23 of students who are children with disabilities or English learners, particularly
24 through the general education curriculum.

25 “(B) Strengthening the availability and use of high-quality and timely data to
26 improve instructional practices, policies, and student outcomes.

27 “(C) Implementing—

28 “(i) elementary and secondary school academic standards that prepare students
29 to be college and career ready, in accordance with section 1111(a)(1)(A)(ii); and

30 “(ii) strategies that translate such standards into classroom practice, including
31 in the areas of assessment, instructional materials, and professional development.

32 “(D) Turning around the schools served by the eligible entity that are identified
33 through a State’s accountability and improvement system under subsection (b) or
34 (c)(2) of section 1116.

35 “(E) Creating successful conditions for the creation, expansion, and replication of
36 high-performing public charter schools and the creation of new, innovative, and highly
37 autonomous public schools that will enroll a large percentage of students from
38 low-income families.

39 “(F) Providing more equitable State and local resources to high-poverty schools.

1 “(G) Improving school readiness by—

2 “(i) increasing the number and percentage of children from low-income
3 families, in each age group of infants, toddlers, and preschoolers, who are
4 enrolled in high-quality early childhood education and care programs; and

5 “(ii) designing and implementing an integrated system of high-quality early
6 childhood education and care programs and services that strengthens the
7 coordination and collaboration among Federal, State, and local early childhood
8 education and care programs.

9 “(b) Duration of Grants.—

10 “(1) IN GENERAL.—Each grant awarded under this part shall be for a period of not more
11 than 4 years.

12 “(2) REQUIREMENTS FOR ADDITIONAL FUNDING.—Before receiving funding under any
13 grant under this part for the second or any subsequent year of the grant, the eligible entity
14 receiving the grant shall demonstrate to the Secretary that the eligible entity is—

15 “(A) making progress in implementing the plan under subsection (a)(3) at a rate that
16 the Secretary determines will result in full implementation of the plan during the
17 remainder of the grant period; and

18 “(B) making progress, as measured by the annual performance measures and targets
19 established by the eligible entity under section 5105, at a rate that the Secretary
20 determines will result in reaching the targets and achieving the objectives of the grant,
21 during the remainder of the grant period.

22 “(c) **Interagency Agreement.—The Secretary shall establish an interagency agreement**
23 **with the Secretary of Health and Human Services to jointly administer any grant**
24 **competition for the goal of improving early childhood education and care, as described in**
25 **subsection (a)(4)(G), and any grants issued under such grant competition.**

26 “SEC. 5104. APPLICATION PROCESS.

27 “(a) In General.—Each eligible entity that desires to receive a grant under this part shall
28 submit an application to the Secretary at such time, in such manner, and containing such
29 information as the Secretary may reasonably require. At a minimum, each such application shall
30 include the following:

31 “(1) Documentation of the eligible entity’s record, as applicable, in the areas to be
32 measured by the performance measures identified by the Secretary under section 5105(2).

33 “(2) Evidence of conditions of innovation and reform that the eligible entity has
34 established and the eligible entity’s plan for implementing additional conditions for
35 innovation and reform, including—

36 “(A) a description of how the eligible entity has identified and eliminated ineffective
37 practices in the past, and its plan for doing so in the future;

38 “(B) a description of how the eligible entity has identified and promoted effective
39 practices in the past, and its plan for doing so in the future; and

1 “(C) steps the eligible entity has taken and will take to eliminate statutory,
2 regulatory, procedural, or other barriers to facilitate the full implementation of its
3 proposed plan under paragraph (3).

4 “(3) A comprehensive and coherent plan for using funds under this part, and other
5 Federal, State, and local funds, to improve the eligible entity’s performance on the
6 performance measures identified under section 5105(2), including how the applicant will
7 implement reforms and innovative strategies to achieve the goals selected by the Secretary
8 under section 5103(a)(2).

9 “(4) In the case of an eligible entity that is described in subparagraph (A) or (C) of
10 section 5103(a)(3), evidence of collaboration among the eligible entity, local educational
11 agencies in the State (including the local educational agencies participating in carrying out
12 the plan under paragraph (3)), schools that are expected to benefit from the activities under
13 the plan, parents, teachers, and other stakeholders, in developing and implementing the
14 plan, including evidence of the commitment and capacity to implement such plan.

15 “(5) In the case of an eligible entity described in subparagraph (B) or (D) of section
16 5103(a)(3), evidence of the eligible entity’s collaboration with its school leaders, teachers,
17 parents, and other stakeholders in developing the plan under paragraph (3), including
18 evidence of the commitment and capacity to implement that plan.

19 “(6) The eligible entity’s annual performance measures and targets, in accordance with
20 the requirements of section 5105.

21 “(b) Criteria for Evaluating Applications.—

22 “(1) IN GENERAL.—The Secretary shall award grants under this part on a competitive
23 basis, based on the quality of the applications submitted by eligible entities.

24 “(2) PUBLICATION OF EXPLANATION.—The Secretary shall publish an explanation of how
25 the application review process will ensure an equitable, transparent, and objective
26 evaluation.

27 “(c) Priority.—In awarding grants under this part, the Secretary shall give priority to—

28 “(1) any eligible entity described in subparagraph (B) or (D) of section 5103(a)(3) that
29 serves a school designated with a school locale code of 33, 41, 42, or 43, as determined by
30 the Secretary; and

31 “(2) for any grant competition under this part for the goal of improving early childhood
32 ~~care and~~ education **and care**, as described in section 5103(a)(4)(G), any eligible entity that
33 provides a full-day kindergarten program to all kindergarten students, or to all kindergarten
34 students from low-income families, served by the eligible entity.

35 “SEC. 5105. PERFORMANCE MEASURES.

36 “Each eligible entity receiving a grant under this part shall establish, subject to approval by the
37 Secretary, annual performance measures and targets for the programs and activities carried out
38 under this part. Such performance measures and targets shall, at a minimum, track the eligible
39 entity’s progress in—

40 “(1) implementing the plan described in section 5104(a)(3); and

1 “(2) making progress on any other performance measure identified by the Secretary.

2 “SEC. 5106. USES OF FUNDS.

3 “(a) Use of State Grant Funds.—

4 “(1) IN GENERAL.—Each eligible entity described in subparagraph (A) or (C) of section
5 5103(a)(3) that receives a grant under this part shall—

6 “(A) except as provided in paragraph (3), use not less than 50 percent of the grant
7 funds to award subgrants under paragraph (2) to the local educational agencies that
8 will participate in the plan for any purpose included in the eligible entity’s plan
9 described in section 5104(a)(3); and

10 “(B) use any amount of the grant not distributed under subparagraph (A) for any
11 purpose included in the eligible entity’s plan.

12 “(2) AMOUNT OF SUBGRANTS.—For a fiscal year, the amount of a subgrant under
13 paragraph (1)(A) for a local educational agency that has been selected to participate in the
14 eligible entity’s plan shall bear the same relation to the amount available for all such
15 subgrants by the eligible entity for such year, as the amount made available to the local
16 educational agency under part A of title I for the most recent year for which such data is
17 available bears to the total amount made available for such year to all local educational
18 agencies selected to participate in the eligible entity’s plan.

19 “(3) EXCEPTION.—An eligible entity described in subparagraph (A) or (C) of section
20 5103(a)(3) that receives a grant under this part for the goal of improving early childhood
21 ~~care and~~ education **and care**, as described in section 5103(a)(4)(G)—

22 “(A) shall not be subject to the requirements of paragraph (1)(A); and

23 “(B) may use grant funds to award subgrants to public or private nonprofit agencies
24 and organizations for activities consistent with any purpose included in the eligible
25 entity’s plan described in section 5104(a)(3).

26 “(b) Use of Subgrant Funds.—Each local educational agency or public or private nonprofit
27 agency or organization that receives a subgrant under paragraph (1)(A) or (3)(B) of subsection
28 (a) from an eligible entity shall use subgrant funds for any purpose included in the eligible
29 entity’s plan described in section 5104(a)(3), subject to any requirements of the eligible entity.

30 “(c) Use of High-need Local Educational Agency Grant Funds.—Each eligible entity
31 described in subparagraph (B) or (D) of section 5103(a)(3) that receives a grant under this part
32 shall use such funds for any purpose included in the eligible entity’s plan described in section
33 5104(a)(3).

34 “(d) ~~Special Rule.—Notwithstanding~~ **Rule.—**

35 “(1) **LIMITATION ON USE OF FUNDS.—Notwithstanding** any other provision of this
36 section, grant or subgrant funds under this part shall only be used to fund a program or
37 activity that is an allowable use of funds under another section of this Act (excluding this
38 part) **and section 8007, as amended by section 8004 of the Elementary and Secondary**
39 **Education Reauthorization Act of 2011**), the Individuals with Disabilities Education Act,
40 the Adult **Education** and Family Literacy Act, or the Carl D. Perkins Career and Technical

1 Education Act of 2006, except that grant or subgrant funds for the goal of improving early
2 childhood ~~care and~~ education **and care**, as described in section 5103(a)(4)(G), may also be
3 used to fund a program or activity that is an allowable use of funds under the Head Start
4 Act, or the Child Care and Development Block Grant Act of 1990.

5 **“(2) LIMITATION OF USE OF FUNDS FOR EARLY CHILDHOOD EDUCATION AND CARE**
6 **PROGRAMS.—Grant or subgrant funds under this part that are used to improve early**
7 **childhood education and care programs shall not be used to carry out any of the**
8 **following activities:**

9 **“(A) Assessments that provide rewards or sanctions for individual children or**
10 **teachers.**

11 **“(B) A single assessment that is used as the primary or sole method for**
12 **assessing program effectiveness.**

13 **“(C) Evaluating children, other than for the purposes of improving instruction,**
14 **classroom environment, professional development, or parent and family**
15 **engagement, or program improvement.**

16 **“SEC. 5107. REPORTING.**

17 **“(a) Annual Report.—**An eligible entity that receives a grant under this part shall submit to the
18 Secretary, at such time and in such manner as the Secretary may require, an annual report
19 including, at a minimum—

20 **“(1) data on the eligible entity’s progress in achieving the targets for the annual**
21 **performance measures and targets established under section 5105; and**

22 **“(2) a description of the challenges the eligible entity has faced in implementing its**
23 **program under this part, and how the eligible entity has addressed, or plans to address, such**
24 **challenges.**

25 **“(b) Local Report.—**Each local educational agency and each public or private nonprofit
26 agency or organization that receives a subgrant from an eligible entity under section 5106(a)
27 shall submit to the eligible entity such information as the eligible entity may require to complete
28 the annual report required by subsection (a).”.

29 **PART B—INVESTING IN INNOVATION**

30 **SEC. 5201. INVESTING IN INNOVATION.**

31 Part B of title V (20 U.S.C. 7221 et seq.) is amended to read as follows:

32 **“PART B—INVESTING IN INNOVATION**

33 **“SEC. 5201. PURPOSES.**

34 **“The purposes of this part are to—**

35 **“(1) fund the identification, development, evaluation, and expansion of innovative,**
36 **research- and evidence-based practices, programs, and strategies in order to significantly—**

37 **“(A) increase student academic achievement and close achievement gaps;**

- 1 “(B) increase high school graduation rates;
- 2 “(C) increase college enrollment rates and rates of college persistence;
- 3 “(D) improve teacher and school leader effectiveness; and
- 4 “(E) improve school readiness and strengthen collaboration and coordination among
- 5 elementary schools and early childhood care and education; and
- 6 “(2) support the rapid development, expansion, adoption, and implementation of tools
- 7 and resources that improve the efficiency, effectiveness, or pace of adoption of such
- 8 educational practices, programs, and strategies.

9 “SEC. 5202. NATIONAL ACTIVITIES.

10 “(a) National Activities.—The Secretary may reserve not more than 5 percent of funds

11 appropriated to carry out this part for any fiscal year to carry out activities of national

12 significance. Such activities may include—

- 13 “(1) capacity-building;
- 14 “(2) technical assistance;
- 15 “(3) dissemination of best practices developed with grant funds provided under this part;
- 16 and
- 17 “(4) carrying out prize awards consistent with section 24 of the Stevenson-Wydler
- 18 Technology Innovation Act of 1980 (15 U.S.C. 3719).

19 “(b) Availability of Funds.—Funds for prize awards under subsection (a)(4) shall be available

20 until expended.

21 “SEC. 5203. PROGRAM AUTHORIZED; LENGTH OF

22 GRANTS; PRIORITIES.

23 “(a) Program Authorization.—

24 “(1) IN GENERAL.—The Secretary shall use funds made available to carry out this part for

25 a fiscal year to award grants, consistent with section 5204(b), to eligible entities.

26 “(2) ELIGIBLE ENTITY.—In this part, the term ‘eligible entity’ means—

27 “(A) a local educational agency or a consortium of local educational agencies; or

28 “(B) a partnership between a nonprofit organization or an educational service

29 agency and—

30 “(i) 1 or more local educational agencies; or

31 “(ii) a consortium of public schools.

32 “(b) Duration of Grants.—The Secretary—

33 “(1) shall award grants under this part for a period of not more than 3 years; and

34 “(2) may extend such grants for an additional 2-year period if the grantee demonstrates to

35 the Secretary that it is making significant progress on the program performance measures

1 identified in section 5206.

2 “(c) Rural Set-aside.—The Secretary shall ensure that not less than 22 percent of the funds
3 awarded under subsection (a) for any fiscal year are for projects that meet both of the following
4 requirements, except that the Secretary shall not be required to make such awards unless a
5 sufficient number of otherwise eligible high quality applications are received:

6 “(1) The eligible entity includes—

7 “(A) a local educational agency with an urban-centric district locale code of 32, 33,
8 41, 42, or 43, as determined by the Secretary;

9 “(B) a consortium of such local educational agencies; or

10 “(C) if the applicant is a partnership, an educational service agency or a nonprofit
11 organization with demonstrated expertise in serving students from rural areas.

12 “(2) A majority of the schools to be served by the project are designated with a school
13 locale code of 41, 42, or 43, or a combination of such codes, as determined by the Secretary,
14 and—

15 “(A) are served by a local educational agency in which 20 percent or more of the
16 children ages 5 through 17 years old are from families with ~~income~~ **incomes** below the
17 poverty line;

18 “(B) are served by a local educational agency in which the total number of students
19 in average daily attendance at all of the schools served by the local educational agency
20 is fewer than 600; or

21 “(C) are served by a local educational agency located in a county that has a total
22 population density of fewer than 10 persons per square mile.

23 “(d) Priorities.—In awarding grants under this part, the Secretary shall give priority to an
24 eligible entity that includes, in its application under section 5204, a plan to—

25 “(1) address the needs of high-need local educational agencies;

26 “(2) improve school readiness; or

27 “(3) address the unique learning needs of students who are children with disabilities or
28 English learners.

29 “(e) Standards of Evidence.—The Secretary shall set standards for the quality of evidence that
30 an applicant shall provide in order to demonstrate that the activities it proposes to carry out with
31 funds under this part are likely to succeed in improving student outcomes, including academic
32 achievement and graduation rates. These standards shall include the following:

33 “(1) Strong evidence that the activities proposed by the applicant will have a statistically
34 significant effect on student outcomes.

35 “(2) Moderate evidence that the activities proposed by the applicant will improve
36 outcomes.

37 “(3) A rationale based on research findings or a reasonable hypothesis that the activities
38 proposed by the applicant will improve student outcomes.

39 “(f) Support for New Practices, Strategies, or ~~Programs.~~ **The Programs.**—

1 **“(1) IN GENERAL.—The Secretary shall ensure that not less than one-half of the funds**
2 **awarded under subsection (a) for any fiscal year are for projects ~~that only that—~~**

3 **“(A) meet an evidence standard described in paragraph (2) or (3) of subsection (e);**
4 **and**

5 **“(B) do not meet the evidence standard described in paragraph (1) of**
6 **subsection (e).**

7 **“(2) EXCEPTION.—The Secretary shall not be required to make the awards**
8 **described in paragraph (1) unless a sufficient number of otherwise eligible**
9 **high-quality applications are received.**

10 **“SEC. 5204. APPLICATIONS.**

11 “Each eligible entity that desires to receive a grant under this part shall submit an application
12 to the Secretary at such time, in such manner, and containing such information as the Secretary
13 may reasonably require. At a minimum, each application shall—

14 “(1) describe the project for which the applicant is seeking a grant and how the evidence
15 supporting that project meets the standards of evidence established by the Secretary under
16 section 5203(e);

17 “(2) describe how the applicant will address at least 1 of the areas described in section
18 5205(a)(1);

19 “(3) provide an estimate of the number of children that the applicant plans to serve under
20 the proposed project, including the percentage of those children who are from low-income
21 families;

22 “(4) demonstrate that the applicant has established 1 or more partnerships with public or
23 private organizations and that the partner or partners will provide matching funds, except
24 that the Secretary may waive the matching funds requirement on a case-by-case basis, upon
25 a showing of exceptional circumstances;

26 “(5) describe the applicant’s plan for continuing the proposed project after funding under
27 this part ends;

28 “(6) if the applicant is a local educational agency—

29 “(A) document the local educational agency’s record during the previous 3 years
30 in—

31 “(i) increasing student achievement, including achievement for each subgroup
32 of students described in section ~~1111(b)(2)(C)(v)~~ **1111(a)(2)(B)(ix)**; and

33 “(ii) closing achievement gaps; and

34 “(B) demonstrate how the local educational agency has made significant
35 improvements in other outcomes, as applicable, on the performance measures
36 described in section 5206;

37 “(7) if the applicant is a partnership that includes a nonprofit organization, provide
38 evidence that the nonprofit organization has helped at least 1 school or local educational
39 agency, during the previous 3 years, significantly—

1 “(A) increase student achievement, including achievement for each subgroup of
2 students described in section ~~111(b)(2)(C)(v)~~ **111(a)(2)(B)(ix)**; and

3 “(B) close achievement gaps;

4 “(8) provide a description of the applicant’s plan for independently evaluating the
5 effectiveness of activities carried out with funds under this part;

6 “(9) provide an assurance that the applicant will—

7 “(A) cooperate with evaluations, as requested by the Secretary;

8 “(B) make data available to third parties for validation and further study; and

9 “(C) participate in communities of practice; and

10 “(10) if the applicant is a partnership that includes a nonprofit organization that intends to
11 make subgrants, consistent with section 5205(b), provide an assurance that the applicant
12 will apply paragraphs (1) through (9), as appropriate, in its selection of subgrantees and in
13 its oversight of those subgrants.

14 “SEC. 5205. USES OF FUNDS.

15 “(a) Uses of Funds.—

16 “(1) MANDATORY USES.—Each eligible entity that receives a grant under this part shall
17 carry out the following:

18 “(A) Use the grant funds to carry out, at a minimum, 1 of the following activities:

19 “(i) Improving the effectiveness of teachers and school leaders and increasing
20 equity in the distribution of effective teachers and school leaders.

21 “(ii) Strengthening the use of data to improve teaching and learning.

22 “(iii) Providing high-quality instruction based on college and career ready
23 standards and measuring students’ mastery of standards using high-quality
24 assessments aligned with those standards.

25 “(iv) Turning around the lowest-performing schools.

26 “(v) Improving school readiness for students who are low-income, English
27 learners, and children with disabilities.

28 “(vi) Other areas relating to school improvement consistent with the purposes
29 of this part, as determined by the Secretary.

30 “(B) Use the grant funds to develop or expand strategies to improve the performance
31 of high-need students on the performance measures described in section 5206.

32 “(2) PERMISSIVE USE OF FUNDS.—Each eligible entity that receives a grant under this part
33 may use the grant funds for an independent evaluation, as required under section
34 5204(a)(8), of the innovative practice carried out with the grant.

35 “(b) Authority to Subgrant.—

36 “(1) IN GENERAL.—If an eligible entity that receives a grant under this part includes a
37 nonprofit organization, such nonprofit organization may use the grant funds to award

1 subgrants to other entities to provide support to 1 or more schools or local educational
2 agencies.

3 “(2) COMPLIANCE WITH REQUIREMENTS OF GRANTEEES.—Each entity awarded a subgrant
4 under paragraph (1) shall comply with the requirements of this part relating to grantees, as
5 appropriate.

6 “SEC. 5206. PERFORMANCE MEASURES.

7 “The Secretary shall establish performance measures for the programs and activities carried
8 out under this part. These measures, at a minimum, shall track the grantee’s progress in
9 improving outcomes for each subgroup of students described in section ~~1111(b)(2)(C)(v)~~
10 **1111(a)(2)(B)(ix)** that is served by the grantee, including, as applicable, by—

11 “(1) increasing student achievement and decreasing achievement gaps;

12 “(2) increasing high school graduation rates;

13 “(3) increasing college enrollment rates and rates of college persistence;

14 “(4) improving teacher and school leader effectiveness;

15 “(5) improving school readiness; and

16 “(6) any other indicator as the Secretary or grantee may determine.

17 “SEC. 5207. REPORTING.

18 “An eligible entity that receives a grant under this part shall submit to the Secretary, at such
19 time and in such manner as the Secretary may require, an annual report that includes, among
20 other things, information on the entity’s progress on the performance measures established under
21 section 5206, and the data supporting that progress.”.

22 PART C—MAGNET SCHOOLS ASSISTANCE

23 SEC. 5301. FINDINGS AND PURPOSE.

24 Section 5301 (20 U.S.C. 7231) is amended—

25 (1) in subsection (a)—

26 (A) by striking paragraph (2) and inserting the following:

27 “(2) The use of magnet schools has increased dramatically since the inception of the
28 magnet schools assistance program under this Act, with more than 1,500,000 students
29 nationwide attending such schools.”; and

30 (B) in paragraph (4), by striking subparagraph (B) and inserting the following:

31 “(B) to ensure that all students have equitable access to a high-quality public
32 education that will prepare them to succeed in a highly competitive economy
33 comprised of people from many different racial and ethnic backgrounds; and”; and

34 (2) in subsection (b)—

35 (A) in paragraph (2), by inserting “, particularly whole-school programs,” after

1 “magnet school programs”; and

2 (B) by striking paragraphs (3) and (4) and inserting the following:

3 “(3) the development and design of evidence-based educational methods and practices
4 that promote diversity and increase high-quality public educational options;

5 “(4) courses of instruction within magnet schools that will substantially increase the
6 college- and career-readiness of students attending such schools;”.

7 SEC. 5302. PROGRAM AUTHORIZED.

8 Section 5303 (20 U.S.C. 7231b) is amended, in the matter preceding paragraph (1), by
9 inserting “competitive” after “to award”.

10 SEC. 5303. APPLICATIONS AND REQUIREMENTS.

11 Section 5305 (20 U.S.C. 7231d) is amended—

12 (1) by striking subsection (b) and inserting the following:

13 “(b) Information and Assurances.—Each application submitted under subsection (a) shall
14 include—

15 “(1) a description of—

16 “(A) how a grant awarded under this part will be used to—

17 “(i) improve student academic achievement for all students and subgroups of
18 students described in section 1111(a)(2)(B)(ix) attending the magnet school
19 program; and

20 “(ii) promote desegregation, including how the proposed magnet school
21 program will increase interaction among students of different social, economic,
22 ethnic, and racial backgrounds, including the policies, programs, and activities
23 aimed at increasing interaction among such students;

24 “(B)(i) a description of the evidence that the magnet school program that the
25 applicant proposes to implement would improve student academic achievement and
26 reduce minority group isolation; or

27 “(ii) if such evidence is not available, a rationale, based on current research findings,
28 for how the program would improve student academic achievement and reduce
29 minority group isolation;

30 “(C) how the applicant will continue the magnet school program after assistance
31 under this part is no longer available, and, if applicable, an explanation of why magnet
32 schools established or supported by the applicant with grant funds under this part
33 cannot be continued without the use of grant funds under this part;

34 “(D) how grant funds under this part will be used—

35 “(i) to improve student academic achievement for all students attending the
36 magnet school programs; and

37 “(ii) to implement services and activities that are consistent with other

1 programs under this Act, and other Acts, as appropriate;

2 “(E) the student application process, and selection criteria, if any, to be used by the
3 proposed magnet school program;

4 “(F) how the applicant will conduct outreach and disseminate information about the
5 proposed magnet school program, including the application and selection process, in a
6 timely, clear, and accessible manner to all students and their parents and families and,
7 to the extent practicable, in a language they can understand; and

8 “(G) how the applicant will assess, monitor, and evaluate the impact of the activities
9 funded under this part on student academic achievement and integration; and

10 “(2) assurances that the applicant will—

11 “(A) use grant funds under this part for the purpose specified in section 5301(b);

12 “(B) employ highly rated school leaders and teachers in the courses of instruction
13 assisted under this part;

14 “(C) not engage in discrimination based on race, religion, color, national origin, sex,
15 or disability in—

16 “(i) the hiring, promotion, or assignment of employees of the applicant or other
17 personnel for whom the applicant has any administrative responsibility;

18 “(ii) the assignment of students to schools, or to courses of instruction within
19 the schools, of such applicant, except to carry out the approved plan; and

20 “(iii) designing or operating extracurricular activities for students;

21 “(D) carry out a high-quality education program that will result in greater parent and
22 family decisionmaking and engagement; and

23 “(E) give students residing in the local attendance area of the proposed magnet
24 school program equitable consideration for placement in the program, consistent with
25 desegregation guidelines and the capacity of the applicant to accommodate the
26 students.”; and

27 (2) in subsection (c), by striking “will be met” and inserting “are being met”.

28 SEC. 5304. PRIORITY.

29 Section 5306 (20 U.S.C. 7231e) is amended by striking paragraphs (1), (2), and (3), and
30 inserting the following:

31 “(1) have the highest quality applications or demonstrate the greatest need for assistance,
32 based on the expense or difficulty of effectively carrying out approved desegregation plans
33 and the magnet school program for which the grant is sought;

34 “(2) propose to carry out new magnet school programs, significantly revise existing
35 magnet school programs, or significantly expand magnet school programs, in a manner
36 that—

37 “(A) is aligned with other programs that have demonstrated a record of success in
38 increasing student academic achievement and reducing minority group isolation; or

1 “(B) has a strong research basis for improving student academic achievement and
2 reducing minority group isolation;

3 “(3) select, or propose to select, students to attend magnet school programs solely or
4 primarily by lottery, rather than through academic examination or other selective enrollment
5 methods; and

6 “(4) propose to serve the entire student population of a school.”.

7 **SEC. 5305. USE OF FUNDS.**

8 Section 5307 (20 U.S.C. 7231f) is amended—

9 (1) in subsection (a), by striking paragraphs (1) through (7) and inserting the following:

10 “(1) for planning, outreach, and promotional activities directly related to the
11 development, expansion, continuation, or enhancement of academic programs and services
12 offered at magnet schools;

13 “(2) for the acquisition of books, educational technology, materials, and equipment
14 necessary to conduct programs in magnet schools;

15 “(3) for—

16 “(A) the compensation, or subsidization of the compensation, of elementary school
17 and secondary school teachers, leaders, and other instructional staff who are highly
18 rated; and

19 “(B) high-quality professional development and staff capacity-building activities,
20 including those designed to recruit, prepare, support, and retain highly rated school
21 teachers, leaders, and other instructional staff; and

22 “(4) with respect to a magnet school program offered to less than the entire student
23 population of a school, for instructional activities that are designed to make available the
24 special curriculum that is offered by the magnet school program to students who are
25 enrolled in the school but who are not enrolled in the magnet school program;

26 “(5) for activities, which may include the formation of partnerships with public or
27 nonprofit organizations to help enhance the program or promote parent and family
28 decisionmaking and engagement that will build the recipient’s capacity to operate magnet
29 school programs once the grant period has ended;

30 “(6) to enable the local educational agency, or consortium of such agencies, to have more
31 flexibility in designing magnet schools for students in all grades; and

32 “(7) for other operational costs that cannot be met with other State or local sources.”; and

33 (2) in subsection (b), by striking “based on the State’s challenging academic content
34 standards and student academic achievement standards or directly related to improving
35 student reading skills or knowledge of mathematics, science, history, geography, English,
36 foreign languages, art, or music, or to improving vocational, technological, and professional
37 skills” and inserting “and growth and leading to students being on track to college and
38 career readiness”.

39 **SEC. 5306. LIMITATIONS.**

1 Section 5309 (20 U.S.C. 7231h) is amended—

2 (1) in subsection (a), by striking “a period that shall not exceed 3 fiscal years” and
3 inserting “an initial period of not more than 3 fiscal years, and may be renewed for not more
4 than an additional 2 years if the Secretary finds that the grantee is achieving the intended
5 outcomes of the grant and shows improvement in increasing student academic achievement
6 and reducing minority-group isolation, and other indicators of success established by the
7 Secretary”; and

8 (2) in subsection (b)—

9 (A) by striking “50” and inserting “40”; and

10 (B) by striking “15” and inserting “10”.

11 **SEC. 5307. EVALUATIONS.**

12 Section 5310 (20 U.S.C. 7231i) is amended to read as follows:

13 **“SEC. 5310. EVALUATIONS.**

14 “(a) Impact of Activities.—From the amount reserved for evaluation activities in accordance
15 with section 9601(a), the Secretary, acting through the Director of the Institute of Education
16 Sciences, shall, in consultation with the relevant program office at the Department, evaluate the
17 implementation and impact of the activities supported under this part, consistent with section
18 9601, including—

19 “(1) how, and the extent to which, magnet school programs lead to educational quality
20 and improvement;

21 “(2) the extent to which magnet school programs enhance student access to a high quality
22 education;

23 “(3) the extent to which magnet school programs lead to the elimination, reduction, or
24 prevention of minority group isolation in elementary schools and secondary schools with
25 substantial proportions of minority students; and

26 “(4) the extent to which magnet school programs differ from other school programs in
27 terms of the organizational characteristics and resource allocations of such magnet school
28 programs.

29 “(b) Dissemination.—The Secretary shall collect and disseminate to the general public
30 information on successful magnet school programs.”.

31 **SEC. 5308. AVAILABILITY OF FUNDS FOR GRANTS TO** 32 **AGENCIES NOT PREVIOUSLY ASSISTED.**

33 Section 5311 (20 U.S.C. 7231j) is amended to read as follows:

34 **“SEC. 5311. AVAILABILITY OF FUNDS FOR GRANTS TO** 35 **AGENCIES NOT PREVIOUSLY ASSISTED.**

36 “For any fiscal year for which the amount appropriated pursuant to section 3(u) exceeds

1 \$75,000,000, the Secretary shall give priority in using such amounts in excess of \$75,000,000 to
2 awarding grants to local educational agencies or consortia of such agencies that did not receive a
3 grant under this part for the preceding fiscal year.”.

4 PART D—PUBLIC CHARTER SCHOOLS

5 SEC. 5401. PUBLIC CHARTER SCHOOLS.

6 Part D of title V (20 U.S.C. 7241 et seq.) is amended to read as follows:

7 “PART D—PUBLIC CHARTER SCHOOLS

8 “SEC. 5401. PURPOSE.

9 “The purpose of this part is to support the creation, expansion, and replication of
10 high-performing charter schools that serve the needs and increase the academic
11 achievement of all students.

12 “SEC. 5402. DISTRIBUTION OF FUNDS.

13 “From the funds appropriated to carry out this part for a fiscal year—

14 “(1) 85 percent shall be available to carry out subpart 1; and

15 “(2) 15 percent shall be available to carry out subpart 2.

16 “Subpart 1—Successful Charter Schools Program

17 “SEC. 5411. DEFINITIONS.

18 “In this subpart:

19 “(1) CHARTER SCHOOL.—The term ‘charter school’ means a public school that—

20 “(A) is governed by a separate and independent board that exercises authority over 1
21 or more schools, including authority in the areas of governance, personnel, budget,
22 schedule, and instructional program;

23 “(B) has ongoing, significant autonomy in the areas of—

24 “(i) the hiring, replacement, and salaries of the school staff;

25 “(ii) the school budget;

26 “(iii) scheduling formats for the school day and school year;

27 “(iv) the instructional programs of the school, including instructional models
28 and curricula; and

29 “(v) the management and daily operation of the school;

30 “(C) in accordance with a specific State statute authorizing the granting of charters
31 to schools, is exempt from significant State or local rules that inhibit the flexible
32 operation and management of public schools, but not from any rules relating to the
33 other requirements of this paragraph;

1 “(D) is created by a developer as a public school, or is adapted by a developer from
2 an existing public school, and is operated under public supervision and direction;

3 “(E) operates in pursuit of a specific set of educational objectives determined by the
4 school’s developer and agreed to by the charter school authorizer;

5 “(F) provides 1 or more programs of elementary education, secondary education, or
6 both, and may also provide ~~prekindergarten~~ **early childhood education and care** or
7 adult education, in accordance with State law;

8 “(G) is nonsectarian in its programs, admissions policies, employment practices, and
9 all other operations, and is not affiliated with a sectarian school or religious institution;

10 “(H) does not charge tuition;

11 “(I) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights
12 Act of 1964, title IX of the Education Amendments of 1972, section 504 of the
13 Rehabilitation Act of 1973, title II of the Americans with Disabilities Act of 1990, and
14 part B of the Individuals with Disabilities Education Act;

15 “(J) is a school to which parents choose to send their children, and that admits
16 students on the basis of a lottery if more students apply for admission than can be
17 accommodated, except as modified by the Secretary by regulation in accordance with
18 clause (v) or (vi) of section ~~1116(d)(6)(B)~~ **1116(c)(6)(B)**;

19 “(K) complies with the same Federal and State audit requirements as do other
20 elementary schools, secondary schools, and ~~prekindergarten~~ **early childhood**
21 **education and care** and adult education programs, as applicable, in the State, unless
22 such requirements are specifically waived for the purpose of this program;

23 “(L) meets all applicable Federal, State, and local health and safety requirements;

24 “(M) operates in accordance with State law; and

25 “(N) has a written performance contract with a charter school authorizer that
26 includes—

27 “(i) a description of how student performance will be measured on the basis
28 of—

29 “(I) State assessments that are required of other public schools; and

30 “(II) any other assessments that are mutually agreeable to the charter
31 school authorizer and the charter school;

32 “(ii) a requirement that student academic achievement and growth, consistent
33 with section 1111, for the students enrolled at the school as a whole and for each
34 subgroup described in section ~~1111(a)(2)(B)(ix)~~ **1116(b)(1)(B)** will be used as a
35 primary factor in decisions about the renewal or revocation of the charter, in
36 addition to other criteria, as appropriate;

37 “(iii) the student academic achievement, growth (consistent with section 1111),
38 and student retention goals, and, in the case of a high school, graduation rate goals
39 for the students enrolled at the school as a whole and for each subgroup described
40 in section ~~1111(a)(2)(B)(ix)~~ **1116(b)(1)(B)**, and any other goals to be achieved by

1 the end of the contract period;

2 “(iv) the obligations and responsibilities of the charter school and the charter
3 school authorizer; and

4 “(v) a description of the autonomy that will be granted to the charter school in
5 each area described under ~~paragraph (1)(B)~~. **subparagraph (B)**.

6 ~~“(2) CHARTER SCHOOL AUTHORIZER.—~~**“(2) CHARTER SCHOOL AUTHORIZER.—The term ‘charter school authorizer’**
7 **means any public or nonprofit entity that has the authority under State law, and is**
8 **approved by the Secretary, to authorize or approve a public charter school.**

9 **“(3) DEVELOPER.—**The term ‘developer’ means any individual, group of individuals, or
10 public nonprofit organization that—

11 “(A) has applied for, or been granted, a charter for a charter school; or

12 “(B) has received authorization to start a charter school.

13 ~~“(3)“(4) ELIGIBLE ENTITY.—~~The term ‘eligible entity’ means—

14 “(A) a State educational agency;

15 “(B) a local educational agency, except a charter school that is considered a local
16 educational agency under State law;

17 “(C) a charter school authorizer; or

18 “(D) a charter management organization.

19 ~~“(4)“(5) EXPAND.—~~The term ‘expand’ means to ~~significantly~~ increase the student
20 enrollment of an existing high-performing charter school **by more than 50 percent or**
21 **through the addition of not less than 2 grades to such existing charter school over the course**
22 **of a grant or subgrant under this part.**

23 ~~“(5)“(6) HIGH-PERFORMING CHARTER SCHOOL.—~~The term ‘high-performing charter
24 school’ means—

25 “(A) in the case of a charter school that was not open or did not enroll students in the
26 preceding school year, a charter school that has a written performance contract with a
27 charter school authorizer that includes, for the students enrolled at the school as a
28 whole and for each subgroup described in section ~~1111(a)(2)(B)(ix)~~ **1116(b)(1)(B)** for
29 the most recent year for which such data are available—

30 “(i) student academic achievement and growth goals (as measured, in the case
31 of a charter school that is an elementary school or secondary school, by
32 performance on the statewide academic assessments required under section
33 1111(a)(2) and individual academic growth, consistent with section 1111) that are
34 higher than the average student academic achievement and growth results,
35 consistent with section 1111, in demographically similar schools in the State;

36 “(ii) student retention goals that are similar to, or greater than, the average
37 student retention rates in demographically similar schools in the State; and

38 “(iii) if the charter school is a high school, goals for graduation rates, rates of
39 student enrollment at institutions of higher education, and rates of student

1 persistence at institutions of higher education that are higher than such average
2 rates in demographically similar schools in the State; or

3 “(B) in the case of a charter school that was open and enrolled students for the
4 preceding school year, a charter school that has, for the students enrolled at the school
5 as a whole and for each subgroup described in section ~~1111(a)(2)(B)(ix)~~ **1116(b)(1)(B)**
6 for the most recent year for which such data are available—

7 “(i) student academic achievement and growth results (as measured, in the case
8 of a charter school that is an elementary school or secondary school, by
9 performance on the statewide academic assessments required under section
10 1111(a)(2) and individual academic growth, consistent with section 1111) that are
11 significantly higher than the average student academic achievement and growth
12 results, consistent with section 1111, in demographically similar schools in the
13 State;

14 “(ii) student retention rates that are similar to or higher than the average student
15 retention rates in demographically similar schools in the State; and

16 “(iii) if the school is a high school, higher graduation rates, rates of student
17 enrollment at institutions of higher education, and rates of student persistence at
18 institutions of higher education than such average rates in demographically
19 similar schools in the State.

20 ~~“(6)“(7) REPLICATE.~~—The term ‘replicate’ means that an existing high-performing
21 charter school will open 1 or more new campuses under a new or existing charter, or both,
22 over the course of a grant **or subgrant** under this part.

23 “SEC. 5412. PROGRAM AUTHORIZED.

24 “(a) In General.—From the amount available to carry out this subpart, the Secretary shall
25 award grants, on a competitive basis, to eligible entities to enable such eligible entities to award
26 subgrants to developers to create, expand, or replicate 1 or more high-performing charter
27 schools, including through conversion of an existing school into a charter school.

28 “(b) Allocations.—The Secretary shall use not less than 65 percent of funds to award grants to
29 eligible entities described in ~~5411(3)(A)~~ **5411(4)(A)**.

30 “(c) Considerations.—In awarding grants under this subpart, the Secretary shall consider—

31 “(1) the geographic diversity of the eligible entities, including the distribution of grants
32 among urban, suburban, and rural areas; and

33 “(2) the number of eligible entities in a State that are receiving grants under this subpart
34 in any fiscal year.

35 “(d) Grant Amount.—

36 “(1) In determining the amount of each grant to be awarded under subsection (a), the
37 Secretary shall consider—

38 “(A) the number of operating charter schools under the jurisdiction or in the service
39 area of the eligible entity;

1 “(B) to the extent practicable, the number of students, including students on charter
2 school waiting lists, that will be served by high-performing charter schools that receive
3 funds under this subpart; and

4 “(C) the amount of funds that is needed to implement the activities described in the
5 approved application.

6 “(e) Duration.—

7 “(1) IN GENERAL.—Each grant awarded under this subpart shall be for an initial period of
8 not more than 3 years.

9 “(2) RENEWAL.—The Secretary may renew a grant awarded under this subpart for an
10 additional period of not more than 2 years, if the eligible entity is achieving the objectives
11 of the grant and has shown improvement on the performance measures and targets
12 described in section 5417(a).

13 “(f) Limitations.—

14 “(1) GRANTS.—An eligible entity **described under subparagraph (A) of section**
15 **5411(4)** may not receive more than 1 grant at a time under this section.

16 “(2) SUBGRANTS.—A developer may not receive more than 1 **grant or** subgrant at a time
17 under this section.

18 “(g) ~~Reservations.~~—**An Reservations.**—

19 “(1) **ADMINISTRATIVE EXPENSES.**—An eligible entity that receives a grant under this
20 subpart may ~~use use~~—

21 “~~(1)~~ not more than a total of 5 percent of grant funds for administrative expenses
22 associated with the grant, including for improvement of the eligible entity’s oversight or
23 management of charter schools; ~~and.~~

24 “~~(2) in the case of an~~“(2) **IMPROVING AUTHORIZER QUALITY.**—An eligible entity
25 described in section 5411(3)(C), ~~not more than~~ **subparagraph (A), (B), or (C) of section**
26 **5411(4), shall use** 5 percent of grant funds for ~~improvements to~~ **improving authorizer**
27 **quality, including** charter school oversight and monitoring systems, ~~including and~~
28 ~~procedures for revoking or not renewing charters.~~

29 “(h) Waiver.—The Secretary may waive a statutory or regulatory requirement over which the
30 Secretary exercises administrative authority, except a requirement described in section 5411(1),
31 if—

32 “(1) the waiver is requested in an approved application under this subpart; and

33 “(2) the Secretary determines that granting the waiver will promote the purpose of this
34 subpart.

35 “SEC. 5413. APPLICATIONS.

36 “(a) In General.—Each eligible entity desiring a grant under this subpart shall submit an
37 application to the Secretary at such time, in such manner, and containing such information and
38 assurances as the Secretary may require.

39 “(b) Contents.—

1 “(1) ELIGIBLE ENTITIES.—At a minimum, the application described in subsection (a) shall
2 include a description of —

3 “(A) how the eligible entity will use grant funds to create, expand, or replicate 1 or
4 more high-performing charter schools;

5 “(B) the need for the high-performing charter schools that the eligible entity seeks to
6 support, including information that demonstrates the interest of parents and
7 communities in increasing charter school enrollment capacity, such as the number of
8 students who are on waiting lists for charter schools under the jurisdiction of the
9 eligible entity;

10 “(C) the performance measures the eligible entity will use to measure outcomes;

11 “(D) how the eligible entity will provide information and support to parents,
12 families, and students regarding the available charter school options in a simple, clear,
13 and easily accessible format and, to the extent practicable, in a language that such
14 parents, families, and students can understand;

15 “(E) how the eligible entity will coordinate the grant funds received under this
16 subpart with other Federal, State, and local funds;

17 “(F) how the eligible entity will ensure that each charter school within such eligible
18 entity’s jurisdiction or service area—

19 “(i) meets the requirements of section 5411(1); and

20 “(ii) provides equitable access and effectively serves the needs of all students,
21 including children with disabilities and English learners, and implements outreach
22 and recruitment practices that include families of such students;

23 “(G) how the eligible entity will award subgrants to developers, on a competitive
24 basis and through a high-quality ~~peer~~ review process, including a description of the
25 subgrant application;

26 “(H) how the eligible entity will target subgrants to high-performing charter schools
27 that plan to serve students who attend schools that have been identified through the
28 State accountability and improvement system described in section 1116;

29 “(I) the eligible entity’s record, if applicable, of success in creating, expanding,
30 replicating, managing, and overseeing high-performing charter schools, and closing
31 unsuccessful schools;

32 “(J) how the eligible entity will hold charter schools within such eligible entity’s
33 jurisdiction accountable if such schools do not meet the objectives specified in the
34 performance contract described in section 5411(1)(N), including by closing
35 unsuccessful schools; and

36 “(K) how charter school authorizers are approved, monitored, held accountable for
37 establishing rigorous standards, periodically reviewed, and re-approved in the State in
38 which the eligible entity operates, based on the performance of the charter schools that
39 such charter school authorizers authorize, including in the areas of student safety,
40 financial management, and compliance with all applicable statutes and regulations.

1 “(2) STATE EDUCATIONAL AGENCIES.—Each eligible entity described in section
2 ~~5411(3)(A)~~ **5411(4)(A)** shall include in the application described in paragraph (1) (in
3 addition to the requirements of such paragraph), the following:

4 “(A) A description of the State’s laws, policies, or procedures, if applicable, that
5 address—

6 “(i) how decisions are made to close unsuccessful charter schools, and how
7 student academic achievement and growth, consistent with section 1111, for all
8 students and for each subgroup of students described in section ~~1111(a)(2)(B)(ix)~~
9 **1116(b)(1)(B)**, is a primary factor in such decisions;

10 “(ii) how charter schools are monitored and held accountable for—

11 “(I) meeting the requirements described in section 5411(1); and

12 “(II) providing equitable access and effectively serving the needs of all
13 students, including students with disabilities and English learners; and

14 “(iii) how a charter school that is considered a local educational agency under
15 State law, or a local educational agency in which a charter school is located, will
16 comply with subsections (a)(5) and (e)(1)(B) of section 613 of the Individuals
17 with Disabilities Education Act.

18 “(B) Information about the eligible entity’s record of funding charter schools,
19 including funding charter school facilities.

20 “(C) Information about the number of charter schools in the State that—

21 “(i) have been closed or have had charters revoked or not renewed in the
22 preceding 5-year period, and the reasons for such closures, revocations, or
23 non-renewals;

24 “(ii) have been identified through the State accountability and improvement
25 system described in section 1116 in the preceding 5-year period;

26 “(iii) have met objectives specified in the performance contract described in
27 section 5411(1)(N); and

28 “(iv) the charter school authorizer has authorized that are high-performing
29 charter schools, and the percentage of such charter schools as compared to the
30 total number of charter schools that the charter school authorizer has authorized.

31 “(3) LOCAL EDUCATIONAL AGENCIES.—Each eligible entity described in section
32 ~~5411(3)(B)~~ **5411(4)(B)** shall include in the application described in paragraph (1) (in
33 addition to the requirements described in such paragraph), a description of the eligible
34 entity’s policies and procedures for—

35 “(A) ensuring that charter schools under the jurisdiction of such eligible entity have
36 equitable access to school facilities;

37 “(B) complying with subsections (a)(5) and (e)(1)(B) of section 613 of the
38 Individuals with Disabilities Education Act; and

39 “(C) supporting public school choice.

1 “(4) CHARTER SCHOOL AUTHORIZERS.—Each eligible entity described in section
2 ~~5411(3)(C)~~ **5411(4)(C)** shall include in the application described in paragraph (1) (in
3 addition to the requirements of such paragraph), the following:

4 “(A) A demonstration that the eligible entity has explicit and clear policies and
5 procedures in place for the approval, monitoring, renewal, and closure of charter
6 schools, and an assurance that such policies and procedures make student academic
7 achievement and growth, consistent with section 1111, for all students and for each
8 subgroup of students described in section ~~1111(a)(2)(B)(ix)~~ **1116(b)(1)(B)**, a primary
9 factor in such decisions.

10 “(B) A description of how the eligible entity will make publicly available (in a clear
11 and uniform format, a timely manner, and a form that is easily accessible, and, to the
12 extent practicable, in a language that families and students can understand)—

13 “(i) information about the criteria and procedures for granting, denying,
14 revoking, and renewing charters for charter schools; and

15 “(ii) the results of decisions relating to the granting, denial, revocation, and
16 renewal of charters for charter schools, including performance data and other
17 relevant information on which each decision is based.

18 “(C) Information about the number of charter schools that—

19 “(i) the charter school authorizer has authorized that have been closed or have
20 had charters revoked or not renewed by the eligible entity in the preceding 5-year
21 period, and the reasons for such closures, revocations, or non-renewals;

22 “(ii) have been identified through the State accountability and improvement
23 system described in section 1116;

24 “(iii) have met objectives specified in the performance contract described in
25 section 5411(1)(N); and

26 “(iv) the charter school authorizer has authorized that are high-performing
27 charter schools, and the percentage of such charter schools as compared to the
28 total number of charter schools that the charter school authorizer has authorized.

29 “(5) CHARTER MANAGEMENT ORGANIZATIONS.—Each eligible entity described in section
30 ~~5411(3)(D)~~ **5411(4)(D)** shall include in the application described in paragraph (1) (in
31 addition to the requirements of such paragraph), a description of—

32 “(A) the qualifications of such eligible entity’s management team; and

33 “(B) a multi-year financial and operating model for each of the high-performing
34 charter schools that such eligible entity will create, expand, or replicate under the
35 grant.

36 “(6) SPECIAL RULE.—In the case of a developer that plans to open a charter school in a
37 jurisdiction or service area where no eligible entity will be awarding subgrants under this
38 subpart for the fiscal year for which the developer applies, the Secretary may award a grant
39 to such developer if such developer has an approved application that includes the
40 requirements described in subparagraphs (A) through (F) of paragraph (1) and paragraph
41 (5). The requirements of subsections (b) and (c) of section 5416 and section 5417(c) shall

1 apply to a developer receiving a grant under this paragraph in the same manner as such
2 sections apply to a developer receiving a subgrant under section 5416, except that the
3 developer shall submit the data under section 5417(c) directly to the Secretary.

4 “SEC. 5414. SELECTION CRITERIA; PRIORITY.

5 “(a) Selection Criteria.—

6 “(1) IN GENERAL.—In awarding grants to eligible entities under this subpart, the Secretary
7 shall consider—

8 “(A) the quality of the eligible entity’s application;

9 “(B) the eligible entity’s record, if applicable, of success in creating, expanding,
10 replicating, managing, and overseeing high-performing charter schools;

11 “(C) the eligible entity’s record of discontinuing funding or closing low-performing
12 charter schools, including, as applicable, by revoking or not renewing the charters of
13 such charter schools, and the eligible entity’s commitment to discontinuing funding or
14 closing low-performing charter schools in the future;

15 “(D) the extent to which the eligible entity demonstrates that such eligible entity will
16 award subgrants targeted to serving students who attend schools that have been
17 identified through the State accountability and improvement system described in
18 section 1116;

19 “(E) the quality of the eligible entity’s plan for supporting subgrant recipients,
20 through such activities as technical assistance, **directly or through grants, contracts,**
21 **or cooperative agreements**, in order to—

22 “(i) improve student academic achievement and growth, consistent with section
23 1111, for all students and for each subgroup of students described in section
24 ~~1111(a)(2)(B)(ix)~~ **1116(b)(1)(B)**; and

25 “(ii) promote effective outreach to, and recruitment of, students who are
26 children with disabilities and students who are English learners, and the parents
27 and families of such students; and

28 “(F) the extent to which the State in which the eligible entity operates provides for,
29 and enforces, high-quality standards for charter school authorizers, including by
30 establishing standards for rigorous and periodic reviews.

31 “(2) STATE EDUCATIONAL AGENCIES.—In the case of an applicant that is an eligible entity
32 described in section ~~5411(3)(A)~~ **5411(4)(A)**, in addition to the elements described in
33 paragraph (1), the Secretary shall also consider, the extent to which such eligible entity—

34 “(A) ensures that charter schools receive equitable funding compared to other public
35 schools in the State, and a commensurate share of Federal, State, and local revenues
36 compared to public schools in the State, including equitable State funding to support
37 early learning **childhood education and care** programs operated by charter schools in
38 the State, in accordance with State law; and

39 “(B) provides charter schools with equitable access to funds for facilities (which
40 may include funds for leasing or purchasing facilities or for making tenant

1 improvements), assistance for facilities acquisition, access to public facilities, the
2 ability to share in the proceeds of bonds and levies, or other support related to
3 facilities.

4 “(3) LOCAL EDUCATIONAL AGENCIES.—In the case of an applicant that is an eligible entity
5 described in section ~~5411(3)(B)~~ **5411(4)(B)** (except for a charter school that is considered a
6 local educational agency under State law) in addition to the elements described in paragraph
7 (1), the Secretary shall also consider—

8 “(A) if charter schools are operating within the area served by such eligible entity,
9 the extent to which the eligible entity has policies and procedures in place to ensure
10 that—

11 “(i) charter schools have equitable access to school facilities; or

12 “(ii) charter schools are not denied access to available public school facilities;
13 and

14 “(B) the extent to which the eligible entity demonstrates support for public school
15 choice.

16 “(4) CHARTER SCHOOL AUTHORIZERS.—In the case of an applicant that is an eligible
17 entity described in section ~~5411(3)(C)~~ **5411(4)(C)**, in addition to the elements described in
18 paragraph (1), the Secretary shall also consider the eligible entity’s record of success in
19 authorizing and supporting high-performing charter schools.

20 “(5) CHARTER MANAGEMENT ORGANIZATIONS.—In the case of an applicant that is an
21 eligible entity described in section ~~5411(3)(D)~~ **5411(4)(D)**, in addition to the elements
22 described in paragraph (1), as applicable, the Secretary shall also consider—

23 “(A) the quality of the eligible entity’s management team; and

24 “(B) the quality **and sustainability** of the eligible entity’s multi-year financial and
25 operating model.

26 “(b) Priority.—

27 “(1) STUDENTS FROM LOW-INCOME FAMILIES.—In awarding grants under this subpart, the
28 Secretary shall give priority to eligible entities that propose to create, expand, or replicate
29 high-performing charter schools that plan to enroll a large percentage of students from
30 low-income families.

31 “(2) DIVERSITY.—In awarding grants under this subpart, the Secretary may give priority
32 to eligible entities that propose to create, expand, or replicate a high-performing charter
33 school that will have a diverse student population.

34 “(3) STATE EDUCATIONAL AGENCIES.—In the case of an applicant that is an eligible entity
35 described in section ~~5411(3)(A)~~ **5411(4)(A)**, the Secretary shall give priority to such
36 eligible entities—

37 “(A) from States that do not have a law that prohibits, or effectively inhibits,
38 increasing the number of high-performing charter schools in the State;

39 “(B) from States that—

40 “(i) provide for, and adequately support, 2 or more charter school authorizers,

1 of which not less than 1 is a statewide charter school authorizer; or

2 “(ii) in the case of a State in which local educational agencies are the only
3 charter school authorizers—

4 “(I) allow for an appeals process through which developers have an
5 opportunity to appeal a denial to another authorizer that will issue a final
6 determination regarding whether or not to grant the developer a charter; and

7 “(II) require charter school authorizers to indicate an affirmative interest in
8 serving as charter school authorizers; and

9 “(C) that have a policy or procedure in place that ensures that charter schools are
10 reauthorized or have their charter renewed not less than once every 5 years.

11 “SEC. 5415. USES OF FUNDS.

12 “(a) Required Uses of Funds.—Each eligible entity receiving a grant under section 5412(a)
13 shall—

14 “(1) use **not less than 95 percent** of the remaining grant funds, after the reservations
15 made under section 5412(g), to award subgrants to 1 or more developers, as described under
16 section 5416, to enable such developers to create, expand, or replicate 1 or more
17 high-performing charter schools (which may include opening new schools or converting
18 existing schools into charter schools) in the area served by the eligible entity or under the
19 jurisdiction of the eligible entity;

20 “(2) in awarding subgrants, give priority to developers that propose to create, expand, or
21 replicate a high-performing charter school in which a large percentage of the students
22 enrolled are from low-income families;

23 “(3) provide developers who are receiving a subgrant with support and technical
24 assistance in—

25 “(A) improving student academic achievement and growth, consistent with section
26 1111;

27 “(B) effectively serving the needs of all students, including students who are
28 children with disabilities and English learners; and

29 “(C) implementing outreach and recruitment practices that includes families of
30 students who are children with disabilities and English learners;

31 “(4) directly, or through a partnership with a nonprofit organization (such as a
32 community-based organization), develop and implement parent, family, and student
33 information, outreach, and recruitment programs to provide information and support to
34 parents, families, and students about the public school choice options available to them,
35 including students who are children with disabilities and English learners, in a simple, clear,
36 and easily accessible format and, to the extent practicable, in a language that such parents,
37 families, and students can understand.

38 “(b) Permissible Use of Funds.—Each eligible entity receiving a grant under section 5412(a)
39 may use not more than 1 percent of grant funds to disseminate information to public schools in
40 the eligible entity’s jurisdiction or service area about lessons learned through the grant activities,

1 in order to—

2 “(1) successfully address the education needs of all students, including students who are
3 children with disabilities and students who are English learners; and

4 “(2) replicate high-performing charter school models.

5 “SEC. 5416. SUBGRANTS.

6 “(a) Applications.—Each developer that desires to receive a subgrant under this subpart shall
7 submit an application to the appropriate eligible entity at such time, in such form, and including
8 such information and assurances as the eligible entity may reasonably require, which shall
9 include the information required under subparagraphs (A) through (F) of paragraph (1) and
10 paragraph (5) of section 5413(b).

11 “(b) Use of Funds.—A developer that receives a subgrant under this subpart shall use such
12 subgrant funds to create, expand, or replicate 1 or more high-performing charter schools, which
13 may include carrying out the following activities:

14 “(1) If necessary, carrying out not more than 12 months of planning and program design,
15 unless such developer demonstrates the need for an additional planning period of not more
16 than 3 months.

17 “(2) Recruiting and providing preparation, induction, and professional development for
18 teachers, school leaders, and other staff who will work in a charter school that is supported
19 by the developer.

20 “(3) Acquiring necessary equipment, supplies, and educational materials, including
21 curricula, assessments, and instructional materials.

22 “(4) Professional development and implementation of systems for the delivery of
23 appropriate services for students who are children with disabilities and English learners,
24 including through centralizing, purchasing, or sharing the provision of such services with
25 other organizations.

26 “(5) Providing transportation to students to and from the school.

27 “(6) Paying operational costs for a charter school that cannot be met through State or
28 local funding sources.

29 “(7) Directly, or through a partnership with a nonprofit organization (including a
30 community-based organization), developing and implementing parent, family, and student
31 information and outreach programs to provide information and support to parents, families,
32 and students about each charter school, in a simple, clear, and easily accessible format and,
33 to the extent practicable, in a language that the parents, families, and students can
34 understand.

35 “(8) Developing and implementing effective outreach and recruitment strategies to
36 inform families of students who are children with disabilities and students who are English
37 learners about the charter school, the charter school admissions process, and the charter
38 school’s plan to effectively provide appropriate educational and related services to such
39 students.

40 “(9) Evaluating and disseminating information, including through technical assistance,

1 about the effectiveness of the activities supported by the subgrant.

2 “(c) Limitations.—Not more than 1 percent of subgrant funds may be used to carry out the
3 activities described in subsection (b)(9).

4 **“SEC. 5417. PERFORMANCE MEASURES; REPORTS.**

5 “(a) Performance Measures and Targets.—Each eligible entity receiving a grant under this
6 subpart shall establish performance measures and annual targets, approved by the Secretary, for
7 the charter schools that are created, expanded, or replicated with funds provided through a grant
8 or subgrant under this subpart. Such measures and targets shall include, at a minimum, in the
9 aggregate and disaggregated by each subgroup of students described in section
10 ~~1111(a)(2)(B)(ix)~~— **1116(b)(1)(B)**—

11 “(1) the number of students enrolled in each charter school;

12 “(2) the number of students enrolled in each high-performing charter school;

13 “(3) the number of students enrolled in each high-performing charter school who were
14 formerly attending a school that has been identified through the State accountability and
15 improvement system described in section 1116;

16 “(4) student academic achievement and growth, consistent with section 1111, including,
17 if applicable, performance on the State academic assessments required under section
18 1111(a)(2), and student growth consistent with section 1111;

19 “(5) student retention rates;

20 “(6) in the case of a public charter school that is a secondary school, student graduation
21 rates, and student rates of enrollment and persistence in institutions of higher education; and

22 “(7) other measures required by the Secretary.

23 “(b) Reports.—Each eligible entity receiving a grant under this subpart shall annually prepare
24 and submit a report to the Secretary containing the information described under subsection (a).

25 “(c) Developers.—Each developer receiving a subgrant under this subpart from an eligible
26 entity shall provide the eligible entity with the data necessary to comply with the requirements of
27 this section.

28 **“SEC. 5418. FEDERAL FORMULA ALLOCATION DURING** 29 **FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT** 30 **EXPANSIONS.**

31 “(a) In General.—For purposes of the allocation to schools by the States or their agencies of
32 funds under part A of title I, and any other Federal funds which the Secretary allocates to States
33 on a formula basis, the Secretary and each State educational agency shall take such measures as
34 are necessary to ensure that every charter school receives the Federal funding for which the
35 charter school is eligible not later than 5 months after the charter school first opens,
36 notwithstanding the fact that the identity and characteristics of the students enrolling in that
37 charter school are not fully and completely determined until that charter school actually opens.
38 The measures similarly shall ensure that every charter school expanding its enrollment in any

1 subsequent year of operation receives the Federal funding for which the charter school is eligible
2 not later than 5 months after such expansion.

3 “(b) Adjustment and Late Openings.—

4 “(1) IN GENERAL.—The measures described in subsection (a) shall include provision for
5 appropriate adjustments, through recovery of funds or reduction of payments for the
6 succeeding year, in cases where payments made to a charter school on the basis of estimated
7 or projected enrollment data exceed the amounts that the school is eligible to receive on the
8 basis of actual or final enrollment data.

9 “(2) RULE.—For charter schools that first open after November 1 of any academic year,
10 the State, in accordance with guidance provided by the Secretary and applicable Federal
11 statutes and regulations, shall ensure that such charter schools that are eligible for the funds
12 described in subsection (a) for such academic year have a full and fair opportunity to
13 receive those funds during the charter schools’ first year of operation.

14 “SEC. 5419. RECORDS TRANSFER.

15 “State educational agencies and local educational agencies receiving funds under part A of
16 title I or any other Federal funds from the Secretary, shall, in the most timely manner possible
17 and to the extent practicable, ensure that a student’s records and, if applicable, a student’s
18 individualized education program as defined in section 602(11) of the Individuals with
19 Disabilities Education Act, are transferred to a charter school upon the transfer of the student to
20 the charter school, and to another public school upon the transfer of the student from a charter
21 school to another public school, in accordance with applicable State law.

22 “SEC. 5420. NATIONAL ACTIVITIES.

23 “From funds made available under this subpart for each fiscal year, the Secretary may reserve
24 not more than 2.5 percent for national activities to carry out (directly or through grants, contracts
25 that use a competitive bidding process, or cooperative agreements) research, development, data
26 collection, technical assistance, outreach, and dissemination activities, including—

27 “(1) research, technical assistance, and other activities to assist eligible entities receiving
28 a grant under this subpart, and other eligible entities in improving the entity’s capacity to—

29 “(A) create, expand, replicate, operate, or support high-performing charter schools
30 that meet the needs of, and improve the outcomes for, all students, including students
31 who are children with disabilities and English learners;

32 “(B) support charter school authorizers to improve quality through the adoption of
33 research-based policies and procedures and increased capacity; and

34 “(C) work to turn around schools that have been identified through the State
35 accountability and improvement system described in section 1116;

36 “(2) providing for the research and dissemination of information about specific charter
37 school models and program characteristics for which there is strong evidence of a
38 significant impact on improving student academic achievement and growth, consistent with
39 section 1111, for all students, including students who are children with disabilities and
40 English learners;

1 “(3) developing and implementing activities that help parents, families, students, and the
2 community identify and access high-performing charter schools;

3 “(4) providing for the collection of information regarding the financial resources
4 available to charter schools (including access to private capital) and widely disseminating to
5 charter schools any such relevant information and model descriptions of successful
6 programs; and

7 “(5) carrying out other related activities.

8 “Subpart 2—Charter School Facility Acquisition, Construction, 9 and Renovation

10 “SEC. 5431. PURPOSE.

11 “The purpose of this subpart is to provide grants to eligible entities to improve access to
12 facilities and facilities financing for high-performing charter schools and assist such schools to
13 address the cost of acquiring, constructing, and renovating facilities.

14 “SEC. 5432. DEFINITIONS.

15 “In this subpart:

16 “(1) HIGH-PERFORMING CHARTER SCHOOL.—The term ‘high-performing charter school’
17 has the meaning given such term in section ~~5411(5)~~ **5411(6)**.

18 “(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

19 “(A) a State educational agency;

20 “(B) a local educational agency, except a charter school that is considered a local
21 educational agency under State law;

22 “(C) a nonprofit entity;

23 “(D) a State financing authority; or

24 “(E) a consortium of entities described in any of subparagraphs (A) through (D).

25 “(3) PER-PUPIL FACILITIES AID PROGRAM.—The term ‘per-pupil facilities aid program’
26 means a program—

27 “(A) that is specified in State law;

28 “(B) that provides annual financing, on a per-pupil basis, for charter school
29 facilities; and

30 “(C) in which a State makes payments, on a per-pupil basis, to charter schools to
31 provide such schools with financing—

32 “(i) that is dedicated solely for funding charter school facilities; or

33 “(ii) a portion of which is dedicated for funding charter school facilities.

34 “SEC. 5433. GRANTS TO ELIGIBLE ENTITIES.

1 “(a) Credit Enhancement Grants.—The Secretary shall use not less than 65 percent of the
2 amount available to carry out this subpart to award grants on a competitive basis to eligible
3 entities to enable such eligible entities to demonstrate innovative credit enhancement methods of
4 assisting high-performing charter schools to access private sector capital to address the cost of
5 acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond
6 financing.

7 “(b) Other Facilities Grants.—The Secretary shall use the remainder of the amount available to
8 carry out this subpart to award grants on a competitive basis to eligible entities to—

9 “(1) improve access to facilities and facilities financing for high-performing charter
10 schools, through methods that may include—

11 “(A) leveraging State and local facilities funds, including the cost of implementing
12 school bond programs that include high-performing charter schools;

13 “(B) implementing open-facilities-access programs or making available renovated or
14 adapted space for high-performing charter schools; and

15 “(C) assisting with constructing or improving, at low cost, facilities for
16 high-performing charter schools through innovative methods; and

17 “(2) support an eligible entity described in section ~~5411(3)(A)~~ **5432(2)(A)** in the
18 establishment, enhancement, and administration of a per-pupil facilities aid program
19 through Federal payments that shall be not more than—

20 “(A) 90 percent of the cost, for the first fiscal year for which the program receives
21 assistance under this subsection;

22 “(B) 80 percent in the second such year;

23 “(C) 60 percent in the third such year;

24 “(D) 40 percent in the fourth such year; and

25 “(E) 20 percent in the fifth such year.

26 “(c) State Share of Per-Pupil Facilities Aid Program.—A State receiving a grant under
27 subsection (b)(2) may partner with 1 or more organizations to provide not more than 50 percent
28 of the State share of the cost of establishing, enhancing, or administering the per-pupil facilities
29 aid program.

30 “(d) Grant Amount.—In determining the amount of each grant to be awarded under this
31 subpart, the Secretary shall consider—

32 “(1) the quality of the application submitted under section 5435;

33 “(2) the number of students that are served or may be served by high-performing charter
34 schools that would receive assistance under the grant program; and

35 “(3) the amount of funds that is needed to implement the activities described in the
36 approved application.

37 “(e) Supplement Not Supplant.—Funds made available under this section shall be used to
38 supplement, and not supplant, State and local public funds expended to provide programs for
39 charter schools.

1 “SEC. 5434. CHARTER SCHOOL OBJECTIVES.

2 “An eligible entity receiving a grant under this subpart shall use the funds to assist 1 or more
3 high-performing charter schools to accomplish 1 or both of the following objectives:

4 “(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including
5 an interest held by a third party for the benefit of a charter school) in improved or
6 unimproved real property that is necessary to commence or continue the operation of a
7 charter school.

8 “(2) The construction of new facilities, or the renovation, repair, or alteration of existing
9 facilities, necessary to commence or continue the operation of a charter school.

10 “SEC. 5435. APPLICATIONS; SELECTION CRITERIA.

11 “(a) In General.—Each eligible entity desiring a grant under this subpart shall submit an
12 application to the Secretary at such time, in such manner, and containing such information and
13 assurances as the Secretary may require.

14 “(b) Contents.—An application submitted under subsection (a) shall include—

15 “(1) a description of the activities that the eligible entity proposes to carry out using funds
16 received under this subpart;

17 “(2) a demonstration that the eligible entity will consider the quality of a charter school
18 when determining—

19 “(A) which charter schools will receive assistance under this subpart;

20 “(B) how much grant assistance will be provided to each charter school; and

21 “(C) the type of assistance that each charter school will receive;

22 “(3) a description of the eligible entity’s record of successfully carrying out the activities
23 that such eligible entity proposes to carry out;

24 “(4) if applicable, the eligible entity’s record of leveraging private-sector funding and a
25 description of how the proposed activities will leverage the maximum amount of
26 private-sector financing capital relative to the amount of government funding;

27 “(5) an explanation of how the eligible entity possesses sufficient expertise in education
28 to evaluate the likelihood of success of a charter school for which facilities financing is
29 sought;

30 “(6) in the case of an application submitted by an eligible entity that includes 1 or more
31 State or local educational agencies, a description of the agency’s policies and procedures for
32 ensuring that charter schools have equitable access to school facilities; and

33 “(7) such other information as the Secretary may reasonably require.

34 “(c) Selection Criteria.—In awarding grants under this subpart, the Secretary shall consider—

35 “(1) the quality of the eligible entity’s application;

36 “(2) the extent to which the eligible entity proposes to support high-performing charter
37 schools that plan to enroll a large percentage of students from low-income families;

1 “(3) the geographic diversity of the eligible entities, including the distribution of grants
2 between urban and rural areas; and

3 “(4) the number of eligible entities in a State that are receiving grants under this subpart
4 in any fiscal year.

5 “SEC. 5436. RESERVE ACCOUNT.

6 “(a) Use of Funds.—To assist charter schools with addressing the cost of acquiring,
7 constructing, and renovating facilities and accessing facilities and facilities financing, an eligible
8 entity receiving a grant under section 5433(a) shall, in accordance with State and local law,
9 directly or indirectly, alone or in collaboration with others, deposit the funds received under this
10 subpart (other than funds used for administrative costs in accordance with section 5437) in a
11 reserve account established and maintained by the eligible entity for this purpose. Amounts
12 deposited in such account shall be used by the eligible entity for 1 or more of the following
13 purposes:

14 “(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and
15 interests therein, the proceeds of which are used for an objective described in section 5434.

16 “(2) Guaranteeing and insuring leases of personal and real property for an objective
17 described in section 5434.

18 “(3) Facilitating financing by identifying potential lending sources, encouraging private
19 lending, and other similar activities that directly promote lending to, or for the benefit of,
20 charter schools.

21 “(4) Facilitating the issuance of bonds by charter schools, or by other public entities for
22 the benefit of charter schools, by providing technical, administrative, and other appropriate
23 assistance (including the recruitment of bond counsel, underwriters, and potential investors
24 and the consolidation of multiple charter school projects within a single bond issue).

25 “(b) Investment.—Funds received under this subpart and deposited in the reserve account
26 established under subsection (a) shall be invested in obligations issued or guaranteed by the
27 United States or a State, or in other similarly low-risk securities.

28 “(c) Reinvestment of Earnings.—Any earnings on funds received under this subpart shall be
29 deposited in the reserve account established under subsection (a) and used in accordance with
30 such subsection.

31 “SEC. 5437. LIMITATION ON ADMINISTRATIVE COSTS.

32 “An eligible entity may use not more than 2.5 percent of the funds received under this subpart
33 for the administrative costs of carrying out its responsibilities under this subpart.

34 “SEC. 5438. AUDITS AND REPORTS.

35 “(a) Financial Record Maintenance and Audit.—The financial records of each eligible entity
36 receiving a grant under this subpart shall be maintained in accordance with generally accepted
37 accounting principles and shall be subject to an annual audit by an independent public
38 accountant.

39 “(b) Reports.—

1 “(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this
2 subpart annually shall submit to the Secretary a report of its operations and activities under
3 this subpart.

4 “(2) CONTENTS.—Each annual report submitted under paragraph (1) shall include—

5 “(A) a copy of the most recent financial statements, and any accompanying opinion
6 on such statements, prepared by the independent public accountant reviewing the
7 financial records of the eligible entity;

8 “(B) a copy of any report made on an audit of the financial records of the eligible
9 entity that was conducted under subsection (a) during the reporting period;

10 “(C) if applicable, an evaluation by the eligible entity of the effectiveness of its use
11 of the Federal funds provided under this subpart in leveraging private funds;

12 “(D) a listing and description of the charter schools served during the reporting
13 period and the performance of such charter schools in increasing student achievement
14 and growth, consistent with section 1111;

15 “(E) a description of the activities carried out by the eligible entity to assist charter
16 schools in meeting the objectives set forth in section 5434; and

17 “(F) a description of the characteristics of lenders and other financial institutions
18 participating in the activities undertaken by the eligible entity under this subpart during
19 the reporting period, if applicable.

20 “(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under
21 paragraph (1) and shall provide a comprehensive annual report to Congress on the activities
22 conducted under this subpart.

23 “SEC. 5439. NO FULL FAITH AND CREDIT FOR 24 GRANTEE OBLIGATIONS.

25 “No financial obligation of an eligible entity entered into pursuant to this subpart (such as an
26 obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or
27 guaranteed in any respect by, the United States. The full faith and credit of the United States is
28 not pledged to the payment of funds which may be required to be paid under any obligation
29 made by an eligible entity pursuant to any provision of this subpart.

30 “SEC. 5440. RECOVERY OF FUNDS.

31 “(a) In General.—The Secretary, in accordance with chapter 37 of title 31, United States Code,
32 shall collect—

33 “(1) all of the funds in a reserve account established by an eligible entity under section
34 5436(a) if the Secretary determines, not earlier than 2 years after the date on which the
35 eligible entity first received funds under this subpart, that the eligible entity has failed to
36 make substantial progress in carrying out the purposes described in section 5436(a); or

37 “(2) all or a portion of the funds in a reserve account established by an eligible entity
38 under section 5436(a) if the Secretary determines that the eligible entity has permanently
39 ceased to use all or a portion of the funds in such account to accomplish any purpose

1 described in section 5436(a).

2 “(b) Exercise of Authority.—The Secretary shall not exercise the authority provided in
3 subsection (a) to collect from any eligible entity any funds that are being properly used to
4 achieve 1 or more of the purposes described in section 5436(a).

5 “(c) Procedures.—The provisions of sections 451, 452, and 458 of the General Education
6 Provisions Act shall apply to the recovery of funds under subsection (a).

7 “(d) Construction.—This section shall not be construed to impair or affect the authority of the
8 Secretary to recover funds under part D of the General Education Provisions Act.”.

9 PART E—VOLUNTARY PUBLIC SCHOOL CHOICE

10 SEC. 5501. VOLUNTARY PUBLIC SCHOOL CHOICE.

11 Title V (20 U.S.C. 7221 et seq.) is amended by adding at the end the following:

12 “PART E—VOLUNTARY PUBLIC SCHOOL CHOICE 13 PROGRAMS

14 “SEC. 5501. GRANTS.

15 “(a) Authorization.—From funds made available to carry out this subpart, the Secretary shall
16 award grants, on a competitive basis, to eligible entities to enable the entities to establish or
17 expand a program of public school choice (referred to in this subpart as a ‘program’) in
18 accordance with this subpart.

19 “(b) Duration.—Grants awarded under subsection (a) may be awarded for a period of 3 years
20 and may be renewed for not more than an additional 2 years if the Secretary finds that the
21 grantee is achieving the objectives of the grant.

22 “SEC. 5502. USES OF FUNDS.

23 “(a) Required Use of Funds.—An eligible entity that receives a grant under this subpart shall
24 use the grant funds to establish or expand inter- or intra-district public school choice programs
25 for students attending the lowest-performing schools to attend high-quality public elementary
26 schools and secondary schools, including charter schools.

27 “(b) Permissible Uses of Funds.—An eligible entity that receives a grant under this subpart
28 may use the grant funds for—

29 “(1) planning or designing a program (for not more than 1 year);

30 “(2) transportation services to and from high-quality schools for participating students;

31 “(3) improving public school finance systems to allow school funding to follow students,
32 including tuition transfer payments to high-quality public elementary schools or secondary
33 schools to which students transfer under the program;

34 “(4) capacity-enhancing activities that enable high-quality public elementary schools or
35 secondary schools to accommodate transfer requests under the program;

36 “(5) public education and recruitment campaigns to inform students attending the

1 lowest-performing schools and their parents about the program and to facilitate their
2 participation; and

3 “(6) other costs reasonably necessary to implement the program, such as the development
4 of lottery systems.

5 “(c) Nonpermissible Uses of Funds.—An eligible entity that receives a grant under this
6 subpart may not use the grant funds for school construction.

7 “(d) Administrative Expenses.—The eligible entity may use not more than 5 percent of the
8 funds made available through the grant for any fiscal year for administrative expenses.

9 “SEC. 5503. APPLICATIONS.

10 “(a) Submission.—An eligible entity that desires a grant under this subpart shall submit an
11 application to the Secretary at such time, in such manner, and containing such information as the
12 Secretary may require.

13 “(b) Contents.—An application submitted under subsection (a) shall include a comprehensive
14 plan that describes—

15 “(1) the activities to be carried out;

16 “(2) how the activities—

17 “(A) will increase access to high-quality schools for students attending the
18 lowest-performing schools;

19 “(B) will increase the student academic achievement and student growth of students
20 participating in the grant activities, including English learners and students with
21 disabilities; and

22 “(C) if applicable, will increase diversity;

23 “(3) how students will be selected to participate in grant activities, including the design
24 and implementation of a lottery system if the program is oversubscribed, and how students
25 and parents will be informed of their opportunity to participate;

26 “(4) how the program will be coordinated with and leverage other related Federal and
27 non-Federal funding and programs;

28 “(5) how the applicant will continue to implement the plan after the period of the grant
29 has expired;

30 “(6) if the activities required under section 5505(a)(2) are to be carried out in partnership
31 with a public or other nonprofit organization, a description of the organization’s experience,
32 capacity, responsibilities, and how the eligible entity will monitor the public or other
33 nonprofit organization’s effectiveness in carrying out such activities; and

34 “(7) such other information as the Secretary may require.

35 “(c) Selection Criteria.—In selecting grantees under this part, the Secretary shall consider—

36 “(1) the quality of the applicant’s comprehensive plan;

37 “(2) the extent to which the applicant can demonstrate that its grant activities will
38 increase student academic achievement and student growth for students participating in the

1 grant activities, including English learners and students with disabilities; and

2 “(3) the extent to which the applicant can demonstrate that its grant activities will ensure
3 that parents and students are informed of the program, in a clear and uniform format and, to
4 the extent practicable, in a language that the parents and students can understand, to
5 increase the likelihood that parents will have their children participate in the grantee’s
6 program.

7 “SEC. 5504. PRIORITIES.

8 “In awarding grants under this subpart, the Secretary shall give priority to an eligible entity
9 that proposes to—

10 “(1) establish or expand an inter-district choice program that serves a large percentage of
11 students from low-income families; and

12 “(2) establish or expand a program that will increase diversity.

13 “SEC. 5505. REQUIREMENTS AND VOLUNTARY 14 PARTICIPATION.

15 “(a) Parent and Community Involvement and Notice.—In carrying out a program under this
16 subpart, an eligible entity shall carry out the following:

17 “(1) Develop the program with—

18 “(A) the involvement of parents and other education stakeholders in the community
19 to be served; and

20 “(B) individuals who will carry out the program, including administrators, teachers,
21 principals, and other staff.

22 “(2) Develop and carry out the following activities, alone or in partnership with a public
23 or other nonprofit organization that has a record of success in implementing such activities:

24 “(A) Disseminating timely and accurate information about the program to parents of
25 students attending the lowest-performing schools, in a clear and uniform format and, to
26 the extent practicable, in a language that they can understand, including through the
27 use of a variety of effective and innovative outreach approaches, such as by sending
28 customized letters to each family about available programs.

29 “(B) Providing education and training to parents of students attending the
30 lowest-performing schools to enable the parents to use the information provided under
31 subparagraph (A) in their decisions about their children’s education.

32 “(b) Selection of Students.—An eligible entity that receives a grant under this subpart shall
33 select students to participate in a program on the basis of a lottery, if more students apply for
34 admission to the program than can be accommodated.

35 “(c) Voluntary Participation.—Student participation in a program funded under this subpart
36 shall be voluntary.

37 “(d) Performance Measures.—

38 “(1) IN GENERAL.—Each eligible entity awarded a grant under this part shall establish

1 performance measures and targets that—

2 “(A) are approved by the Secretary;

3 “(B) are implemented for each program established or expanded with funds
4 provided under this part; and

5 “(C) at a minimum, track—

6 “(i) the number of students participating;

7 “(ii) the participating students’ academic achievement and student growth;

8 “(iii) in the case of participating high school students, their graduation rates;
9 and

10 “(iv) any other measure required by the Secretary.

11 “(2) REPORTS.—Each eligible entity awarded a grant under this part shall annually report
12 to the Secretary on its performance on the measures and targets established under paragraph
13 (1), and shall provide that information both in the aggregate and disaggregated for each
14 subgroup of students described in section 1111(a)(2)(B)(ix).

15 “SEC. 5506. EVALUATIONS.

16 “From the amount reserved for evaluation activities in accordance with section 9601(a), the
17 Secretary, acting through the Director of the Institute of Education Sciences, shall, in
18 consultation with the relevant program office at the Department, evaluate the implementation
19 and impact of the activities supported under this part, consistent with section 9601, including—

20 “(1) how, and the extent to which, the programs promote educational equity and
21 excellence;

22 “(2) the characteristics of the students participating in the programs; and

23 “(3) the effect of the programs on the academic achievement and student growth of
24 students participating in the programs both in the aggregate and disaggregated for each
25 subgroup of students described in section 1111(a)(2)(B)(ix).

26 “SEC. 5507. DEFINITIONS.

27 “In this subpart:

28 “(1) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given such term in
29 section 5210.

30 “(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

31 “(A) one or more high-need local educational agencies applying with 1 or more
32 other local educational agencies; or

33 “(B) a State educational agency applying with 1 or more high-need local educational
34 agencies.

35 “(3) LOWEST-PERFORMING SCHOOL.—The term ‘lowest-performing school’ means a
36 public elementary school or secondary school that has been identified as an achievement
37 gap school pursuant to section 1116(b) or a persistently low-achieving school pursuant to

1 section 1116(c).”.

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TITLE VI—PROMOTING FLEXIBILITY; RURAL EDUCATION

~~PART A—PROMOTING FLEXIBILITY~~

SEC. 6101. PROMOTING FLEXIBILITY.

Title VI (20 U.S.C. 7301 et seq.) is amended—

(1) by striking the title heading and inserting the following: “PROMOTING FLEXIBILITY; RURAL EDUCATION”; **and**

(2) by striking part A and inserting the following:

“PART A—TRANSFERABILITY

“SEC. 6101. TRANSFERABILITY OF FUNDS.

“(a) Transfers by States.—

“(1) ~~AUTHORITY TO TRANSFER.~~—Except as provided in paragraph (2), in accordance with this part, a State may transfer up to 100 percent of the State funds allotted to the State for a fiscal year for use for State-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 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.~~—Except as provided in paragraph (2), in accordance with this part, a local educational agency may transfer 100 percent of the funds allocated to it for a fiscal year 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.

“(2) ~~PROHIBITION AGAINST TRANSFERRING FUNDS OUT OF CERTAIN TITLES.~~—A local educational agency may not transfer, pursuant to paragraph (1), any funds that originate in title I, III, VII, or VIII out of such respective title.

“(3) ~~SPECIAL RULE WITH RESPECT TO RURAL DISTRICTS.~~—**Except as provided in paragraph (2), a local educational agency that is eligible to receive assistance under part B may transfer 100 percent of the funds allocated to it for a fiscal year 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 or to carry out activities under a grant program in which funds for the grant are distributed by formula to States.**

1 “(c) Modification of Plans and Applications; Notification.—

2 “(1) STATE TRANSFERS.—Each State that makes a transfer of funds under this section
3 shall—

4 “(A) modify, to account for such transfer, each State plan, or application submitted
5 by the State, to which such funds relate;

6 “(B) not later than 30 days after the date of such transfer, submit a copy of such
7 modified plan or application to the Secretary; and

8 “(C) not later than 30 days before the effective date of such transfer, notify the
9 Secretary of such transfer.

10 “(2) LOCAL TRANSFERS.—Each local educational agency that makes a transfer of funds
11 under this section shall—

12 “(A) modify, to account for such transfer, each local plan, or application submitted
13 by the agency, to which such funds relate;

14 “(B) not later than 30 days after the date of such transfer, submit a copy of such
15 modified plan or application to the State; and

16 “(C) not later than 30 days before the effective date of such transfer, notify the State
17 of such transfer.

18 “(d) Applicable Rules.—

19 “(1) IN GENERAL.—Except as otherwise provided in this part, funds transferred pursuant
20 to this section are subject to each of the rules and requirements applicable to the funds under
21 the provision—

22 “(A) to which the transferred funds are transferred; and

23 “(B) from which the transferred funds are transferred.

24 “(2) CONSULTATION.—Each State educational agency or local educational agency that
25 transfers funds under this section shall conduct consultations in accordance with section
26 9501, if such transfer transfers funds from a program that provides for the participation of
27 students, teachers, or other educational personnel, from private schools.”;

28 ~~(3) in part B~~— **SEC. 6102. RURAL EDUCATION.**

29 ~~(A)~~ **Part B of title VI (20 U.S.C. 7341 et seq.) is amended—**

30 **(1)** by striking section 6211;

31 ~~(B)~~**(2)** by redesignating sections 6212 and 6213 as sections 6211 and 6212, respectively;

32 ~~(C)~~**(3)** in section 6211, as redesignated by ~~subparagraph (B)~~— **paragraph (2)**—

33 ~~(i)~~**(A)** in the section heading, by striking “grant”;

34 ~~(ii)~~**(B)** in subsection (a), by striking “activities authorized” and all that follows
35 through the period at the end of paragraph (5) and inserting “activities consistent with
36 section 6101(b).”;

37 ~~(iii)~~**(C)** in subsection (b)—

1 ~~(I)~~(i) in paragraph (1)—

2 ~~(aa)~~(I) by striking “section 6211(b)” and inserting “subsection (d)”; and

3 ~~(bb)~~(II) by striking “section 6211(c)” and inserting “subparagraphs (A)-
4 ~~through (C) of section 6231(a)(1)”; and~~“**subpart 2 of part A of title II**”;
5 **and**

6 ~~(H)~~(ii) by striking paragraph (2) and inserting the following:

7 “(2) DETERMINATION OF INITIAL AMOUNT.—

8 “(A) IN GENERAL.—The initial amount referred to in paragraph (1) is equal to \$100
9 multiplied by the total number of students in excess of 50 students, in average daily
10 attendance at the schools served by the local educational agency, plus \$20,000, except
11 that the initial amount may not exceed \$60,000.

12 “(B) APPROPRIATION MORE THAN \$211,723,832.—Notwithstanding subparagraph
13 (A), if the appropriation for this part is more than \$211,723,832, a grant under this part
14 shall not be less than \$25,000, and the initial amount may not exceed \$80,000.”.

15 ~~(iv)~~(D) by redesignating subsection (d) as subsection (e);

16 ~~(v)~~(E) by inserting after subsection (c) the following:

17 “(d) Eligibility.—

18 “(1) IN GENERAL.—A local educational agency shall be eligible for a grant under this
19 section if—

20 “(A)(i)(I) the total number of students in average daily attendance at all of the
21 schools served by the local educational agency is fewer than 600; or

22 “(II) each county or locale in which a school served by the local educational agency
23 is located has a total population density of fewer than 10 persons per square mile; and

24 “(ii) each of the schools served by the local educational agency is designated with a
25 school locale code of 33, 41, 42, or 43, as determined by the Secretary; or

26 “(B) the agency meets at least one of the criteria established in subparagraph (A)(i)
27 and the Secretary, in accordance with paragraph (2), grants the State educational
28 agency’s request to waive the criterion described in subparagraph (A)(ii).

29 “(2) CERTIFICATION.—The Secretary shall determine whether to waive the criterion
30 described in paragraph (1)(A)(ii) based on a demonstration by the local educational agency,
31 and with the concurrence of the State educational agency, that the local educational agency
32 is located in an area defined as rural by a governmental agency of the State.”; and

33 ~~(vi)~~(F) by striking subsection (e), as redesignated by ~~clause (iv)~~ **subparagraph (D)**,
34 and inserting the following:

35 “(e) Special Eligibility Rule.—

36 “(1) ELIGIBILITY.—A local educational agency that is eligible to receive a grant under
37 this subpart for a fiscal year shall be eligible to receive funds for such fiscal year under
38 subpart 2.

1 “(2) LIMITATION ON RECEIPT OF GRANTS.—A local educational agency may receive grant
2 funding under subpart 1 or subpart 2, but may not receive grant funding under both such
3 subparts. If a local educational agency is eligible to receive a grant under subpart 1 or
4 subpart 2, the local educational agency may choose which grant the agency will receive.”;

5 ~~(D)~~(4) by striking section 6212, as redesignated by subparagraph ~~(B)~~ **paragraph (2)**, and
6 inserting the following:

7 **“SEC. 6212. ACADEMIC ACHIEVEMENT ASSESSMENTS.**

8 “Each local educational agency that uses or receives funds under this subpart for a fiscal year
9 shall administer assessments that are consistent with section 1111(a)(2).”;

10 ~~(E)~~(5) in section 6221—

11 ~~(i)~~(A) in subsection (b)(1)(B), by striking “6, 7, or 8” and inserting “33, 41, 42, or
12 43.”;

13 ~~(ii)~~(B) in subsection (c)(1), by striking “Bureau of Indian Affairs” and inserting
14 “Bureau of Indian Education”; and

15 ~~(iii)~~(C) by adding at the end the following:

16 “(d) Special Eligibility Rule.—A local educational agency that is eligible to receive a grant
17 under this subpart and is also eligible to receive a grant under subpart 1, may receive a grant
18 under this subpart for a fiscal year only if the local educational agency does not receive a grant
19 under subpart 1 for such fiscal year.”;

20 ~~(F)~~(6) in section 6222, by striking subsection (a) and inserting the following:

21 “(a) Local Awards.—Grant funds awarded to local educational agencies under this subpart
22 shall be used to carry out local-level activities consistent with section 6101(b).”;

23 ~~(G)~~(7) in section 6224—

24 ~~(i)~~(A) in subsection (c)—

25 ~~(i)~~(i) in the matter preceding paragraph (1), by striking “the Committee on
26 Education and the Workforce of the House of Representatives and the Committee
27 on Health, Education, Labor, and Pensions of the Senate” and inserting “the
28 authorizing committees”; and

29 ~~(ii)~~(ii) by striking “local educational agencies and schools” and inserting the
30 following:

31 “(2) how local educational agencies and schools”;

32 ~~(ii)~~(B) in subsection (d)—

33 ~~(i)~~(i) in the subsection heading, by striking “Assessment” and inserting
34 “Assessments”; and

35 ~~(ii)~~(ii) by striking “an assessment that is consistent with section 1111(b)(3)”
36 and inserting “assessments that are consistent with section 1111(a)(2)”; and

37 ~~(iii)~~(C) by striking subsection (e);

1 ~~(H)~~**(8)** by striking section 6234;
2 ~~(H)~~**(9)** by redesignating sections 6231 through 6233 as sections 6232 through 6234,
3 respectively;
4 ~~(J)~~**(10)** by inserting before section 6232, as redesignated by ~~subparagraph (I)~~ **paragraph**
5 **(9)**, the following:

6 **“SEC. 6231. CHOICE OF PARTICIPATION.**

7 “If a local educational agency is eligible for funding under subpart 1 and subpart 2 of this part,
8 such local educational agency may choose to participate in either subpart 1 or subpart 2.”;

9 ~~(K)~~**(11)** in section 6232, as redesignated by ~~subparagraph (I)~~ **paragraph (9)**—

10 ~~(i)~~**(A)** in subsection (a), by striking “6212” and inserting “6211”; and

11 ~~(ii)~~**(B)** in subsection (b)—

12 ~~(i)~~**(i)** by striking “under section 6212 or subpart 2” each place the term appears
13 and inserting “under this part”; and

14 ~~(ii)~~**(ii)** by striking “under this section” and inserting “under this part”; and

15 ~~(L)~~**(12)** in section 6233, as redesignated by ~~subparagraph (I)~~ **paragraph (9)**, by striking
16 “subpart 1 or subpart 2” and inserting “this part”; ~~and.~~

17 ~~(4)~~ **SEC. 6103. GENERAL PROVISIONS.**

18 **Title VI (20 U.S.C. 7301 et seq.) is amended** by striking part C.

1
2 **TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA**
3 **NATIVE EDUCATION**

4 **PART A—INDIAN EDUCATION**

5 **SEC. 7101. PURPOSE.**

6 Section 7102 (20 U.S.C. 7402) is amended to read as follows:

7 **“SEC. 7102. PURPOSE.**

8 “It is the purpose of this part to support the efforts of local educational agencies, Indian tribes
9 and organizations, postsecondary institutions, and other entities—

10 “(1) to ensure the academic achievement of Indian and Alaska Native students by
11 meeting their unique cultural, language, and educational needs, consistent with section
12 1111(a);

13 “(2) to ensure that Indian and Alaska Native students gain knowledge and understanding
14 of Native communities, languages, tribal histories, traditions, and cultures; and

15 “(3) to ensure that principals, teachers, and other staff who serve Indian and Alaska
16 Native students have the ability to provide culturally appropriate and effective instruction to
17 such students.”.

18 **Subpart 1—Formula Grants to Local Educational Agencies**

19 **SEC. 7111. FORMULA GRANT PURPOSE.**

20 Section 7111 (20 U.S.C. 7421) is amended to read as follows:

21 **“SEC. 7111. PURPOSE.**

22 “It is the purpose of this subpart to support local educational agencies in developing
23 elementary school and secondary school programs that are designed to—

24 “(1) meet the unique cultural, language, and educational needs of Indian students; and

25 “(2) ensure that all students meet the college and career ready student academic
26 achievement standards adopted under section 1111(a)(1).”.

27 **SEC. 7112. GRANTS TO LOCAL EDUCATIONAL**
28 **AGENCIES, TRIBES, AND TRIBAL ORGANIZATIONS.**

29 Section 7112 (20 U.S.C. 7422) is amended—

30 (1) in subsection (a), by striking “and Indian tribes” and inserting “Indian tribes, and
31 tribal organizations”;

32 (2) in subsection (b)(2), by striking “a reservation” and inserting “an Indian reservation”;
33 and

1 (3) by striking subsection (c) and inserting the following:

2 “(c) Indian Tribes and Tribal Organizations.—

3 “(1) IN GENERAL.—If a local educational agency that is otherwise eligible for a grant
4 under this subpart does not establish a committee under section 7114(c)(5) for such grant,
5 an Indian tribe, a tribal organization (as defined for purposes of this title by section 4 of the
6 Indian Self Determination and Education Act (25 U.S.C. 450b)), or a consortium of such
7 entities that represents not less than $\frac{1}{3}$ of the eligible Indian children who are served by
8 such local educational agency may apply for such grant.

9 “(2) SPECIAL RULE.—

10 “(A) IN GENERAL.—The Secretary shall treat each Indian tribe, tribal organization,
11 or consortium of such entities applying for a grant pursuant to paragraph (1) as if such
12 entity were a local educational agency for purposes of this subpart.

13 “(B) EXCEPTIONS.—Notwithstanding subparagraph (A), such Indian tribe, tribal
14 organization, or consortium shall not be subject to the requirements of subsections
15 (b)(9) or (c)(5) of section 7114 or section 7118(c).

16 “(3) ELIGIBILITY.—If more than 1 Indian tribe, tribal organization, or consortium of such
17 entities qualify to apply for a grant under paragraph (1), the entity that represents the most
18 eligible Indian children who are served by the local educational agency shall be eligible to
19 receive the grant.

20 “(4) UNAFFILIATED INDIAN TRIBES.—An Indian tribe that operates a school and is not
21 affiliated with either the local educational agency or the Bureau of Indian Education, shall
22 be eligible to apply for a grant under this subpart.

23 “(5) ASSURANCE TO SERVE ALL INDIAN CHILDREN.—An Indian tribe, tribal organization,
24 or consortium of such entities that qualifies to apply for a grant under paragraph (1) shall
25 provide in the application an assurance that the entity will use the grant funds to provide
26 services to all Indian students served by the local educational agency.”.

27 SEC. 7113. AMOUNT OF GRANTS.

28 Section 7113 (20 U.S.C. 7423) is amended—

29 (1) in subsection (b)—

30 (A) in paragraph (1), by striking “Bureau of Indian Affairs” and inserting “Bureau of
31 Indian Education”; and

32 (B) in paragraph (2)—

33 (i) by inserting “with other local educational agencies, Indian tribes, or tribal
34 organizations” after “consortium”; and

35 (ii) by inserting “and operating programs” after “grants”; and

36 (2) in subsection (d)—

37 (A) in the heading, by striking “Bureau of Indian Affairs” and inserting “Bureau of
38 Indian Education”;

1 (B) in paragraph (1)(A)(i), by striking “the Bureau of Indian Affairs” and inserting
2 “the Bureau of Indian Education”; and

3 (C) in paragraph (2), by striking “section 7114(c)(4)” and inserting “section
4 7114(c)(5)”.

5 SEC. 7114. APPLICATIONS.

6 (a) In General.—Section 7114 (20 U.S.C. 7424) is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (2)—

9 (i) in subparagraph (A)—

10 (I) by striking “is consistent with” and inserting “supports”; and

11 (II) by inserting “, tribal,” after “State”; and

12 (ii) in subparagraph (B), by striking “such goals” and all that follows through
13 the semicolon at the end and inserting “such goals, to ensure such students meet
14 the same challenging student academic achievement standards adopted under title
15 I for all children”;

16 (B) by striking paragraph (3) and inserting the following:

17 “(3) explains how the local educational agency will use the funds made available under
18 this subpart to supplement other Federal, State, and local programs that meet the needs of
19 such students;”;

20 (C) in paragraph (5)(B), by striking “and” after the semicolon;

21 (D) in paragraph (6)—

22 (i) in subparagraph (B)—

23 (I) in clause (i), by striking “subsection (c)(4)” and inserting “subsection
24 (c)(5)”; and

25 (II) by striking clause (ii) and inserting the following:

26 “(ii) the Indian tribes whose children are served by the local educational
27 agency; and”;

28 (ii) in subparagraph (C), by striking the period at the end and inserting a
29 semicolon; and

30 (E) by adding at the end the following:

31 “(7) provides an assurance that the local educational agency will coordinate activities
32 under this title with other Federal programs supporting educational and related services
33 administered by such agency;

34 “(8) provides an assurance that the local educational agency conducted outreach to
35 parents and family members to meet the requirements under subsection (c)(5);

36 “(9) describes—

1 “(A) the formal process the local educational agency used to collaborate with Indian
2 tribes located in the community in the development of the comprehensive programs;
3 and

4 “(B) the actions taken as a result of the collaboration.”;

5 (2) in subsection (c)—

6 (A) in paragraph (1), by striking “the education of Indian children, and not to
7 supplant such funds” and inserting “services and activities consistent with those
8 described in this subpart, and not to supplant such funds”;

9 (B) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5),
10 respectively; and

11 (C) by inserting after paragraph (1) the following:

12 “(2) the local educational agency will use funds received under this subpart only for
13 activities described and authorized under this subpart;”

14 (D) in paragraph (3)(B), as redesignated by subparagraph (B), by inserting “, as
15 measured by the State academic assessments required under section 1111(a)(2), high
16 school graduation rates, and other academic outcomes as appropriate,” after
17 “effective”;

18 (E) in paragraph (4)(C), as redesignated by subparagraph (B), by striking “and” after
19 the semicolon;

20 (F) in paragraph (5), as redesignated by subparagraph (B)—

21 (i) by inserting “and family members” after “parents” each place the term
22 appears;

23 (ii) in subparagraph (D)(ii), by striking “and” after the semicolon;

24 (iii) in subparagraph (E), by striking the period at the end and inserting a
25 semicolon; and

26 (iv) by adding at the end the following:

27 “(F) that shall determine the extent to which the activities of the local educational
28 agency will address the unique cultural, language, and education needs of Indian
29 students; and

30 “(G) that shall determine the extent to which grant funds will directly enhance the
31 educational experiences of American Indian students.”.

32 SEC. 7115. AUTHORIZED SERVICES AND ACTIVITIES.

33 Section 7115 (20 U.S.C. 7425) is amended—

34 (1) in subsection (a)—

35 (A) by adjusting the margin of paragraph (1) to align with paragraphs (2) and (3);
36 and

37 (B) in paragraph (1), by inserting “solely for the services and activities described in

1 such application” after “section 7114(a)”;

2 (2) in subsection (b)—

3 (A) by redesignating paragraphs (1) through (11) as paragraphs (2) through (12),
4 respectively;

5 (B) by inserting before paragraph (2), as redesignated by subparagraph (A), the
6 following:

7 “(1) activities that support Native American language immersion programs and Native
8 American language restoration programs, which may be taught by traditional leaders;”;

9 (C) in paragraph (3), as redesignated by subparagraph (A), by striking “early
10 childhood” and inserting “high-quality early care and education”;

11 (D) by striking paragraph (5), as redesignated by subparagraph (A), and inserting the
12 following:

13 “(5) programs that promote parent, family, and tribal engagement to meet the unique
14 needs of Indian and Alaska Native children;”;

15 (E) by striking paragraph (7), as redesignated by subparagraph (A), and inserting the
16 following:

17 “(7) activities to educate individuals so as to prevent violence, suicide, and substance
18 abuse;”;

19 (F) by striking paragraph (10), as redesignated by subparagraph (A), and inserting
20 the following:

21 “(10) activities that incorporate culturally and linguistically relevant curriculum content
22 into classroom instruction that is responsive to the unique learning styles of Indian and
23 Alaska Native children to ensure that such children are better able to meet the student
24 academic achievement standards, consistent with section 1111(a);”;

25 (G) in paragraph (11), as redesignated by subparagraph (A), by striking “and” after
26 the semicolon;

27 (H) in paragraph (12), as redesignated by subparagraph (A), by striking “qualified
28 tribal elders and seniors.” and inserting “traditional leaders; and”; and

29 (I) by adding at the end the following:

30 “(13) dropout prevention strategies, and strategies—

31 “(A) to meet the educational needs of at-risk Indian students in correctional
32 facilities; and

33 “(B) to support Indian students who are transitioning between local educational
34 agencies and such facilities--from such facilities to schools served by local educational
35 agencies.”;

36 (3) in subsection (c)(1), by striking “section 7114(c)(4)” and inserting “section
37 7114(c)(5)”;

38 (4) by adding at the end the following:

1 “(e) Limitation on Use of Funds.—Funds provided to a grantee under this subpart may not be
2 used for long-distance travel expenses for training activities available locally or regionally.”.

3 SEC. 7116. INTEGRATION OF SERVICES AUTHORIZED.

4 Section 7116 (20 U.S.C. 7426) is amended—

5 (1) in subsection (d)(9), by striking “section 7114(c)(4)” and inserting “section
6 7114(c)(5)”;

7 (2) in subsection (g), in the matter preceding paragraph (1)—

8 (A) by striking “the No Child Left Behind Act of 2001” and inserting “the
9 Elementary and Secondary Education Reauthorization Act of 2011”;

10 (B) by inserting “the Secretary of Health and Human Services,” after “the Secretary
11 of the Interior,”; and

12 (C) by inserting “and coordination” after “providing for the implementation”;

13 (3) by striking subsection (o) and inserting the following:

14 “(o) Report on Statutory Obstacles to, and Best Practices for, Program Integration.—

15 “(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Elementary
16 and Secondary Education Reauthorization Act of 2011, the Secretary of Education shall
17 submit a report to the authorizing committees, the Committee on Indian Affairs of the
18 Senate, and the Committee on Natural Resources of the House of Representatives on the
19 results of the implementation of the demonstration projects authorized under this section.

20 “(2) CONTENTS.—Such report shall identify—

21 “(A) statutory barriers to the ability of participants to integrate more effectively their
22 education and related services to Indian students in a manner consistent with the
23 objectives of this section; and

24 “(B) the best practices for program integration that result in increased student
25 proficiency, graduation rates, and other relevant academic outcomes for Indian and
26 Alaska Native students.”.

27 SEC. 7117. STUDENT ELIGIBILITY FORMS.

28 Section 7117 (20 U.S.C. 7427) is amended—

29 (1) in subsection (b)(1)—

30 (A) in subparagraph (A)(ii), by inserting “or membership” after “enrollment”; and

31 (B) in subparagraph (B), by inserting “or membership” after “enrollment”;

32 (2) by striking subsection (d) and inserting the following:

33 “(d) Forms and Standards of Proof.—

34 “(1) TYPES OF PROOF.—For purposes of determining whether a child is eligible to be
35 counted for the purpose of computing the amount of a grant award under section 7113, the
36 membership of the child, or any parent or grandparent of the child, in a tribe or tribal

1 organization may be established by proof other than an enrollment number, notwithstanding
2 the availability of an enrollment number for a member of such tribe or tribal organization.

3 “(2) PREVIOUSLY FILED FORMS.—An Indian student eligibility form that was on file as
4 required by this section on the day before the date of enactment of the Elementary and
5 Secondary Education Reauthorization Act of 2011 and that met the requirements of this
6 section, as this section was in effect on the day before the date of enactment of such Act,
7 shall remain valid for such Indian student.”;

8 (3) by striking subsection (e);

9 (4) by redesignating subsection (f) as subsection (e);

10 (5) in subsection (e), as redesignated by paragraph (4), by striking paragraph (1)(B) and
11 inserting the following:

12 “(B) EXCEPTION.—A local educational agency may not be held liable to the United
13 States or be subject to any penalty, by reason of the findings of an audit that relates to
14 the date of completion, or the date of submission, of any forms used to establish,
15 before April 28, 1988, the eligibility of a child for an entitlement under the Indian
16 Elementary and Secondary School Assistance Act.”;

17 (6) by inserting after subsection (e), as redesignated by paragraph (4), the following:

18 “(f) Technical Assistance.—The Secretary shall either directly or through a contract provide
19 technical assistance to a local educational agency upon request, in addition to any technical
20 assistance available under section 1116 or available through the Institute of Education Sciences,
21 to support the services and activities described under this section, including for the—

22 “(1) development of applications under this section;

23 “(2) improvement in the quality of implementation, content of activities, and evaluation
24 of activities supported under this subpart;

25 “(3) integration of activities under this title with other educational activities established
26 by the local educational agency; and

27 “(4) coordination of activities under this title with programs administered by each Federal
28 agency providing grants for the provision of educational and related services.”; and

29 (7) in subsection (g), by striking “the Bureau of Indian Affairs” and inserting “the Bureau
30 of Indian Education”.

31 Subpart 2—Special Programs and Projects to Improve 32 Educational Opportunities for Indian Children and Youth

33 SEC. 7121. IMPROVEMENT OF EDUCATIONAL 34 OPPORTUNITIES FOR INDIAN CHILDREN AND YOUTH.

35 Section 7121 (20 U.S.C. 7441) is amended—

36 (1) in the heading, by adding “and youth” after “children”;

37 (2) in subsection (a), by inserting “and youth” after “children” both places the term

1 appears;

2 (3) in subsection (c)—

3 (A) by inserting “and youth” after “children” each place the term appears; and

4 (B) in paragraph (1)—

5 (i) in subparagraph (D), by inserting “emotional,” after “social,”;

6 (ii) by striking subparagraph (G) and inserting the following:

7 “(G) high-quality early childhood education and care programs that are effective in
8 preparing young children to be on track for college and career readiness by the end of
9 grade 3, including kindergarten and prekindergarten programs, family-based preschool
10 programs that emphasize school readiness, screening and referral, and the provision of
11 services to Indian children and youth with disabilities;”;

12 (iii) in subparagraph (L), by striking “qualified tribal elders and seniors; or”
13 and inserting “traditional leaders;”;

14 (iv) in subparagraph (M), by striking the period at the end and inserting “; or”;
15 and

16 (v) by adding at the end the following:

17 “(N) other services that meet the purpose described in this section.”;

18 (C) in paragraph (2), by striking “Professional development of” and inserting
19 “High-quality professional development of”;

20 (4) in subsection (d)—

21 (A) in paragraph (1)(C), by striking “make a grant payment for a grant described in
22 this paragraph to an eligible entity after the initial year of the multiyear grant only if
23 the Secretary determines” and inserting “award grants for an initial period of not more
24 than 3 years and may renew such grants for not more than an additional 2 years if the
25 Secretary determines”; and

26 (B) in paragraph (3)(B)—

27 (i) in clause (i), by striking “parents of Indian children and representatives of
28 Indian tribes” and inserting “family members of Indian children and youth and
29 official representatives designated by the Indian tribes”; and

30 (ii) in clause (iii)—

31 (I) by striking “information” and inserting “evidence”; and

32 (II) by striking “scientifically based” and inserting “evidence-based”; and

33 (5) by adding at the end the following:

34 “(f) Continuation.—Notwithstanding any other provision of this section, a grantee that is
35 carrying out activities pursuant to a grant awarded under this section prior to the date of
36 enactment of the Elementary and Secondary Education Reauthorization Act of 2011 may
37 continue to carry out such activities under such grant in accordance with the terms of that grant
38 award.”.

1 SEC. 7122. PROFESSIONAL DEVELOPMENT FOR 2 TEACHERS AND EDUCATION PROFESSIONALS.

3 Section 7122 (20 U.S.C. 7442) is amended—

4 (1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

5 “(1) to increase the number of qualified Indian teachers and administrators serving Indian
6 students;

7 “(2) to recruit and provide training and support to qualified Indian individuals to enable
8 such individuals to become highly rated teachers or administrators; and”;

9 (2) in subsection (d), by adding at the end the following:

10 “(3) CONTINUATION.—Notwithstanding any other provision of this section, a grantee that
11 is carrying out activities pursuant to a grant awarded under this section prior to the date of
12 enactment of the Elementary and Secondary Education Reauthorization Act of 2011 may
13 continue to carry out such activities under such grant in accordance with the terms of that
14 award.”;

15 (3) by striking subsection (e) and inserting the following:

16 “(e) Application.—Each eligible entity desiring a grant under this section shall submit an
17 application to the Secretary at such time, in such manner, and accompanied by such information,
18 as the Secretary may reasonably require. At a minimum, an application under this section shall
19 describe how the eligible entity will—

20 “(1) recruit qualified Indian individuals, such as students who may not be of traditional
21 college age, to become teachers or principals;

22 “(2) use funds made available under the grant to support the recruitment, preparation, and
23 professional development of Indian teachers or principals in local educational agencies that
24 serve a high proportion of Indian students; and

25 “(3) assist participants in meeting the requirements under subsection (h).”; and

26 (4) by striking subsection (g) and inserting the following:

27 “(g) Grant Period.—The Secretary shall award grants under this section for an initial period of
28 not more than 3 years, and may renew such grants for not more than an additional 2 years if the
29 Secretary finds that the grantee is achieving the objectives of the grant.”; and

30 (5) in subsection (h)(1)(A), by striking clause (ii) and inserting the following:

31 “(ii) in a local educational agency that serves a high proportion of Indian
32 students; or”.

33 Subpart 3—National Activities

34 SEC. 7131. NATIONAL ACTIVITIES.

35 Subpart 3 of part A of title VII (20 U.S.C. 7451 et seq.) is amended—

36 (1) in section 7131—

1 (A) in subsection (a)—

2 (i) in paragraph (1), by striking “the education” and inserting “improving the
3 academic achievement and development”;

4 (ii) by striking paragraph (2);

5 (iii) by redesignating paragraph (3) as paragraph (2);

6 (iv) in paragraph (2), as redesignated by clause (iii), by striking “Indians; and”
7 and inserting “Indian students;”; and

8 (v) by inserting after paragraph (2), as redesignated by clause (iii), the
9 following:

10 “(3) provide technical assistance and logistical support to grantees under this subpart;
11 and”; and

12 (B) by striking subsection (c) and inserting the following:

13 “(c) Coordination.—Research activities supported under this section—

14 “(1) shall be coordinated with appropriate offices within the Department; and

15 “(2) may include collaborative research activities that are jointly funded and carried out
16 by the Bureau of Indian Education and the Institute of Education Sciences.”;

17 (2) by striking sections 7132, 7133, 7134, 7135, and 7136; and

18 (3) by inserting at the end the following:

19 **“SEC. 7132. IMPROVEMENT OF ACADEMIC SUCCESS**
20 **FOR STUDENTS THROUGH NATIVE AMERICAN**
21 **LANGUAGE.**

22 “(a) Purpose.—It is the purpose of this section to improve educational opportunities and
23 academic achievement of Indian and Alaska Native students through Native American language
24 programs and to foster the acquisition of Native American language.

25 “(b) Eligible Entities.—In this section, the term ‘eligible entity’ means a State educational
26 agency, local educational agency, Indian tribe, Indian organization, federally supported
27 elementary school or secondary school for Indian students, Indian institution (including an
28 Indian institution of higher education), or a consortium of such entities.

29 “(c) Grants Authorized.—The Secretary shall award grants to eligible entities to enable such
30 entities to carry out the following activities:

31 “(1) Native American language programs that—

32 “(A) provide instruction through the use of a Native American language for not less
33 than 10 children for an average of not less than 500 hours per year per student;

34 “(B) provide for the involvement of parents, caregivers, and families of students
35 enrolled in the program;

36 “(C) utilize, and may include the development of instructional courses and materials

1 for learning Native American languages and for instruction through the use of Native
2 American languages;

3 “(D) provide support for professional development activities; and

4 “(E) include a goal of all students achieving—

5 “(i) fluency in a Native American language; and

6 “(ii) academic proficiency in mathematics, English, reading or language arts,
7 and science.

8 “(2) Native American language restoration programs that—

9 “(A) provide instruction in not less than 1 Native language;

10 “(B) provide support for professional development activities for teachers of Native
11 American languages;

12 “(C) develop instructional materials for the programs; and

13 “(D) include the goal of increasing proficiency and fluency in not less than 1 Native
14 American language.

15 “(d) Application.—

16 “(1) IN GENERAL.—An eligible entity that desires to receive a grant under this section
17 shall submit an application to the Secretary at such time, in such manner, and accompanied
18 by such information as the Secretary may require.

19 “(2) CERTIFICATION.—An eligible entity that submits an application for a grant to carry
20 out the activity specified in subsection (c)(1), shall include in such application a
21 certification that assures that such entity has experience and a demonstrated record of
22 effectiveness in operating and administering a Native American language program or any
23 other educational program in which instruction is conducted in a Native American
24 language.

25 “(e) Grant Duration.—The Secretary shall make grants under this section only on a multi-year
26 basis for a period not to exceed 5 years.

27 “(f) Definition.—In this section, the term ‘average’ means the aggregate number of hours of
28 instruction through the use of a Native American language to all students enrolled in a Native
29 language program during a school year divided by the total number of students enrolled in the
30 program.

31 “(g) Administrative Costs.—

32 “(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of the
33 funds provided to a grantee under this section for any fiscal year may be used for
34 administrative purposes.

35 “(2) EXCEPTION.—An elementary school or secondary school for Indian students that
36 receives funds from a recipient of a grant under subsection (c) for any fiscal year may use
37 not more than 10 percent of the funds for administrative purposes.

38 “SEC. 7133. IMPROVING STATE AND TRIBAL

1 EDUCATIONAL AGENCY COLLABORATION.

2 “The Secretary, in consultation with the Director of the Bureau of Indian Education, shall
3 conduct a study of the relationship among State educational agencies, local educational agencies,
4 and other relevant State and local agencies, and tribes or tribal representatives to—

5 “(1) identify examples of best practices in collaboration among those entities that result
6 in the provision of better services to Indian students; and

7 “(2) provide recommendations on—

8 “(A) State educational agency functions that tribal educational agencies could
9 perform;

10 “(B) areas and agency functions in which greater State educational agency and tribal
11 educational agency collaboration is needed; and

12 “(C) other steps to reducing barriers to serving Indian students, especially such
13 students who are at risk of academic failure.”.

14 Subpart 4—Federal Administration

15 SEC. 7141. NATIONAL ADVISORY COUNCIL ON INDIAN 16 EDUCATION.

17 Section 7141(b)(1) (20 U.S.C. 7471(b)(1)) is amended by inserting “and the Secretary of the
18 Interior” after “advise the Secretary”.

19 Subpart 5—Definitions; Authorization of Appropriations

20 SEC. 7151. DEFINITIONS.

21 Section 7151 (20 U.S.C. 7491) is amended—

22 (1) by striking paragraph (2);

23 (2) by redesignating paragraph (3) as paragraph (2); and

24 (3) by adding at the end the following:

25 “(3) TRADITIONAL LEADERS.—The term ‘traditional leaders’ has the meaning given the
26 term in the Native American Languages Act of 1990 (25 U.S.C. 2902).”.

27 SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.

28 Section 7152 (20 U.S.C. 7492) is amended to read as follows:

29 “SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.

30 “(a) Subpart 1.—For the purpose of carrying out subpart 1, there are authorized to be
31 appropriated \$104,331,000 for fiscal year 2012 and such sums as may be necessary for each of
32 the 5 succeeding fiscal years.

33 “(b) Subparts 2 and 3.—For the purpose of carrying out subparts 2 and 3, there are authorized

1 to be appropriated \$22,351,000 for fiscal year 2012 and such sums as may be necessary for each
2 of the 5 succeeding fiscal years.”.

3 **PART B—NATIVE HAWAIIAN EDUCATION; ALASKA**
4 **NATIVE EDUCATION**

5 **SEC. 7201. NATIVE HAWAIIAN EDUCATION AND**
6 **ALASKA NATIVE EDUCATION.**

7 Title VII (20 U.S.C. 7401 et seq.) is amended—

8 (1) in part B, by striking the heading and inserting the following: “native hawaiian
9 education; alaska native education”;

10 (2) by inserting before section 7201 the following: “Subpart 1—Hawaiian Education”;

11 (3) in section 7201, by striking “part” and inserting “subpart”;

12 (4) by redesignating part C as subpart 2; **and**

13 (5) in subpart 2, as redesignated by paragraph (4), by striking the heading and inserting
14 “Alaska Native Education”;

15 ~~(6) in section 7301, by striking “part” and inserting “subpart”;~~

16 ~~(7) in section 7302(5), by striking “part” and inserting “subpart”;~~

17 ~~(8) in section 7303, by striking “part” each place the term appears and inserting~~
18 ~~“subpart”; and~~

19 ~~(9) in section 7306, in the matter preceding paragraph (1), by striking “part” and inserting~~
20 ~~“subpart”.~~

21 **Subpart 1—Native Hawaiian Education**

22 **SEC. 7202. FINDINGS.**

23 Section 7202 (20 U.S.C. 7512) is amended to read as follows:

24 **“SEC. 7202. FINDINGS.**

25 “Congress finds the following:

26 “(1) Native Hawaiians are a distinct and unique indigenous people with a historical
27 continuity to the original inhabitants of the Hawaiian archipelago, whose society was
28 organized as a nation and internationally recognized as a nation by the United States,
29 Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and
30 navigation.

31 “(2) The United States has recognized and reaffirmed that—

32 “(A) Native Hawaiians have a cultural, historic, and land-based link to the
33 indigenous people who exercised sovereignty over the Hawaiian Islands, and that
34 group has never relinquished its claims to sovereignty or its sovereign lands;

1 “(B) Congress does not extend services to Native Hawaiians because of their race,
2 but because of their unique status as the indigenous people of a once sovereign nation
3 as to whom the United States has established a trust relationship;

4 “(C) Congress has also delegated broad authority to administer a portion of the
5 Federal trust responsibility to the State of Hawaii;

6 “(D) the political status of Native Hawaiians is comparable to that of American
7 Indians and Alaska Natives; and

8 “(E) the aboriginal, indigenous people of the United States have—

9 “(i) a continuing right to autonomy in their internal affairs; and

10 “(ii) an ongoing right of self-determination and self-governance that has never
11 been extinguished.

12 “(3) The political relationship between the United States and the Native Hawaiian people
13 has been recognized and reaffirmed by the United States, as evidenced by the inclusion of
14 Native Hawaiians in—

15 “(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

16 “(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

17 “(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

18 “(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001
19 et seq.);

20 “(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

21 “(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

22 “(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art
23 Development Act (20 U.S.C. 4401 et seq.);

24 “(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

25 “(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

26 “(4) In 1993, 2005, and 2009 the Kamehameha Schools Bishop Estate released an
27 updated findings of the Native Hawaiian Educational Assessment Project, which found that
28 despite the successes of the programs established under title IV of the Augustus F.
29 Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments
30 of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent
31 reports by the Kamehameha Schools Bishop Estate and other organizations have generally
32 confirmed those findings. For example—

33 “(A) Native Hawaiian students continue to begin their school experience lagging
34 behind other students in terms of readiness factors such as vocabulary test scores;

35 “(B) Native Hawaiian students continue to score below national norms on
36 standardized education achievement tests at all grade levels;

37 “(C) both public and private schools continue to show a pattern of lower percentages
38 of Native Hawaiian students in the uppermost achievement levels and in gifted and

1 talented programs;

2 “(D) Native Hawaiian students continue to be overrepresented among students
3 qualifying for special education programs provided to students with learning
4 disabilities, mild mental retardation, emotional impairment, and other such disabilities;

5 “(E) Native Hawaiians continue to be underrepresented in institutions of higher
6 education and among adults who have completed 4 or more years of college; and

7 “(F) Native Hawaiians continue to be disproportionately represented in many
8 negative social and physical statistics indicative of special educational needs.

9 “(5) Native Hawaiian students served by the State of Hawaii Department of Education
10 has risen from 20 percent in 1980 to 26 percent in 2008, and there are and will continue to
11 be geographically rural, isolated areas with a high Native Hawaiian population density.

12 “(6) Despite the consequences of more than 100 years of nonindigenous influence, the
13 Native Hawaiian people are determined to preserve, develop, and transmit to future
14 generations their ancestral territory and their cultural identity in accordance with their own
15 spiritual and traditional beliefs, customs, practices, language, and social institutions.

16 “(7) The State of Hawaii, in the constitution and statutes of the State of Hawaii—

17 “(A) reaffirms and protects the unique right of the Native Hawaiian people to
18 practice and perpetuate their culture and religious customs, beliefs, practices, and
19 language;

20 “(B) recognizes the traditional language of the Native Hawaiian people as an official
21 language of the State of Hawaii, which may be used as the language of instruction for
22 all subjects and grades in the public school system; and

23 “(C) promotes the study of the Hawaiian culture, language, and history by providing
24 a Hawaiian education program and using community expertise as a suitable and
25 essential means to further the program.”.

26 SEC. 7203. PURPOSES.

27 Section 7203 (20 U.S.C. 7513) is amended to read as follows:

28 “SEC. 7203. PURPOSES.

29 “The purposes of this subpart are to—

30 “(1) develop, implement, assess, expand, and evaluate innovative educational programs,
31 Native Hawaiian language medium programs, Native Hawaiian culture-based education
32 programs, and other education programs to improve the academic achievement of Native
33 Hawaiian students by meeting their unique cultural and language needs to help such
34 students meet challenging State academic content standards and challenging State student
35 academic achievement standards;

36 “(2) provide guidance to appropriate Federal, State, and local agencies to more
37 effectively and efficiently focus resources, including resources made available under this
38 subpart, on the development and implementation of—

39 “(A) innovative educational programs for Native Hawaiian students;

1 “(B) rigorous and substantive Native Hawaiian language programs; and
2 “(C) Native Hawaiian culture-based educational programs; and
3 “(3) create a system by which information from programs funded under this subpart will
4 be collected, analyzed, evaluated, reported, and used in decision making activities with
5 respect to the types of grants awarded under this subpart.”.

6 SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.

7 Section 7204 (20 U.S.C. 7514) is amended to read as follows:

8 “SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.

9 “(a) Establishment of Native Hawaiian Education Council.—In order to better effectuate the
10 purposes of this subpart through the coordination of educational and related services and
11 programs available to Native Hawaiian students, including those programs receiving funding
12 under this subpart, the Secretary shall establish a Native Hawaiian Education Council (referred to
13 in this subpart as the ‘Education Council’).

14 “(b) Composition.—

15 “(1) IN GENERAL.—The Education Council shall consist of 15 members of whom—

16 “(A) 1 shall be the President of the University of Hawaii (or a designee);

17 “(B) 1 shall be the Governor of the State of Hawaii (or a designee);

18 “(C) 1 shall be the Superintendent of the State of Hawaii Department of Education
19 (or a designee);

20 “(D) 1 shall be the chairperson of the Office of Hawaiian Affairs (or a designee);

21 “(E) 1 shall be the chief executive director of ~~Hawaii’s~~ **the Hawaii** Charter School
22 Network (or a designee);

23 “(F) 1 shall be the chief executive officer of the Kamehameha Schools (or a
24 designee);

25 “(G) 1 shall be the chairperson of the Queen Liliuokalani Trust (or a designee);

26 “(H) 1 shall be a member, selected by the other members of the Education Council,
27 who represents a private grant making entity (or a designee);

28 “(I) 1 shall be the mayor of the County of Hawaii (or a designee);

29 “(J) 1 shall be the Mayor of Maui County (or a designee from the Island of Maui);

30 “(K) 1 shall be the Mayor of the County of Kauai (or a designee);

31 “(L) 1 shall be appointed by the Mayor of Maui County from the Island of either
32 Molokai or Lanai;

33 “(M) 1 shall be the Mayor of the City and County of Honolulu (or a designee);

34 “(N) 1 shall be the Chairperson the Hawaiian Homes Commission **(or a designee)**;
35 and

1 “(O) 1 shall be the Chairperson of the Hawaii Workforce Development Council (or a
2 designee representing the private sector).

3 **“(2) LIMITATION.—A member of the Education Council, including a designee, may
4 not receive, as an individual, grant funds awarded under this part while serving on the
5 Education Council.**

6 “(c) Chair, Vice Chair.—

7 “(1) SELECTION.—The Education Council shall select a Chair and Vice Chair from
8 among the members of the Education Council.

9 “(2) SERVICE.—The Chair and Vice Chair selected under paragraph (1) shall each serve
10 for one 2-year term.

11 “(d) Native Hawaiian Education Council Grant.—The Secretary shall make a grant to the
12 Education Council to carry out the following activities:

13 “(1) Coordinate the educational and related services and programs available to Native
14 Hawaiian students, including the programs assisted under this subpart.

15 “(2) Assess the extent to which such services and programs meet the needs of Native
16 Hawaiians, and collect data on the status of Native Hawaiian education.

17 “(3) Provide direction and guidance, through the issuance of reports and
18 recommendations, to appropriate Federal, State, and local agencies in order to focus and
19 improve the use of resources, including resources made available under this subpart,
20 relating to Native Hawaiian student education, and serve, where appropriate, in an advisory
21 capacity.

22 “(4) Make direct grants and subgrants, if such grants and subgrants would enable the
23 Education Council to carry out the duties of the Education Council, as described in
24 paragraphs (1) through (3).

25 “(5) Hire an executive director who shall execute the duties and powers of the Education
26 Council as described in subsection (e).

27 “(e) Duties and Powers of the Education Council.—The Education Council shall—

28 “(1) obtain from the Secretary information regarding grants awarded under this subpart;

29 “(2) provide technical assistance to Native Hawaiian organizations that are grantees or
30 potential grantees under this subpart;

31 “(3) assess and define the educational needs of Native Hawaiian students;

32 “(4) assess the programs and services currently available to address the educational needs
33 of Native Hawaiian students;

34 “(5) assess and evaluate the individual and aggregate impact achieved by grantees in
35 improving Native Hawaiian educational performance and meeting the goals of this subpart;

36 “(6) prepare and submit to the Secretary, before the end of each calendar year, annual
37 reports that contain—

38 “(A) a description of the activities of the Education Council during the preceding
39 calendar year;

1 “(B) recommendations of the Education Council, if any, regarding priorities
2 established under section 7205(b);

3 “(C) significant barriers to achieving the goals under this part;

4 “(D) a summary of each community consultation session, as described in subsection
5 (f);

6 “(E) recommendations to establish funding priorities based on an assessment of—

7 “(i) the educational needs of Native Hawaiians;

8 “(ii) programs and services currently available to address such needs, including
9 the effectiveness of such programs in improving educational performance of
10 Native Hawaiians; and

11 “(iii) priorities for funding in specific geographic communities; and

12 “(7) hold annual community consultations as described in subsection (f).

13 “(f) Community Consultations.—

14 “(1) IN GENERAL.—The Education Council shall hold not less than 1 community
15 consultation each year on each of the Islands of Hawaii, Maui, ~~Molokai, Lanai~~ **Molokai,**
16 **Lanai**, Oahu, and Kauai—

17 “(A) which not less than 3 members of the Education Council shall attend;

18 “(B) at which the Education Council shall gather community input regarding—

19 “(i) current grantees;

20 “(ii) priorities and needs;

21 “(iii) other Native Hawaiian educational issues; and

22 “(C) at which the Education Council shall report to the community on the outcomes
23 of the grants awarded under this part.

24 “(2) SUPPORT FOR COMMUNITY CONSULTATIONS.—The Education Council may, from
25 funds made available under section ~~7205(i)(2)~~ **7205(h)(2)**, provide such financial support to
26 the community consultations described in paragraph (1) as the Education Council
27 determines to be appropriate.

28 “(g) Administrative Provisions Relating to Education Council.—The Education Council shall
29 meet at the call of the Chair of the Council, or upon request by a majority of the members of the
30 Education Council, but in any event not less often than every 120 days.

31 “(h) Funding.—

32 “(1) IN GENERAL.—For each fiscal year, the Secretary shall provide to the Education
33 Council (including through grants and contracts) the amount described in section ~~7205(i)(2)~~
34 **7205(h)(2)**, to remain available until expended.

35 “(2) NO COMPENSATION.—Each member of the Education Council, and each member of a
36 community consultation, ~~Kupuna council~~, or other working group established by the
37 Education Council, shall serve without compensation.

1 “(i) Report.—Not later than 2 years after the date of enactment of the Elementary and
2 Secondary Education Reauthorization Act of 2011, the Secretary shall prepare and submit to the
3 Committee on Indian Affairs and the Committee on Health, Education, Labor, and Pensions of
4 the Senate and the Committee on Education and the Workforce of the House of Representatives,
5 a report that—

6 “(1) summarizes the annual reports of the Education Council;

7 “(2) describes the allocation and use of funds under this subpart and the information
8 gathered since the first annual report submitted by the Education Council to the Secretary
9 under this section; and

10 “(3) contains recommendations for changes in Federal, State, and local policy to advance
11 the purposes of this subpart.

12 “(j) Federal Advisory Committee Act Applicability.—The provisions of the Federal Advisory
13 Committee Act (5 U.S.C. App.) shall apply to the Education Council, except that section 14 of
14 such Act shall not apply.

15 “(k) Termination.—The Education Council shall terminate on the date that is the expiration of
16 the 10-year period following the date of enactment of the Elementary and Secondary Education
17 Reauthorization Act of 2011”.

18 **SEC. 7205. PROGRAM AUTHORIZED.**

19 Section 7205 (20 U.S.C. 7515 et seq.) is amended to read as follows:

20 **“SEC. 7205. PROGRAM AUTHORIZED.**

21 “(a) Grants and Contracts.—In order to carry out programs that meet the purposes of this
22 subpart, the Secretary is authorized to award grants to, or enter into contracts with—

23 “(1) Native Hawaiian educational organizations;

24 “(2) Native Hawaiian community-based organizations;

25 “(3) public and private nonprofit organizations, agencies, and institutions with experience
26 in successfully developing or operating Native Hawaiian education and workforce
27 development programs or programs of instruction in the Native Hawaiian language;

28 “(4) charter schools; and

29 “(5) consortia of the organizations, agencies, and institutions described in paragraphs (1)
30 through (4).

31 “(b) Priority.—In providing grants and entering into contracts under this subpart, the Secretary
32 shall give priority to—

33 “(1) programs that meet the educational priorities established by the Education Council
34 under section 7204(e)(6);

35 “(2) programs designed to improve the academic achievement of Native Hawaiian
36 students by meeting their unique cultural and language needs in order to help such students
37 meet challenging State academic content standards and challenging State student academic
38 achievement standards, including activities relating to—

1 “(A) achieving competence in reading, literacy, mathematics, and science for
2 students in preschool through grade 3;

3 “(B) the educational needs of at-risk children and youth;

4 “(C) professional development for teachers and administrators;

5 “(D) the use of Native Hawaiian language and preservation or reclamation of Native
6 Hawaiian culture-based educational practices;

7 “(E) preparation for employment in fields in which Native Hawaiians are
8 underemployed or underrepresented; and

9 “(F) other programs relating to the activities described in this subpart; and

10 “(3) programs in which a State educational agency, local educational agency, institution
11 of higher education, or a State educational agency or local educational agency in partnership
12 with an institution of higher education apply for a grant or contract under this part as part of
13 a partnership or consortium involving—

14 “(A) a Native Hawaiian community-based organization;

15 “(B) a Native Hawaiian education organization;

16 “(C) a Native Hawaiian focused public charter school; or

17 “(D) a Native Hawaiian organization.

18 “(c) Authorized Activities.—Activities provided through programs carried out under this
19 subpart may include—

20 “(1) the development and maintenance of a statewide Native Hawaiian early childhood
21 education and care system to provide a continuum of high-quality services for Native
22 Hawaiian children from the prenatal period through the age of kindergarten entry;

23 “(2) the operation of family-based education centers that provide such services as—

24 “(A) programs for Native Hawaiian parents and their infants from the prenatal
25 period of infancy through age 3;

26 “(B) preschool programs for Native Hawaiian children; and

27 “(C) research on, and development and assessment of, family-based early care and
28 education and preschool programs for Native Hawaiians;

29 “(3) activities that enhance beginning reading and literacy in either the Hawaiian or the
30 English language among Native Hawaiian students in kindergarten through third grade and
31 assistance in addressing the distinct features of combined English and Hawaiian literacy for
32 Hawaiian speakers in fifth and sixth grade;

33 “(4) activities to meet the special needs of Native Hawaiian students with disabilities,
34 including—

35 “(A) the identification of such students and their needs;

36 “(B) the provision of support services to the families of those students; and

37 “(C) other activities consistent with the requirements of the Individuals with

1 Disabilities Education Act;

2 “(5) activities that address the special needs of Native Hawaiian students who are gifted
3 and talented, including—

4 “(A) educational, psychological, social, emotional, and developmental activities
5 designed to assist in the educational progress of such students; and

6 “(B) activities that involve the parents of such students in a manner designed to
7 assist in the students’ educational progress;

8 “(6) the development of academic and vocational curricula to address the needs of Native
9 Hawaiian children, youth, and adults, including curriculum materials in the Hawaiian
10 language, mathematics, science, engineering, and technology curricula that incorporate
11 Native Hawaiian tradition and culture;

12 “(7) professional development activities for educators, including—

13 “(A) the development of programs to prepare prospective teachers to address the
14 unique needs of Native Hawaiian students within the context of Native Hawaiian
15 culture, language, and traditions;

16 “(B) in-service programs to improve the ability of teachers who teach in schools
17 with concentrations of Native Hawaiian students to meet those students’ unique needs;
18 and

19 “(C) the recruitment and preparation of Native Hawaiian individuals, and other
20 individuals who live in communities with a high concentration of Native Hawaiians, to
21 become teachers or leaders;

22 “(8) the operation of community-based learning centers that address the needs of Native
23 Hawaiian families and communities through the coordination of public and private
24 programs and services, including—

25 “(A) early care and education programs, including preschool programs;

26 “(B) before- and after-school programs and Saturday academies;

27 “(C) career and technical and adult education programs; and

28 “(D) programs that recognize and support the unique cultural and educational needs
29 of Native Hawaiian children and youth and incorporate appropriately qualified Native
30 Hawaiian elders and seniors;

31 “(9) activities, including program co-location, to enable Native Hawaiian individuals to
32 enter and complete programs of postsecondary education, including—

33 “(A) provision of full or partial scholarships for undergraduate or graduate study that
34 are awarded to students based on their academic promise and financial need, with a
35 priority, at the graduate level, given to Native Hawaiian students entering professions
36 in which Native Hawaiians are underrepresented;

37 “(B) family literacy services;

38 “(C) counseling and support services for students receiving scholarship assistance;

39 “(D) counseling and guidance for Native Hawaiian secondary students who have the

1 potential to receive scholarships;

2 “(E) assistance with completing the college admissions and financial aid application
3 process; and

4 “(F) faculty development activities designed to promote the matriculation of Native
5 Hawaiian students;

6 “(10) activities that recognize and supports the unique needs of Native Hawaiian youth to
7 complete quality workforce preparation and training programs and activities, including
8 apprenticeship programs;

9 “(11) research and data collection activities to determine the educational status and needs
10 of Native Hawaiian children and youth;

11 “(12) other research and evaluation activities related to programs carried out under this
12 subpart; and

13 “(13) other activities, consistent with the purposes of this subpart, to meet the educational
14 needs of Native Hawaiian children and youth.

15 “(d) Additional Activities.—From funds made available to carry out this section, the Secretary
16 shall support the following:

17 “(1) Development of a body of Native Hawaiian law.

18 “(2) Repair and renovation of public schools that serve high concentrations of Native
19 Hawaiian students.

20 “(3) Informal education programs that present traditional Hawaiian knowledge, science,
21 astronomy, and the environment through State museums or learning centers.

22 “(e) Special Rule and Conditions.—

23 “(1) INSTITUTIONS OUTSIDE HAWAII.—The Secretary may not establish a policy under this
24 section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting
25 institution of higher education outside of the State of Hawaii from receiving a scholarship
26 pursuant to subsection (c)(9)(A).

27 “(2) SCHOLARSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a
28 scholarship awarded under subsection (c)(9)(A). The conditions shall require that an
29 individual seeking such a scholarship enter into a contract to provide professional services,
30 either during the scholarship period or upon completion of a program of postsecondary
31 education, to the Native Hawaiian community.

32 “(f) Treatment of Funds.—

33 “(1) IN GENERAL.—Except as provided in paragraph (2), funds made available under this
34 subpart shall be used to supplement, and not supplant, any State or local funds used to
35 achieve the purposes of this subpart.

36 “(2) EXCEPTION.—Paragraph (1) shall not apply to any nonprofit entity or Native
37 Hawaiian community-based organization that receives a grant or other funds under this
38 subpart.

39 “(g) Administrative Costs.—

1 “(1) IN GENERAL.—Except as provided in paragraph (2), not more than 5 percent of funds
2 provided to a recipient of a grant or contract under subsection (a) for any fiscal year may be
3 used for administrative purposes.

4 “(2) EXCEPTION.—Not more than 10 percent of funds provided under subsection (a) for
5 any fiscal year to a nonprofit entity serving the Native Hawaiian community may be used
6 for administrative purposes.

7 ~~“(h) Supplement Not Supplant.—Funds made available under this section shall be used to
8 supplement, and not supplant, any State or local funds used to achieve the purposes of this
9 subpart.~~

10 ~~“(i) Authorization of Appropriations.—~~

11 “(1) IN GENERAL.—There are authorized to be appropriated to carry out this section and
12 section 7204 such sums as may be necessary for fiscal year 2012 and each of the 5
13 succeeding fiscal years.

14 “(2) RESERVATION.—Of the funds appropriated under this subsection, the Secretary shall
15 reserve, for each of fiscal years 2012 through 2017 not less than \$500,000 for the Education
16 Council.

17 “(3) AVAILABILITY.—Funds appropriated under this subsection shall remain available
18 until expended.”.

19 SEC. 7206. ADMINISTRATIVE PROVISIONS.

20 Section 7206 (20 U.S.C. 7516) is amended to read as follows:

21 “SEC. 7206. ADMINISTRATIVE PROVISIONS.

22 “(a) Application Required.—

23 “(1) IN GENERAL.—No grant may be made under this subpart, and no contract may be
24 entered into under this subpart, unless the entity seeking the grant or contract submits an
25 application to the Secretary at such time, in such manner, and containing such information
26 as the Secretary may determine to be necessary to carry out the provisions of this subpart.

27 “(2) ACADEMIC PROJECTS.—Applications submitted under this subpart to carry out
28 projects and activities that are academic in nature shall describe—

29 “(A) the criteria that will be used to ensure that such projects and activities use
30 evidence-based strategies and methods; and

31 “(B) the process through which the applicant will monitor and report such activities,
32 including the achievement of identified objectives.

33 “(b) Applications to Education Council.—The Secretary shall provide to the Education
34 Council a copy of each grant or contract application submitted under this subpart.

35 “(c) Annual Report.—

36 “(1) IN GENERAL.—Each entity that receives a grant under this subpart shall submit to the
37 Secretary an annual report, in such form and containing such information as the Secretary
38 may require that determines the extent to which activities carried out with funds provided

1 under this subpart are effective in improving the educational achievement of Native
2 Hawaiian students served by such funds.

3 “(2) CONTENT.—As a part of the information reported under paragraph (1), each entity
4 that receives a grant under this subpart shall provide data, using information from the most
5 recent year for which data are available, on—

6 “(A) the academic achievement of the Native Hawaiian students the entity serves, as
7 measured by the State assessments required under section 1111(a) and the high school
8 graduation and college-going rates of those students; and

9 “(B) such other measures as the Secretary may prescribe.”.

10 **SEC. 7207. DEFINITIONS.**

11 Section 7207 (20 U.S.C. 7517) is amended—

12 (1) in the matter preceding paragraph (1), by striking “part” and inserting “subpart”;

13 (2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7),
14 respectively; and

15 (3) by inserting before paragraph (2), as redesignated by paragraph (1), the following:

16 “(1) COMMUNITY CONSULTATION.—The term ‘community consultation’ means a public
17 gathering—

18 “(A) to discuss Native Hawaiian education concerns; and

19 “(B) about which the public has been given not less than 30 days notice.”.

20 **Subpart 2—Alaska Native ~~Student Education~~ Education**

21 ~~SEC. 7211. PROGRAM AUTHORIZED.~~ **SEC. 7301.**

22 **ALASKA NATIVE EDUCATION.**

23 Section 7304 (20 U.S.C. 7544) is amended—

24 (1) by striking “this part” each place it appears and inserting “this subpart”;

25 (2) in subsection (a)—

26 (A) in paragraph (2)—

27 (i) by striking subparagraph (D) **Title VII (20 U.S.C. 7401 et seq.) is amended by striking**
28 **sections 7301 through 7306** and inserting the following:

29 **“SEC. 7301. SHORT TITLE.**

30 **“This subpart may be cited as the ‘Alaska Native Educational Equity, Support, and**
31 **Assistance Act’.**

32 **“SEC. 7302. FINDINGS.**

33 **“Congress finds and declares the following:**

1 **“(1) The attainment of educational success is critical to the betterment of the**
2 **conditions, long-term well-being, and preservation of the culture and languages of**
3 **Alaska Natives.**

4 **“(2) It is the policy of the Federal Government—**

5 **“(A) to encourage the maximum participation by Alaska Natives in the**
6 **planning and the management of Alaska Native education programs; and**

7 **“(B) to support efforts developed by, and undertaken within, the Alaska Native**
8 **community to improve educational opportunity for Alaska Native children.**

9 **“(3) Alaska Native children enter and exit school with serious educational**
10 **handicaps.**

11 **“(4) The educational achievement of Alaska Native children is far below national**
12 **norms. Native performance on standardized tests is low, Native student dropout rates**
13 **are high, Natives are significantly underrepresented among holders of baccalaureate**
14 **degrees in the State of Alaska, and Alaska Natives are more likely than other Alaskans**
15 **to be without access to employment. As a result, Native students are being denied their**
16 **opportunity to become full participants in society and an entire generation is being**
17 **condemned to an underclass status and a life of limited choices.**

18 **“(5) The programs and activities authorized in this subpart, combined with**
19 **expanded Head Start, infant learning, and early childhood education and care**
20 **programs, and parent and family education programs, are essential if educational**
21 **barriers are to be overcome.**

22 **“(6) The sheer magnitude of the geographic barriers to be overcome in delivering**
23 **educational services in rural Alaska and Alaska villages should be addressed through**
24 **the development and implementation of innovative, model programs in a variety of**
25 **areas.**

26 **“(7) Alaska Native children should be afforded the opportunity to begin their formal**
27 **education on a par with their non-Native peers. The Federal Government should lend**
28 **support to efforts developed by and undertaken within the Alaska Native community**
29 **to improve educational opportunity for all students.**

30 **“SEC. 7303. PURPOSES.**

31 **“The purposes of this subpart are as follows:**

32 **“(1) To meet the unique educational needs of Alaska Natives.**

33 **“(2) To authorize the development and enhancement of effective supplemental**
34 **educational programs to benefit Alaska Natives.**

35 **“(3) To supplement existing programs and authorities in the area of education to**
36 **further the purposes of this subpart.**

37 **“(4) To provide direction and guidance to appropriate Federal, State, and local**
38 **agencies to focus resources, including resources made available under this subpart, on**
39 **meeting the educational needs of Alaska Natives.**

1 “(5) To ensure the maximum participation by Alaska Natives in the planning and
2 management of education programs designed to serve Alaska Natives.

3 **“SEC. 7304. PROGRAM AUTHORIZED.**

4 “(a) General Authority.—

5 “(1) GRANTS AND CONTRACTS.—In order to carry out programs that meet the
6 purposes of this subpart, the Secretary is authorized to make grants to, or enter into
7 contracts with—

8 “(A) Alaska Native organizations;

9 “(B) educational entities with experience in developing or operating Alaska
10 Native programs or programs of instruction conducted in Alaska Native
11 languages;

12 “(C) cultural and community-based organizations with experience in
13 developing or operating programs to address the educational needs of Alaska
14 Natives; and

15 “(D) consortia of organizations and entities described in this paragraph.

16 “(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out
17 under this subpart may include the following:

18 “(A) The development and implementation of plans, methods, and strategies to
19 improve the education of Alaska Natives.

20 “(B) The development of curricula and educational programs that address the
21 educational needs of Alaska Native students, including the following:

22 “(i) Curricula materials and instructional programs that reflect the
23 cultural and linguistic diversity or the contributions of Alaska Natives.

24 “(ii) Networks that introduce and disseminate successful programs and
25 best practices, materials, and techniques to meet the educational needs of
26 Alaska Native students.

27 “(C) Professional development activities for educators, including the following:

28 “(i) Pre-service and in-service professional development programs to
29 prepare teachers and principals to develop appreciation for, and
30 understanding of, Alaska Native cultures and values in order to meet the
31 unique needs of Alaska Native students.

32 “(ii) Recruitment and preparation of teachers who—

33 “(I) are Alaska Native;

34 “(II) reside in communities with high concentrations of Alaska Native
35 students; or

36 “(III) are likely to succeed as teachers in isolated, rural communities
37 and engage in cross-cultural instruction in Alaska.

38 “(iii) Programs that will lead to the certification and licensing of Alaska

1 **Native teachers, principals, and superintendents.**

2 ~~“(D) The development and operation of high quality early care and education~~
3 ~~programs, including home visiting and home based~~ **home instruction** programs for
4 Alaska Native preschool children, ~~that to ensure the active involvement of~~
5 **engagement of parents and families and communities** in their children’s education
6 from the earliest ages.”; **ages.**

7 ~~(ii) in subparagraph (F)—~~“(E) **Family literacy services.**

8 ~~(I) in the matter preceding clause (i), by striking “science and mathematics” and~~
9 ~~inserting “science”~~“(F) **The development and operation of student enrichment**
10 **programs, including those in science,** technology, engineering, and ~~mathematics”;~~
11 **and**

12 ~~(II) in clause (iii), by inserting “, linguistic,” after “unique cultural”;~~

13 ~~(iii) in subparagraph (G), by inserting “and youth,” after “Alaska Native children”;~~

14 ~~(iv) in subparagraph (I), by inserting “and in becoming on track to college and~~
15 ~~career readiness” after “tests”;~~

16 ~~(v) in subparagraph (J), by inserting “, such as students who may not be of~~
17 ~~traditional college age,” after “Native students”;~~

18 ~~(vi) in subparagraph (K)—~~

19 ~~(I) by striking “and caregivers” and inserting “, caregivers, and families”;~~ and

20 ~~(II) by striking “discipline and” and inserting “nurturing positive social and~~
21 ~~emotional development, discipline, and”;~~

22 ~~(vii) by striking subparagraph (M) and inserting the following:~~

23 ~~“(M) Cultural exchange programs designed to share~~ **mathematics that—**

24 **“(i) are designed to prepare Alaska Native students from rural areas, who**
25 **are preparing to enter secondary school, to excel in such subjects;**

26 **“(ii) provide appropriate support services to the families of such students**
27 **to enable such students to benefit from the programs; and**

28 **“(iii) may include activities that recognize and support the unique cultural**
29 **and educational needs of Alaska Native children, and incorporate**
30 **appropriately qualified Alaska Native elders.**

31 **“(G) Research and data collection activities to determine the educational status**
32 **and needs of Alaska Native children and adults.**

33 **“(H) Remedial and enrichment programs to assist Alaska Native students in**
34 **becoming college or career ready.**

35 **“(I) Education and training of Alaska Native students enrolled in a degree**
36 **program that will lead to certification or licensing as teachers.**

37 **“(J) Parenting education for parents and caregivers of Alaska Native children**
38 **to improve parenting and caregiving skills (including skills relating to discipline**

1 and cognitive development), including parenting education provided through
2 in-home visitation of new mothers.

3 “(K) Culturally based education programs designed and provided by an entity
4 with demonstrated experience in—

5 “(i) providing programs of study to share the rich and diverse cultures and
6 history of Alaska Native people;

7 “(ii) instructing Alaska Native students in leadership, communication, and
8 Native culture, arts, and languages;

9 “(iii) increasing the high school graduation rate of the Alaska Native
10 students that the entity serves;

11 “(iv) providing intergenerational learning and internship opportunities; or

12 “(v) providing cultural immersion activities aimed at Alaska Native
13 cultural preservation.

14 “(L) A statewide on-site exchange program for students and teachers, involving
15 school and culture camps, that demonstrates effectiveness in—

16 “(i) facilitating cultural relationships between urban and rural Alaskans to
17 build mutual respect and understanding; and

18 “(ii) fostering a statewide sense of community identity through host family,
19 school, and community cross-cultural immersion.

20 “(M) Activities carried out through programs under part A of title I and Head
21 Start programs carried out under the Head Start Act, including the training of
22 teachers for programs described in this subpart.

23 “(N) Other early learning and preschool programs.

24 “(O) Education programs for at-risk urban Alaska Native students that are
25 operated by tribes or tribal organizations that have demonstrated experience in
26 increasing graduation rates among such students and that—

27 “(i) include culturally-informed curricula intended to preserve and
28 promote Alaska Native culture ~~that place urban students in a rural setting.”;~~

29 (viii) by striking subparagraph (O) and inserting the following:

30 “(O) Other high quality early care and education programs, including
31 high quality preschool programs.”;

32 (ix) in subparagraph (R)—

33 (I) by inserting “with opportunities for advancement and economic
34 self-sufficiency” after “employment”; and

35 (II) by striking “and apprenticeship activities.” and inserting “and
36 apprenticeship and pre-apprenticeship programs and activities.”;

37 (x) in subparagraph (S), by striking “vocational” and inserting “area career and
38 technical education”; and

1 ~~(xi) in subparagraph (T), by striking “children and adults.” and inserting~~
2 ~~“children and youth, and adults, including, as appropriate, other activities~~
3 ~~authorized under this Act.”; and~~

4 ~~(B) by striking paragraph (3) and inserting the following:~~

5 ~~“(3) Home-based programs.—Home-based early care and education;~~

6 **“(ii) partner effectively with the local educational agency by providing a**
7 **school-within-a-school program model;**

8 **“(iii) provide high-quality academic instruction, small classroom sizes, and**
9 **social and emotional support for students;**

10 **“(iv) work with parents and families to increase parent and family**
11 **engagement;**

12 **“(v) have a proven track record of improving academic proficiency and**
13 **increasing graduation rates;**

14 **“(vi) provide college preparation and career planning; and**

15 **“(vii) incorporate a strong data collection and continuous evaluation**
16 **component at all levels of the program.**

17 **“(P) A statewide program that has demonstrated effectiveness in providing**
18 **technical assistance and support to schools and communities to engage adults in**
19 **promoting the academic progress and overall well-being of young people through**
20 **strengths-based approaches to child and youth development, positive youth-adult**
21 **relationships, improved conditions for learning (such as school climate and**
22 **student connection to the school and community), and increased connections**
23 **between schools and families.**

24 **“(Q) Career preparation activities to enable Alaska Native children and adults**
25 **to prepare for meaningful employment, including programs providing tech-prep,**
26 **mentoring, training, and apprenticeship activities.**

27 **“(R) The provision of operational support and purchasing of equipment to**
28 **develop regional vocational schools in rural areas of Alaska, including boarding**
29 **schools, for Alaska Native students in grades 9 through 12, or at higher levels of**
30 **education, to provide such students with necessary resources to prepare for**
31 **skilled employment opportunities.**

32 **“(S) Other research and evaluation activities related to programs carried out**
33 **under this subpart.**

34 **“(T) Other activities, consistent with the purposes of this subpart, to meet the**
35 **educational needs of Alaska Native children and adults.**

36 **“(3) HOME INSTRUCTION PROGRAMS.—The home instruction programs for Alaska**
37 **Native preschool children ~~carried out~~, described under paragraph (2)(D), may include the**
38 **following:**

39 **“(A) Programs for ~~families~~ parents and their infants, from the prenatal period**
40 **through age 3.**

1 ~~“(B) High quality preschool programs focused on school readiness. Preschool~~
2 ~~programs.~~

3 ~~“(C) Professional development”~~**“(C) Training**, education, and support for parents in
4 such areas as ~~high quality literacy instruction, storytelling, social and emotional~~
5 ~~development, numeracy, technology, and critical thinking.”; and reading readiness,~~
6 **observation, story telling, and critical thinking.**

7 ~~(3) by striking subsection (d) and inserting the following:“(b) Limitation on Administrative~~
8 ~~Costs.—Not more than 5 percent of funds provided to a grantee under this section for any~~
9 ~~fiscal year may be used for administrative purposes.~~

10 **“(c) Priorities.—In awarding grants or contracts to carry out activities this subpart, the**
11 **Secretary shall give priority to applications from Alaska Native regional nonprofit**
12 **organizations, or consortia that include not less than 1 Alaska Native regional nonprofit**
13 **organization.**

14 ~~“(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out~~
15 ~~this section such sums as may be necessary for fiscal year 2012 and each of the 5 succeeding~~
16 ~~fiscal years.”. years~~

17 ~~SEC. 7212~~**SEC. 7305. ADMINISTRATIVE PROVISIONS.**

18 ~~Section 7305 (20 U.S.C. 7545) is amended—“(a) Application Required.—No grant may be~~
19 ~~made under this subpart, and no contract may be entered into under this subpart, unless~~
20 ~~the entity seeking the grant or contract submits an application to the Secretary in such~~
21 ~~form, in such manner, and containing such information as the Secretary may determine~~
22 ~~necessary to carry out the provisions of this subpart.~~

23 ~~(1) by striking “this part” each place it appears and inserting “this subpart”; and“(b)~~
24 ~~Applications.—A State educational agency or local educational agency may apply for an~~
25 ~~award under this subpart only as part of a consortium involving an Alaska Native~~
26 ~~organization. The consortium may include other eligible applicants.~~

27 ~~(2) by adding at the end the following:“(c) Consultation Required.—Each applicant for an~~
28 ~~award under this subpart shall provide for ongoing advice from and consultation with~~
29 ~~representatives of the Alaska Native community.~~

30 **“(d) Local Educational Agency Coordination.—Each applicant for an award under this**
31 **subpart shall inform each local educational agency serving students who would participate**
32 **in the program to be carried out under the grant or contract about the application.**

33 ~~“(e) Annual Report.—~~

34 ~~“(1) IN GENERAL.—Each entity that receives a grant under this subpart shall submit to the~~
35 ~~Secretary an annual report, in such form and containing such information as the Secretary~~
36 ~~may require, to determine the extent to which activities carried out with funds provided~~
37 ~~under this subpart are effective in improving the educational achievement of Alaska Native~~
38 ~~students served by such funds.~~

39 ~~“(2) CONTENT.—As a part of the information reported under paragraph (1), each entity~~
40 ~~that receives a grant under this subpart shall provide data, using information from the most~~
41 ~~recent year for which that data is available, on—~~

1 “(A) the academic achievement of the Alaska Native students the entity serves, as
2 measured by the State assessments required under section 1111(a) ~~and~~(2);

3 ~~“(B) the high school graduation and college-going rates of those students; and rates~~
4 **of such students;**

5 ~~“(B)“(C) the rates of attendance at an institution of higher education of such~~
6 **students; and**

7 ~~“(D) such other measures as the Secretary may prescribe.”~~ **prescribe.**

8 **“SEC. 7306. DEFINITIONS.**

9 **“In this subpart:**

10 **“(1) ALASKA NATIVE.—The term ‘Alaska Native’ has the same meaning as the term**
11 **‘Native’ has in section 3(b) of the Alaska Native Claims Settlement Act.**

12 **“(2) ALASKA NATIVE ORGANIZATION.—The term ‘Alaska Native organization’ means**
13 **a federally recognized tribe, consortium of tribes, regional nonprofit Native**
14 **association, and another organization that—**

15 **“(A) has or commits to acquire expertise in the education of Alaska Natives;**
16 **and**

17 **“(B) has Alaska Natives in substantive and policymaking positions within the**
18 **organization.”.**

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TITLE VIII—IMPACT AID

SEC. 8001. PURPOSE.

Section 8001 (20 U.S.C. 7701) is amended, in the matter preceding paragraph (1), by striking “challenging State standards” and inserting “college and career ready State academic content and student academic achievement standards under section 1111(a)(1)”.

SEC. 8002. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

~~Section(a)~~ **Amendments.**—**Section** 8002 (20 U.S.C. 7702) is amended—

~~(1) in the matter preceding paragraph (1) of subsection (a), by striking “2003” and inserting [“—”];~~

~~(2)~~**(1)** in subsection (b)—

(A) in paragraph (1)(B), by striking “8014(a)” and inserting “3(z)(1)”;

(B) in paragraph (2), by striking “aggregate assessed” and inserting “estimated taxable”; and

(C) by striking paragraph (3) and inserting the following:

“(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)~~**(2)** in subsection (f)—

(A) by aligning the margins of paragraphs (2) and (3) with the margins of paragraph

1 (1); and

2 (B) by striking paragraphs (4) and (5);

3 ~~(4)~~(3) by striking subsection (g) and inserting the following:

4 “(g) Former Districts.—

5 “(1) CONSOLIDATIONS.—For fiscal year 2006 and all succeeding fiscal years, if a local
6 educational agency described in paragraph (2) is formed at any time after 1938 by the
7 consolidation of 2 or more former school districts, the local educational agency may elect to
8 have the Secretary determine its eligibility and any amount for which the local educational
9 agency is eligible under this section for any fiscal year on the basis of one or more of those
10 former districts, as designated by the local educational agency.

11 “(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in
12 paragraph (1) is—

13 “(A) any local educational agency that, for fiscal year 1994 or any preceding fiscal
14 year, applied, and was determined to be eligible under section 2(c) of the Act of
15 September 30, 1950 (Public Law 874, 81st Congress) as the section was in effect for
16 that fiscal year; or

17 “(B) a local educational agency formed by the consolidation of 2 or more districts, at
18 least one of which was eligible for assistance under this section for the fiscal year
19 proceeding the year of consolidation, if—

20 “(i) for fiscal years 2006 through 2011, the local educational agency had
21 notified the Secretary of the designation not later than 30 days after the date of
22 enactment of the Elementary and Secondary Education Reauthorization Act of
23 2011; and

24 “(ii) for fiscal year 2012, and any subsequent fiscal year, the local educational
25 agency includes the designation in its application under section 8005 or any
26 timely amendment to such application.

27 “(3) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law limiting the
28 period during which the Secretary may obligate funds appropriated for any fiscal year after
29 2005, the Secretary may obligate funds remaining after final payments have been made
30 from any of such fiscal years to carry out this subsection.”;

31 ~~(5)~~(4) in subsection (h)—

32 (A) by striking “8014(a)” each place the term appears and inserting “3(z)(1)”;

33 (B) in paragraph (1)—

34 (i) in the paragraph heading, by striking “FOR PRE-1995 RECIPIENTS”;

35 (ii) in subparagraph (A), by striking “is eligible” and all that follows through
36 the period at the end and inserting “was eligible to receive a payment under this
37 section for fiscal year 2007.”; and

38 (iii) in subparagraph (B), by striking “38 percent” and all that follows through
39 the period at the end and inserting “90 percent of the payment the local
40 educational agency received in 2006.”; and

1 (C) by striking paragraphs (2) through (4) and inserting the following:

2 “(2) FOUNDATION PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES DETERMINED ELIGIBLE
3 AFTER FISCAL YEAR 2007.—

4 “(A) FIRST YEAR.—From any amounts remaining after making payments under
5 paragraph (1) for the fiscal year involved, the Secretary shall make a payment, in an
6 amount determined in accordance with subparagraph (C), to each local educational
7 agency that the Secretary determines eligible for a payment under this section for a
8 fiscal year after fiscal year 2007, for the fiscal year for which such agency was
9 determined eligible for such payment.

10 “(B) SECOND AND SUCCEEDING YEARS.—For any succeeding fiscal year after the
11 first fiscal year that a local educational agency receives a foundation payment under
12 subparagraph (A), the amount of the local educational agency’s foundation payment
13 under this paragraph for such succeeding fiscal year shall be equal to the local
14 educational agency’s foundation payment under this paragraph for the first fiscal year.

15 “(C) AMOUNTS.—The amount of a payment under subparagraph (A) for a local
16 educational agency shall be determined as follows:

17 “(i) Calculate the local educational agency’s maximum payment under
18 subsection (b).

19 “(ii) Calculate the percentage that the amount appropriated under section
20 3(z)(1) for the most recent fiscal year for which the Secretary has completed
21 making payments under this section is of the total maximum payments for such
22 fiscal year for all local educational agencies eligible for a payment under
23 subsection (b) and multiply the agency’s maximum payment by such percentage.

24 “(iii) Multiply the amount determined under clause (ii) by 90 percent.

25 “(3) REMAINING FUNDS.—From any funds remaining after making payments under
26 paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make a payment to
27 each local educational agency that received a foundation payment under paragraph (1) or
28 (2), **or subsection (i)(1)**, for the fiscal year involved in an amount that bears the same
29 relation to the remainder as a percentage share determined for the local educational agency
30 (by dividing the maximum amount that the agency is eligible to receive under subsection (b)
31 by the total of the maximum amounts for all such agencies) bears to the percentage share
32 determined (in the same manner) for all local educational agencies eligible to receive a
33 payment under this section for the fiscal year involved, except that, for the purpose of
34 calculating a local educational agency’s maximum amount under subsection (b), data from
35 the most current fiscal year shall be used.”;

36 **(5) by striking paragraph (1) of subsection (i) and inserting the following:**

37 **“(1) IN GENERAL.—The calculation of the foundation payment under subsection**
38 **(h)(1)(B) for a local educational agency described in paragraph (2) of this subsection**
39 **shall be equal to 90 percent of the payment received in fiscal year 2005, for fiscal year**
40 **2011 and each succeeding fiscal year.”;**

41 **(6) by striking subsections (k) and (m);**~~(6) by striking subsection (k);~~

1 (7) by redesignating subsections (l) ~~through and~~ (n) as subsections (j) ~~through (l) and~~
2 (k), respectively;

3 (8) in subsection (j) (as redesignated by paragraph (7)), in the matter preceding paragraph
4 (1), by striking “(h)(4)(B)” and inserting “(h)(3)”;

5 (9) ~~in subsection (l)(2)(B) (as redesignated by paragraph (7)), by striking “2003” and~~
6 ~~inserting “2012”;~~ and

7 ~~(10)~~ by adding at the end the following:

8 ~~“(m)“(I) Records.—~~The Secretary may base a determination of eligibility under subsection
9 (a)(1) on original records (including facsimiles or other reproductions of those records)
10 documenting the assessed value of real property, prepared by a legally authorized official as of
11 the time of the Federal acquisition, or other records that the Secretary determines to be
12 appropriate and reliable, including Federal agency records or local historical records.”.

13 **(b) Effective Date.—Notwithstanding section 5(d), this section, and the amendments**
14 **made by this section, shall take effect with respect to applications submitted under section**
15 **8002 of the Elementary and Secondary Education Act of 1965 for fiscal year 2011.**

16 SEC. 8003. PAYMENTS FOR ELIGIBLE FEDERALLY 17 CONNECTED CHILDREN.

18 Section 8003 (20 U.S.C. 7703) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), in the matter preceding subparagraph (A), by inserting after
21 “such agency” the following: “(including those children enrolled in a State that has a
22 State open enrollment policy but not including children enrolled in a distance learning
23 program who are not residing within the geographic boundaries of the agency)”;

24 (B) in paragraph (4)—

25 (i) in subparagraph (A), by inserting “, or was authorized for demolition,” after
26 “rebuilding” each place the term appears; and

27 (ii) in subparagraph (B)—

28 (I) in each of clauses (i)(I) and (ii) (I) of subparagraph (B), by striking “ 3
29 fiscal years” and inserting “4 fiscal years (which are not required to run
30 consecutively)”;

31 (II) in clause (i)—

32 (aa) in subclause (I), by inserting “, or authorized for demolition,”
33 after “rebuilding”; and

34 (bb) in subclause (II), by inserting “, or authorized for demolition,”
35 before “in accordance”; and

36 (III) in clause (ii)—

37 (aa) in subclause (I), by inserting “, or authorized for demolition,”
38 after “rebuilding”;

1 (bb) in subclause (II), by inserting “, or authorized for demolition,”
2 before “in accordance”; and

3 (C) in paragraph (5)(A), by inserting after “1984,” the following: “or under lease of
4 off-base property under subchapter IV of chapter 169 of title 10, United States Code
5 (10 U.S.C. 2871 et seq.)”;

6 (2) in subsection (b)—

7 (A) in each of paragraphs (1) and (2)(A), by striking “8014(b)” and inserting
8 “3(z)(2)”;

9 (B) in paragraph (2)—

10 (i) in subparagraph (B)—

11 (I) in the subparagraph heading, by striking “CONTINUING”;

12 (II) by striking clauses (i) and (ii) and inserting the following:

13 “(i) IN GENERAL.—A heavily impacted local educational agency is eligible to
14 receive a basic support payment under subparagraph (A) with respect to a number
15 of children determined under subsection (a)(1) if the agency—

16 “(I) is a local educational agency whose boundaries are the same as a
17 Federal military installation, or whose boundaries are the same as island
18 property designated by the Secretary of the Interior to be property that is held
19 in trust by the Federal Government, and that has no taxing authority;

20 “(II) is a local educational agency that—

21 “(aa) has an enrollment of children described in subsection (a)(1) that
22 constitutes a percentage of the total student enrollment of the agency
23 that is not less than 45 percent;

24 “(bb) has a per-pupil expenditure that is less than—

25 “(AA) for an agency that has a total student enrollment of 500 or
26 more students, 125 percent of the average per-pupil expenditure of
27 the State in which the agency is located; or

28 “(BB) for an agency that has a total student enrollment of less than
29 500 students, 150 percent of the average per-pupil expenditure of the
30 State in which the agency is located, or the average per-pupil
31 expenditure of 3 or more comparable local educational agencies in
32 the State in which the agency is located; ~~and~~

33
34 “(cc) is an agency that—

35 “(AA) has a tax rate for general fund purposes that is not less than
36 95 percent of the average tax rate for general fund purposes of
37 comparable local educational agencies in the State; or

38 “(BB) was eligible to receive a payment under this subsection for
39 fiscal year 2012 and is located in a State that by State law has

1 eliminated ad valorem tax as a revenue source for local educational
2 agencies; or

3 **“(dd) has an enrollment of children described in subsection (a)(1)**
4 **that constitutes a percentage of the total student enrollment of the**
5 **agency which is not less than 30 percent, and has a tax rate for**
6 **general fund purposes which is not less than 125 percent of the**
7 **average tax rate for general fund purposes for comparable local**
8 **educational agencies in the State; or**

9 “(III) is a local educational agency that has a total student enrollment of
10 not less than 25,000 students, of which not less than 50 percent are children
11 described in subsection (a)(1) and not less than 5,500 of such children are
12 children described in subparagraphs (A) and (B) of subsection (a)(1).

13 “(ii) LOSS OF ELIGIBILITY.—

14 “(I) IN GENERAL.—Subject to subclause (II), a heavily impacted local
15 educational agency that met the requirements of clause (i) for a fiscal year
16 shall be ineligible to receive a basic support payment under subparagraph
17 (A) if the agency fails to meet the requirements of such clause for the
18 subsequent fiscal year, except that such agency shall continue to receive a
19 basic support payment under this paragraph for the fiscal year for which the
20 ineligibility determination is made.

21 “(II) EXCEPTION.—A local educational agency that is eligible under
22 subparagraph (A) but whose tax rate for general fund purposes falls below 95
23 percent of the average tax rate for general fund purposes of local educational
24 agencies in the State for two consecutive years shall lose its eligibility and be
25 subject to subclause (I).”;

26 (III) by adding at the end the following:

27 “(iv) SPECIAL RULE.—Notwithstanding clause (i)(II), a local educational agency
28 shall be considered eligible to receive a basic support payment under
29 subparagraph (A) with respect to the number of children determined under
30 subsection (a)(1) if the agency—

31 “(I) has an enrollment of children described in subsection (a)(1),
32 including, for purposes of determining eligibility, those children described in
33 subparagraphs (F) and (G) of such subsection, that constitutes a percentage
34 of the total student enrollment of the agency that is not less than 35 percent;
35 and

36 “(II) was eligible to receive assistance under this paragraph for fiscal year
37 2001.”;

38 **2001.**

39 “(v) APPLICATION.—With respect to the first fiscal year for which a
40 heavily impacted local educational agency described in clause (i) applies for a
41 basic support payment under subparagraph (A), or with respect to the first
42 fiscal year for which a heavily impacted local educational agency applies for

1 **a basic support payment under subparagraph (A) after becoming ineligible**
2 **under clause (i) for 1 or more preceding fiscal years, the agency shall apply**
3 **for such payment at least 1 year prior to the start of that first fiscal year.”;**

4 (ii) by striking subparagraphs (C) and (D) and inserting the following:

5 “(C) MAXIMUM AMOUNT FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

6 “(i) IN GENERAL.—Except as provided for in subparagraph (D), the maximum
7 amount that a heavily impacted local educational agency is eligible to receive
8 under this paragraph for any fiscal year is the sum of the total weighted student
9 units, as computed under subsection (a)(2) and subject to clause (ii), multiplied by
10 the greater of—

11 “(I) four-fifths of the average per-pupil expenditure of the State in which
12 the local educational agency is located for the third fiscal year preceding the
13 fiscal year for which the determination is made; or

14 “(II) four-fifths of the average per-pupil expenditure of all of the States for
15 the third fiscal year preceding the fiscal year for which the determination is
16 made.

17 “(ii) SPECIAL RULES.—

18 “(I) CALCULATIONS FOR LOCAL EDUCATIONAL AGENCIES WITH LARGE
19 NUMBERS OF CERTAIN ELIGIBLE CHILDREN.—

20 “(aa) IN GENERAL.—In the case of a local educational agency with
21 respect to which 35 percent or more of the total student enrollment of
22 the schools of the agency are children described in subparagraph (D) or
23 (E) of subsection (a)(1), and that has an enrollment of children
24 described in subparagraphs (A), (B), or (C) of such subsection equal to
25 at least 10 percent of the agency’s total enrollment, the Secretary shall
26 calculate the weighted student units of the children described in
27 subparagraphs (D) or (E) of such subsection by multiplying the number
28 of such children by a factor of 0.55.

29 “(bb) EXCEPTION.—Notwithstanding subclause (I), any local
30 educational agency that received a payment under this clause for fiscal
31 year 2006, shall not be required to have an enrollment of children
32 described in subparagraph (A), (B), or (C) of subsection (a)(1) equal to
33 at least 10 percent of the agency’s total enrollment for purposes of
34 subclause (I).

35 “(II) CALCULATIONS FOR LOCAL EDUCATIONAL AGENCIES WITH SMALL
36 NUMBERS OF ELIGIBLE CHILDREN.—For a local educational agency that has an
37 enrollment of 100 or fewer children described in subsection (a)(1), the
38 Secretary shall calculate the total number of weighted student units for
39 purposes of subsection (a)(2) by multiplying the number of such children by
40 a factor of 1.75.

41 “(III) CALCULATIONS FOR CERTAIN OTHER LOCAL EDUCATIONAL
42 AGENCIES.—For a local educational agency that does not qualify under

1 paragraph (2)(B)(i)(I) and has an enrollment of more than 100 but not more
2 than 1,000 children described in subsection (a)(1), the Secretary shall
3 calculate the total number of weighted student units for purposes of
4 subsection (a)(2) by multiplying the number of such children by a factor of
5 1.25.

6 “(D) MAXIMUM AMOUNT FOR LARGE HEAVILY IMPACTED LOCAL EDUCATIONAL
7 AGENCIES.—

8 “(i) APPLICABLE FORMULA.—

9 “(I) IN GENERAL.—Subject to clause (ii), the maximum amount that a
10 heavily impacted local educational agency described in subclause (II) is
11 eligible to receive under this paragraph for any fiscal year shall be
12 determined in accordance with the formula described in paragraph (1)(C).

13 “(II) HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—A heavily
14 impacted local educational agency described in this subclause is a local
15 educational agency that has a total student enrollment of not less than 25,000
16 students, of which not less than 50 percent are children described in
17 subsection (a)(1) and not less than 5,500 of such children are children
18 described in subparagraph (A) and (B) of subsection (a)(1).

19 “(ii) FACTOR.—For purposes of calculating the maximum amount described in
20 clause (i), the factor used in determining the weighted student units under
21 subsection (a)(2) with respect to children described in subparagraph (A) and (B)
22 of subsection (a)(1) shall be 1.35.”;

23 (iii) by striking subparagraph (E);

24 (iv) by redesignating subparagraphs (F) through (H) as subparagraph (E)
25 through (G), respectively;

26 (v) in subparagraph (E) (as redesignated by clause (iv))—

27 (I) by striking clause (ii);

28 (II) by striking “; and” at the end of clause (i) and inserting a period; and

29 (III) by striking “the Secretary” and all that follows through “shall use”
30 and inserting “the Secretary shall use”;

31 (vi) in subparagraph (F) (as redesignated by clause (iv)), in the matter
32 preceding clause (i), by striking “(C)(i)(II)(bb)” and inserting “(B)(i)(II)(bb)”; ~~and~~

33
34 (vii) in subparagraph (G) (as redesignated by clause (iv))—

35 (I) in clause (i)—

36 (aa) by striking “(B), (C), (D), or (E)”, and inserting “(B), (C), or
37 (D),”;

38 (bb) by striking “by reason of” and inserting “due to”;

39 (cc) by inserting after “clause (iii)” the following: “or as the direct

1 result of base realignment and closure or modularization as determined
2 by the Secretary of Defense, force structure change, or force
3 relocation,”; and

4 (dd) by inserting before the period at the end the following: “or
5 during such time as activities associated with base realignment and
6 closure, modularization, force structure change, or force relocation are
7 ongoing”; and

8 (II) in clause (ii), by striking “(D) or (E)” in both places such term appears
9 and inserting “(C) or (D)”; **and**

10 **(viii) by adding at the end the following:**

11 **“(H) SPECIAL RULE.—The Secretary shall—**

12 **“(i) deem each local educational agency that received a fiscal year 2009**
13 **basic support payment for heavily impacted local educational agencies under**
14 **this paragraph as eligible to receive a basic support payment for heavily**
15 **impacted local educational agencies under this paragraph for each of fiscal**
16 **years 2010, 2011, and 2012; and**

17 **“(ii) make a payment to such local educational agency under such section**
18 **for each of fiscal years 2010, 2011, and 2012.**

19 **“(I) CONTINUED ELIGIBILITY FOR A HEAVILY IMPACTED LOCAL EDUCATIONAL**
20 **AGENCY ENTERING INTO AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT WITH**
21 **A STATE EDUCATIONAL AGENCY.—For any fiscal year, a heavily impacted local**
22 **educational agency that received a basic support payment under this paragraph**
23 **for the fiscal year prior to the fiscal year for which such local educational agency**
24 **entered into an intergovernmental cooperative agreement with a State**
25 **educational agency shall remain eligible to receive a basic support payment under**
26 **this paragraph for the duration of the intergovernmental cooperative agreement,**
27 **but in no case for more than 5 years.”;**

28 (C) in paragraph (3)—

29 (i) in subparagraph (B)—

30 (I) by redesignating clause (iv) as clause (v); and

31 (II) by inserting after clause (iii) the following:

32 **“(iv) In the case of a local educational agency that is providing a program of**
33 **distance learning to children not residing within the geographic boundaries of the**
34 **agency, the Secretary shall disregard such children from such agency’s total**
35 **enrollment when calculating the percentage under clause (i)(I) and shall disregard**
36 **any funds received for such children when calculating the total current**
37 **expenditures attributed to the operation of such agency when calculating the**
38 **percentage under clause (i)(II).”;**

39 (D) in subparagraph (C), by striking “subparagraph (D) or (E) of paragraph (2), as
40 the case may be” and inserting “paragraph (2)(D)”;

1 (E) by striking subparagraph (D) and inserting the following:

2 “(D) RATABLE DISTRIBUTION.—

3 “(i) IN GENERAL.—For each fiscal year described in subparagraph (A) for
4 which the sums appropriated under section 3(z)(2) exceed the amount required to
5 pay each local educational agency 100 percent of the local educational agency’s
6 threshold payment under subparagraph (B), the Secretary shall distribute the
7 excess sums to each eligible local educational agency that has not received the
8 agency’s maximum payment amount computed under paragraph (1) or (2) (as the
9 case may be) by multiplying—

10 “(I) a percentage, the denominator of which is the difference between the
11 maximum payment amount computed under paragraph (1) or (2) (as the case
12 may be) for all local educational agencies and the amount of the threshold
13 payment (as calculated under subparagraphs (B) and (C)) of all local
14 educational agencies, and the numerator of which is the aggregate amount of
15 the excess sums; by

16 “(II) the difference between the maximum payment amount computed
17 under paragraph (1) or (2) (as the case may be) for the agency and the
18 amount of the threshold payment as calculated under subparagraphs (B) and
19 (C) for the agency.

20 “(ii) INSUFFICIENT PAYMENTS.—For each fiscal year described in subparagraph
21 (A) for which the sums appropriated under section 3(z)(2) are insufficient to pay
22 each local educational agency all of the local educational agency’s threshold
23 payment described in clause (i), the Secretary shall ~~reduce the local contribution-~~
24 ~~rate for the local educational agencies under paragraphs (1)(C) and (2)(D)(i) by~~
25 ~~the uniform percentage necessary to make payments under clause (i)~~ **ratably**
26 **reduce the payment** to each local educational agency ~~at 100 percent of the local-~~
27 ~~educational agencies’ threshold payments.~~ **under this paragraph.**

28 “(iii) INCREASES.—If the sums appropriated under section 3(z)(2) are sufficient
29 to increase the threshold payment above the 100 percent threshold payment
30 described in clause (i), then the Secretary shall increase payments on the same
31 basis as such payments were reduced, except no local educational agency may
32 receive a payment amount greater than 100 percent of the maximum payment
33 calculated under this subsection.”; and

34 (3) in subsection (c), by amending paragraph (2) to read as follows:

35 “(2) EXCEPTION.—Calculation of payments for a local educational agency shall be based
36 on data from the fiscal year for which the agency is making an application for payment if
37 such agency—

38 “(A) is newly established by a State, for the first year of operation of such agency
39 only;

40 “(B) was eligible to receive a payment under this section for the previous fiscal year
41 and has had an overall increase in enrollment (as determined by the Secretary in
42 consultation with the Secretary of Defense, the Secretary of Interior, or the heads of

1 other Federal agencies)—

2 “(i) of not less than 10 percent, or 100 students, of children described in—

3 “(I) subparagraph (A), (B), (C), or (D) of subsection (a)(1); or

4 “(II) subparagraph (F) or (G) of subsection (a)(1), but only to the extent
5 such children are civilian dependents of employees of the Department of
6 Defense or the Department of the Interior; and

7 “(ii) that is the direct result of closure or realignment of military installations
8 under the base closure process or the relocation of members of the Armed Forces
9 and civilian employees of the Department of Defense as part of force structure
10 changes or movements of units or personnel between military installations or
11 because of actions initiated by the Secretary of Interior or the head of another
12 Federal agency; or

13 “(C) was eligible to receive a payment under this section for the previous fiscal year
14 and has had an overall increase in enrollment (as determined by the Secretary)—

15 “(i) of not less than 10 percent of children described in subsection (a)(1), or not
16 less than 100 of such children; and

17 “(ii) that is the direct result of the closure of a local educational agency that
18 received a payment under paragraph (1) or (2) of subsection (b) in the previous
19 fiscal year.”;

20 (4) in subsection (d), by striking “8014(c)” and inserting “3(z)(3)”;

21 (5) in subsection (e)—

22 (A) by striking paragraphs (1) and (2) and inserting the following:

23 “(1) IN GENERAL.—Subject to paragraph (2), the total amount the Secretary shall pay a
24 local educational agency under subsection (b)—

25 “(A) for fiscal year 2012, shall not be less than 90 percent of the total amount that
26 the local educational agency received under paragraphs (1) and (2) of subsection (b)
27 for fiscal year 2011;

28 “(B) for fiscal year 2013, shall not be less than 85 percent of the total amount that
29 the local educational agency received under paragraphs (1) and (2) of subsection (b)
30 for fiscal year 2011; and

31 “(C) for fiscal year 2014, shall not be less than 80 percent of the total amount that
32 the local educational agency received under paragraphs (1) and (2) of subsection (b)
33 for fiscal year 2011.”; and

34 (B) by redesignating paragraph (3) as paragraph (2); and

35 (6) by striking subsection (g).

36 SEC. 8004. CONSTRUCTION.

37 Section 8007 (20 U.S.C. 7707) is amended—

38 (1) by striking “8014(e)” each place the term appears and inserting “3(z)(4)”;

1 (2) in subsection (a)(2), by adding at the end the following:

2 “(C) The agency is eligible under section 8003(b)(2) or is receiving a basic support
3 payment under circumstances described in section 8003(b)(2)(B)(ii).”.

4 **SEC. 8005. FACILITIES.**

5 Section 8008(a) (20 U.S.C. 7708(a)) is amended by striking “8014(f)” and inserting “3(z)(5)”.

6 **SEC. 8006. FEDERAL ADMINISTRATION.**

7 Section 8010 (20 U.S.C. 7710) is amended—

8 (1) in subsection (c)—

9 (A) in paragraph (1), by striking “paragraph (3) of this subsection” each place the
10 term appears and inserting “paragraph (2)”; and

11 (B) in paragraph (2)(E), by striking “under section 8003(b)” and all that follows
12 through the period at the end and inserting “under this title.”; and

13 (2) by adding at the end the following:

14 “(d) Timely Payments.—

15 “(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay a local educational
16 agency the full amount that the agency is eligible to receive under this title for a fiscal year
17 not later than September 30 of the second fiscal year following the fiscal year for which
18 such amount has been appropriated if, not later than 1 calendar year following the fiscal
19 year in which such amount has been appropriated, such local educational agency submits to
20 the Secretary all the data and information necessary for the Secretary to pay the full amount
21 that the agency is eligible to receive under this title for such fiscal year.

22 “(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE
23 APPROPRIATED.—For a fiscal year in which the amount appropriated under section 3(z) is
24 insufficient to pay the full amount a local educational agency is eligible to receive under
25 this title, paragraph (1) shall be applied by substituting ‘is available to pay the agency’ for
26 ‘the agency is eligible to receive’ each place the term appears.”.

27 **SEC. 8007. DEFINITIONS.**

28 Section 8013(1) (20 U.S.C. 7713(1)) is amended by striking “and Marine Corps” and inserting
29 “Marine Corps, and Coast Guard”.

30 **SEC. 8008. CONFORMING AMENDMENT.**

31 Title VIII (20 U.S.C. 7701 et seq.) is amended by striking section 8014.

32 **SEC. 8009. ELIGIBILITY FOR IMPACT AID PAYMENT.**

33 (a) **Local Educational Agencies.**—Notwithstanding section 9101(40) of the Elementary
34 and Secondary Education Act of 1965 (20 U.S.C. 7801(40)), North Chicago Community
35 Unit School District 187, North Shore District 112, and Township High School District 113
36 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High

1 **School District 225 in Cook County, Illinois, shall be considered local educational agencies**
2 **as such term is used in, and for purposes of, title VIII of such Act.**

3 **(b) Computation.—Notwithstanding any other provision of law, federally connected**
4 **children (as determined under section 8003(a) of the Elementary and Secondary Education**
5 **Act of 1965 (20 U.S.C. 7703(a))) who are in attendance in the North Shore District 112,**
6 **Township High School District 113, Glenview Public School District 34, and Glenbrook**
7 **High School District 225 described in subsection (a), shall be considered to be in attendance**
8 **in the North Chicago Community Unit School District 187 described in subsection (a) for**
9 **purposes of computing the amount that the North Chicago Community Unit School**
10 **District 187 is eligible to receive under subsection (b) or (d) of such section if—**

11 **(1) such school districts have entered into an agreement for such students to be so**
12 **considered and for the equitable apportionment among all such school districts of any**
13 **amount received by the North Chicago Community Unit School District 187 under**
14 **such section; and**

15 **(2) any amount apportioned among all such school districts pursuant to paragraph**
16 **(1) is used by such school districts only for the direct provision of educational services.**

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TITLE IX—GENERAL PROVISIONS

SEC. 9101. DEFINITIONS.

(a) In General.—Section 9101 (20 U.S.C. 7801) is amended to read as follows:

“SEC. 9101. 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

1 enrolled in the receiving school or program.

2 “(II) LACK OF CONFIRMATION.—A student who was enrolled, but for
3 whom there is no confirmation of the student having transferred out, shall
4 remain in the cohort as a nongraduate for reporting and accountability
5 purposes under this {Act}.

6 “(iii) PROGRAMS NOT PROVIDING CREDIT.—A student enrolled in a GED or
7 other alternative educational program that does not issue or provide credit toward
8 the issuance of a regular secondary school diploma shall not be considered
9 transferred out and shall remain in the adjusted cohort.

10 “(E) COHORT REMOVAL.—To remove a student from a cohort, a school or local
11 educational agency shall require documentation to confirm that the student has
12 transferred out, emigrated to another country, or is deceased.

13 “(F) TREATMENT OF OTHER DEPARTURES AND WITHDRAWALS.—A student who was
14 retained in a grade, enrolled in a GED program, aged out of a secondary school or
15 secondary school program, or left secondary school for any other reason, including
16 expulsion, shall not be considered transferred out, and shall remain in the adjusted
17 cohort.

18 “(G) SPECIAL RULE.—For those secondary schools that start after grade 9, the
19 entering cohort shall be calculated 1 month after the start of the secondary school’s
20 academic year in the earliest secondary school grade at the secondary school.

21 “(2) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE COURSE.—The term
22 ‘Advanced Placement or International Baccalaureate course’ means—

23 “(A) a course of postsecondary-level instruction provided to secondary school
24 students, terminating in Advanced Placement or International Baccalaureate
25 examination; or

26 “(B) another highly rigorous, evidence-based, postsecondary preparatory program
27 terminating in—

28 “(i) an examination administered by a nationally recognized educational
29 organization that has a demonstrated record of effectiveness in assessing
30 secondary school students; or

31 “(ii) another such examination approved by the Secretary.

32 “(3) ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE EXAMINATION.—The
33 term ‘Advanced Placement or International Baccalaureate examination’ means an
34 Advanced Placement examination administered by the College Board, an International
35 Baccalaureate examination administered by the International Baccalaureate Organization, or
36 another such examination approved by the Secretary.

37 “(4) AUTHORIZING COMMITTEES.—The term ‘authorizing committees’ means the
38 Committee on Education and the Workforce of the House of Representatives and the
39 Committee on Health, Education, Labor, and Pensions of the Senate.

40 “(5) AVERAGE DAILY ATTENDANCE.—

1 “(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the
2 term ‘average daily attendance’ means—

3 “(i) the aggregate number of days of attendance of all students during a school
4 year; divided by

5 “(ii) the number of days school is in session during that year.

6 “(B) CONVERSION.—The Secretary shall permit the conversion of average daily
7 membership (or other similar data) to average daily attendance for local educational
8 agencies in States that provide State aid to local educational agencies on the basis of
9 average daily membership (or other similar data).

10 “(C) SPECIAL RULE.—If the local educational agency in which a child resides makes
11 a tuition or other payment for the free public education of the child in a school ~~located~~
12 ~~in~~ **served by another school district local educational agency**, the Secretary shall, for
13 the purpose of this Act—

14 “(i) consider the child to be in attendance at a school of the agency making the
15 payment; and

16 “(ii) not consider the child to be in attendance at a school of the agency
17 receiving the payment.

18 “(6) AVERAGE PER-PUPIL EXPENDITURE.—The term ‘average per-pupil expenditure’
19 means, in the case of a State or of the United States—

20 “(A) without regard to the source of funds—

21 “(i) the aggregate current expenditures, during the most recent fiscal year for
22 which satisfactory data are available, of all local educational agencies in the State
23 or, in the case of the United States, for all States (which, for the purpose of this
24 paragraph, means the 50 States and the District of Columbia); plus

25 “(ii) any direct current expenditures by the State for the operation of those
26 agencies; divided by

27 “(B) the aggregate number of children in average daily attendance to whom those
28 agencies provided free public education during that year.

29 “(7) CHARTER MANAGEMENT ORGANIZATION.—The term ‘charter management
30 organization’ means a nonprofit organization that operates, manages, or oversees multiple
31 charter schools by centralizing or sharing certain functions and resources among such
32 schools.

33 ~~“(8) Charter school authorizer.—The term ‘charter school authorizer’ means any public-~~
34 ~~or nonprofit entity that has the authority under State law, and is approved by the Secretary,~~
35 ~~to authorize or approve a public charter school.~~

36 ~~“(9) CHILD.—The term ‘child’ means any person within the age limits for which the State~~
37 ~~provides free public education.~~

38 ~~“(10)“~~**“(9) CHILD WITH A DISABILITY.—The term ‘child with a disability’ has the same**
39 **meaning given that term in section 602 of the Individuals with Disabilities Education Act.**

40 ~~“(11)“~~**“(10) CONDITIONS FOR LEARNING.—The term ‘conditions for learning’ means**

1 conditions that advance student achievement and positive child and youth development by
2 supporting schools that—

3 “(A) promote physical, mental, and emotional health;

4 “(B) ensure the safety of students and staff;

5 “(C) promote social, emotional, and character development; and

6 “(D) have the following attributes:

7 “(i) Provide opportunities for physical activity and good nutrition.

8 “(ii) Are free of violence, harassment, and weapons.

9 “(iii) Prevent use and abuse of drugs and controlled substances.

10 “(iv) Help staff and students to model positive social and emotional skills.

11 “(v) Employ adults who have high expectations for student conduct, character,
12 and academic achievement.

13 “(vi) Engage parents and family members in meaningful and sustained ways to
14 promote positive student academic achievement and developmental outcomes.

15 ~~“(12)“(11) CONSOLIDATED LOCAL APPLICATION.—~~The term ‘consolidated local
16 application’ means an application submitted by a local educational agency pursuant to
17 section 9305.

18 ~~“(13)“(12) CONSOLIDATED LOCAL PLAN.—~~The term ‘consolidated local plan’ means a
19 plan submitted by a local educational agency pursuant to section 9305.

20 ~~“(14)“(13) CONSOLIDATED STATE APPLICATION.—~~The term ‘consolidated State
21 application’ means an application submitted by a State educational agency pursuant to
22 section 9302.

23 ~~“(15)“(14) CONSOLIDATED STATE PLAN.—~~The term ‘consolidated State plan’ means a
24 plan submitted by a State educational agency pursuant to section 9302.

25 ~~“(16)“(15) CORE ACADEMIC SUBJECTS.—~~The term ‘core academic subjects’ means
26 English, reading or language arts, mathematics, science, foreign languages, civics and
27 government, economics, arts, history, and geography.

28 ~~“(17)“(16) COVERED PROGRAM.—~~The term ‘covered program’ means each of the
29 programs authorized by—

30 “(A) part A of title I;

31 “(B) part C of title I;

32 “(C) part D of title I;

33 “(D) part A of title II;

34 “(E) part A of title III;

35 “(F) part B of title IV; and

36 “(G) subpart 2 of part B of title VI.

1 ~~“(18)“~~**(17)** CURRENT EXPENDITURES.—The term ‘current expenditures’ means
2 expenditures for free public education—

3 “(A) including expenditures for administration, instruction, attendance and health
4 services, pupil transportation services, operation and maintenance of plant, fixed
5 charges, and net expenditures to cover deficits for food services and student body
6 activities; but

7 “(B) not including expenditures for community services, capital outlay, and debt
8 service, or any expenditures made from funds received under title I.

9 ~~“(19)“~~**(18)** DEPARTMENT.—The term ‘Department’ means the Department of Education.

10 ~~“(20)“~~**(19)** DEVELOPMENTAL DELAY.—The term ‘developmental delay’ has the meaning
11 given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C.
12 1432).

13 ~~“(21)“~~**(20)** DISTANCE LEARNING.—The term ‘distance learning’ means the transmission
14 of educational or instructional programming to geographically dispersed individuals and
15 groups via telecommunications.

16 ~~“(22)“~~**(21)** EDUCATIONAL SERVICE AGENCY.—The term ‘educational service agency’
17 means a regional public multiservice agency authorized by State statute to develop, manage,
18 and provide services or programs to local educational agencies.

19 ~~“(23)“~~**(22)** ELEMENTARY SCHOOL.—The term ‘elementary school’ means a nonprofit
20 institutional day or residential school, including a public elementary charter school, that
21 provides elementary education, as determined under State law.

22 ~~“(24) Eligible subgrantee.— The term ‘eligible subgrantee’ means—~~

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

24 ~~“(B) an educational service agency serving more than 1 high-need local educational~~
25 ~~agencies; or~~

26 ~~“(C) a consortium of high-need local educational agencies.~~

27 ~~“(25)“~~**(23)** ENGLISH LEARNER.—The term ‘English learner’ means an individual—

28 “(A) who is aged 3 through 21;

29 “(B) who is enrolled or preparing to enroll in an elementary school or secondary
30 school;

31 “(C)(i) who was not born in the United States or whose native language is a
32 language other than English;

33 “(ii)(I) who is a Native American or Alaska Native, or a native resident of the
34 outlying areas; and

35 “(II) who comes from an environment where a language other than English has had
36 a significant impact on the individual’s level of English language proficiency; or

37 “(iii) who is migratory, whose native language is a language other than English, and
38 who comes from an environment where a language other than English is dominant; and

1 “(D) whose difficulties in speaking, reading, writing, or understanding the English
2 language may be sufficient to deny the individual—

3 “(i) the ability to meet the State’s on-track level of performance on State
4 assessments described in section 1111(a)(2);

5 “(ii) the ability to successfully achieve in classrooms where the language of
6 instruction is English; or

7 “(iii) the opportunity to participate fully in society.

8 ~~“(26)“(24) EVIDENCE-BASED.—~~The term ‘evidence-based’, when used with respect to a
9 program, practice, or policy, means—

10 “(A) based on a comprehensive, unbiased review and weighing of one or more
11 evaluation studies that—

12 “(i) have been carried out consistent with the principles of ~~scientifically based~~
13 **scientific** research;

14 “(ii) have strong internal and external validity; and

15 “(iii) support the direct attribution of one or more outcomes to the program,
16 practice, or policy; or

17 “(B) in the absence of any study described in subparagraph (A), based on a
18 comprehensive, unbiased review and weighing of data analysis, research, or one or
19 more evaluation studies of relevant programs, practices, or policies, that—

20 “(i) were carried out consistent with the principles of scientifically based
21 research; and

22 “(ii) are accompanied by strategies to generate more robust evidence over time
23 through research, evaluation, and data analysis, including—

24 “(I) the measurement of performance with reliable process and outcome
25 indicators; and

26 “(II) the implementation of evaluations with strong internal and external
27 validity where feasible and appropriate.

28 ~~“(27)“(25) EXPANDED LEARNING TIME.—~~The term ‘expanded learning time’ means using
29 a longer school day, week, or year schedule to significantly increase the total number of
30 school hours, in order to include additional time for—

31 “(A) instruction in core academic subjects;

32 “(B) instruction in other subjects and enrichment and other activities that contribute
33 to a well-rounded education, including music and the arts, physical education, and
34 experiential and work-based learning; and

35 “(C) instructional and support staff to collaborate, plan, and engage in professional
36 development, including on family and community engagement, within and across
37 grades and subjects.

38 ~~“(28)“(26) FAMILY LITERACY ACTIVITIES.—~~The term ‘family literacy activities’ means
39 activities that—

1 “(A) are of sufficient intensity in terms of hours, and of sufficient duration, to make
2 sustainable improvements in the literacy rates of a family;

3 “(B) better enable parents to support their children’s learning needs; and

4 “(C) integrate all of the following activities:

5 “(i) Parent adult education and literacy activities that lead to readiness for
6 postsecondary education or training, career advancement, and economic
7 self-sufficiency.

8 “(ii) Interactive literacy activities between parents and their children.

9 “(iii) Training for parents regarding how to be the primary teacher for their
10 children and full partners in the education of their children.

11 “(iv) Age-appropriate education to prepare children for success in school and
12 life experiences.

13 ~~“(29)“(27)~~ FAMILY MEMBER.—The term ‘family member’ means a parent, relative, or
14 other adult who is responsible for the care and well-being of a child.

15 ~~“(30)“(28)~~ FREE PUBLIC EDUCATION.—The term ‘free public education’ means education
16 that is provided—

17 “(A) at public expense, under public supervision and direction, and without tuition
18 charge; and

19 “(B) as elementary or secondary education, as determined under State law, except
20 that, notwithstanding State law, such term—

21 “(i) includes preschool education; and

22 “(ii) does not include any education provided beyond grade 12.

23 ~~“(31)“(29)~~ GIFTED AND TALENTED.—The term ‘gifted and talented’, when used with
24 respect to students, children, or youth, means students, children, or youth who give evidence
25 of high achievement capability in areas such as intellectual, creative, artistic, or leadership
26 capacity, or in specific academic fields, and who need services or activities not ordinarily
27 provided by the school in order to fully develop those capabilities.

28 ~~“(32)“(30)~~ GRADUATION RATES.—The term ‘graduation rates’ shall, at a minimum,
29 include both of the following:

30 “(A) A 4-year adjusted cohort graduation rate for a school year, defined as the
31 percent obtained by calculating the product of—

32 “(i) the result of—

33 “(I) the number of students who—

34 “(aa) formed the adjusted cohort 4 years earlier; and

35 “(bb) graduate in 4 years or less with a regular secondary school
36 diploma; divided by

37 “(II) the number of students who formed the adjusted cohort for that year’s
38 graduating class 4 years earlier; multiplied by

1 “(ii) 100.
2 “(B) A cumulative graduation rate for a school year, defined as the percent obtained
3 by calculating the product of—
4 “(i) the result of—
5 “(I) the sum of—
6 “(aa) the number of students who—
7 “(AA) form the adjusted cohort for that year’s graduating class;
8 and
9 “(BB) graduate in 4 years or less with a regular secondary school
10 diploma; plus
11 “(bb) the number of additional students from previous cohorts who
12 graduate with a regular secondary school diploma by the end of the
13 school year in—
14 “(AA) more than 4 years but not more than 6 years; or
15 “(BB) before exceeding the age for eligibility for a free appropriate
16 public education (as defined in section 602 of the Individuals with
17 Disabilities Education Act) under State law; divided by
18 “(II) the sum of—
19 “(aa) the number of students who form the adjusted cohort for that
20 year’s graduating class; plus
21 “(bb) the number of additional student graduates described in
22 subclause (I)(bb); multiplied by
23 “(ii) 100.
24 ~~“(33)“(31) HIGH SCHOOL.—~~The term ‘high school’ means a secondary school that—
25 “(A) grants a diploma, as defined by the State; and
26 “(B) includes, at least, grade 12.
27 ~~“(34)“(32) HIGHLY QUALIFIED TEACHER.—~~
28 “(A) IN GENERAL.—The term ‘highly qualified teacher’ means—
29 “(i) with respect to any public elementary school, middle school, or high school
30 teacher teaching in a State, a teacher who—
31 “(I)(aa) has obtained State certification as a teacher (including certification
32 obtained through alternative routes to certification) or passed the State
33 teacher licensing examination, and holds a license to teach in the State,
34 except that when used with respect to any teacher teaching in a charter
35 school, the term means that the teacher meets the requirements set forth in
36 the State’s charter school law; or
37 “(bb) has passed a rigorous State test for subject matter knowledge and is

1 making satisfactory progress towards obtaining full certification or licensure
2 within 3 years through participation in a high-quality, State-approved
3 alternative certification program; and

4 “(II) has not had certification or licensure requirements waived on an
5 emergency, temporary, or provisional basis;

6 “(ii) with respect to—

7 “(I) an elementary school teacher who is new to the profession, that the
8 teacher holds at least a bachelor’s degree and—

9 “(aa) if teaching more than a single subject, has demonstrated, by
10 receiving a passing score on a rigorous State test, subject knowledge
11 and teaching skills in reading, writing, mathematics, and other areas of
12 the basic elementary school curriculum (which may consist of passing a
13 State-required certification or licensing test or tests in reading, writing,
14 mathematics, and other areas of the basic elementary school
15 curriculum); or

16 “(bb) if teaching a single subject, meets either the requirement in item
17 (aa) or (bb) of subclause (II); and

18 “(II) a middle school or high school teacher who is new to the profession,
19 that the teacher holds at least a bachelor’s degree and has demonstrated a
20 high level of competency in each of the academic subjects in which the
21 teacher teaches by—

22 “(aa) receiving a passing score on a rigorous State academic subject
23 test in each of the academic subjects in which the teacher teaches
24 (which may consist of a passing level of performance on a
25 State-required certification or licensing test or tests in each of the
26 academic subjects the teacher teaches); or

27 “(bb) successful completion, in each of the academic subjects in
28 which the teacher teaches, of an academic major, a graduate degree,
29 coursework equivalent to an undergraduate academic major, or
30 advanced certification or credentialing; and

31 “(iii) when used with respect to an elementary school, middle school, or high
32 school teacher who is not new to the profession, that the teacher holds at least a
33 bachelor’s degree and—

34 “(I) has met the applicable standard in subclause (I) or (II) of clause (ii),
35 which includes an option for a test; or

36 “(II) demonstrates competence in all the academic subjects in which the
37 teacher teaches based on a high objective uniform State standard of
38 evaluation, which may include multiple subjects, that—

39 “(aa) is set by the State for both grade-appropriate academic
40 subject-matter knowledge and teaching skills;

41 “(bb) is aligned with State academic content and student academic

1 achievement standards under section 1111(a)(1) and developed in
2 consultation with core content specialists, teachers, principals, and
3 school administrators;

4 “(cc) provides objective, coherent information about the teacher’s
5 attainment of core content knowledge in the academic subjects in which
6 a teacher teaches;

7 “(dd) is applied uniformly to all teachers in the same academic
8 subject and the same grade level throughout the State;

9 “(ee) takes into consideration, but is not based primarily on, the time
10 the teacher has been teaching in the academic subject;

11 “(ff) is made available to the public on request; and

12 “(gg) may involve multiple, objective measures of teacher
13 competency.

14 “(B) SPECIAL RULE.—Notwithstanding the requirements of subparagraph (A), a
15 State may deem a teacher to be a highly qualified teacher for purposes of this Act, if
16 the teacher is—

17 “(i) a teacher with a bachelor’s degree who has received and maintained a
18 rating in the highest categories in the State in which the teacher teaches, as
19 described in ~~{consistent with section —}~~ **2301(b)(4)**;

20 “(ii) a teacher in a rural local educational agency, as described in section
21 ~~6211(b)~~ **6211(d)**, who teaches multiple subjects, if the teacher is a highly
22 qualified teacher in 1 of the core academic subjects that the teacher teaches and
23 becomes highly qualified in the additional subjects not later than 3 years by
24 meeting the requirements in clause (ii) or (iii) of subparagraph (A);

25 “(iii) a special education teacher consistent with section 602(10) of the
26 Individuals with Disabilities Education Act;

27 “(iv) a science teacher who holds a broad field science or individual science
28 certification or licensure and who the State determines is highly qualified for
29 purposes of this paragraph; or

30 “(v) a teacher who has been determined to be highly qualified by the State as of
31 the day before the date of enactment of the Elementary and Secondary Education
32 Reauthorization Act of 2011.

33 ~~“(35)“(33)~~ **HIGH-NEED LOCAL EDUCATIONAL AGENCY.**—The term ‘high-need local
34 educational agency’ means a local educational agency—

35 “(A) that serves not fewer than 10,000 children from families with incomes below
36 the poverty line; ~~or~~

37
38 “(B) for which not less than 20 percent of the children served by the agency are from
39 families with incomes below the poverty line; ~~or~~

40 ~~“(36)“(C)~~ **that is in the highest quartile of local educational agencies in the**

1 **State, based on student poverty.**

2 ~~“(34) HIGH-NEED SCHOOL.—~~

3 ~~“(A) IN GENERAL.—The term ‘high-need school’ means—~~

4 ~~“(i) an elementary school or middle school in which not less than 50 percent of~~
5 ~~the enrolled students are children from low-income families; or~~

6 ~~“(ii) a high school in which not less than 40 percent of the enrolled students are~~
7 ~~children from low-income families, which may be calculated using comparable~~
8 ~~data from feeder schools.; or~~

9 ~~“(iii) a school that is served by a local educational agency that is eligible under~~
10 ~~[section 3711(b)].~~

11 ~~“(B) LOW-INCOME FAMILY.—For purposes of subparagraph (A), the term~~
12 ~~‘low-income family’ means a family—~~

13 ~~“(i) in which the children are eligible for a free or reduced price lunch under the~~
14 ~~Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);~~

15 ~~“(ii) receiving assistance under a State program funded under part A of title IV~~
16 ~~of the Social Security Act (42 U.S.C. 601 et seq.); or~~

17 ~~“(iii) in which the children are eligible to receive medical assistance under the~~
18 ~~Medicaid program.~~

19 ~~“(37)“(35) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher~~
20 ~~education’ has the meaning given that term in section 101(a) of the Higher Education Act of~~
21 ~~1965.~~

22 ~~“(38)“(36) LEADING INDICATORS.—The term ‘leading indicators’ means [indicators-~~
23 ~~relating to] areas in which a persistently low-achieving school is expected to demonstrate~~
24 ~~improvement, such as—~~

25 ~~“(A) average student attendance rates;~~

26 ~~“(B) teacher attendance rates;~~

27 ~~“(C) on-time grade promotion;~~

28 ~~“(D) credit accumulation rates;~~

29 ~~“(E) expulsion, suspension, violence and harassment rates;~~

30 ~~“(F) teacher retention and turnover rates;~~

31 ~~“(G) percentage of students failing a core, credit-bearing course;~~

32 ~~“(H) entrance and placement examinations, and preparation courses, for~~
33 ~~postsecondary education.~~

34 ~~“(39) Local contribution percentage.—~~

35 ~~“(A) In general.—The term ‘local contribution percentage’ means the percentage of~~
36 ~~current expenditures in the State derived from local and intermediate sources, as reported to,~~
37 ~~and verified by the National Center for Education Statistics.~~

1 ~~“(B) Hawaii and district of columbia.—Notwithstanding subparagraph (A), the local~~
2 ~~contribution percentage for Hawaii and for the District of Columbia shall be the average~~
3 ~~local contribution percentage for the 50 States and the District of Columbia.~~

4 ~~“(40)“(37) LOCAL EDUCATIONAL AGENCY.—~~

5 ~~“(A) IN GENERAL.—The term ‘local educational agency’ means a public board of~~
6 ~~education or other public authority legally constituted within a State for either~~
7 ~~administrative control or direction of, or to perform a service function for, public~~
8 ~~elementary schools or secondary schools in a city, county, township, school district, or~~
9 ~~other political subdivision of a State, or of or for a combination of school districts or~~
10 ~~counties that is recognized in a State as an administrative agency for its public~~
11 ~~elementary schools or secondary schools.~~

12 ~~“(B) ADMINISTRATIVE CONTROL AND DIRECTION.—The term includes any other~~
13 ~~public institution or agency having administrative control and direction of a public~~
14 ~~elementary school or secondary school.~~

15 ~~“(C) ~~BIA~~ **BIE** SCHOOLS.—The term includes an elementary school or secondary~~
16 ~~school funded by the Bureau of Indian Affairs **Education** but only to the extent that~~
17 ~~including the school makes the school eligible for programs for which specific~~
18 ~~eligibility is not provided to the school in another provision of law and the school does~~
19 ~~not have a student population that is smaller than the student population of the local~~
20 ~~educational agency receiving assistance under this Act with the smallest student~~
21 ~~population, except that the school shall not be subject to the jurisdiction of any State~~
22 ~~educational agency other than the Bureau of Indian Affairs.~~

23 ~~“(D) EDUCATIONAL SERVICE AGENCIES.—The term includes educational service~~
24 ~~agencies and consortia of those agencies.~~

25 ~~“(E) STATE EDUCATIONAL AGENCY.—The term includes the State educational~~
26 ~~agency in a State in which the State educational agency is the sole educational agency~~
27 ~~for all public schools.~~

28 ~~“(41)“(38) MAGNET SCHOOL.—The term ‘magnet school’ means a public elementary~~
29 ~~school, public secondary school, public elementary education center, or public secondary~~
30 ~~education center, that offers a special curriculum capable of attracting substantial numbers~~
31 ~~of students of different racial backgrounds.~~

32 ~~“(42)“(39) MUTUAL CONSENT.—The term ‘mutual consent’ means a process through~~
33 ~~which—~~

34 ~~“(A) the principal or hiring team and the teacher agree to the placement at a school;~~

35 ~~“(B) the principal or hiring team selects teachers for the school from an unrestricted~~
36 ~~pool of internal and external candidates based on an assessment of the qualifications~~
37 ~~and fitness for the position of the individual candidates; and~~

38 ~~“(C) the local educational agency ensures that other schools served by the local~~
39 ~~educational agency are not be forced to accept teachers displaced from persistently~~
40 ~~low-achieving schools.~~

41 ~~“(43)“(40) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms ‘Native~~

1 American' and 'Native American language' have the same meaning given those terms in
2 section 103 of the Native American Languages Act of 1990 (25 U.S.C. 2902).

3 ~~“(44)“(41) ON TRACK TO COLLEGE AND CAREER READINESS.—~~The term ‘on track to
4 college and career readiness’, when used with respect to a student, means that—

5 “(A) the student is performing at or above the student’s grade level in a subject so
6 that the student will be college and career ready in such subject by the time of high
7 school graduation, as demonstrated by student performance that meets or exceeds the
8 on-track level of student academic achievement for such subject under section
9 1111(a)(1)(A)(iv) for the student’s grade, as measured by the State’s assessment
10 system under section 1111(a)(2); or

11 “(B) in the case of a student in a State that has chosen in accordance with section
12 1111(b)(1)(B) to measure student growth in addition to student achievement for
13 purposes of determining readiness, the student meets the requirements of subparagraph
14 (A) for a subject or the student is ~~making adequate~~ **attaining** student growth, ~~as~~
15 ~~described in paragraph (1)(A), in accordance with clauses (i) and (ii) of such section~~
16 in the subject.

17 ~~“(45)“(42) OUTLYING AREA.—~~The term ‘outlying area’—

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

20 “(B) for the purpose of section 1121(b) and any other discretionary grant program
21 under this Act, includes the freely associated states of the Republic of the Marshall
22 Islands, the Federated States of Micronesia, and the Republic of Palau until an
23 agreement for the extension of United States education assistance under the Compact
24 of Free Association for each of the freely associated states becomes effective after the
25 date of enactment of the [No Child Left Behind Act of 2001] ~~[Note: Needs to be~~
26 ~~updated.]~~.

27 ~~“(46)“(43) PARENT.—~~The term ‘parent’ includes a legal guardian or other person
28 standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or
29 a person who is legally responsible for the child’s welfare).

30 ~~“(47)“(44) POVERTY LINE.—~~The term ‘poverty line’ means the poverty line (as defined
31 by the Office of Management and Budget and revised annually in accordance with section
32 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a
33 family of the size involved.

34 ~~“(48)“(45) PROFESSIONAL DEVELOPMENT.—~~The term ‘professional development’ means
35 activities based on scientifically valid research that are coordinated and aligned to increase
36 the effectiveness of educators (including teachers, principals, other school leaders,
37 specialized instructional support personnel, paraprofessionals, and, as applicable, early
38 childhood educators) and are regularly assessed to determine the activities’ effectiveness,
39 and that—

40 “(A) are designed and implemented to improve student achievement and classroom
41 practice;

42 “(B) are aligned with—

1 “(i) State academic content standards and student academic achievement
2 standards developed under section 1111(a)(1);

3 “(ii) related academic and school improvement goals of the school, local
4 educational agency, and, as appropriate, statewide and local curricula; and

5 “(iii) rigorous teaching standards;

6 “(C) increase educators’—

7 “(i) knowledge and understanding about how students learn;

8 “(ii) academic content knowledge;

9 “(iii) ability to analyze student work and achievement data from multiple
10 sources, including how to adjust instructional strategies, assessments, and
11 materials based on such analysis; and

12 “(iv) ability to instruct students with disabilities and English learners so that
13 they are able to meet the State academic content standards and student academic
14 achievement standards;

15 “(D) address areas for improvement based on such educators’ evaluations;

16 “(E) are job-embedded, ongoing, collaborative, data-driven, and classroom-focused;
17 and

18 “(F) are, as appropriate—

19 “(i) designed to provide educators with the knowledge and skills to work more
20 effectively with parents and families; and

21 “(ii) provided jointly for school staff and other early childhood education and
22 care providers, where applicable, to address the transition to elementary school,
23 including issues related to school readiness across all major domains of early
24 learning.

25 “(49)“(46) REGULAR SECONDARY SCHOOL DIPLOMA.—

26 “(A) IN GENERAL.—The term ‘regular secondary school diploma’ means the
27 standard secondary school diploma awarded to the preponderance of students in the
28 State that is fully aligned with State standards, or a higher diploma. Such term shall not
29 include a GED or other recognized equivalent of a diploma, a certificate of attendance,
30 or any lesser diploma award.

31 “(B) EXCEPTION FOR STUDENTS WITH SIGNIFICANT COGNITIVE DISABILITIES.—For a
32 student who has a significant cognitive disability and is assessed using an alternate
33 assessment aligned to alternate academic achievement standards under section
34 1111(a)(1)(D), receipt of a regular secondary school diploma or a State-defined
35 alternate diploma aligned with completion of the student’s right to a free and
36 appropriate public education under the Individuals with Disabilities Education Act
37 shall be counted as graduating with a regular secondary school diploma for the
38 purposes of this {Act}, except that not more than 1 percent of students served by a State
39 or a local educational agency, as appropriate, shall be counted as graduates with a
40 regular secondary school diploma under this subparagraph.

1 ~~“(50) Revenue derived from local sources.—The term ‘revenue derived from local~~
2 ~~sources’ means —~~

3 ~~“(A) revenue produced within the boundaries of a local educational agency and available~~
4 ~~to such agency for such agency’s use; or~~

5 ~~“(B) funds collected by another governmental unit, but distributed back to a local~~
6 ~~educational agency in the same proportion as such funds were collected as a local revenue~~
7 ~~source.~~

8 ~~“(51)“(47) SCIENTIFICALLY BASED RESEARCH.—The term ‘scientifically based~~
9 ~~research’ —~~

10 ~~“(A) means research that involves the application of rigorous, systematic, and~~
11 ~~objective procedures to obtain reliable and valid knowledge relevant to education~~
12 ~~activities and programs; and~~

13 ~~“(B) includes research that—~~

14 ~~“(i) employs systematic, empirical methods that draw on observation or~~
15 ~~experiment;~~

16 ~~“(ii) involves rigorous data analyses that are adequate to test the stated~~
17 ~~hypotheses and justify the general conclusions drawn;~~

18 ~~“(iii) relies on measurements or observational methods that provide reliable and~~
19 ~~valid data across evaluators and observers, across multiple measurements and~~
20 ~~observations, and across studies by the same or different investigators;~~

21 ~~“(iv) is evaluated using experimental or quasi-experimental designs in which~~
22 ~~individuals, entities, programs, or activities are assigned to different conditions~~
23 ~~and with appropriate controls to evaluate the effects of the condition of interest,~~
24 ~~with a preference for random-assignment experiments, or other designs to the~~
25 ~~extent that those designs contain within-condition or across-condition controls;~~

26 ~~“(v) ensures that experimental studies are presented in sufficient detail and~~
27 ~~clarity to allow for replication or, at a minimum, offer the opportunity to build~~
28 ~~systematically on their findings; and~~

29 ~~“(vi) has been accepted by a peer-reviewed journal or approved by a panel of~~
30 ~~independent experts through a comparably rigorous, objective, and scientific~~
31 ~~review.~~

32 ~~“(52)“(48) SCIENTIFICALLY VALID RESEARCH.—The term ‘scientifically valid research’~~
33 ~~includes applied research, basic research, and field-initiated research in which the rationale,~~
34 ~~design, and interpretation are soundly developed in accordance with principles of scientific~~
35 ~~research.~~

36 ~~“(53)“(49) SECONDARY SCHOOL.—The term ‘secondary school’ means a nonprofit~~
37 ~~institutional day or residential school, including a public secondary charter school, that~~
38 ~~provides secondary education, as determined under State law, except that the term does not~~
39 ~~include any education beyond grade 12.~~

40 ~~“(54)“(50) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.~~

1 ~~“(55)“(51)~~ SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED
2 INSTRUCTIONAL SUPPORT SERVICES.—

3 “(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term ‘specialized
4 instructional support personnel’ means school counselors, school social workers,
5 school psychologists, and other qualified professional personnel involved in providing
6 assessment, diagnosis, counseling, educational, therapeutic, and other necessary
7 services (including related services as that term is defined in section 602 of the
8 Individuals with Disabilities Education Act) as part of a comprehensive program to
9 meet student needs.

10 “(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term ‘specialized
11 instructional support services’ means the services provided by specialized instructional
12 support personnel.

13 ~~“(56)“(52)~~ STATE.—The term ‘State’ means each of the 50 States, the District of
14 Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

15 ~~“(57)“(53)~~ STATE ADVISORY COUNCIL ON EARLY CHILDHOOD EDUCATION AND
16 CARE.—The term ‘State Advisory Council on Early Childhood Education and Care’ means
17 the State Advisory Council on Early Childhood Education and Care established under
18 section 642B(b) of the Head Start Act (42 U.S.C. 9837b(b)).

19 ~~“(58)“(54)~~ STATE EDUCATIONAL AGENCY.—The term ‘State educational agency’ means
20 the agency primarily responsible for the State supervision of public elementary schools and
21 secondary schools.

22 ~~“(59) Student growth.—The term ‘student growth’ means the change in a student’s
23 achievement between 2 or more points in time, as measured through an approach that is
24 statistically rigorous and appropriate for the knowledge and skills being measured.~~

25 ~~“(60)“(55)~~ TEACHER MENTORING.—The term ‘teacher mentoring’ means supporting
26 teachers or principals to increase the effectiveness and retention of such teachers or
27 principals through a program that—

28 “(A) includes clear criteria for the selection of mentors that takes into account the
29 mentor’s—

30 “(i) effectiveness; and

31 “(ii) ability to facilitate adult learning;

32 “(B) provides high-quality training for mentors in how to support teachers or
33 principals effectively;

34 “(C) provides regularly scheduled time for collaboration, examination of student
35 work and achievement data, and ongoing opportunities for mentors and mentees to
36 observe each other’s teaching or leading, and identify and address areas for
37 improvement; and

38 “(D) matches mentees with mentors in the same field, grade, grade span, or subject
39 area.

40 ~~“(61)“(56)~~ TURNAROUND PARTNER.—The term ‘turnaround partner’ means a public or

1 private nonprofit organization, institution of higher education, or charter management
2 organization, with a demonstrated record of successful school improvement.

3 ~~“(62)“(57)~~ UNIVERSAL DESIGN FOR LEARNING.—The term ‘universal design for learning’
4 has the meaning given the term in section 103 of the Higher Education Act of 1965.”.

5 (b) Conforming Amendments.—The Act (20 U.S.C. 6301 et seq.) is amended—

6 (1) in section 1504(b) (20 U.S.C. 6574(b)), as redesignated by section 1501(3), by
7 striking “the Committee on Education and the Workforce of the House of Representatives
8 and the Committee on Health, Education, Labor and Pensions of the Senate” and inserting
9 “the authorizing committees”;

10 (2) in section [3123(b)] (20 U.S.C. 6843(b)), by striking “the Committee on Education
11 and the Workforce of the House of Representatives and the Committee on Health,
12 Education, Labor, and Pensions of the Senate” and inserting “the authorizing committees”;
13 ~~and(3) in section [3253(d)] (20 U.S.C. 6983(d)), by striking “, the Committee on Education
14 and the Workforce of the House of Representatives, and the Committee on Health,
15 Education, Labor, and Pensions of the Senate” and inserting “and the authorizing
16 committees”;~~

17 ~~(4) in section [6156(a)] (20 U.S.C. 7321e(a))~~ **(3) in section 9401(e)(4) (20 U.S.C.**
18 **7861(e)(4))**, by striking “the Committee on Education and the Workforce of the House of
19 Representatives and the Committee on Health, Education, Labor, and Pensions of the
20 Senate” and inserting “the authorizing committees”;

21 ~~(5) in section [6164] (20 U.S.C. 7325e), by striking “the Committee on Education and the
22 Workforce of the House of Representatives and the Committee on Health, Education,
23 Labor, and Pensions of the Senate” and inserting “the authorizing committees”;~~

24 ~~(6) in section [6224(e)] (20 U.S.C. 7351e(e)), by striking “the Committee on Education
25 and the Workforce of the House of Representatives and the Committee on Health,
26 Education, Labor, and Pensions of the Senate” and inserting “the authorizing committees”;~~
27 ~~and~~

28 ~~(7) in section 9401(e)(4) (20 U.S.C. 7861(e)(4)), by striking “the Committee on
29 Education and the Workforce of the House of Representatives and the Committee on
30 Health, Education, Labor, and Pensions of the Senate” and inserting “the authorizing
31 committees”.~~

32 SEC. 9102. UNSAFE SCHOOL CHOICE OPTION.

33 Section 9532(a) (20 U.S.C. 7912(a)) is amended by striking “attending” and all that follows
34 through “victim of” and inserting “who is threatened with, or becomes a victim of,”.

35 SEC. 9103. EVALUATION AUTHORITY.

36 Section 9601 (20 U.S.C. 7941) is amended to read as follows:

37 “SEC. 9601. EVALUATION AUTHORITY.

38 “(a) Reservation of Funds.—Except as provided in subsection (b), the Secretary may reserve
39 not more than 3 percent of the amount appropriated to carry out each categorical program and

1 demonstration project authorized under this Act. The reserved amounts shall be used by the
2 Secretary, acting through the Director of the Institute of Education Sciences, to—

3 “(1) conduct—

4 “(A) comprehensive, high-quality evaluations of the program or project that—

5 “(i) provide information to inform policy-making and to support continuous
6 program improvement; and

7 “(ii) use methods appropriate for the questions being asked; and

8 “(B) impact evaluations that employ experimental or quasi-experimental designs,
9 where practicable and appropriate, and other rigorous methodologies that permit the
10 strongest possible causal inferences;

11 “(2) provide technical assistance to grant recipients on—

12 “(A) the conduct of the evaluation activities that the grantees carry out under this
13 Act; and

14 “(B) the collection and reporting of performance data relating to the program or
15 project;

16 “(3) evaluate the aggregate short- and long-term effects and cost efficiencies across
17 Federal programs assisted or authorized under this Act and related Federal preschool,
18 elementary, and secondary programs under any other Federal law;

19 “(4) increase the usefulness of evaluations of grant recipients in order to ensure the
20 continuous progress of the program or project by improving the quality, timeliness,
21 efficiency, dissemination, and use of information relating to performance under the program
22 or project; and

23 “(5) identify and disseminate research and best practices related to the programs and
24 projects authorized under this Act.

25 “(b) Title I.—The Secretary may not reserve under subsection (a) more than 1 percent of the
26 funds appropriated to carry out title I.

27 “(c) Evaluation Plan.—Beginning not later than 1 year after the date of enactment of the
28 Elementary and Secondary Education Reauthorization Act of 2011, the Secretary shall annually
29 develop and submit to Congress a plan that—

30 “(1) describes the timeline for evaluation of the programs and projects authorized under
31 this Act;

32 “(2) describes the specific evaluation activities that the Secretary intends to carry out for
33 such programs and projects during the next year; and

34 “(d) Evaluation Activities Authorized Elsewhere.—If, under any other provision of this Act
35 (other than title I), funds are authorized to be reserved or used for evaluation activities with
36 respect to a program or project, the Secretary may not reserve additional funds under this section
37 for the evaluation of that program or project.

38 “(e) Special Rule Regarding Allocation for Impact Evaluations.—The Secretary shall use not
39 less than 30 percent of the funds reserved under this section for each of the fiscal years 2012

1 through 2017, ~~in the aggregate [for the 6-year period? or in the aggregate for each year?]~~, for
2 impact evaluations that meet the requirements of ~~section [9602(1).]~~ **subsection (a)(1).**”

3 **SEC. 9104. CONFORMING AMENDMENTS.**

4 (a) Reorganization.—Title IX (20 U.S.C. 7801 et seq.) is amended by adding at the end the
5 following:

6 **“PART G—MISCELLANEOUS PROVISIONS”.**

7 (b) Conforming Amendments.—Title IX (20 U.S.C. 7801 et seq.) is amended—

8 (1) in section 9401(b)(1)(C) (20 U.S.C. 7861(b)(1)(C)), by striking “, in accordance with
9 section 1111(b),”;

10 (2) by striking paragraph (1) of section 9501(b) (20 U.S.C. 7881(b)) and inserting the
11 following:

12 “(1) IN GENERAL.—This section applies to programs under—

13 “(A) part C of title I;

14 “(B) part A of title II, to the extent provided in paragraph (3);

15 “(C) part A of title III;

16 “(D) part A of title IV;

17 “(E) part B of title IV;

18 “(F) part C of title IV; and

19 “(G) part D of title IV.”; and

20 (3) in section 9534(b) (20 U.S.C. 7914(b)), by striking “part B of title V” each place the
21 term appears and inserting “part D of title V”.

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TITLE X—HOMELESS EDUCATION

SEC. 10011. SHORT TITLE.

This title may be cited as the {“McKinney-Vento Homeless Education Reauthorization Act of 2011”}.

SEC. 10012. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

“Subtitle B—Education for Homeless Children and Youth

“SEC. 721. STATEMENT OF POLICY.

“The following is the policy of Congress:

“(1) Each State shall ensure that each homeless child and youth has access to the same free appropriate public education, including a public preschool education, as is provided to other children and youth.

“(2) In any State where compulsory residency requirements or other requirements of laws, regulations, practices, or policies may act as a barrier to the identification, enrollment, attendance, or success in school of homeless children and youth, the State shall review and revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free appropriate public education as is provided to other children and youth.

“(3) Homelessness is not a sufficient reason to separate students from the mainstream school environment.

“(4) Homeless children and youth shall have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same 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 YOUTH.

“(a) General Authority.—The Secretary is authorized to make grants to States from allotments made under subsection (c) and in accordance with this section to enable such States to carry out the activities described in subsections (d) through (h).

“(b) Application.—In order for a State to be eligible to receive a grant under this section, the State educational agency, 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

1 such information as the Secretary may reasonably require.

2 “(c) Allocation and Reservations.—

3 “(1) ALLOCATION.—

4 “(A) IN GENERAL.—Subject to subparagraph (C), the Secretary is authorized to allot
5 to each State an amount that bears the same ratio to the amount appropriated for such
6 year under section 726 that remains after the Secretary reserves funds under paragraph
7 (2) and uses funds to carry out section 724 (d) and (h), as the amount allocated under
8 section 1122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C.
9 6332) to the State for that year bears to the total amount allocated under section 1122
10 of such Act to all States for that year, except as provided in subparagraph (B).

11 “(B) MINIMUM ALLOTMENTS.—No State shall receive for a fiscal year less under this
12 paragraph than the greater of—

13 “(i) \$150,000; or

14 “(ii) an amount that bears the same ratio to the amount appropriated for such
15 year under section 726 that remains after the Secretary reserves funds under
16 paragraph (2) and uses funds to carry out section 724 (d) and (h), as the amount
17 the State received under this paragraph for the preceding fiscal year bears to the
18 total amount received by all States under this paragraph for the preceding fiscal
19 year.

20 “(C) REDUCTION FOR INSUFFICIENT FUNDS.—If there are insufficient funds in a fiscal
21 year to allot to each State the minimum amount under subparagraph (B), the Secretary
22 shall ratably reduce the allotments to all States based on the proportionate share that
23 each State received under this subsection for the preceding fiscal year.

24 “(2) RESERVATIONS.—

25 “(A) STUDENTS IN TERRITORIES.—The Secretary is authorized to reserve 0.1 percent
26 of the amount appropriated for each fiscal year under section 726 to be allocated by the
27 Secretary among the United States Virgin Islands, Guam, American Samoa, and the
28 Commonwealth of the Northern Mariana Islands, according to their respective need for
29 assistance under this subtitle, as determined by the Secretary. Funds allocated under
30 this subparagraph shall be used for programs that are consistent with the purposes of
31 the programs described in this subtitle.

32 “(B) INDIAN STUDENTS.—

33 “(i) TRANSFER.—The Secretary shall transfer 1 percent of the amount
34 appropriated for each fiscal year under section 726 to the Department of the
35 Interior for programs that are for Indian students served by schools funded by the
36 Secretary of the Interior, as determined under the Indian Self-Determination and
37 Education Assistance Act (25 U.S.C. 450 et seq.), and that are consistent with the
38 purposes of the programs described in this subtitle.

39 “(ii) AGREEMENT.—The Secretary of Education and the Secretary of the
40 Interior shall enter into an agreement, consistent with the requirements of this
41 subtitle, for the distribution and use of the funds described in clause (i) under

1 terms that the Secretary of Education determines best meet the purposes of the
2 programs described in this subtitle. Such agreement shall set forth the plans of the
3 Secretary of the Interior for the use of the funds transferred, including appropriate
4 goals, objectives, and milestones for that use.

5 “(d) State Activities.—Grant funds from a grant made to a State under this section shall be
6 used for the following:

7 “(1) To provide activities for and services to improve the identification of homeless
8 children and youth and enable such children and youth to enroll in, attend, and succeed in
9 school.

10 “(2) To establish or designate an Office of the Coordinator for Education of Homeless
11 Children and Youth in the State educational agency in accordance with subsection (f) that
12 has sufficient knowledge, authority, and time to carry out the duties described in this
13 subtitle.

14 “(3) To prepare and carry out the duties described in subsection (f) in the State plan
15 described in subsection (g).

16 “(4) To develop and implement professional development activities for liaisons
17 designated under subsection (g)(1)(J)(ii), other local educational agency and school
18 personnel, and community agencies—

19 “(A) to improve their identification of homeless children and youth; and

20 “(B) to improve their awareness of, and capacity to respond to, specific needs in the
21 education of homeless children and youth.

22 “(e) State and Local Subgrants.—

23 “(1) MINIMUM DISBURSEMENTS BY STATES.—From the grant funds made available each
24 year to a State under subsection (a) to carry out this subtitle, the State educational agency—

25 “(A) may use not more than 20 percent of the State’s allocation under subsection
26 (c)(1) or \$85,000, whichever amount is greater, for State-level activities; and

27 “(B) shall use the remainder of the State’s allocation after using amounts for
28 State-level activities under subparagraph (A) to award subgrants to local educational
29 agencies for the purposes of carrying out section 723.

30 “(2) USE BY STATE EDUCATIONAL AGENCY.—A State educational agency may use funds
31 for State-level activities made available under paragraph (1)(A) to conduct activities under
32 subsection (f) directly or through grants or contracts.

33 “(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—

34 “(A) IN GENERAL.—Except as provided in subparagraph (B), in providing a free
35 public education to a homeless child or youth, no State receiving funds under this
36 subtitle shall segregate such child or youth in a separate school, or in a separate
37 program within a school, based on such child’s or youth’s status as homeless.

38 “(B) EXCEPTION.—Notwithstanding subparagraph (A), paragraphs (1)(J)(i) and (3)
39 of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to
40 the placement of homeless children or youths in schools, a State that has a separate

1 school for homeless children or youths that was operated in fiscal year 2000 in a
2 covered county shall be eligible to receive funds under this subtitle for programs
3 carried out in such school if—

4 “(i) the school meets the requirements of subparagraph (C);

5 “(ii) any local educational agency serving a school that the homeless children
6 and youths enrolled in the separate school are eligible to attend meets the
7 requirements of subparagraph (E); and

8 “(iii) the State is otherwise eligible to receive funds under this subtitle.

9 “(C) SCHOOL REQUIREMENTS.—For the State to be eligible under subparagraph (B)
10 to receive funds under this subtitle, the school described in such subparagraph shall—

11 “(i) provide written notice, at the time any child or youth seeks enrollment in
12 such school, and at least twice annually while the child or youth is enrolled in
13 such school, to the parent or guardian of the child or youth (or, in the case of an
14 unaccompanied youth, the youth) that—

15 “(I) shall be signed by the parent or guardian (or, in the case of an
16 unaccompanied youth, the youth);

17 “(II) sets forth the general rights provided under this subtitle;

18 “(III) specifically states—

19 “(aa) the choice of schools homeless children and youths are eligible
20 to attend, as provided in subsection (g)(4)(A);

21 “(bb) that no homeless child or youth is required to attend a separate
22 school for homeless children or youths;

23 “(cc) that homeless children and youths shall be provided comparable
24 services described in subsection (g)(5), including transportation
25 services, educational services, and meals through school meals
26 programs; and

27 “(dd) that homeless children and youths should not be stigmatized by
28 school personnel; and

29 “(IV) provides contact information for the local liaison for homeless
30 children and youths and the State Coordinator for Education of Homeless
31 Children and Youths;

32 “(ii)(I) provide assistance to the parent or guardian of each homeless child or
33 youth (or, in the case of an unaccompanied youth, the youth) to exercise the right
34 to attend the parent’s or guardian’s (or youth’s) choice of schools, as provided in
35 subsection (g)(4)(A); and

36 “(II) coordinate with the local educational agency with jurisdiction for the
37 school selected by the parent or guardian (or youth), to provide transportation and
38 other necessary services;

39 “(iii) ensure that the parent or guardian (or, in the case of an unaccompanied
40 youth, the youth) shall receive the information required by this subparagraph in a

1 manner and form understandable to such parent or guardian (or youth), including,
2 if necessary and to the extent feasible, in the native language of such parent or
3 guardian (or youth); and

4 “(iv) demonstrate in the school’s application for funds under this subtitle that
5 such school—

6 “(I) is complying with clauses (i) and (ii); and

7 “(II) is meeting (as of the date of submission of the application) the same
8 Federal and State standards, regulations, and mandates as other public
9 schools in the State (such as complying with sections 1111 and 1116 of the
10 Elementary and Secondary Education Act of 1965 and providing a full range
11 of education and related services, including services applicable to students
12 with disabilities).

13 “(D) SCHOOL INELIGIBILITY.—A separate school described in subparagraph (B) that
14 fails to meet the standards, regulations, and mandates described in subparagraph
15 (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried
16 out in such school after the first date of such failure.

17 “(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—For the State to be eligible to
18 receive the funds described in subparagraph (B), the local educational agency
19 described in subparagraph (B)(ii) shall—

20 “(i) implement a coordinated system for ensuring that homeless children and
21 youths—

22 “(I) are advised of the choice of schools provided in subsection (g)(4)(A);

23 “(II) are immediately enrolled, in accordance with subsection (g)(4)(C), in
24 the school selected under subsection (g)(4)(A); and

25 “(III) are promptly provided necessary services described in subsection
26 (g)(5), including transportation, to allow homeless children and youths to
27 exercise their choices of schools under subsection (g)(4)(A);

28 “(ii) document that written notice has been provided—

29 “(I) in accordance with subparagraph (C)(i) for each child or youth
30 enrolled in a separate school under subparagraph (B); and

31 “(II) in accordance with subsection (g)(7)(A)(vi);

32 “(iii) prohibit schools within the agency’s jurisdiction from referring homeless
33 children or youths to, or requiring homeless children and youths to enroll in or
34 attend, a separate school described in subparagraph (B);

35 “(iv) identify and remove any barriers that exist in schools within the agency’s
36 jurisdiction that may have contributed to the creation or existence of separate
37 schools described in subparagraph (B); and

38 “(v) not use funds received under this subtitle to establish—

39 “(I) new or additional separate schools for homeless children or youths; or

1 “(II) new or additional sites for separate schools for homeless children or
2 youths, other than the sites occupied by the schools described in
3 subparagraph (B) in fiscal year 2000.

4 “(F) REPORT.—

5 “(i) PREPARATION.—The Secretary shall prepare a report on the separate
6 schools and local educational agencies described in subparagraph (B) that receive
7 funds under this subtitle in accordance with this paragraph. The report shall
8 contain, at a minimum, information on—

9 “(I) compliance with all requirements of this paragraph;

10 “(II) barriers to school access in the school districts served by the local
11 educational agencies; and

12 “(III) the progress the separate schools are making in integrating homeless
13 children and youths into the mainstream school environment, including the
14 average length of student enrollment in such schools.

15 “(ii) COMPLIANCE WITH INFORMATION REQUESTS.—For purposes of enabling
16 the Secretary to prepare the report, the separate schools and local educational
17 agencies shall cooperate with the Secretary and the State Coordinator for
18 Education of Homeless Children and Youths established in the State under
19 subsection (d)(2), and shall comply with any requests for information by the
20 Secretary and State Coordinator for such State.

21 “(iii) SUBMISSION.—The Secretary shall submit the report described in clause
22 (i) to—

23 “(I) the President;

24 “(II) the Committee on Education and the Workforce of the House of
25 Representatives; and

26 “(III) the Committee on Health, Education, Labor, and Pensions of the
27 Senate.

28 “(G) DEFINITION.—For purposes of this paragraph, the term ‘covered county’
29 means—

30 “(i) San Joaquin County, California;

31 “(ii) Orange County, California;

32 “(iii) San Diego County, California; and

33 “(iv) Maricopa County, Arizona.

34 “(f) Functions of the Office of the Coordinator.—The Coordinator for Education of Homeless
35 Children and Youth established in each State shall—

36 “(1) gather and make publicly available reliable, valid, and comprehensive information
37 on—

38 “(A) the nature and extent of the problems homeless children and youth have in
39 gaining access to public preschool programs, and to public elementary schools and

- 1 secondary schools;
- 2 “(B) the difficulties in identifying the special needs and barriers to participation and
3 achievement of such children and youth;
- 4 “(C) any progress made by the State educational agency and local educational
5 agencies in the State in addressing such problems and difficulties; and
- 6 “(D) the success of the programs under this subtitle in identifying homeless children
7 and youth and allowing homeless children and youth to enroll in, attend, and succeed
8 in, school; and
- 9 “(2) develop and carry out the State plan described in subsection (g);
- 10 “(3) collect data for and transmit to the Secretary, at such time and in such manner as the
11 Secretary may require, reports containing such information as the Secretary determines is
12 necessary to assess the educational needs of homeless children and youth within the State,
13 including data requested pursuant to subsection (h) of section 724;
- 14 “(4) improve the provision of comprehensive education and related support services to
15 homeless children and youth and their families, and to minimize educational disruption,
16 through coordination of activities, and collaboration with—
- 17 “(A) educators, including teachers, administrators, special education personnel, and
18 child development and preschool program personnel;
- 19 “(B) providers of services to homeless children and youth and homeless families,
20 public and private child welfare and social services agencies, law enforcement
21 agencies, juvenile and family courts, agencies providing mental health services,
22 domestic violence agencies, child care providers, runaway and homeless youth centers,
23 and providers of services and programs funded under the Runaway and Homeless
24 Youth Act (42 U.S.C. 5701 et seq.);
- 25 “(C) providers of emergency, transitional, and permanent housing to homeless
26 children and youth, and their families, including public housing agencies, shelter
27 operators, operators of transitional housing facilities, and providers of transitional
28 living programs for homeless youth;
- 29 “(D) local educational agency liaisons designated under subsection (g)(1)(J)(ii) for
30 homeless children and youth; and
- 31 “(E) community organizations and groups representing homeless children and youth
32 and their families;
- 33 “(5) provide professional development and technical assistance to and conduct
34 monitoring of local educational agencies, in coordination with local educational agency
35 liaisons designated under subsection (g)(1)(J)(ii), to ensure that local educational agencies
36 comply with the requirements of paragraphs (3) through (7) of subsection (g), and
37 subsection (h); and
- 38 “(6) make opportunities available for teachers and local educational agency liaisons
39 designated under subsection (g)(1)(J)(ii) to participate in ongoing and relevant professional
40 development programs and activities.

1 “(g) State Plan.—

2 “(1) IN GENERAL.—Each State shall submit to the Secretary and implement a plan to
3 provide for the education of all homeless children and youth within the State. Such plan
4 shall include the following:

5 “(A) A description of how such children and youth are (or will be) given the
6 opportunity—

7 “(i) to meet the same college and career ready State student academic
8 achievement standards as all students are expected to meet; and

9 “(ii) to become college and career ready.

10 “(B) A description of the procedures the State educational agency will use, in
11 coordination with local educational agencies, to identify such children and youth in the
12 State and to assess their needs.

13 “(C) A description of procedures for the prompt resolution of disputes arising under
14 this subtitle, which shall—

15 “(i) be developed in coordination and collaboration with the liaisons designated
16 under subparagraph (J)(ii);

17 “(ii) be readily available and provided in a written format and, to the extent
18 practicable, in a manner and form understandable to the parents and guardians of
19 homeless children and youth;

20 “(iii) take into account the educational best interest of the homeless child or
21 youth, or unaccompanied youth, involved; and

22 “(iv) ensure that parents and guardians of homeless children and youth, and
23 unaccompanied youth, who have exhausted the procedures available under this
24 paragraph are able to appeal to the State educational agency, and are enrolled in
25 school pursuant to paragraph (4)(C) and receive transportation pursuant to
26 subparagraph (J)(iii) pending final resolution of the dispute.

27 “(D) A description of programs for school personnel (including the liaisons,
28 principals, attendance officers, teachers, enrollment personnel, and ~~pupil services~~
29 **specialized instruction support** personnel) to increase the awareness of such
30 personnel of the specific needs of homeless adolescents, including runaway and
31 homeless youth.

32 “(E) A description of procedures that ensure that homeless children and youth are
33 able to participate in Federal, State, or local nutrition programs.

34 “(F) A description of procedures that ensure that—

35 “(i) homeless children have access to public preschool programs, administered
36 by the State educational agency or local educational agency, including through the
37 policies and practices required under paragraph (3);

38 “(ii) homeless youth, including youth separated from public schools, are
39 identified and accorded equal access to appropriate and available secondary
40 education and support services, including receiving appropriate credit for full or

1 partial coursework satisfactorily completed while attending a prior school, and for
2 work completed after their enrollment in a new school, consistent with State
3 graduation requirements and accreditation standards; and

4 “(iii) homeless children and youth who meet the relevant eligibility criteria are
5 able to participate in Federal, State, or local before- and after-school care, magnet
6 schools, summer schools, career and technical education, advanced placement,
7 online learning opportunities, charter school programs, and relevant workforce
8 investment programs.

9 “(G) Strategies to address problems identified in the reports provided to the
10 Secretary under subsection (f)(3).

11 “(H) Strategies to address other problems with respect to the education of homeless
12 children and youth, including enrollment problems related to—

13 “(i) immunization and other required health records and screenings;

14 “(ii) residency requirements;

15 “(iii) lack of birth certificates, school records, or other documentation;

16 “(iv) guardianship issues; or

17 “(v) uniform or dress code requirements.

18 “(I) A demonstration that the State educational agency, and local educational
19 agencies and schools in the State, have developed and shall regularly review and revise
20 their policies and practices to remove barriers to the identification, enrollment,
21 attendance, retention, and success of homeless children and youth in schools in the
22 State.

23 “(J) Assurances that the following will be carried out:

24 “(i) The State educational agency and local educational agencies in the State
25 will adopt policies and practices to ensure that homeless children and youth are
26 not stigmatized or segregated on the basis of their status as homeless.

27 “(ii) Local educational agencies will designate an appropriate staff person as
28 the local educational agency liaison for homeless children and youth, who shall
29 have sufficient training and time to carry out the duties described in paragraph
30 (7)(A), and who may also be a coordinator for other Federal programs.

31 “(iii) The State and local educational agencies in the State will adopt policies
32 and practices to ensure that transportation is provided at the request of the parent
33 or guardian involved (or in the case of an unaccompanied youth, the liaison), to
34 and from the school of origin, for as long as the student has the right to attend the
35 school of origin as determined in paragraph (4)(A), in accordance with the
36 following, as applicable:

37 “(I) If the child or youth continues to live in the area served by the local
38 educational agency for the school of origin, the child’s or youth’s
39 transportation to and from the school of origin shall be provided or arranged
40 by the local educational agency for the school of origin.

1 “(II) If the child’s or youth’s living arrangements in the area served by the
2 local educational agency of origin terminate and the child or youth, though
3 continuing the child’s or youth’s education in the school of origin, begins
4 living in an area served by another local educational agency, the local
5 educational agency of origin and the local educational agency for the area in
6 which the child or youth is living shall agree upon a method to apportion the
7 responsibility and cost for providing transportation to and from the school of
8 origin. If the local educational agencies are unable to agree upon such
9 method, the responsibility and costs for transportation shall be shared equally
10 between the agencies.

11 “(iv) SCHOOL SUCCESS.—The State educational agency and local educational
12 agencies will adopt policies and practices to promote school success for homeless
13 children and youth, including access to full participation in academic and
14 extracurricular activities that are made available to non-homeless students.

15 “(2) COMPLIANCE.—

16 “(A) IN GENERAL.—Each plan adopted under this subsection shall also describe how
17 the State will ensure that local educational agencies in the State will comply with the
18 requirements of paragraphs (3) through (7).

19 “(B) COORDINATION.—Such plan shall indicate what technical assistance the State
20 will furnish to local educational agencies and how compliance efforts will be
21 coordinated with the local educational agency liaisons designated under paragraph
22 (1)(J)(ii).

23 “(3) SCHOOL READINESS FOR HOMELESS CHILDREN.—Each State plan adopted under this
24 subsection shall ensure that entities carrying out preschool programs funded, administered,
25 or overseen by the agency involved—

26 “(A) shall not be required to enroll a homeless child immediately in an early
27 learning program that is operating at full capacity when the child seeks to enroll;

28 “(B) identify and prioritize homeless children for enrollment and increase their
29 enrollment and attendance in early learning programs, including through policies such
30 as—

31 “(i) reserving spaces in preschool programs for homeless children;

32 “(ii) conducting targeted outreach to homeless children and their families;

33 “(iii) waiving application deadlines;

34 “(iv) providing ongoing professional development for staff regarding the needs
35 of homeless children and their families and strategies to serve the children and
36 families; and

37 “(v) developing the capacity to serve all identified homeless children; and

38 “(C) review the educational and related needs of homeless children and their
39 families in such agency’s service area, in coordination with the liaison designated
40 under paragraph (1)(J)(ii).

1 “(4) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

2 “(A) IN GENERAL.—The local educational agency serving each child or youth to be
3 assisted under this subtitle shall, according to the child’s or youth’s best interest—

4 “(i) continue the child’s or youth’s education in the school of origin for the
5 duration of homelessness—

6 “(I) in any case in which the child or youth becomes a homeless child or
7 youth between academic years or during an academic year; and

8 “(II) for the remainder of the academic year, if the child or youth becomes
9 permanently housed during an academic year; or

10 “(ii) enroll the child or youth in any public school that nonhomeless students
11 who live in the attendance area in which the child or youth is actually living are
12 eligible to attend.

13 “(B) BEST INTEREST IN SCHOOL STABILITY.—In determining the best interest of the
14 child or youth under subparagraph (A), the local educational agency shall—

15 “(i) presume that keeping a homeless child or youth in the school of origin is in
16 the child’s or youth’s best interest, except when doing so is contrary to the wishes
17 of the child’s or youth’s parent or guardian;

18 “(ii) consider student-centered factors related to the child’s or youth’s best
19 interest, including factors related to the impact of mobility on achievement,
20 education, health, and safety of homeless children and youth, giving priority to
21 the wishes of the homeless child’s or youth’s parent or guardian or the
22 unaccompanied youth involved;

23 “(iii) if, after conducting the best interest determination described in clause (ii),
24 the local educational agency determines that it is not in the child’s or youth’s best
25 interest to attend the school of origin or the school requested by the parent,
26 guardian, or unaccompanied youth, provide, in coordination with the local
27 education agency liaison, the homeless child’s or youth’s parent or guardian or
28 the unaccompanied youth, with a written explanation in a manner or form
29 understandable to such parent, guardian, or youth, to the extent practicable,
30 including a statement regarding the right to appeal under subparagraph (E);

31 “(iv) in the case of an unaccompanied youth, ensure that the local educational
32 agency liaison assists in placement or enrollment decisions under this
33 subparagraph, gives priority to the views of such unaccompanied youth, and
34 provides notice to such youth of the right to appeal under subparagraph (E); and

35 “(v) provide transportation pursuant to paragraphs (1)(J)(iii) and (4).

36 “(C) ENROLLMENT.—

37 “(i) ENROLLMENT.—The school selected in accordance with this paragraph
38 shall immediately enroll the homeless child or youth, even if the child or youth—

39 “(I) is unable to produce records traditionally required for enrollment,
40 including previous academic records, health records, proof of residency or

1 guardianship, or other documentation;

2 “(II) has unpaid fines or fees from prior schools or is unable to pay fees in
3 the school selected; or

4 “(III) has missed application or enrollment deadlines during any period of
5 homelessness.

6 “(ii) CONTACTING SCHOOL LAST ATTENDED.—The enrolling school shall
7 immediately contact the school last attended by the child or youth to obtain
8 relevant academic and other records.

9 “(iii) RELEVANT HEALTH RECORDS.—If the child or youth needs to obtain
10 immunizations or other required health records, the enrolling school shall
11 immediately refer the parent or guardian of the child or youth, or the
12 unaccompanied youth, to the local educational agency liaison designated under
13 paragraph (1)(J)(ii), who shall assist in obtaining necessary immunizations or
14 screenings, or immunization or other required health records in accordance with
15 subparagraph (D).

16 “(iv) NO LIABILITY.—Whenever the school selected enrolls an unaccompanied
17 youth in accordance with this paragraph, no liability shall be imposed upon the
18 school by reason of enrolling the youth without parent or guardian consent.

19 “(D) RECORDS.—Any record ordinarily kept by the school, including immunizations
20 or medical records, academic records, birth certificates, guardianship records, and
21 evaluations for special services or programs, regarding each homeless child or youth
22 shall be maintained—

23 “(i) so that the records involved are available when a homeless child or youth
24 enters a new school or school district, even if the child or youth owes fees or fines
25 or did not withdraw from the previous school in conformance with local
26 withdrawal procedures; and

27 “(ii) in a manner consistent with section 444 of the General Education
28 Provisions Act (20 U.S.C. 1232g).

29 “(E) DISPUTES.—If a dispute arises over eligibility, enrollment, school selection, or
30 service in a public school or public preschool, or any other issue relating to services
31 under this subtitle—

32 “(i) in the case of a dispute relating to eligibility for enrollment or school
33 selection, the child or youth shall be immediately enrolled in the school in which
34 enrollment is sought, pending final resolution of the dispute including all
35 available appeals;

36 “(ii) the parent or guardian of the child or youth shall be provided with a
37 written explanation of the school’s decision regarding eligibility for enrollment,
38 school selection, or services, made by the school or the local educational agency,
39 which shall include information about the right to appeal the decision;

40 “(iii) the child, youth, parent, or guardian shall be referred to the local
41 educational agency liaison designated under paragraph (1)(J)(ii), who shall carry

1 out the dispute resolution process as described in paragraph (1)(C) as
2 expeditiously as possible after receiving notice of such dispute; and

3 “(iv) in the case of an unaccompanied youth, the liaison shall ensure that the
4 youth is immediately enrolled in school pending resolution of such dispute.

5 “(F) PLACEMENT CHOICE.—The choice regarding placement shall be made
6 regardless of whether the child or youth involved lives with the homeless parents or
7 has been temporarily placed elsewhere.

8 “(G) SCHOOL OF ORIGIN DEFINED.—In this paragraph, the term ‘school of origin’
9 means the school that the child or youth attended when permanently housed or the
10 school in which the child or youth was last enrolled.

11 “(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local
12 educational agency from requiring a parent or guardian of a homeless child to submit
13 contact information.

14 “(I) PRIVACY.—Information about a homeless child’s or youth’s living situation
15 shall be treated as a student education record under section 444 of the General
16 Education Provisions Act (20 U.S.C. 1232g) and shall not be released to housing
17 providers, employers, law enforcement personnel, or other persons or agencies not
18 authorized to have such information under section 99.31 of title 34, Code of Federal
19 Regulations, paying particular attention to preventing disruption of the living situation
20 of the child or youth and to supporting the safety of such children and youth who are
21 survivors of domestic violence and unaccompanied youth.

22 “(J) ACADEMIC ACHIEVEMENT.—The school selected in accordance with this
23 paragraph shall ensure that homeless children and youth have opportunities to meet the
24 same college and career ready State student academic achievement standards to which
25 other students are held, including implementing the policies and practices required by
26 paragraph (1)(J)(iv).

27 “(K) SCHOOL READINESS FOR HOMELESS CHILDREN.—Each local educational agency
28 shall ensure school readiness for homeless children as described in paragraph (3).

29 “(5) COMPARABLE SERVICES.—In addition to receiving services provided for homeless
30 children and youth under this subtitle or other Federal, State, or local laws, regulations,
31 policies, or practices, each homeless child or youth to be assisted under this subtitle also
32 shall be provided services comparable to services offered to other students in the school
33 selected under paragraph (4), including the following:

34 “(A) Transportation services.

35 “(B) Educational services for which the child or youth meets the eligibility criteria,
36 including services provided under title I of the Elementary and Secondary Education
37 Act of 1965 (20 U.S.C. 6301 et seq.), similar State or local programs, charter schools,
38 magnet schools, educational programs for children with disabilities, and educational
39 programs for students with limited English proficiency.

40 “(C) Programs in career and technical education.

41 “(D) Programs for gifted and talented students.

1 “(E) School nutrition programs.

2 “(F) Health and counseling services, as appropriate.

3 “(6) COORDINATION.—

4 “(A) IN GENERAL.—Each local educational agency shall coordinate—

5 “(i) the provision of services under this subtitle with the services of local social
6 services agencies and other agencies or entities providing services to homeless
7 children and youth and their families, including services and programs funded
8 under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.); and

9 “(ii) transportation, transfer of school records, and other interdistrict activities,
10 with other local educational agencies.

11 “(B) HOUSING ASSISTANCE.—Each State educational agency and local educational
12 agency that receives assistance under this subtitle shall coordinate, if applicable, with
13 State and local housing agencies responsible for developing comprehensive housing
14 affordability strategy described in section 105 of the Cranston-Gonzalez National
15 Affordable Housing Act (42 U.S.C. 12705) to minimize education disruption for
16 children and youth who become homeless.

17 “(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A)
18 and (B) shall be designed to—

19 “(i) ensure that all homeless children and youth are identified within a
20 reasonable time frame;

21 “(ii) ensure that homeless children and youth have access to and are in
22 reasonable proximity to available education and related support services; and

23 “(iii) raise the awareness of school personnel and service providers of the
24 effects of short-term stays in a shelter and other challenges associated with
25 homelessness.

26 “(D) HOMELESS CHILDREN AND YOUTHS WITH DISABILITIES.—For children and youth
27 who are to be assisted both under this subtitle, and under the Individuals with
28 Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation
29 Act of 1973 (29 U.S.C. 794), each local educational agency shall coordinate the
30 provision of services under this subtitle with the provision of programs for children
31 with disabilities served by such local educational agency and other involved local
32 educational agencies.

33 “(7) LOCAL EDUCATIONAL AGENCY LIAISON.—

34 “(A) DUTIES.—Each local educational agency liaison for homeless children and
35 youth, designated under paragraph (1)(J)(ii), shall ensure that—

36 “(i) all homeless children and youth are identified by school personnel and
37 through outreach and coordination activities with other entities and agencies;

38 “(ii) homeless children and youth are enrolled in, and have a full and equal
39 opportunity to succeed in, schools of that local educational agency;

40 “(iii) homeless families, and homeless children and youth, have access to

1 educational services for which such families, children, and youth are eligible,
2 including services through Head Start, Early Head Start, early intervention, and
3 Even Start programs, and preschool programs described in paragraph (3);

4 “(iv) homeless families, and homeless children and youth receive referrals to
5 health care services, dental services, mental health and substance abuse services,
6 housing services, and other appropriate services;

7 “(v) the parents or guardians of homeless children and youth are informed of
8 the educational and related opportunities available to their children, including
9 early learning opportunities, and are provided with meaningful opportunities to
10 participate in the education of their children;

11 “(vi) public notice of the educational rights of homeless children and youth is
12 incorporated into documents related to residency requirements or enrollment,
13 provided upon school enrollment and withdrawal, posted on the local educational
14 agency’s website, and disseminated in locations frequented by parents or
15 guardians of such children and youth, and unaccompanied youth, including
16 schools, shelters, public libraries, and soup kitchens, in a manner and form
17 understandable to parents and guardians of homeless children and youth and
18 unaccompanied youth;

19 “(vii) disputes are resolved in accordance with paragraph (4)(E);

20 “(viii) the parent or guardian of a homeless child or youth, and any
21 unaccompanied youth, is fully informed of all transportation services, including
22 transportation to the school of origin, as described in paragraph (1)(J)(iii), and is
23 assisted in accessing transportation to the school that is selected under paragraph
24 (4)(A);

25 “(ix) school personnel are adequately prepared to implement this subtitle and
26 receive professional development, resource materials, technical assistance, and
27 other support; and

28 “(x) unaccompanied youth—

29 “(I) are enrolled in school;

30 “(II) have opportunities to meet the same college and career ready State
31 student academic achievement standards to which other students are held,
32 including through implementation of the policies and practices required by
33 subparagraphs (F)(ii) and (J)(iv) of paragraph (1); and

34 “(III) are informed of their status as independent students under section
35 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv), including
36 through school counselors that have received professional development
37 about unaccompanied youth, and receive verification of such status for
38 purposes of the Free Application for Federal Student Aid described in
39 section 483 of such Act (20 U.S.C. 1090).

40 “(B) NOTICE.—State Coordinators appointed under subsection (d)(3) and local
41 educational agencies shall inform school personnel, service providers, and advocates
42 working with homeless families and homeless children and youth of the contact

1 information and duties of the local educational agency liaisons, including publishing an
2 annually updated list of the liaisons on the State educational agency’s website.

3 “(C) LOCAL AND STATE COORDINATION.—The local educational agency liaisons
4 shall, as a part of their duties, coordinate and collaborate with the State Coordinators
5 and community and school personnel responsible for the provision of education and
6 related support services to homeless children and youth. Such coordination shall
7 include collecting and providing to the State Coordinator the reliable, valid, and
8 comprehensive data needed to meet the requirements of paragraphs (1) and (3) of
9 subsection (f).

10 “(D) PROFESSIONAL DEVELOPMENT.—The local educational agency liaisons shall
11 participate, as appropriate, in the professional development and other technical
12 assistance activities provided by the State Coordinator pursuant to subsection (f)(5).

13 “(h) Special Rule for Emergency Assistance.—

14 “(1) EMERGENCY ASSISTANCE.—

15 “(A) RESERVATION OF AMOUNTS.—Subject to paragraph (4) and notwithstanding
16 any other provision of this title, the Secretary shall use funds appropriated under
17 section 726 for fiscal year 2012, for the purposes of providing emergency assistance
18 through grants.

19 “(B) GENERAL AUTHORITY.—The Secretary may use the funds to make grants to
20 State educational agencies under paragraph (2), to enable the agencies to make
21 subgrants to local educational agencies under paragraph (3), to provide activities
22 described in section 723(d) for individuals referred to in subparagraph (C).

23 “(C) ELIGIBLE INDIVIDUALS.—Funds made available under this subsection shall be
24 used to provide such activities for eligible individuals, consisting of homeless children
25 and youths, and their families, who—

26 “(i) have become homeless due to home foreclosure, including children and
27 youths, and their families, who became homeless when lenders foreclosed on
28 properties rented by the families; or

29 “(ii) have become homeless due to a major disaster, including natural disasters
30 such as hurricanes, tornadoes, and floods, or man-made disasters such as acts of
31 terrorism.

32 “(2) GRANTS TO STATE EDUCATIONAL AGENCIES.—

33 “(A) DISBURSEMENT.—The Secretary shall make grants with funds provided under
34 paragraph (1)(A) to State educational agencies based on need, consistent with the
35 number of eligible individuals described in paragraph (1)(C) in the States involved, as
36 determined by the Secretary.

37 “(B) ASSURANCE.—To be eligible to receive a grant under this paragraph, a State
38 educational agency shall provide an assurance to the Secretary that the State
39 educational agency, and each local educational agency receiving a subgrant from the
40 State educational agency under this subsection shall ensure that the activities carried
41 out under this subsection are consistent with the activities described in section 723(d).

1 “(3) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—A State educational agency that
2 receives a grant under paragraph (2) shall use the funds made available through the grant to
3 make subgrants to local educational agencies. The State educational agency shall make the
4 subgrants to local educational agencies based on need, consistent with the number of
5 eligible individuals described in paragraph (1)(C) in the areas served by the local
6 educational agencies, as determined by the State educational agency.

7 “(4) RESTRICTION.—The Secretary—

8 “(A) shall determine the amount (if any) by which the funds appropriated under
9 section 726 for fiscal year 2009 exceed \$70,000,000; and

10 “(B) may only use funds from that amount to carry out this subsection.

11 “(i) School Readiness for Homeless Children.—Each State educational agency and local
12 educational agency receiving assistance under this subtitle shall ensure that programs serving
13 public preschool children comply with the requirements of this subtitle.

14 **“SEC. 723. LOCAL EDUCATIONAL AGENCY**
15 **SUBGRANTS FOR THE EDUCATION OF HOMELESS**
16 **CHILDREN AND YOUTH.**

17 “(a) General Authority.—

18 “(1) IN GENERAL.—The State educational agency shall, in accordance with section
19 722(e), and from amounts made available to such agency under section 726, make subgrants
20 to local educational agencies for the purpose of facilitating the identification, enrollment,
21 attendance, and success in school of homeless children and youth.

22 “(2) SERVICES.—

23 “(A) IN GENERAL.—Services under paragraph (1)—

24 “(i) may be provided through programs on school grounds or at other facilities;
25 and

26 “(ii) shall, to the maximum extent practicable, be provided through existing
27 programs and mechanisms that integrate homeless children and youth with
28 nonhomeless children and youth.

29 “(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided
30 to homeless children and youth on school grounds, the school involved may use funds
31 under this subtitle to provide the same services to other children and youth who are
32 determined by the local educational agency serving the school to be at risk of failing
33 in, or dropping out of, school.

34 “(3) REQUIREMENT.—Services provided under this section shall not replace the regular
35 academic program and shall be designed to expand upon or improve services provided as
36 part of the school’s regular academic program.

37 “(4) DURATION OF GRANTS.—Subgrants awarded under this section shall be for terms of
38 not to exceed 3 years.

1 “(b) Application.—A local educational agency that desires to receive a subgrant under this
2 section shall submit an application to the State educational agency at such time, in such manner,
3 and containing or accompanied by such information as the State educational agency may
4 reasonably require. Such application shall include the following:

5 “(1) An assessment of the educational and related needs of homeless children and youth
6 in the area served by the local educational agency (which may be undertaken as part of a
7 needs assessment for another disadvantaged group).

8 “(2) A description of the services and programs for which assistance is sought to address
9 the needs identified in paragraph (1).

10 “(3) An assurance that the local educational agency’s combined fiscal effort per student,
11 or the aggregate expenditures of that agency and the State with respect to the provision of
12 free public education by such agency for the fiscal year preceding the fiscal year for which
13 the subgrant determination is made, was not less than 90 percent of such combined fiscal
14 effort or aggregate expenditures for the second fiscal year preceding the fiscal year for
15 which the determination is made.

16 “(4) An assurance that the applicant complies with, or will use requested funds to comply
17 with, paragraphs (3) through (7) of section 722(g).

18 “(5) A description of policies and procedures that the agency will implement to ensure
19 that activities carried out by the agency will not isolate or stigmatize homeless children and
20 youth.

21 “(6) An assurance that the local educational agency will collect and promptly provide
22 data requested by the State Coordinator pursuant to paragraphs (1) and (3) of section 722(f).

23 “(7) An assurance that the local educational agency has removed the policies and
24 practices that have created barriers to the identification, enrollment, attendance, retention,
25 and success in school of all homeless children and youth.

26 “(c) Awards.—

27 “(1) IN GENERAL.—The State educational agency shall, in accordance with the
28 requirements of this subtitle and from amounts made available to it under section 722(a),
29 make subgrants on a competitive basis to local educational agencies that submit applications
30 under subsection (b). Such subgrants shall be awarded on the basis of the need of such
31 agencies for assistance under this subtitle and the quality of the applications submitted.

32 “(2) NEED.—

33 “(A) IN GENERAL.—In determining need under paragraph (1), the State educational
34 agency may consider the number of homeless children and youth enrolled in preschool,
35 elementary schools, and secondary schools within the area served by the local
36 educational agency, and shall consider the needs of such children and youth and the
37 ability of the local educational agency to meet such needs.

38 “(B) OTHER CONSIDERATIONS.—The State educational agency may also consider the
39 following:

40 “(i) The extent to which the proposed use of funds will facilitate the
41 identification, enrollment, attendance, retention, and educational success of

1 homeless children and youth.

2 “(ii) The extent to which the application reflects coordination with other local
3 and State agencies that serve homeless children and youth.

4 “(iii) The extent to which the applicant exhibits in the application and in current
5 practice (as of the date of submission of the application) a commitment to
6 education for all homeless children and youth.

7 “(iv) Such other criteria as the State agency determines to be appropriate.

8 “(3) QUALITY.—In determining the quality of applications under paragraph (1), the State
9 educational agency shall consider each of the following:

10 “(A) The applicant’s needs assessment under subsection (b)(2) and the likelihood
11 that the program presented in the application will meet such needs.

12 “(B) The types, intensity, and coordination of the services to be provided under the
13 program.

14 “(C) The extent to which the applicant will promote meaningful involvement of
15 parents or guardians of homeless children or youth in the education of their children.

16 “(D) The extent to which homeless children and youth will be integrated into the
17 regular education program involved.

18 “(E) The quality of the applicant’s evaluation plan for the program.

19 “(F) The extent to which services provided under this subtitle will be coordinated
20 with other services available to homeless children and youth and their families,
21 including housing and social services and services provided under the Individuals with
22 Disabilities Education Act (20 U.S.C. 1400 et seq.), title I of the Elementary and
23 Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), and similar State and local
24 programs.

25 “(G) The extent to which the local educational agency will use the subgrant to
26 leverage resources, including by maximizing nonsubgrant funding for the position of
27 the liaison described in section 722(g)(1)(J)(ii) and the provision of transportation.

28 “(H) The local educational agency’s use of funds to serve homeless children and
29 youth under section 1113(c)(3) of the Elementary and Secondary Education Act of
30 1965 (20 U.S.C. 6313(c)(3)).

31 “(I) The extent to which the applicant’s program meets such other measures as the
32 State educational agency considers to be indicative of a high-quality program,
33 including the extent to which the local educational agency will provide services to
34 unaccompanied youth and preschool-aged children.

35 “(J) The extent to which the application describes how the applicant will meet the
36 requirements of section 722(g)(4).

37 “(d) Authorized Activities.—A local educational agency may use funds awarded under this
38 section for activities that carry out the purpose of this subtitle, including the following:

39 “(1) The provision of tutoring, supplemental instruction, and enriched educational
40 services that are linked to the achievement of the same college and career ready State

1 academic content standards and college and career ready State student academic
2 achievement standards as the State establishes for other children and youth.

3 “(2) The provision of expedited evaluations of the strengths, needs, and eligibility of
4 homeless children and youth, including needs and eligibility for programs and services
5 (including educational programs for gifted and talented students, children with disabilities,
6 and students with limited English proficiency, charter school programs, magnet school
7 programs, and programs in career and technical education, and school nutrition programs).

8 “(3) Professional development and other activities for educators and ~~pupil services~~
9 **specialized instruction support** personnel that are designed to heighten the understanding
10 and sensitivity of such educators and personnel to the needs of homeless children and youth,
11 the rights of such children and youth under this subtitle, and the specific educational needs
12 of runaway and homeless youth.

13 “(4) The provision of referral services to homeless children and youth for medical, dental,
14 mental, and other health services.

15 “(5) The provision of assistance to defray the cost of transportation under paragraphs
16 (1)(J)(iii) and (5)(A) of section 722(g), not otherwise provided through Federal, State, or
17 local funding.

18 “(6) The provision of developmentally appropriate early childhood and care programs,
19 not otherwise provided through Federal, State, or local funding.

20 “(7) The provision of services and assistance to attract, engage, and retain homeless
21 children and youth, particularly homeless children and youth who are not enrolled in school,
22 in public school programs and services provided to nonhomeless children and youth.

23 “(8) The provision for homeless children and youth of before- and after-school,
24 mentoring, and summer programs in which a teacher or other qualified individual provides
25 tutoring, homework assistance, and supervision of educational activities.

26 “(9) If necessary, the payment of fees and other costs associated with tracking, obtaining,
27 and transferring records necessary to facilitate the appropriate placement of homeless
28 children and youth in school, including birth certificates, immunization or other required
29 health records, academic records, guardianship records, and evaluations for special
30 programs or services.

31 “(10) The provision of education and training to the parents of homeless children and
32 youth about the rights of, and resources available to, such children and youth, and other
33 activities designed to increase the meaningful involvement of families of homeless children
34 or youth in the education of their children.

35 “(11) The development of coordination of activities between schools and agencies
36 providing services to homeless children and youth, as described in section 722(g)(6).

37 “(12) The provision of ~~pupil~~ **specialized instruction support** services (including
38 counseling) and referrals for such services.

39 “(13) Activities to address the particular needs of homeless children and youth that may
40 arise from domestic violence and parental mental health or substance abuse problems.

41 “(14) The adaptation of space and purchase of supplies for any nonschool facilities made

1 available under subsection (a)(2) to provide services under this subsection.

2 “(15) The provision of school supplies, including supplies to be distributed at shelters or
3 temporary housing facilities, or other appropriate locations.

4 “(16) The provision of assistance to defray the cost of the position of liaison designated
5 pursuant to section 722(g)(1)(J)(ii), not otherwise provided through Federal, State, or local
6 funding.

7 “(17) The provision of other extraordinary or emergency assistance needed to enable
8 homeless children and youth to enroll, attend, and succeed in school, including in early
9 learning programs.

10 “SEC. 724. SECRETARIAL RESPONSIBILITIES.

11 “(a) Review of State Plans.—In reviewing the State plan submitted by a State educational
12 agency under section 722(g), the Secretary shall use a peer review process and shall evaluate
13 whether State laws, policies, and practices described in such plan adequately address the
14 problems of all homeless children and youth relating to access to education and placement as
15 described in such plan.

16 “(b) Technical Assistance.—The Secretary—

17 “(1) shall provide support and technical assistance to State educational agencies to assist
18 such agencies in carrying out their responsibilities under this subtitle; and

19 “(2) may designate an individual who shall coordinate services and activities for the
20 education of homeless children and youth.

21 “(c) Notice.—

22 “(1) IN GENERAL.—The Secretary shall, before the next school year that begins after the
23 date of enactment of the {McKinney-Vento Homeless Education Reauthorization Act of
24 2011}, develop and disseminate a public notice of the educational rights of homeless
25 children and youth. The notice shall include information regarding the definition of
26 homeless children and youth in section 725.

27 “(2) DISSEMINATION.—The Secretary shall disseminate the notice nationally. The
28 Secretary also shall disseminate such notice to heads of other Department of Education
29 offices, including those responsible for special education programs, higher education, and
30 programs under parts A, B, C, D, G, and H of title I, title III, title IV, and part B of title V of
31 the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq., 6361 et seq.,
32 6391 et seq., 6421 et seq., 6531 et seq., 6551 et seq., 6801 et seq., 7102 et seq., and 7221 et
33 seq.). The Secretary shall also disseminate such notice to heads of other Federal agencies,
34 and grant recipients and other entities carrying out federally funded programs, including
35 Head Start programs, grant recipients under the Health Care for the Homeless program of
36 the Health Resources and Services Administration of the Department of Health and Human
37 Services, grant recipients under the Emergency Food and Shelter National Board Program
38 of the Federal Emergency Management Agency, grant recipients under the Runaway and
39 Homeless Youth Act (42 U.S.C. 5701 et seq.), grant recipients under the John H. Chafee
40 Foster Care Independence program, grant recipients under homeless assistance programs
41 administered by the Department of Housing and Urban Development, and recipients of

1 Federal funding for programs carried out by the Administration on Children, Youth and
2 Families of the Department of Health and Human Services.

3 “(d) Evaluation and Dissemination.—The Secretary shall conduct evaluation, dissemination,
4 and technical assistance activities for programs that are designed to meet the educational needs
5 of homeless preschool, elementary school, and secondary school students, and may use funds
6 appropriated under section 726 to conduct such activities.

7 “(e) Submission and Distribution.—The Secretary shall require applications for grants under
8 section 722 to be submitted to the Secretary not later than the expiration of the 120-day period
9 beginning on the date that funds are available for purposes of making such grants and shall make
10 such grants not later than the expiration of the 180-day period beginning on such date.

11 “(f) Determination by Secretary.—The Secretary, based on the information received from the
12 States and information gathered by the Secretary under subsection (h), shall determine the extent
13 to which State educational agencies are ensuring that each homeless child or youth has access to
14 a free appropriate public education, as described in section 721(1). The Secretary shall provide
15 support and technical assistance to State educational agencies in areas in which barriers to a free
16 appropriate public education persist.

17 “(g) Publication.—The Secretary shall develop, issue, and publish in the Federal Register, not
18 later than 90 days after the date of enactment of the {McKinney-Vento Homeless Education
19 Reauthorization Act of 2011}, a summary of the changes enacted by that Act and related
20 strategies, which summary shall include—

21 “(1) strategies by which a State can assist local educational agencies to implement the
22 provisions amended by the Act;

23 “(2) strategies by which a State can review and revise State policies and procedures that
24 may present barriers to the identification, enrollment, attendance, and success of homeless
25 children and youth in school; and

26 “(3) strategies by which entities carrying out preschool programs can implement
27 requirements of section 722(g)(3).

28 “(h) Information.—

29 “(1) IN GENERAL.—From funds appropriated under section 726, the Secretary shall,
30 directly or through grants, contracts, or cooperative agreements, periodically but no less
31 frequently than every 2 years, collect and disseminate publicly data and information
32 regarding—

33 “(A) the number of homeless children and youth;

34 “(B) the education and related support services such children and youth receive;

35 “(C) the extent to which the needs of homeless children and youth are being met;

36 “(D) the academic progress being made by homeless children and youth, including
37 the percent or number of homeless children and youth participating in State
38 assessments; and

39 “(E) such other data and information as the Secretary determines to be necessary and
40 relevant to carry out this subtitle.

1 “(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination
2 with other agencies and entities that receive assistance and administer programs under this
3 subtitle.

4 “(i) Report.—Not later than 4 years after the date of enactment of the [McKinney-Vento
5 Homeless Education Reauthorization Act of 2011], the Secretary shall prepare and submit to the
6 President and the Committee on Education and the Workforce of the House of Representatives
7 and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the
8 status of the provision of education and related support services to homeless children and youth,
9 which shall include information on—

10 “(1) the education of homeless children and youth; and

11 “(2) the actions of the Secretary and the effectiveness of the programs supported under
12 this subtitle.

13 “SEC. 725. DEFINITIONS.

14 “In this subtitle:

15 “(1) ENROLL; ENROLLMENT.—The terms ‘enroll’ and ‘enrollment’ include attending
16 classes and participating fully in school activities.

17 “(2) HOMELESS CHILDREN AND YOUTH.—The term ‘homeless children and youth’—

18 “(A) means individuals who lack a fixed, regular, and adequate nighttime residence
19 (within the meaning of section 103(a)(1)); and

20 “(B) includes—

21 “(i) children and youth who—

22 “(I) are sharing the housing of other persons due to loss of housing,
23 economic hardship, or a similar reason;

24 “(II) are living in motels, hotels, trailer parks, or camping grounds due to
25 the lack of alternative adequate accommodations;

26 “(III) are living in emergency or transitional shelters;

27 “(IV) are abandoned in hospitals; or

28 “(V) are awaiting foster care placement;

29 “(ii) children and youth who have a primary nighttime residence that is a public
30 or private place not designed for or ordinarily used as a regular sleeping
31 accommodation for human beings (within the meaning of section 103(a)(2)(C));

32 “(iii) children and youth who are living in cars, parks, public spaces, abandoned
33 buildings, substandard housing, bus or train stations, or similar settings; and

34 “(iv) migratory children (as such term is defined in section ~~1309~~ **1312** of the
35 Elementary and Secondary Education Act of 1965(~~20 U.S.C. 6399~~)) who qualify
36 as homeless for the purposes of this subtitle because the children are living in
37 circumstances described in clauses (i) through (iii).

38 “(3) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms ‘local

1 educational agency’ and ‘State educational agency’ have the meanings given such terms in
2 section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

3 “(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

4 “(5) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and
5 the Commonwealth of Puerto Rico.

6 “(6) UNACCOMPANIED YOUTH.—The term ‘unaccompanied youth’ means a homeless
7 child or youth not in the physical custody of a parent or legal guardian.

8 “SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

9 “For the purpose of carrying out this subtitle, there are authorized to be appropriated such
10 sums as may be necessary for fiscal year 2012 and each of the 6 succeeding fiscal years.”.